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JUN 04 2015

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 80112Amended Department of Water Resources
Eastern Region**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Terry WilcoxCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes ☐ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☒ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

JUN 04 2015

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Amended

Amended

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Terry Wilcox Phone _____

Mailing address 1110 Golden Beauty Dr, Rexburg, ID 83440 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Rocky Mountain Environmental Associates, Inc Phone 208-524-2353

Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Terry Wilcox
Signature of Applicant or Authorized Representative

Terry Wilcox
Print Name and Title if applicable

28 May 2015
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Applicant proposes to relocate WR 22-7066 with other existing water rights to increase diversion rate per acre.

Adjust POD's & POU's of existing water rights. Application also proposes to update the existing water rights with new POD and POU.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐	22-7066	2.55	Irrigation	04/01 to 10/21	Ground Water
☒ ☐	22-13453	0.21	Irrigation	04/01 to 10/21	Ground Water
☒ ☐	22-2254	5.32	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	22-7512	0.48	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 8.35 cfs and/or acre-feet.

2. Total amount of water proposed to be transferred or changed 8.35 cubic feet per second and/or acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☒ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N		NW	SE	SW	35	06N	41E	Madison	Ground Water	
Y			SW	NE	2	05N	41E	Madison	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	41E	1			2.5			10	28	8.3	38	38	38	38		8	10.3		219.1
		2	13	13	31	33	13	11	15	25	38	37	39	37	38	38	35	38	454
		3				4									36				40
		12		5.3			17												22.3
06N		34			10	38									29			39	116
		35	39		39	39			38	38	36	39	40	37	40	38	38	36	497
Total Acres (for irrigation use)																			1348.4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Well to Pump to Mainline

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Land would dry up. No longer irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

No other water rights at existing place of use. All rights proposed will be used in combination to increase rate per acre.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by Date / / Preliminary check by Date / /

Fee paid 480- Date 6/4/15 Received by SC Receipt # ES411010

Add'l fee paid 667 Date 5/14/15 Received by SL Receipt # 1041034

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/28/2015

WATER RIGHT NO. 22-2254

Owner Type **Name and Address**

Current Owner BROWN INC
1110 GOLDEN BEAUTY DR
REXBURG, ID 83440
(208)351-8030

Priority Date: 08/09/1965

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	5.32 CFS	2258.2 AFA
Total Diversion			5.32 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSESW	Sec. 35	Township 06N	Range 41E	MADISON County
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IRRIGATION Use:

Acre Limit: 1248

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	41E	1	4	NWNW	10		SWNW	28						
				NESW	38		NWSW	38		SWSW	38		SESW	38

		2	1	NENE	13	2	NWNE	13		SWNE	31		SENE	33
			3	NENW	13	4	NWNW	11		SWNW	15		SENE	25
				NESW	38		NWSW	37		SWSW	39		SESW	37
				NESE	38		NWSE	38		SWSE	35		SESE	38
		3		SENE	4									
				NESE	36									
06N		34		SWNE	10		SENE	38						
				NESE	29		SESE	39						
		35		NENE	39		SWNE	39		SENE	39			
				SWNW	38		SENE	38						
				NESW	36		NWSW	39		SWSW	40		SESW	37
				NESE	40		NWSE	38		SWSE	38		SESE	36

Total Acres: 1297

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E60 Right Nos. 22-2254 and 22-13453 are limited to a total combined diversion rate of 5.32 cfs and to a total combined annual diversion volume of 2429.7 AF.
3. E56 The rights listed below are limited to the irrigation of a combined total of 1297 acres in a single irrigation season. Combined Right Nos.: 22-2254 and 22-13453.
4. K06 This right is limited to the irrigation of 1248 acres within the place of use described above in a single irrigation season.
5. F06 The following rights are also diverted through point of diversion described above: 22-2254 and 22-13453.
6. K01 Right No. 22-13453 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
7. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Dates:

Decreed Date: 11/24/2008

Number of Protests: 0

Other Information:

State or Federal: S

Combined Acres Limit: 1297

Combined Volume Limit: 2429.7

Combined Rate Limit: 5.32

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/28/2015

WATER RIGHT NO. 22-7066

Owner Type **Name and Address**

Current Owner BROWN INC
1110 GOLDEN BEAUTY DR
REXBURG, ID 83440
(208)351-8030

Priority Date: 03/20/1973

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/21	2.55 CFS	560 AFA
Total Diversion			2.55 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENENW	Sec. 08	Township 05N	Range 41E	MADISON County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	41E	5		SWSW	37		SESW	40						
		8		NENW	40		NWNW	39						

Total Acres: 156

Conditions of Approval:

- This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
1. C18 The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 21
 2. S38 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Dates:

Decreed Date: 11/24/2008

Number of Protests: 0

Other Information:

State or Federal: S

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/28/2015

WATER RIGHT NO. 22-7512

Owner Type **Name and Address**

Current Owner BROWN INC

1110 GOLDEN BEAUTY DR

REXBURG, ID 83440

(208)351-8030

Priority Date: 06/27/1985

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.48 CFS	204 AFA
Total Diversion			0.48 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESW	Sec. 35	Township 06N	Range 41E	MADISON County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	41E	1		SWNE	2.5									
			4	NWNW	10		SWNW	28		SENE	8.3			
				NESW	38		NWSW	38		SWSW	38		SESW	38
				NWSE	8		SWSE	10.3						
		2	1	NENE	13	2	NWNE	13		SWNE	31		SENE	33
			3	NENW	13	4	NWNW	11		SWNW	15		SENE	25

			NESW	38		NWSW	37		SWSW	39		SESW	37
			NESE	38		NWSE	38		SWSE	35		SESE	38
		3	SENE	4									
			NESE	36									
		12	NWNE	5.3									
			NENW	17									
06N		34	SWNE	10		SENE	38						
			NESE	29		SESE	39						
		35	NENE	39		SWNE	39		SENE	39			
			SWNW	38		SENE	38						
			NESW	36		NWSW	39		SWSW	40		SESW	37
			NESE	40		NWSE	38		SWSE	38		SESE	36

Total Acres: 1348.4

Conditions of Approval:

1. X35 Rights 22-2254, 22-7512, and 22-13453 when combined shall not exceed a total diversion rate of 5.80 cfs, a total annual maximum diversion volume of 2462 af at the field headgate, and the irrigation of 1348.4 acres.
2. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. F06 The following rights are diverted through point of diversion described above: 22-2254, 22-7512, and 22-13453.

Dates:

Licensed Date: 02/10/2015

Permit Proof Due Date: 6/1/1991

Permit Proof Made Date: 5/3/1991

Permit Approved Date: 6/28/1990

Application Received Date: 06/27/1985

Number of Protests: 0

Other Information:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 1348.4

Combined Volume Limit: 2462

Combined Rate Limit: 5.8

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/28/2015

WATER RIGHT NO. 22-13453

Owner Type **Name and Address**

Current Owner BROWN INC
1110 GOLDEN BEAUTY DR
REXBURG, ID 83440
(208)351-8030

Priority Date: 06/10/1985

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.21 CFS	171.5 AFA
Total Diversion			0.21 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSESW	Sec. 35	Township 06N	Range 41E	MADISON County
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IRRIGATION Use:

Acre Limit: 49

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	41E	1	4	NWNW	10		SWNW	28						
				NESW	38		NWSW	38		SWSW	38		SESW	38
		2	1	NENE	13	2	NWNE	13		SWNE	31		SENE	33
			3	NENW	13	4	NWNW	11		SWNW	15		SENW	25

			NESW	38		NWSW	37		SWSW	39		SESW	37
			NESE	38		NWSE	38		SWSE	35		SESE	38
		3	SENE	4									
			NESE	36									
06N		34	SWNE	10		SENE	38						
			NESE	29		SESE	39						
		35	NENE	39		SWNE	39		SENE	39			
			SWNW	38		SENE	38						
			NESW	36		NWSW	39		SWSW	40		SESW	37
			NESE	40		NWSE	38		SWSE	38		SESE	36

Total Acres: 1297

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. K02 This right is based upon an enlargement of Right No. 22-2254 pursuant to Section 42-1426, Idaho Code.
3. K09 This right is for an enlargement of 49.0 acres within the place of use described for this right.
4. E60 Right Nos. 22-2254 and 22-13453 are limited to a total combined diversion rate of 5.32 cfs and to a total combined annual diversion volume of 2429.7 AF.
5. E56 The rights listed below are limited to the irrigation of a combined total of 1297 acres in a single irrigation season. Combined Right Nos.: 22-2254 and 22-13453.
This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code.
6. C11 As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
7. F05 Right No. 22-2254 is also diverted through point of diversion described above.

