

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80039

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED**MAY 08 2015**

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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) BOOTJACK LIMITED PARTNERSHIP

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 #1-9.

- ☒ ☐ #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 transfer 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).
- ☒ ☐ #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 <http://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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: _____

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MAY 08 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant BOOTJACK LIMITED PARTNERSHIP Phone (208) 308-7562
Mailing Address PO BOX 856, SHOSHONE ID 83352 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 _____ Phone _____
Mailing Address _____ Email _____

- ☐ 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.

Hershel Kerner
Signature of Applicant or Authorized Representative

Hershel Kerner 5-8-15
Print Name and Title if applicable Date

Sharon Kerner
Signature of Applicant or Authorized Representative

Sharon Kerner 5-8-15
Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	37-8361	No	No	Yes	Yes	No	No
	37-10146	No	No	Yes	Yes	No	No
	37-20396	No	No	Yes	Yes	No	No

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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**

Application filed to add points of diversion and to change the place of use for three water rights to
reflect how the system is currently used.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
---------------------------------------	------------------	--------------------	------------	-------------	---	-------------------	---------------------	-------------------------	--------------------------

37-8361	0.030 cfs	0.5 af	N/A	N/A		N/A	N/A	N/A	N/A
37-10146	0.040 cfs	14.6 af	N/A	N/A		N/A	N/A	N/A	N/A
37-20396	0.080 cfs	25.8 af	N/A	N/A		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

	0.150 cfs	N/A	N/A	40.9		N/A	N/A	N/A	N/A
--	-----------	-----	-----	------	--	-----	-----	-----	-----

2. Total amount of water proposed to be transferred or changed 0.15 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**HO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 37-8361

Current Water Right Owner
BOOTJACK LIMITED
PARTNERSHIP
PO BOX 856
SHOSHONE, ID 83352

Priority Date: 6/16/1988

Origin: Water Right

Basis: License

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	1/01	12/31	0.030 CFS	0.5 AFA	Dairy
Total Diversion			0.030 CFS	0.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENENE	Sec. 11 Twp 05S Rge 17E LINCOLN County
GROUND WATER	NENENE	Sec. 11 Twp 05S Rge 17E LINCOLN County
GROUND WATER	SESWSE	Sec. 2 Twp 05S Rge 17E LINCOLN County

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	2																X	
05S	17E	11	X																
																			0

IDHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 37-10146

Current Water Right Owner
BOOTJACK LIMITED
PARTNERSHIP
PO BOX 856
SHOSHONE, ID 83352

Priority Date: 1/1/1950

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.040 CFS	14.6 AFA	
STOCKWATER	1/01	12/31	0.040 CFS	14.6 AFA	Dairy
Total Diversion			0.040 CFS	14.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENENE	Sec. 11 Twp 05S Rge 17E LINCOLN County
GROUND WATER	NENENE	Sec. 11 Twp 05S Rge 17E LINCOLN County
GROUND WATER	SESWSE	Sec. 2 Twp 05S Rge 17E LINCOLN County

Place of Use: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	11	X																

Place of Use: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	2																X	
05S	17E	11	X																

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 37-20396

Current Water Right Owner
BOOTJACK LIMITED
PARTNERSHIP
PO BOX 856
SHOSHONE, ID 83352

Priority Date: 3/16/1982

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01	12/31	0.080 CFS	25.8 AFA	Dairy
STOCKWATER	01/01	12/31	0.080 CFS	25.8 AFA	
Total Diversion			0.080 CFS	25.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENENE	Sec. 11 Twp 05S Rge 17E LINCOLN County
GROUND WATER	NENENE	Sec. 11 Twp 05S Rge 17E LINCOLN County
GROUND WATER	SESWSE	Sec. 2 Twp 05S Rge 17E LINCOLN County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	2																	x
05S	17E	11	X																

Place of Use: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	2																	x
05S	17E	11	X																

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
Three interconnected wells to place of use

- b. Who owns the property at the point(s) of diversion
Applicant and Bootjack Dairy M & D, LLC
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
See enclosed authorization

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☒ 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
No change. Application filed to reflect actual use.

