



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 3, 2017

MOO VIEW COW PALACE
474 E 550 S
BURLEY ID 83318

RESPONSE DEADLINE
3/15/2016

RE: Water Supply Bank Rental Fees for 2017 Rental Agreements

Dear Renter,

The following are your 2017 water rentals from the Water Supply Bank:

Rental	Start	End	Water Right	Rental Volume (AF)	Total Rental Fee	Owner Fee (90%)	Admin Fee (10%)	Rental Fee Due Date
1	2015	2019	45-13905	352	\$598.40	\$0.00	\$598.40	3/15/2016

Our records indicate that payment has not yet been received for the above water right rentals.

If you have not already done so, please remit payment of **\$598.40** prior to the due dates above and enclose a copy of this letter with your payment.

If you have questions about your rental, you can contact me at 208-287-4918.

Regards,

Remington Buyer
Water Supply Bank Coordinator

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

WATER SUPPLY BANK RENTAL AGREEMENT

AMENDED

This is to certify that: **MOO VIEW COW PALACE**
474 E 550 S
BURLEY ID 83318
208-678-1599

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Acre Limit	Total Rented Acres
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45-13905	11/16/1974	Ground Water	NA	0.3 cfs	352.0af	NA	88.0 ac
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Annual Combined Rental Totals	0.3 cfs	352.0 af	NA	88.0 ac
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Term of Rental: February 19, 2015 to December 31, 2019

Rental Fee: 2015-2017 \$598.40 Annually
2018-2019 \$704.00 Annually

The fee for rental of the above-described water is \$5,984.00 for years 2015, 2016, and 2017 and \$7,040.00 for years 2018 and 2019. Because you own the above referenced water rights you are obligated to pay ten percent (\$598.40/\$704.00) to the Department for administrative costs only. An annual payment shall be received by the Department prior to February 15 each year for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date. No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

RECEIVED

MAR 19 2015

DEPARTMENT OF
WATER RESOURCES

This is to certify that: **MOO VIEW COW PALACE**
474 E 550 S
BURLEY ID 83318
208-678-1599

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

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45-13905	11/16/1974	Ground Water	NA	0.3 cfs	352.0af	NA	88.0 ac
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Annual Combined Rental Totals 0.3 cfs 352.0 af NA 88.0 ac

Term of Rental: February 19, 2015 to December 31, 2016 2019 CES
Rental Fee: \$598.40 annually ok ✓ up 3/31/15

The fee for rental of the above-described water is \$5,984.00. Because you own the above referenced water rights you are obligated to pay ten percent (\$598.40) to the Department for administrative costs only. An annual payment shall be received by the Department prior to February 15 each year for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date. No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Craig E. Searle Moo-View Cow Palace
Signature of Renter Printed Name and Title* Date 3/16/15
Craig Searle Partner

Signature of Renter Printed Name and Title* Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By Brian Patton Date March 31, 2015
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NW¼NW¼	Sec. 32	Twp 11S	Rge 24E	CASSIA County
GROUND WATER	NW¼NW¼	Sec. 32	Twp 11S	Rge 24E	CASSIA County
GROUND WATER	NE¼NE¼	Sec. 31	Twp 11S	Rge 24E	CASSIA County

BENEFICIAL USE

IRRIGATION

SEASON OF USE

03/15 TO 11/15

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	23E	12		23.0	33.0					32.0									88.0

Total Acres: 88.0

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

11. 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.
12. Use of water under this agreement 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. 140.
13. This rental agreement does not authorize the construction of a well.
14. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
15. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
16. The following rights are diverted through point(s) of diversion described above: 45-2383, 45-13981, 45-13982, 45-7118, 45-7125, 45-7317, 45-13904, 45-13905, 45-7004, 45-7186A, 45-14412, 45-14413, 45-14414, 45-14415, 45-14416, 45-14417, and 45-14418.



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 20 2015

DEPARTMENT OF
WATER RESOURCESAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

This application must be prepared in accordance with the minimum requirements listed to be acceptable for processing by the Department. Incomplete applications will be returned.