Dates:

Decreed Date: 11/24/2008

Enlargement Statute Priority Date: 4/12/1994

Number of Protests: 0

Other Information:

Combined Acres Limit: 1297

Combined Volume Limit: 2429.7

Combined Rate Limit: 5.32
Mitigation Plan: False

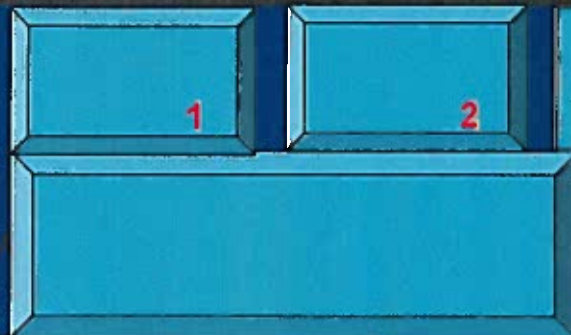
ENHANCED GROUND-WATER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH

Cells this color are
set up for user entries

ENTER STARTING DATE FOR
SIMULATION. THEN PUSH "TRANSFER N
"UPDATE DATES" BUTTON

YEAR 1973
SEASON Wilcox

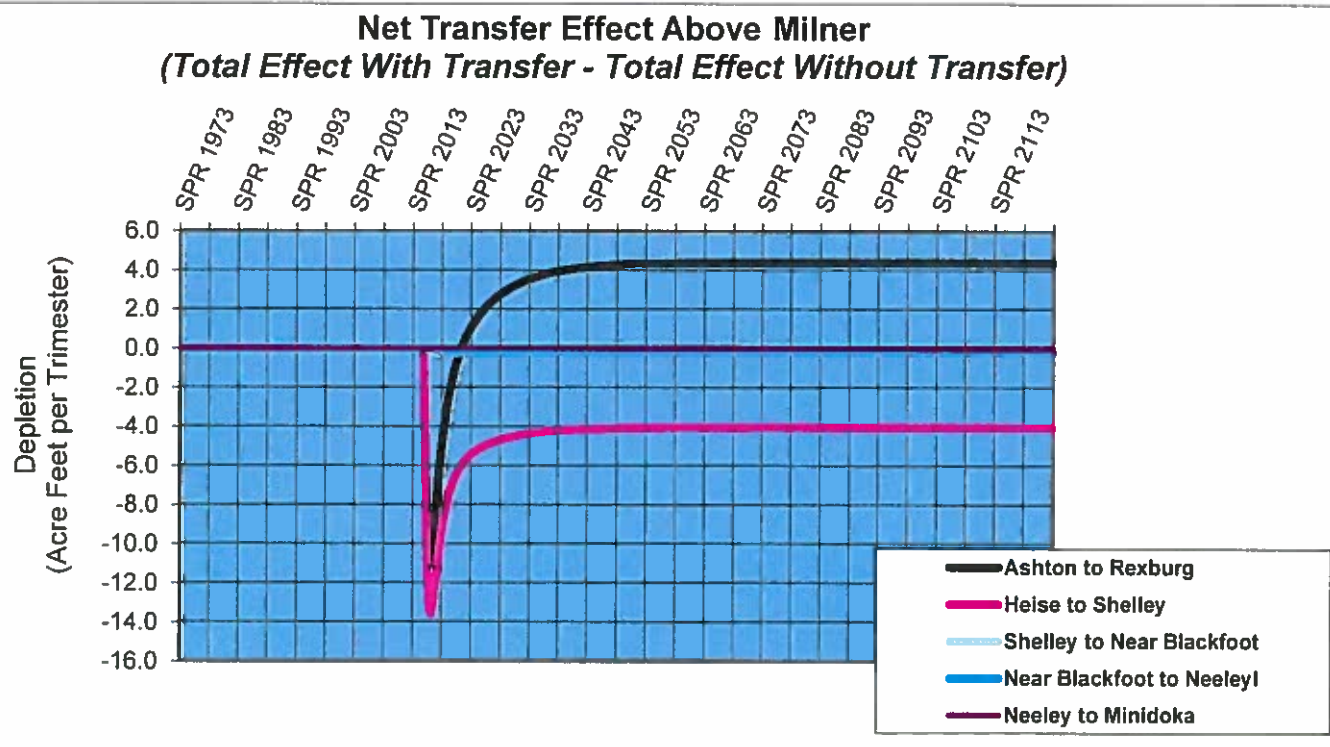


ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	66	65	0	0
COLUMN	190	187	0	0

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Trans AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transf AF/TRIMESTER
SPR 1973	0	187	187	0	0
SUM 1973	0	187	187	0	0
WIN 1973	0	187	187	0	0
SPR 1974	0	187	187	0	0
SUM 1974	0	187	187	0	0
WIN 1974	0	187	187	0	0
SPR 2014	0	187	187	0	0
SUM 2014	0	187	187	0	0
WIN 2014	0	187	187	0	0
SPR 2015	187	0	187	0	0
SUM 2015	187	0	187	0	0
WIN 2015	187	0	187	0	0
SPR 2016	187	0	187	0	0
SUM 2016	187	0	187	0	0
SPR 2120	187	0	187	0	0
SUM 2120	187	0	187	0	0
WIN 2120	187	0	187	0	0
SPR 2121	187	0	187	0	0
SUM 2121	187	0	187	0	0
WIN 2121	187	0	187	0	0
SPR 2122	187	0	187	0	0
SUM 2122	187	0	187	0	0
WIN 2122	187	0	187	0	0

80112

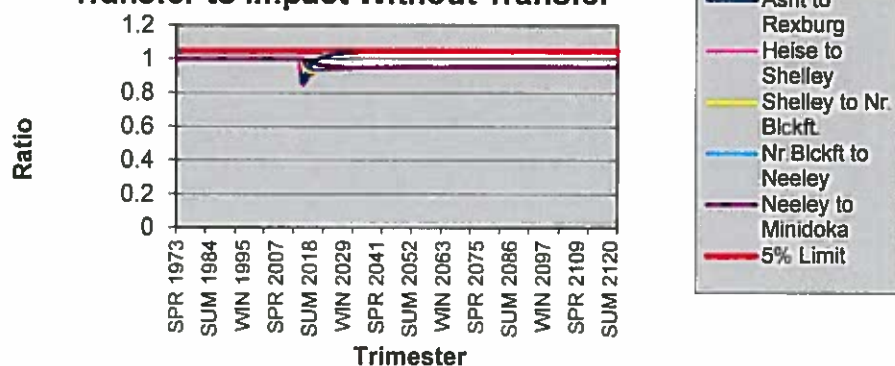


Change Ratio

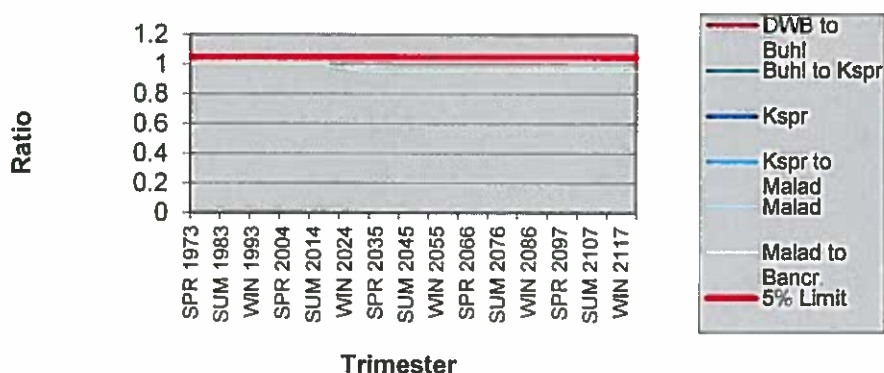
Net effect divided by w/o transfer condition