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

- f. 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:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 37-10146

Current Water Right Owner

HERSHEL KERNER
513 HWY 75 N
SHOSHONE, ID 83352

AND

SHARON KERNER
513 HWY 75 N
SHOSHONE, ID 83352

Priority Date: 1/1/1950

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.040 CFS	
STOCKWATER	1/01	12/31	0.040 CFS	Dairy
Total Diversion			0.040 CFS	

Source and Point(s) of Diversion:

GROUND WATER

NENENE

Sec. 11 Twp 05S Rge 17E LINCOLN County

Describe the proposed diversion system

6" X 235' WELL, 1.5 HP MOTOR, STOCK TROUGHS

Place of Use: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	11	X																0.0

Place of Use: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	11	X																0.0

Conditions/Remarks:

1. 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. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. STOCKWATER 100 DAIRY, 40 RANGE PARCEL NO. RP 05S17E110000

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 37-20396

Current Water Right Owner
BOOT JACK DAIRY
PARTNERSHIP
PO BOX 856
SHOSHONE, ID 83352

Priority Date: 3/16/1982

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01	12/31	0.080 CFS	25.8 AFA	Dairy
STOCKWATER	01/01	12/31	0.080 CFS	25.8 AFA	
Total Diversion			0.080 CFS	25.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENENE	Sec. 11 Twp 05S Rge 17E GOODING County
GROUND WATER	NENENE	Sec. 11 Twp 05S Rge 17E GOODING County

Describe the proposed diversion system

Two wells, pumps, pipelines to dairy barn & corrals

Two wells, pumps, pipelines to dairy barn & corrals

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	11	X																0.0

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	11	X																0.0

Conditions/Remarks:

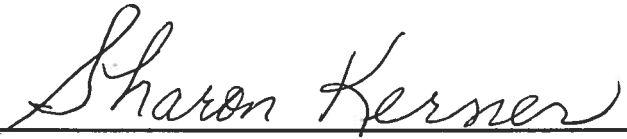
1. Rights 37-8361, 37-10146 and 37-20396 when combined shall not exceed a total diversion rate of 0.15 cfs from all points of diversion, and a total annual maximum diversion volume of 40.9 af.
2. Prior to the diversion and use of water under Transfer approval 69118, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Commercial use is for a dairy.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this approval within 5 years.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Bootjack Dairy M & D, LLC hereby authorizes Bootjack Limited Partnership to use its well located within the SESWSE of Section 2, Township 05 South, Range 17 East, B.M. as described in proposed water right transfer application 80039.


On behalf of Bootjack Dairy M & D

✓

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS,

That LARRY KERNER and CHRISTINE KERNER, husband and wife, hereinafter collectively called "Grantors" hereby grants, bargains, sells and conveys unto BOOTJACK LIMITED PARTNERSHIP, an Idaho limited partnership, HERSHEL KERNER and SHARON KERNER, as members of the partnership, whose address is P.O. Box 856, Shoshone, Idaho 83352, hereinafter called the "Grantee" the following described real property located in Lincoln County, Idaho, to-wit:

Township 5 South, Range 17 East of the Boise Meridian

Section 2: Part of the E $\frac{1}{2}$ SE $\frac{1}{4}$ described as follows:

Beginning at the southeast corner of Section 2,
Township 5 South, Range 17 E.B.M.;

Thence N 89°35'45" W, 1,323.09 feet along the South
line of said Section to the Northwest corner of said E $\frac{1}{2}$ SE $\frac{1}{4}$;

Thence N 0°02'35" E, 50.00 feet to the True Point of
Beginning

Thence N 0°02'35" E, 1,953.78 feet along the West
boundary of said E $\frac{1}{2}$ SE $\frac{1}{4}$;

Thence N 66°05'14" E, 279.39 feet;

Thence S 50°03'32" E, 126.70 feet;

Thence S 67°53'17" E, 82.94 feet;

Thence N 73°06'18" E, 37.41 feet;

Thence S 88°18'10" E, 820.42 feet to the Westerly
right of way of State Highway No. 75;

Thence S 0°06'20" W, 1,950.09 feet along the
Westerly right of way State Highway No. 75;

Thence N 89°35'45" W, 1,283.14 feet to the True
Point of Beginning.

In the County of Lincoln, State of Idaho.

JK
Together with 50 shares of Big Wood Canal Company Stock
and all other improvements and appurtenances.