Net effect	Asht to Rexburg	Heise to Shelley	Shelley to Nr. Blckft.	Nr. Blckft. to Neeley	Neeley to Minidoka	DWB to Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad to Bancr.	5% Limit
SPR 1973	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SUM 1973	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
WIN 1973	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SPR 1974	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SUM 1974	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
WIN 2013	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SPR 2014	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SUM 2014	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
WIN 2014	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SPR 2015	0.94	0.93	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SUM 2015	0.89	0.87	0.99	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
WIN 2015	0.88	0.85	0.98	0.99	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SPR 2016	0.88	0.85	0.96	0.98	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SUM 2016	0.89	0.85	0.95	0.98	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
WIN 2120	1.05	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	95.4%	1.05
SPR 2121	1.05	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	95.4%	1.05
SUM 2121	1.05	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	95.4%	1.05
WIN 2121	1.05	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	95.4%	1.05
SPR 2122	1.05	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	95.4%	1.05
SUM 2122	1.05	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	95.4%	1.05
WIN 2122	1.05	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	95.4%	1.05

**Change Above Milner as Ratio of Impact With
Transfer to Impact Without Transfer**

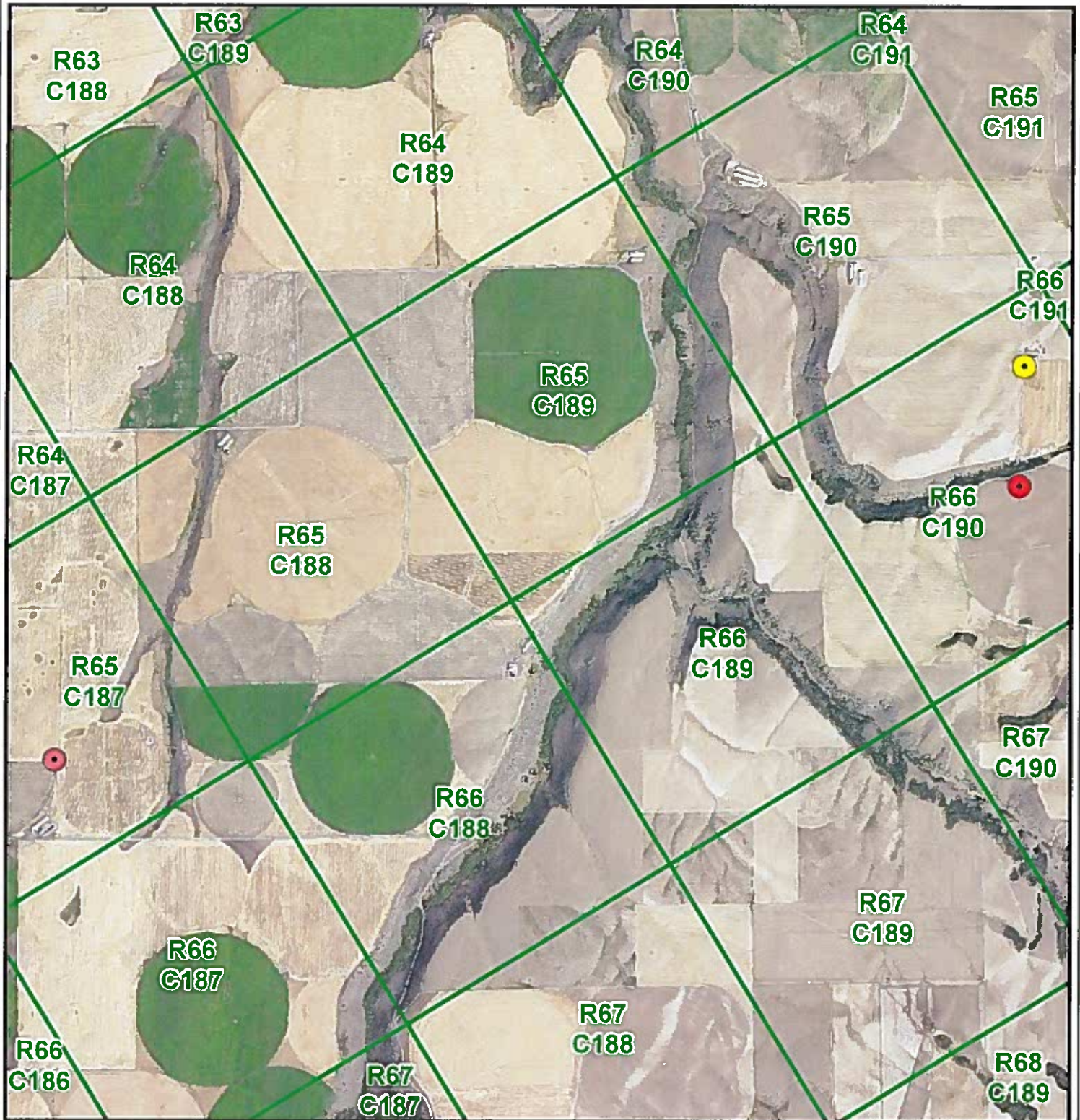


**Change Below Milner as Ratio of Impact With
Transfer to Impact Without Transfer**



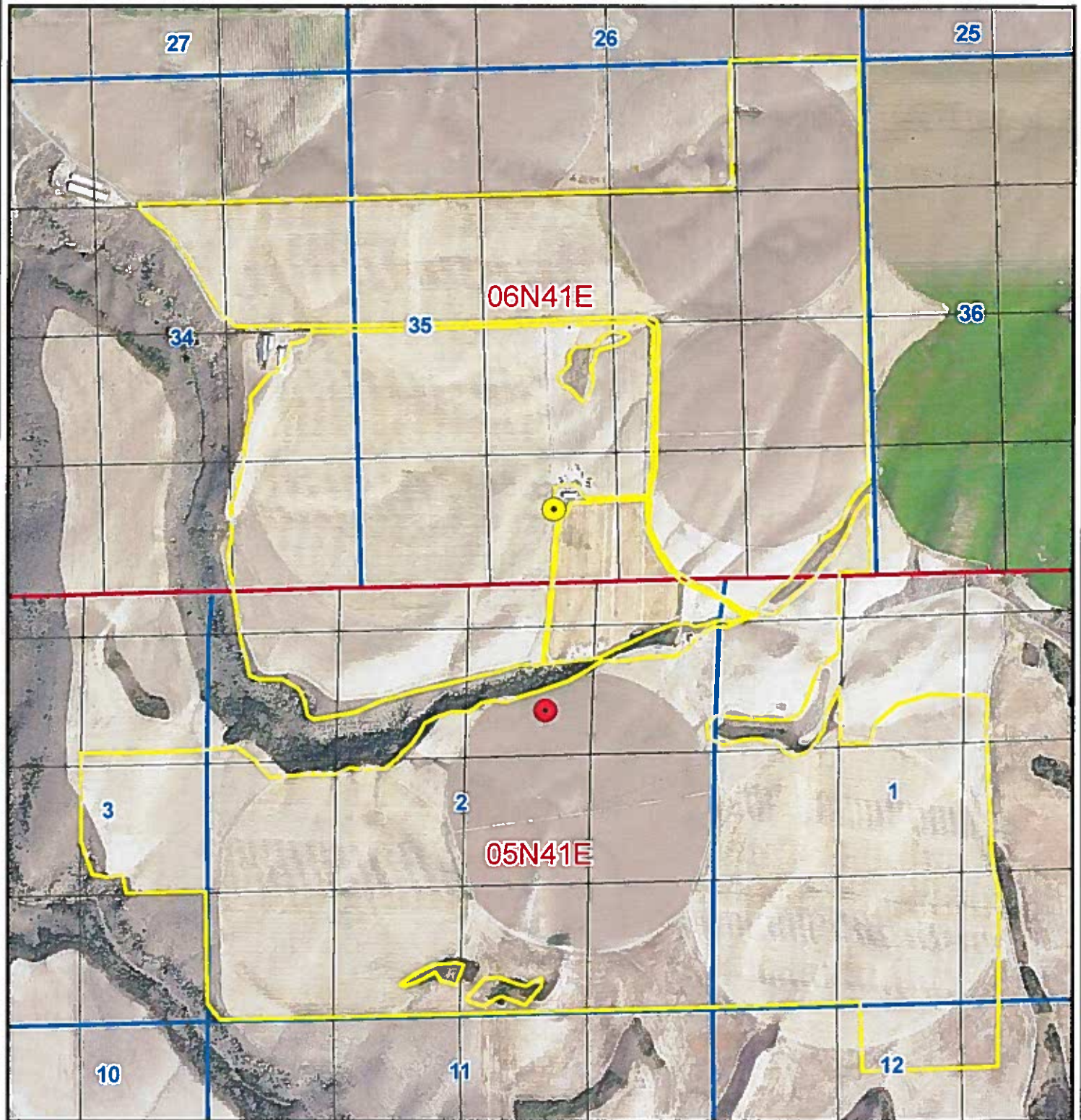
Application for Transfer 22-7066 / Brown Inc.

Attachment #5



80112

Application for Transfer 22-7066 / Brown Inc.



- New POD
- Existing POD
- New POU 22-7066
- Township and Range
- Section
- QQ

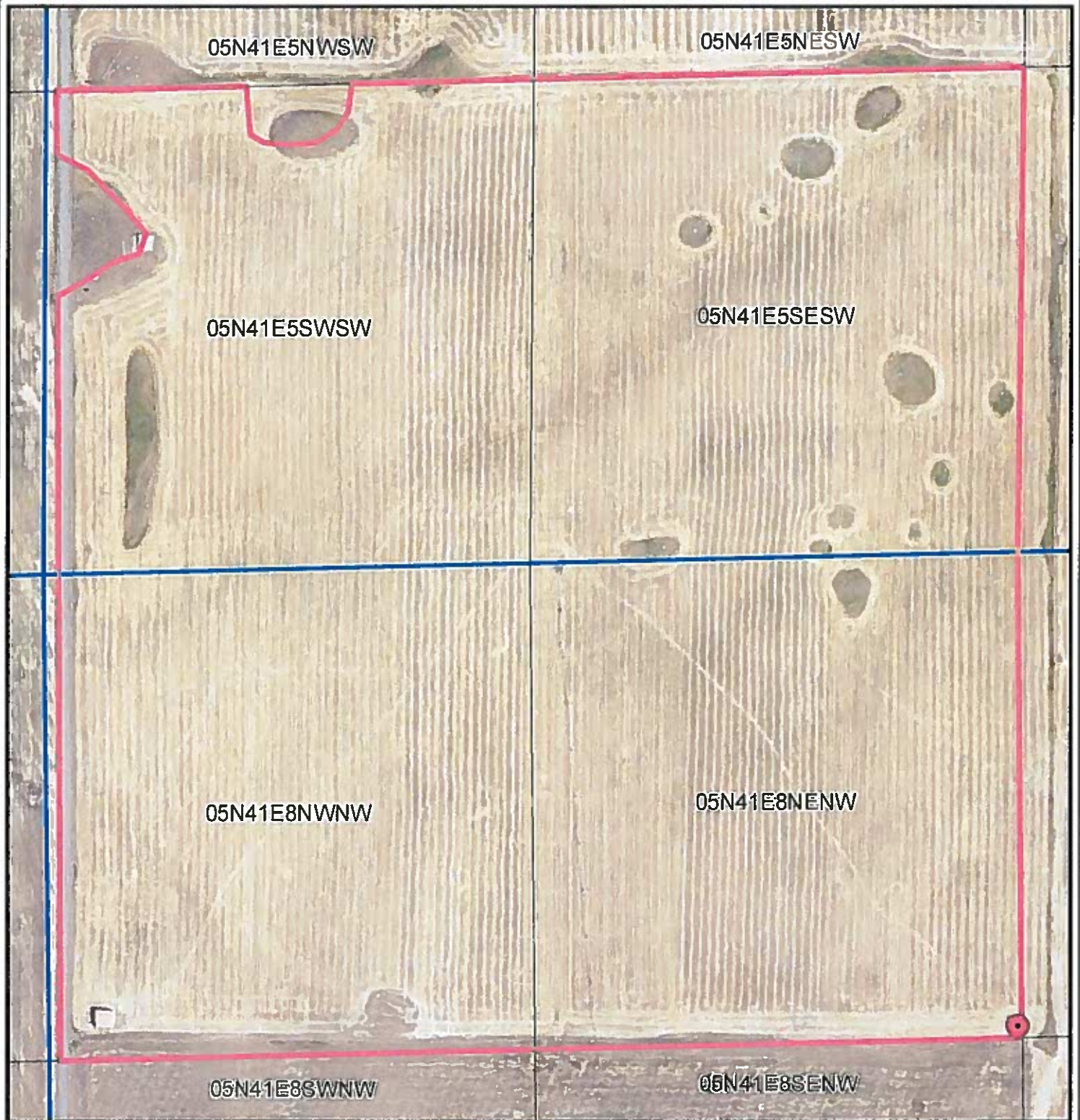
0 1,050 2,100 4,200 Feet

2013 NAIP Photography



80112

Application for Transfer 22-7066 / Brown Inc.



-  Existing POD 22-7066
-  Existing POU 22-7066
-  Township and Range
-  Section
-  QQ

0 300 600 1,200 Feet

2013 NAIP Photography



80112

No. C 39741		Due no later than Jul 31, 2015 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. BROWN, INC. 1110 GOLDEN BEAUTY DR REXBURG ID 83440 USA		ERNEST M JENSEN 285 BALSAM CIRCLE IDAHO FALLS ID 83401			
				3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).							
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
SECRETARY	TERRY WILCOX	P.O. BOX 561	REXBURG	ID	USA	83440	
PRESIDENT	RONALD DEAN WILCOX	1470 TWIN BUTTE RD	MENAN	ID	USA	83434	
VICE PRESIDENT	LYNN F WILCOX	5499 W 1000 S	REXBURG	ID	USA	83440	
5. Organized Under the Laws of: ID C 39741		6. Annual Report must be signed.* Signature: TERRY WILCOX Name (type or print): TERRY WILCOX Date: 05/28/2015 Title: SECRETARY					
Processed 05/28/2015		* Electronically provided signatures are accepted as original signatures.					

80112

BROWN, INC.

Written Consent of Sole Shareholder in Lieu of Meeting

The undersigned, being the sole shareholder of Brown, Inc., an Idaho corporation (the "Corporation"), hereby adopts the following resolution by written consent in lieu of meeting to be effective as of January 1, 2015:

RESOLVED, that the Board of Directors of the Corporation consist of three (3) individuals and that Terry K. Wilcox, Lynn F. Wilcox and Ronald D. Wilcox be, and hereby are, elected directors of the Corporation to serve until their successors are duly elected and qualified, or they shall sooner resign or be removed.

WILCOX BROTHERS L.L.C., an
Idaho limited liability company,
Sole Shareholder

By: Terry K. Wilcox
Terry K. Wilcox, Member

Date: January 1, 2015

By: Lynn F. Wilcox
Lynn F. Wilcox, Member

Date: January 1, 2015

By: Ronald D. Wilcox
Ronald D. Wilcox, Member

Date: January 1, 2015

BROWN, INC.

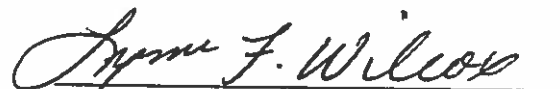
Written Consent of Directors in Lieu of Meeting

The undersigned, constituting all of the directors of Brown, Inc., an Idaho corporation (the "Corporation"), hereby adopt the following resolution by written consent in lieu of meeting to be effective as of January 1, 2015:

RESOLVED, that the following individuals be, and hereby are, elected to the offices of the Corporation set forth opposite their names to serve until their successors are duly elected and qualified, or they shall sooner resign or be removed:

<u>Name</u>	<u>Office</u>
Ronald D. Wilcox	President
Lynn F. Wilcox	Vice President and Treasurer
Terry K. Wilcox	Secretary


Terry K. Wilcox, Director


Lynn F. Wilcox, Director


Ronald D. Wilcox, Director

BROWN, INC.

Resignation of Director and Officer

I, Alice Josafat Brown, hereby resign as a Director and as a Vice President and the Secretary of Brown, Inc., an Idaho corporation, effective as of January 1, 2015.

This Resignation may be signed and delivered by facsimile transmission or electronic mail which shall be effective as an original.


Alice Josafat Brown

BROWN, INC.

Resignation of Officer

I, Frank Brown, hereby resign as a Vice President of Brown, Inc., an Idaho corporation, effective as of January 1, 2015.

This Resignation may be signed and delivered by facsimile transmission or electronic mail which shall be effective as an original.

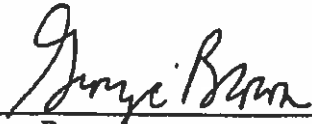
Frank Brown 12/3/2014
Frank Brown

BROWN, INC.