TO HAVE AND TO HOLD said premises with all appurtenances unto the said Grantee and its heirs and assigns forever. Said Grantors do hereby covenant to and with said Grantee, that the Grantors are the owners in fee simple of said premises. And also that said premises are free and clear from all other encumbrances except current years taxes, levies, and assessments and except U.S. Patent reservations restrictions, easements of record, and easements viable upon the premises, and that Grantors will warrant and defend the same from all claims whatsoever.

DATED this 5th day of July, 2002.

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of
LAND TITLE & ESCROW
JUL - 8 2002
at 15 minutes past 4 P.M.
recorded by Helen G. Jackson
Fee: \$6.00 Return to: Elmore
By hand.

172974 ✓

GRANTORS:

Larry J. Kerner
LARRY KERNER aka Larry J. Kerner

Christine M. Kerner
CHRISTINE KERNER aka Christine M. Kerner

TRANSFER 80039

STATE OF IDAHO

County of

Gooding

} ss.

On this 14 day of July, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared LARRY J. KERNER and CHRISTINE KERNER, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Becky Shubert
Notary Public
State of Idaho

Becky Shubert
NOTARY PUBLIC FOR IDAHO
Residence: Wendell, ID

My Commission Expires: 02-23-05

QUITCLAIM DEED

GL-11225

For Value Received

Bootjack Dairy Partnership

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

Bootjack Limited Partnership, an Idaho Limited Partnership
ADDRESS: P.O. Box 856, Shoshone, ID 83352

STATE OF IDAHO - COUNTY OF LINCOLN	
Recorded at the request of <u>Hershel C. Kerner</u>	
MAY 17 2011	
AL 22 minutes past 21 PM	Recorded by <u>Sharon M. Kerner</u>
Fee: 10	Return to: <u>as above</u>

190393

Hereinafter called the grantee, the following described premises, in Lincoln County, Idaho to-wit:

TOWNSHIP 5 SOUTH, RANGE 17 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 11: NE $\frac{1}{4}$

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

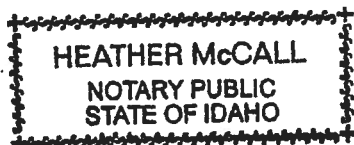
Dated: May __, 2011

Hershel C. Kerner
Hershel C. Kerner, General Partner

Sharon M. Kerner
Sharon M. Kerner, General Partner

STATE OF IDAHO)
COUNTY OF Lincoln) ss.

On this 16th day of May, 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared Hershel C. Kerner and Sharon M. Kerner, known or identified to me to be the general partners of the Partnership of Bootjack Dairy Partnership, and the general partners who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said Partnership name.



Heather McCall
Notary Public
Residing at: Filer, ID
My Commission expires: 10/1/2013

WARRANTY DEED

LINCOLN COUNTY

#GL-12046

Recorded for:

LAND TITLE & ESCROW

1:58:54 pm 02-01-2013

0000-192879

No. Pages: 2

Fee: \$13.00

SUZANNE MCCONNELL

County Clerk

Deputy: CAROLE

For Value Received

Kenneth W. Hall, a single man

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Bootjack Dairy M & D, LLC, an Idaho limited liability company

Address: PO Box 856, Shoshone, ID 83352

Hereinafter called the Grantee, the following described premises situated in Lincoln County, Idaho, to-wit:

Lots 1, 2 and 3 of Hall Subdivision, Lincoln County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 42.2 Shares of Capital Stock from the Big Wood Canal Company.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 2012, a lien, but not yet due and payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Easement and Right of Way Contract given by M.R. Thorpe and Elizabeth Thorpe, husband and wife, to Intermountain Gas Company, dated July 23, 1965, recorded October 12, 1965 as Instrument No. 117472, Lincoln County records, granting an easement and right of way for construction and maintenance of a gas pipeline over and across the SE¼ of Section 2, Township 5 South, Range 17, East Boise Meridian. (Affects Parcel 1)

Power Line Easement given by James N. Hansen and Darlene W. Hansen to Idaho Power Company, a corporation, dated October 12, 1980, recorded February 3, 1981 as Instrument Number 140313, Lincoln County records, affecting a parcel of land in the SE¼SE¼ and SW¼SE¼ Section 2, Township 5 South, Range 17 East, B.M., Lincoln County, Idaho.

Community Ditch Agreement by and between Ken Hall, Richard Worden, and Ron Showalter dated November 12, 1999, recorded November 12, 1999 as Instrument Number 167776, Lincoln County records.

Easements as set forth on the recorded plat of said subdivision.

Power Line Easement given by K. W. Hall and Joan Hall to Idaho Power Company, a corporation, dated July 15, 2001, recorded December 28, 2001 as Instrument Number 171855, Lincoln County records, affecting a portion of the SW¼SE¼ of Section 2, Township 5 South, Range 17 East Boise Meridian.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: February 1, 2013

Kenneth W. Hall

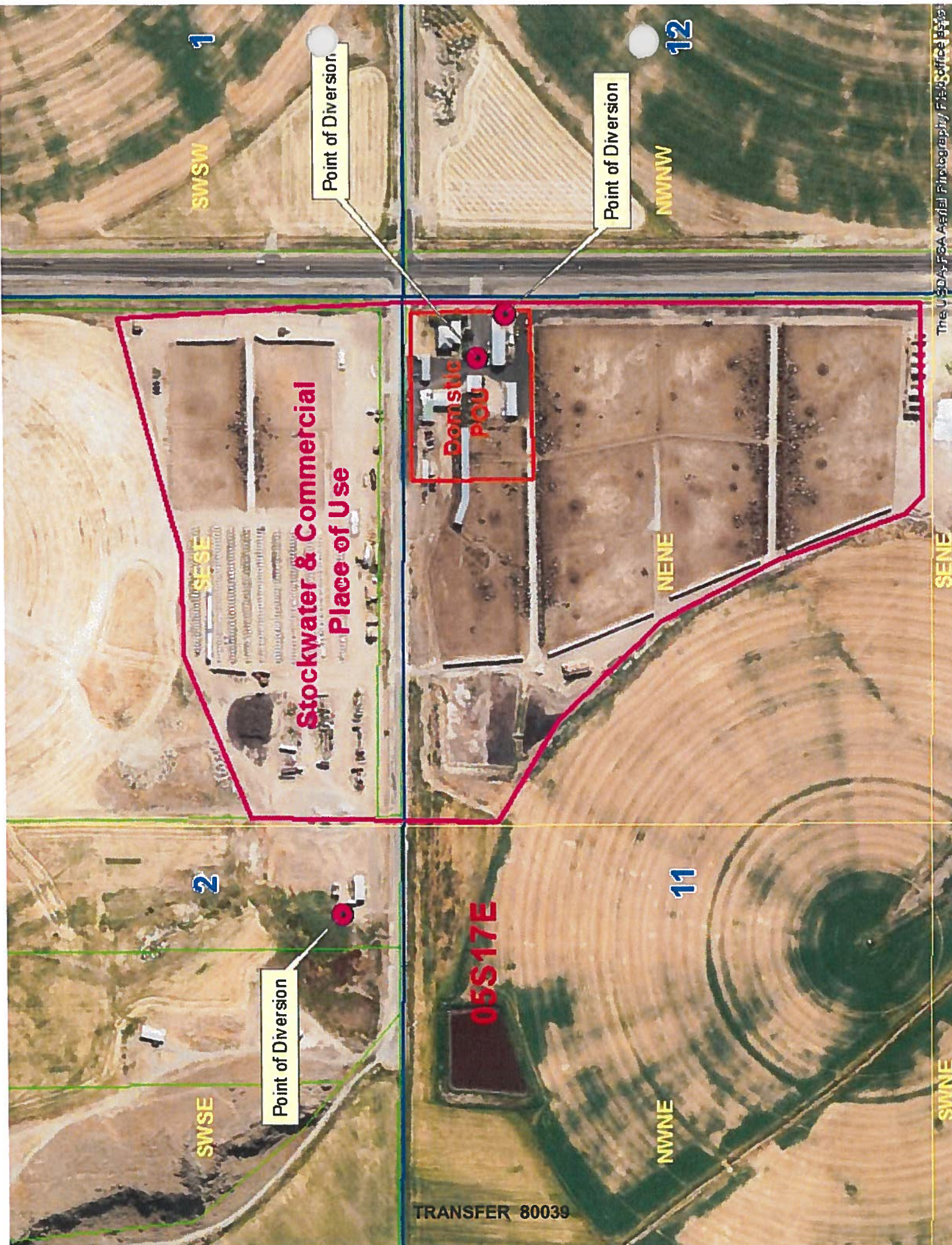
Kenneth W. Hall

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 1 day of February, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared **Kenneth W. Hall**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