Resignation of Officer

I, George Brown, hereby resign as a Vice President of Brown, Inc., an Idaho corporation, effective as of January 1, 2015.

This Resignation may be signed and delivered by facsimile transmission or electronic mail which shall be effective as an original.


George Brown

BROWN, INC.

Resignation of Director and Officer

I, Jennie Brown, hereby resign as a Director and as the President and Treasurer of Brown, Inc., an Idaho corporation, effective as of January 1, 2015.

This Resignation may be signed and delivered by facsimile transmission or electronic mail which shall be effective as an original.


Jennie Brown

BROWN, INC.

Shareholder List Effective January 1, 2015

<u>Shareholder Name</u>	<u>Address</u>	<u>Number of Shares</u>
Wilcox Brothers L.L.C.	1110 Golden Beauty Drive Rexburg, Idaho 83440	403

BROWN, INC.

Statement of Share Ownership

To: Wilcox Brothers L.L.C.

You are hereby provided the following information with regard to shares issued to you by Brown, Inc.

1. The name of the issuing corporation is Brown, Inc. (the "Corporation"), which is organized under the laws of the State of Idaho. The name in which the shares have been issued as reflected on the books of the Corporation is Wilcox Brothers L.L.C. The Corporation has a single class of shares. You have been issued 403 shares.
2. The transfer of your shares is restricted by the Bylaws of the Corporation, a copy of which is on file with the records of the Corporation and which you may inspect upon request.
3. This statement is provided to you because you have been issued shares without certificates.
4. The effective date of issuance of your shares is January 1, 2015.

DATED to be effective as of the 1st day of January, 2015.


Ronald D. Wilcox, President


Terry K. Wilcox, Secretary

BROWN, INC.

Shareholder List Effective December 15, 2014

<u>Shareholder Name</u>	<u>Address</u>	<u>Number of Shares</u>
Frank J. Brown	303 Savannah Drive Jacksonville, North Carolina 28546	80.6
Jennie C. Brown	369 Ivory Circle Aurora, Colorado 80011	80.6
Joseph F. Brown	3854 South Naples Avenue Meridian, Idaho 83642	80.6
Alice F. Josafat	1117 Daley Pl. Edmonds, Washington 98020	80.6
Ben Brown	c/o George W. Brown 3509 Turnberry Drive West Des Moines, Iowa 50265	40.3
Lucy Brown	c/o George W. Brown 3509 Turnberry Drive West Des Moines, Iowa 50265	40.3

**IRREVOCABLE STOCK POWER
AND
ASSIGNMENT OF SHARES HELD WITHOUT SHARE CERTIFICATES**

The undersigned, Alice F. Brown aka Alice Josafat, hereby assigns to Wilcox Brothers L.L.C., an Idaho limited liability company, 80.6 shares of Brown, Inc., an Idaho corporation (the "Corporation"), registered in the name of Alice F. Brown on the books and records of the Corporation, and does hereby irrevocably constitute and appoint the Secretary of the Corporation as attorney-in-fact to transfer the said shares on the books and records of the Corporation, with full power of substitution in the premises, to Wilcox Brothers L.L.C.

This Irrevocable Stock Power may be signed and delivered by facsimile transmission or electronic mail which shall be effective as an original.

DATED to be effective as of the 1st day of January, 2015.



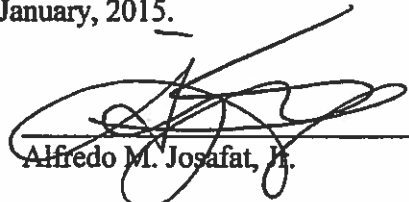
Alice F. Brown

Consent of Spouse

The undersigned, as the spouse of Alice F. Brown aka Alice Josafat, hereby consents to and agrees to be bound by, the foregoing Stock Power and Assignment of Shares Separate from Share Certificate.

This instrument may be signed and delivered by facsimile transmission or electronic mail which shall be effective as an original.

DATED to be effective as of the 1st day of January, 2015.



Alfredo M. Josafat, Jr.

**IRREVOCABLE STOCK POWER
AND
ASSIGNMENT OF SHARES HELD WITHOUT SHARE CERTIFICATES**

The undersigned, Frank J. Brown, hereby assigns to Wilcox Brothers L.L.C., an Idaho limited liability company, 80.6 shares of Brown, Inc., an Idaho corporation (the "Corporation"), registered in the name of Frank J. Brown on the books and records of the Corporation, and does hereby irrevocably constitute and appoint the Secretary of the Corporation as attorney-in-fact to transfer the said shares on the books and records of the Corporation, with full power of substitution in the premises, to Wilcox Brothers L.L.C.

This Irrevocable Stock Power may be signed and delivered by facsimile transmission or electronic mail which shall be effective as an original.

DATED to be effective as of the 1st day of January, 2015.

Frank J. Brown 12/3/2014
Frank J. Brown

Consent of Spouse

The undersigned, as the spouse of Frank J. Brown, hereby consents to and agrees to be bound by, the foregoing Stock Power and Assignment of Shares Separate from Share Certificate.

This instrument may be signed and delivered by facsimile transmission or electronic mail which shall be effective as an original.

DATED to be effective as of the 1st day of January, 2015.

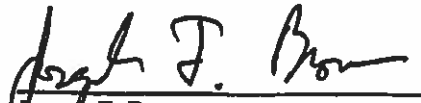
Maria-Gabrielle Aydin Brown
Maria-Gabrielle Aydin Brown 12/3/14

**IRREVOCABLE STOCK POWER
AND
ASSIGNMENT OF SHARES HELD WITHOUT SHARE CERTIFICATES**

The undersigned, Joseph F. Brown, hereby assigns to Wilcox Brothers L.L.C., an Idaho limited liability company, 80.6 shares of Brown, Inc., an Idaho corporation (the "Corporation"), registered in the name of Joseph F. Brown on the books and records of the Corporation, and does hereby irrevocably constitute and appoint the Secretary of the Corporation as attorney-in-fact to transfer the said shares on the books and records of the Corporation, with full power of substitution in the premises, to Wilcox Brothers L.L.C.

This Irrevocable Stock Power may be signed and delivered by facsimile transmission or electronic mail which shall be effective as an original.

DATED to be effective as of the 1st day of January, 2015.



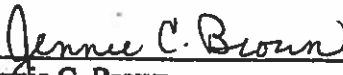
Joseph F. Brown

**IRREVOCABLE STOCK POWER
AND
ASSIGNMENT OF SHARES HELD WITHOUT SHARE CERTIFICATES**

The undersigned, Jennie C. Brown, hereby assigns to Wilcox Brothers L.L.C., an Idaho limited liability company, 80.6 shares of Brown, Inc., an Idaho corporation (the "Corporation"), registered in the name of Jennie C. Brown on the books and records of the Corporation, and does hereby irrevocably constitute and appoint the Secretary of the Corporation as attorney-in-fact to transfer the said shares on the books and records of the Corporation, with full power of substitution in the premises, to Wilcox Brothers L.L.C.

This Irrevocable Stock Power may be signed and delivered by facsimile transmission or electronic mail which shall be effective as an original.

DATED to be effective as of the 1st day of January, 2015.



Jennie C. Brown

**IRREVOCABLE STOCK POWER
AND
ASSIGNMENT OF SHARES HELD WITHOUT SHARE CERTIFICATES**

The undersigned, Lucy Brown, hereby assigns to Wilcox Brothers L.L.C., an Idaho limited liability company, 40.3 shares of Brown, Inc., an Idaho corporation (the "Corporation"), registered in the name of Lucy Brown on the books and records of the Corporation, and does hereby irrevocably constitute and appoint the Secretary of the Corporation as attorney-in-fact to transfer the said shares on the books and records of the Corporation, with full power of substitution in the premises, to Wilcox Brothers L.L.C.

This Irrevocable Stock Power may be signed and delivered by facsimile transmission or electronic mail which shall be effective as an original.

DATED to be effective as of the 1st day of January, 2015.



Lucy Brown



George W. Brown, as the parent of
Lucy Brown, for and in her behalf



Ellen B. Brown, as the parent of
Lucy Brown, for and in her behalf

**IRREVOCABLE STOCK POWER
AND
ASSIGNMENT OF SHARES HELD WITHOUT SHARE CERTIFICATES**

The undersigned, Ben Brown, hereby assigns to Wilcox Brothers L.L.C., an Idaho limited liability company, 40.3 shares of Brown, Inc., an Idaho corporation (the "Corporation"), registered in the name of Ben Brown on the books and records of the Corporation, and does hereby irrevocably constitute and appoint the Secretary of the Corporation as attorney-in-fact to transfer the said shares on the books and records of the Corporation, with full power of substitution in the premises, to Wilcox Brothers L.L.C.