[Signature]
Notary Public
Residing at: Gooding, ID
My Commission expires: 10/8/16



1

12

2

11

SWSE

Point of Diversion

Point of Diversion

Point of Diversion

Domestic
POU

Stockwater & Commercial
Place of Use

SESE

NENE

05S17E

NWNE

SWNE

TRANSFER 80039

No. L 4105	Due no later than Jul 31, 2014 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. BOOTJACK LIMITED PARTNERSHIP HERSHEL KERNER PO BOX 856 SHOSHONE ID 83352 USA		HERSHEL KERNER 505 W 4TH ST SHOSHONE ID 83352			
			3. <u>New</u> Registered Agent Signature:*			
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
GENERAL PARTNER	HERSHEL KERNER	PO BOX 856 505 WEST 4TH ST.	SHOSHONE	ID	USA	83352
GENERAL PARTNER	SHARON KERNER	PO BOX 856 505 WEST 4TH ST.	SHOSHONE	ID	USA	83352
5. Organized Under the Laws of: ID L 4105		6. Annual Report must be signed.* Signature: Sharon Kerner Name (type or print): Sharon Kerner Date: 05/18/2014 Title: General Ptr				
Processed 05/18/2014		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 80039

No. W 78637	Due no later than Oct 31, 2014 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		DOUGLAS KERNER 1316 S 2100 E GOODING ID 83330 3. <u>New</u> Registered Agent Signature:*	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.			
Office Held	Name	Street or PO Address	City State Country Postal Code
MEMBER	SHARON M KERNER	PO BOX 856 505 W 4TH ST	SHOSHONE ID USA 83352
5. Organized Under the Laws of: ID W 78637	6. Annual Report must be signed.* Signature: Sharon Kerner Name (type or print): Sharon Kerner Date: 08/17/2014 Title: Sec/Treas		
Processed 08/17/2014 * Electronically provided signatures are accepted as original signatures.			

TRANSFER 80039



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 14, 2015

BOOTJACK LIMITED PARTNERSHIP
PO BOX 856
SHOSHONE, ID 83352

RE: Transfer No. 80039
Water Right No(s). 37-10146, 37-20396, 37-8361

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 5/21/2015 and 5/28/2015**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**June 8, 2015**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 14, 2015 8:51 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.doc

Attached please find (1) legal notice being submitted for publication on May 21st & 28th, 2015. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 14, 2015

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 79965
Water Right No(s): 47-2333

RE: Transfer No. 80039
Water Right No(s): 37-10146, 37-20396, 37-8361

RE: Transfer No. 80058
Water Right No(s): 47-16397

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before June 8, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79965**

N RANCH LLC, 3497 E 3000N, KIMBERLY, ID 83341; has filed Application No. 79965 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-2333. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to change the place of use of a water right that allows for the diversion of 1.2 cfs of water from Mc Mullen Creek, north of the High Line Canal, for the irrigation of 60 acres. The proposed change in place of use consists of moving water from lands west of Mc Mullen Creek to a new place of use on lands east of Mc Mullen Creek, north of the Highline Canal, approximately 0.0 to 0.4 miles west and 7.0 to 7.4 miles south of the center of Kimberly. The application also proposes to describe an existing ditch diversion from Mc Mullen Creek as an additional point of diversion. This additional point of diversion is located on the west side of Mc Mullen Creek approximately 700 feet south of the High Line Canal and delivers water to the new place of use.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80039**

BOOTJACK LIMITED PARTNERSHIP, PO BOX 856, SHOSHONE, ID 83352; has filed Application No. 80039 for changes to the following water rights within LINCOLN County(s): Right No(s). 37-10146, 37-20396, 37-8361. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to add existing wells as authorized points of diversion and to modify the places of use of three water rights associated with a CAFO located along the west side of Highway 75 approximately 4.75 to 5.25 miles north of Shoshone. The changes proposed to the records will reflect the current operation of the CAFO facility. In total, three existing interconnected wells will be used to divert up to 0.15 cfs and 40.9 afa of water for the facility.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80058**

MATHERS RANCH INC, 3485 E 3100 N, KIMBERLY, ID 83341; has filed Application No. 80058 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-16397. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to modify a water right that currently authorizes the diversion of up to 0.96 cfs of water from Mc Mullen Creek or Cottonwood Creek for irrigation of 48 acres and stockwater use on land located approximately 7.25 to 7.6 miles south and 2.4 to 2.7 miles west of the center of Kimberly. The application will change a 36.3 acre portion of the right to groundwater recharge storage and groundwater recharge from storage uses to be associated with a reservoir located approximately 7.35 to 7.6 miles south and 2.65 to 2.9 miles west of the center of Kimberly. The application will also change a 3.4 acre portion of the right to wildlife storage use to be associated with a pond located on the Cottonwood Creek channel located approximately 7.7 miles south and 2.5 miles west of the center of Kimberly. The application will also transfer 1.0 acre of irrigation use to a new location near Mc Mullen Creek approximately 9.3 miles south and 0.4 miles west of the center of Kimberly. The application will also more accurately describe the actual locations of stockwater use on the applicant's land from the conveyance ditches from Mc Mullen Creek and Cottonwood Creek and describe the locations of injection and redirection of Mc Mullen Creek water into and from the Cottonwood Creek channel. After the proposed transfer, the water right will allow for 50.8 acre-feet of groundwater recharge storage and groundwater recharge from storage uses, 4.8 acre-feet of wildlife storage use, the continued stockwater use, and a total of 8.3 acres of irrigation (transferred one acre portion to land near Mc Mullen Creek and remaining 7.3 acres at the currently authorized place of use).

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before June 8, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 21st & 28th, 2015



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 14, 2015

CINDY YENTER
WATER DISTRICT #130
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

Via hand delivery

RE: Transfer No.: 80039
Water Right No(s): 37-8361

Dear Cindy:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: May 12, 2015
To: Transfer 80039 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application filed to add existing wells as authorized points of diversion and to modify the places of use of three water rights (37-8361, 37-10146, and 37-20396) associated with a CAFO located along the west side of Highway 75 approximately 4.75 – 5.25 miles north of Shoshone. The changes proposed to the records will reflect the current operation of the CAFO facility. In total, three existing interconnected wells will be used to divert up to 0.15 cfs and 40.9 afa of water for the facility. The rights involved with the transfer allow for the diversion of water from within Water District 130, so water master comments will be solicited. The three wells are located in the same groundwater model cell so a groundwater model analysis is not required.

- **Authority to File:**

The application is filed in the name of Bootjack Limited Partnership. Deeds have been included with the application indicating that the applicant owns the place of use and the rights involved with the transfer. Note that the transfer will update the ownership of the rights involved with the transfer. The well in Section 2 is located on property owned by Bootjack Dairy M & D, LLC. An authorization statement signed by a representative of Bootjack Dairy M & D, LLC granting the applicant permission to use the well has been included with the application.

- **Water Right Validity:**

One of the rights involved with the transfer was licensed in 1992, another right was decreed in the SRBA in 2001, and the last right was decreed in the SRBA in 2002. Review of aerial photography indicates that the rights appear to have been used in recent years.

- **Injury to Other Water Rights:**

None anticipated.

- **Enlargement of Use:**

None anticipated.

- **Local Public Interest:**

No issues anticipated. The application will be subject to public notice and protest.

- **Beneficial Use/Conservation of Water Resources:**

Proposed uses are recognized as beneficial uses of water.

- **Effect on Economy of the Local Area:**

None anticipated.

- **Effect of the Agricultural Base of the Local Area:**

None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

TO: Transfer # 80039 File

FROM: Corey Skinner

DATE: May 12, 2015

SUBJECT: Filing Fee

The filing fee, \$400.00, for this transfer is based on the total amount of water being transferred, 0.15 cfs. The transfer fee schedule for a transfer involving 0.00 – 0.20 cfs indicates that the filing fee is \$200.00. The remainder of the filing fee includes \$75.00 for ownership change fees (three rights at \$25.00 each) and a \$125.00 drilling permit fee upgrade (third well in Section 2 was originally drilled as a domestic well).