This Irrevocable Stock Power may be signed and delivered by facsimile transmission or electronic mail which shall be effective as an original.

DATED to be effective as of the 1st day of January, 2015.

Ben Brown
Ben Brown

George W. Brown
George W. Brown, as the parent of
Ben Brown, for and in her behalf

Ellen B. Brown
Ellen B. Brown, as the parent of
Ben Brown, for and in her behalf

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80112

RECEIVED
MAY 14 2015

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Terry Wilcox

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☒ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Terry Wilcox Phone _____

Mailing address 1110 Golden Beauty Dr, Rexburg, ID 83440 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Rocky Mountain Environmental Associates, Inc Phone 208-524-2353

Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Terry Wilcox
Signature of Applicant or Authorized Representative

Terry Wilcox
Print Name and Title if applicable

5 May 2015
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Applicant proposes to relocate WR 22-7066 with other existing water rights to increase diversion rate per acre.

SUPERCEDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	22-7066	2.55	Irrigation	04/01 to 10/21	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.55 cfs and/or acre-feet.

2. Total amount of water proposed to be transferred or changed 2.55 cubic feet per second and/or acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☒ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N		NW	SE	SW	35	06N	41E	Madison	Ground Water	
Y			SW	NE	2	05N	41E	Madison	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	41E	1			2.5			10	28	8.3	38	38	38	38		8	10.3		219.1
		2	13	13	31	33	13	11	15	25	38	37	39	37	38	38	35	38	454
		3				4									36				40
		12		5.3			17												22.3
06N		34			10	38									29			39	116
		35	39		39	39			38	38	36	39	40	37	40	38	38	36	497
Total Acres (for irrigation use)																			1348.4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Well to Pump to Mainline

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Land would dry up. No longer irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

No other water rights at existing place of use. Will be used in combination with 22-2254, 22-13453, and 22-7512 to increase rate per acre.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

WATER RIGHT NO. 22-7066

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BROWN INC, C/O GEORGE BROWN
	1439 CAMBRIDGE DR, IDAHO FALLS, ID 83401

Priority Date: 03/20/1973

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/21	2.55 CFS	560 AFA
Total Diversion			2.55 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENENW	Sec. 08	Township 05N	Range 41E	MADISON County
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Place of Use Legal Description: IRRIGATION MADISON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	41E	5		SWSW	37		SESW	40						
		8		NENW	40		NWNW	39						

Total Acres: 156

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	S38	The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 21 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 11/24/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (**GIS**) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 660.00 Date 5/14/15 Received by AL Receipt # 2041034

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

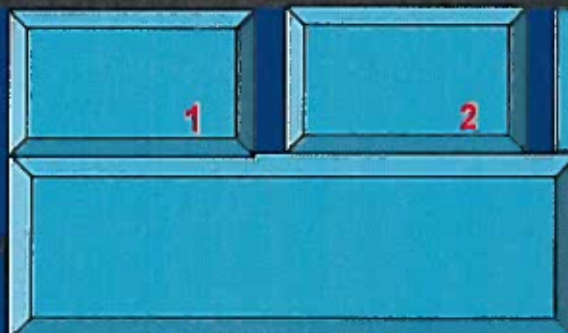
ENHANCED GROUND-WATER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH

Cells this color are
set up for user entries

ENTER STARTING DATE FOR
SIMULATION. THEN PUSH "TRANSFER N
"UPDATE DATES" BUTTON

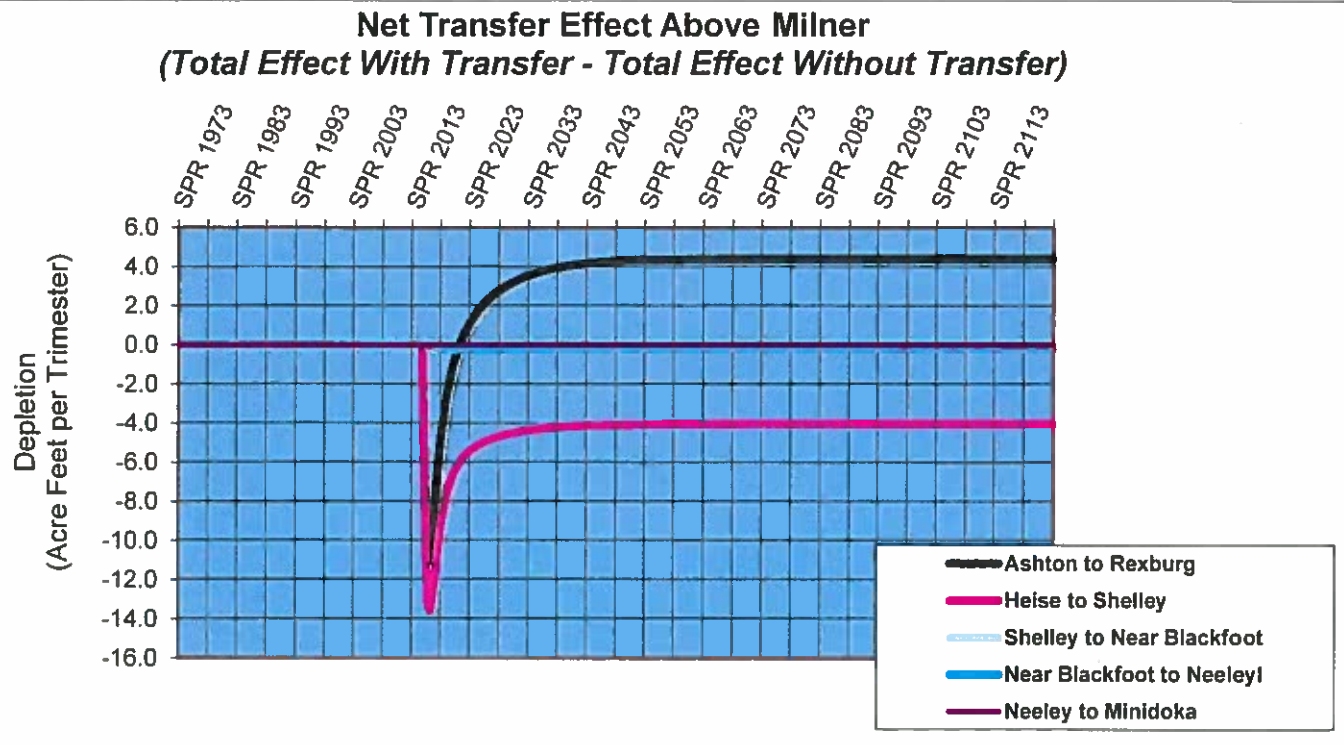
YEAR 1973 TRANSFER N
SEASON 1 Wilcox



ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	66	65	0	0
COLUMN	190	187	0	0

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Trans AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transf AF/TRIMESTER
SPR 1973	0	187	187	0	0
SUM 1973	0	187	187	0	0
WIN 1973	0	187	187	0	0
SPR 1974	0	187	187	0	0
SUM 1974	0	187	187	0	0
WIN 1974	0	187	187	0	0
SPR 2014	0	187	187	0	0
SUM 2014	0	187	187	0	0
WIN 2014	0	187	187	0	0
SPR 2015	187	0	187	0	0
SUM 2015	187	0	187	0	0
WIN 2015	187	0	187	0	0
SPR 2016	187	0	187	0	0
SUM 2016	187	0	187	0	0
SPR 2120	187	0	187	0	0
SUM 2120	187	0	187	0	0
WIN 2120	187	0	187	0	0
SPR 2121	187	0	187	0	0
SUM 2121	187	0	187	0	0
WIN 2121	187	0	187	0	0
SPR 2122	187	0	187	0	0
SUM 2122	187	0	187	0	0
WIN 2122	187	0	187	0	0

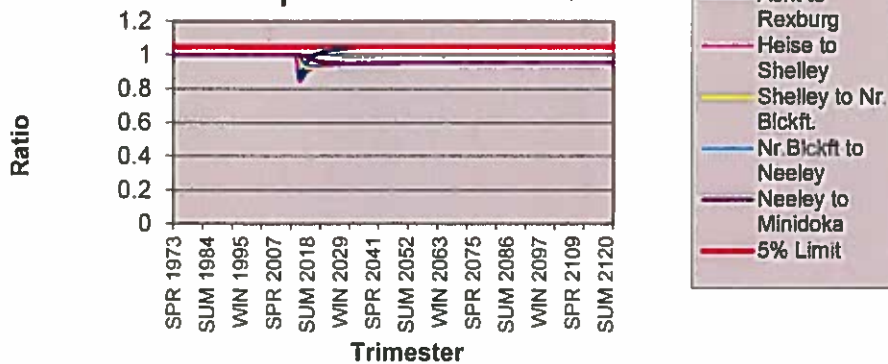


Change Ratio

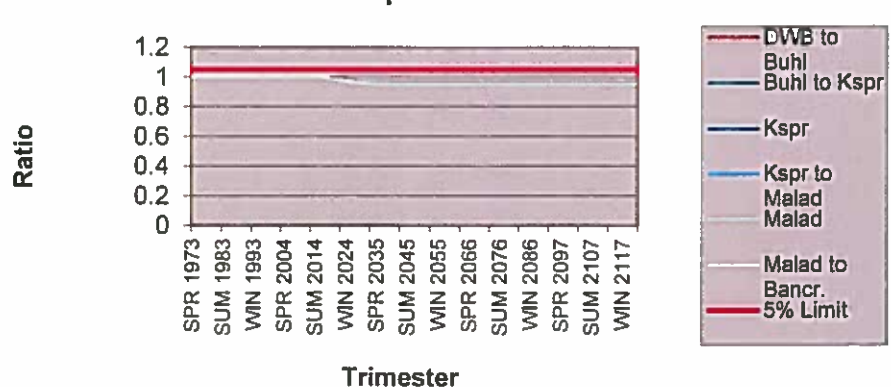
Net effect divided by w/o transfer condition

Net effect	Asht to Rexburg	Heise to Shelley	Shelley to Nr. Bickft.	Nr. Bickft. to Neeley	Neeley to Minidoka	DWB to Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad Malad	Malad to Bancr.	5% Limit
SPR 1973	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SUM 1973	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
WIN 1973	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SPR 1974	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SUM 1974	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
WIN 2013	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SPR 2014	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SUM 2014	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
WIN 2014	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SPR 2015	0.94	0.93	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SUM 2015	0.89	0.87	0.99	1.00	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
WIN 2015	0.88	0.85	0.98	0.99	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SPR 2016	0.88	0.85	0.96	0.98	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
SUM 2016	0.89	0.85	0.95	0.98	1.00	1.00	1.00	1.00	1.00	1.00	100.0%	1.05
WIN 2120	1.05	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	95.4%	1.05
SPR 2121	1.05	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	95.4%	1.05
SUM 2121	1.05	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	95.4%	1.05
WIN 2121	1.05	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	95.4%	1.05
SPR 2122	1.05	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	95.4%	1.05
SUM 2122	1.05	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	95.4%	1.05
WIN 2122	1.05	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	95.4%	1.05

Change Above Milner as Ratio of Impact With
Transfer to Impact Without Transfer

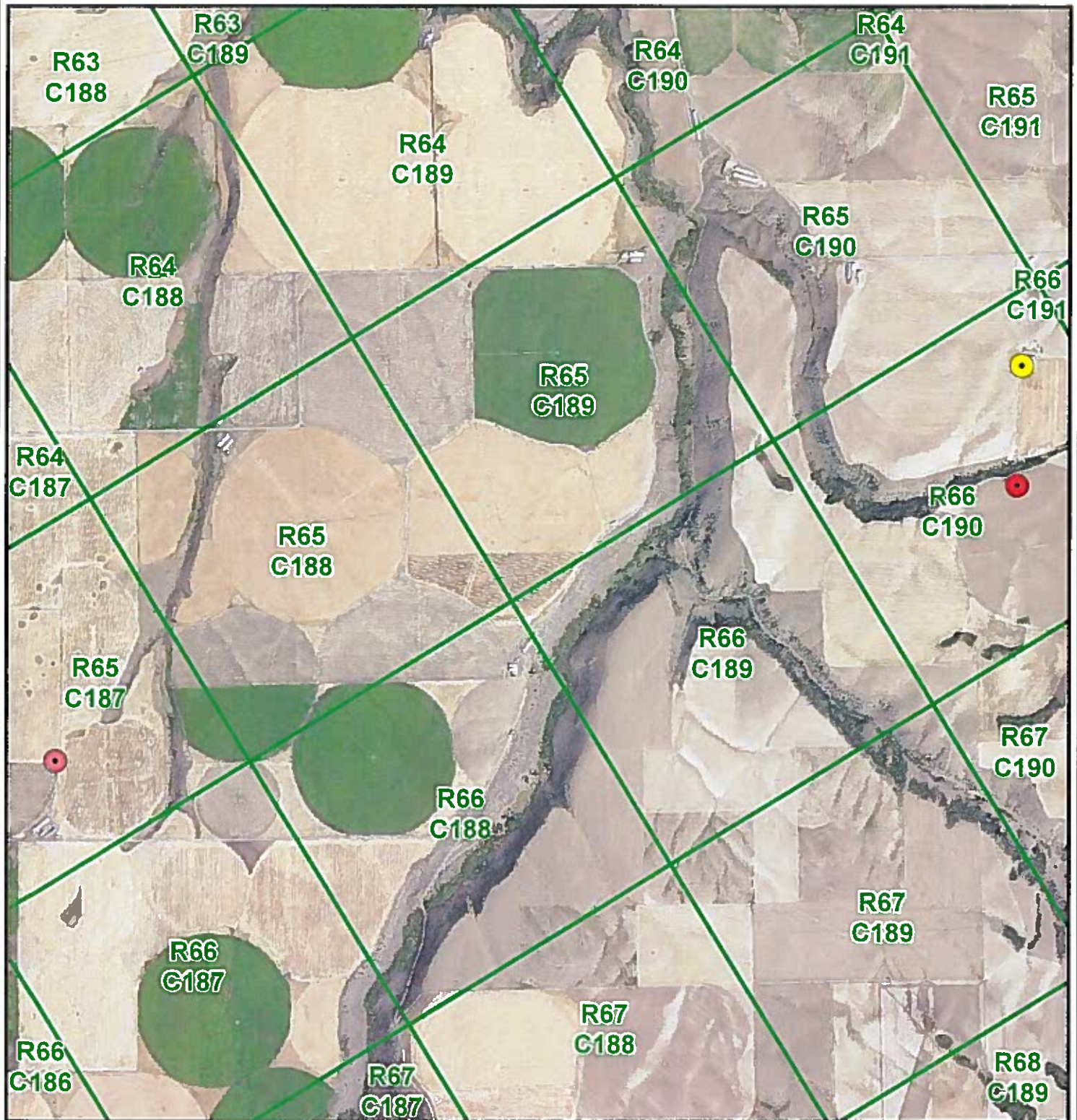


Change Below Milner as Ratio of Impact With
Transfer to Impact Without Transfer



Application for Transfer 22-7066 / Brown Inc.

Attachment #5



- TO: New POD
- TO: Existing POD
- FROM: Existing POD 22-7066
- ESPAM GRID

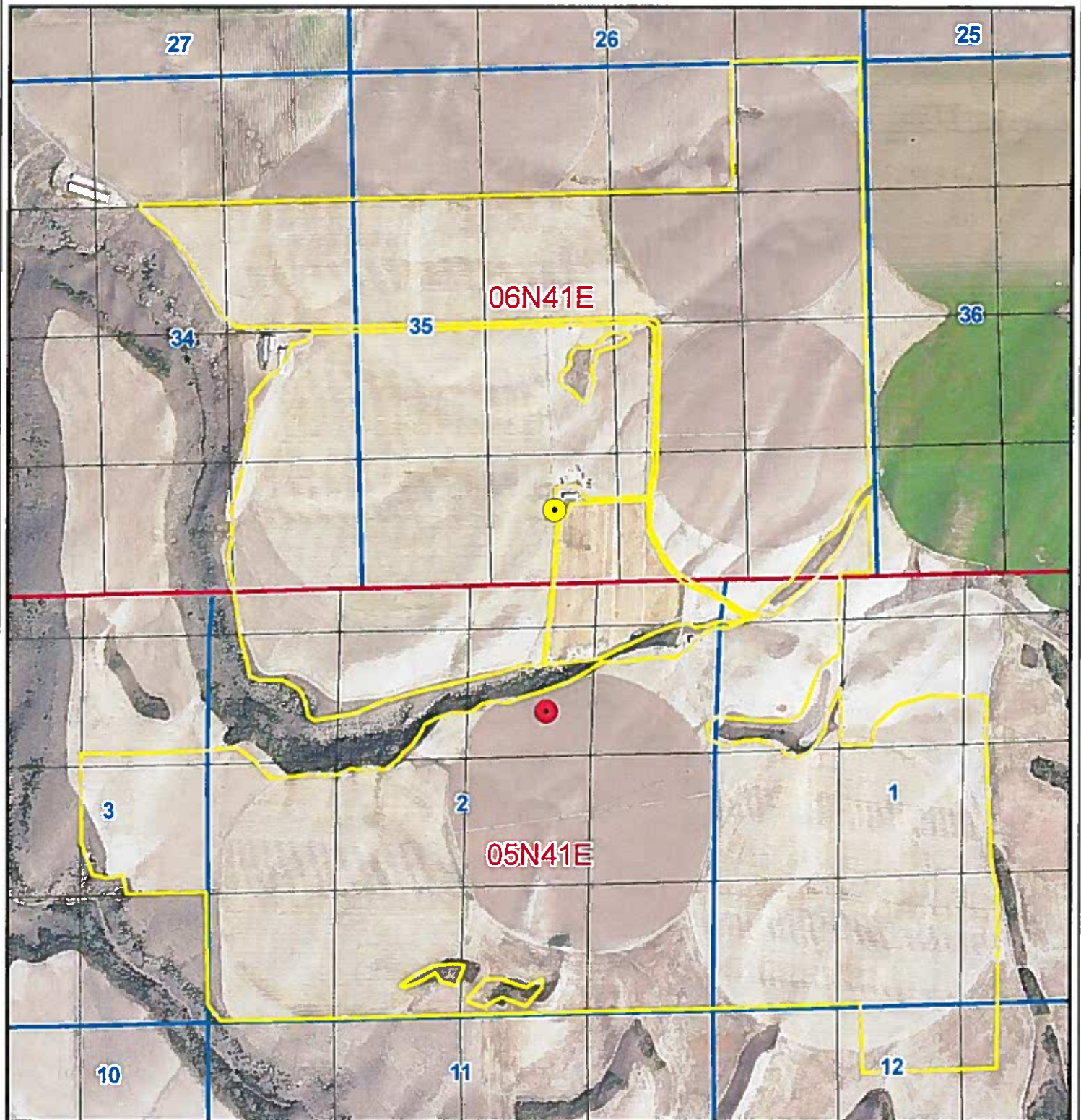
0 1,500 3,000 6,000 Feet

2013 NAIP Photography



80112

Application for Transfer 22-7066 / Brown Inc.



- New POD
- Existing POD
- New POU 22-7066
- Township and Range
- Section
- QQ

0 1,050 2,100 4,200 Feet

2013 NAIP Photography

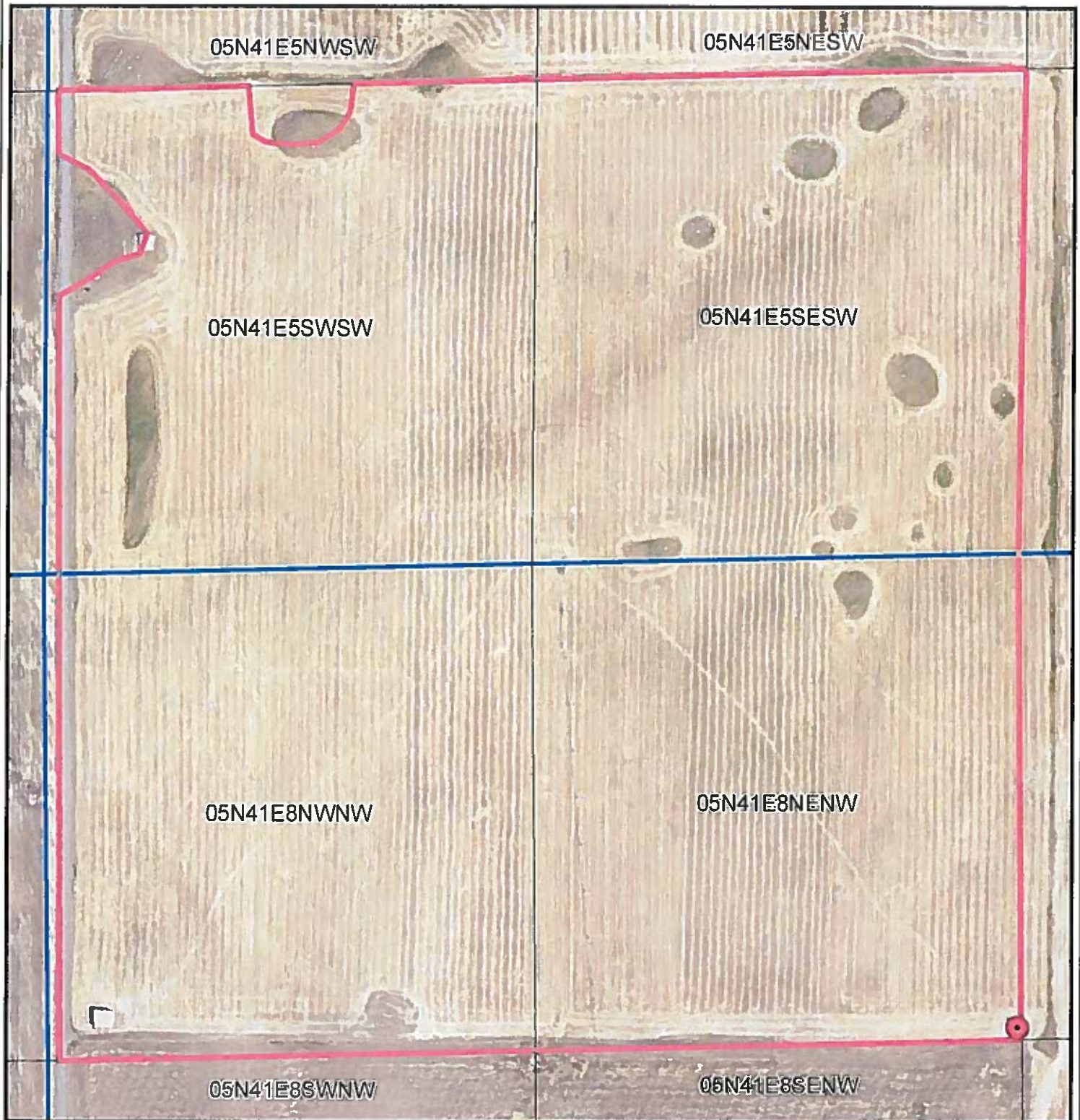


Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

80112

Application for Transfer 22-7066 / Brown Inc.

Attachment #7b



- Existing POD 22-7066
- Existing POU 22-7066
- Township and Range
- Section
- QQ

0 300 600 1,200 Feet

2013 NAIP Photography



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

80112



Rocky Mountain
ENVIRONMENTAL™
ASSOCIATES, INC.

RECEIVED

MAY 14 2015

Department of Water Resources
Eastern Region

May 14, 2015

RMEA 14-0108

Idaho Department of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls, Idaho 83401

Re: Application for Transfer of Water Right No. 22-7066

Dear Agent,

Enclosed is an Application for Transfer of Water Right no. 22-7066 for Brown Inc. The applicant Terry Wilcox recently purchased all of the properties included in this transfer, both the original place of use and the proposed place of use. The transfer proposes to dry up the original place of use in order to stack the water right 22-7066 on an existing place of use that has a low duty of water. Upon approval of this transfer, a new well will be drilled to connect to the existing irrigation system.

The ownership is not proposed to be changed. The business entity Brown Inc. will be maintained by the Wilcox Bros. However, the address will change to that listed in the contact information on the transfer application. State records have not been fully updated through the annual report to reflect Terry Wilcox as a person of authority for Brown, Inc. as of yet. However, those records will be updated in the near future. If required, we can obtain deeds to show the property was purchased.

Thank you,

Kristin Moore
Water Rights Analyst

Enclosures: Application for Transfer