Name of Renter(s) Moo View Cow PalaceMailing Address 522 E. 600 S. Burley, ID 83318Phone 208-312-2464

Email _____

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) 0.3 Maximum Volume (ac-ft) 217.2 352 Nature of Use Irrigation Period of Use 03/15 to 11/15

_____ to _____

_____ to _____

Total: 0.3 217.2 352 CES

2. Source of water Ground Water tributary to _____

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
11S	24E	31		NW	NE	NE	Cassia
11S	24E	32		NW	NW	NW	Cassia
11S	24E	32		NW	NW	NW	Cassia

4. Lands to be irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	23E	12		23	33					32									88
				28	30	CES				24	CES								

If the use is for irrigation, show total number of acres proposed through rental.

Total Acres 88

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion?

Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed point of diversion. _____

2. Do you own the land at the proposed place of use?

Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed place of use. _____

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system.
Wells and Distribution System- Location is a proposed dairy site, so the water right was converted to a commercial water right (45-13905). Dairy has not been built yet, so the fields will continue to be irrigated and farmed as always.
2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
45-13904 is diverted from POD's listed above; 45-7004 may be diverted from one of the POD's listed above; 45-7186A may be diverted from both of the POD's listed above
3. Will the proposed place of use receive water from any other source? Yes ☒ No ☐
If yes, describe. This is within the boundaries of the Southwest Irrigation District and will be watered by using surface water as available.
4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed. N/A
5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental? Yes ☐ No ☒
If yes, describe. _____
6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒
If yes, describe. _____

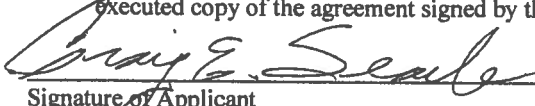
E. RENTAL TERM

- Do you wish to rent water from the Board's bank for more than one (1) year? Yes ☒ No ☐
If yes, please specify the number of years desired through proposed rental. 5

I hereby assert that 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.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. The Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.


Signature of Applicant

Craig E. Searle Partner
Printed Name and Title*

Jan. 16, 2015
Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

5 January 2015

To Whom It May Concern,

Southwest Irrigation District approves of the water bank rental of Moo View Cow Palace from commercial use to irrigation use. Water rights 45-13904, 45-7004, 45-7186A.

Sincerely,

A handwritten signature in cursive script that reads "Randy Brown". The signature is written in dark ink and is positioned above the printed name and title.

Randy Brown
Chairman
Southwest Irrigation District



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 2, 2015

MOO VIEW COW PALACE
474 E 550 S
BURLEY ID 83318

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 45-13905**

Dear Renter:

Please find enclosed a receipt in the amount of **\$598.40** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 352.0 acre-feet of water for irrigation of 88 acres during 2015. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement. Please notice, that page one of the Agreement has been amended to reflect an extension of the rental term.

Pursuant to the Water Supply Bank Rules, the rental fee will be retained by the Department to offset administrative costs since you are the owner of the right(s).

If you have any questions, please contact me at (208) 287-4910.

Sincerely,

Clay Webster
Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Receipt No. C100123
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Allen Merritt – IDWR Southern Regional Office
Brian Higgs – State Water District No. 140

Palmer, Cherie

From: Buyer, Remington
Sent: Tuesday, March 31, 2015 3:14 PM
To: 'Jaxon Higgs'
Cc: 'Brian Higgs'; Palmer, Cherie
Subject: RE: Basin 45 water rights

Jaxon,

Fantastic. Thank you for the quick reply. We will proceed with the 2015 irrigation rentals of Moo View and Big Sky from their dairy rights.

Regards,

Remington
287-4918

From: Jaxon Higgs [mailto:jaxon@waterwellconsultants.com]
Sent: Tuesday, March 31, 2015 2:36 PM
To: Buyer, Remington
Cc: 'Brian Higgs'
Subject: RE: Basin 45 water rights

Hi Remington,

Thank you for keeping an eye on this for us. Following is an explanation for all of these rights:

45-7335, 45-7355, and 45-13549 – The irrigation portion of this right is included in the West Cassia Pipeline conversion program, however, only the commercial/stock portion of this right is being leased and rented from the bank by the same entity. They have a dairy permit for a barn that has yet to be constructed and are renting this water from themselves to irrigate the acres where the barn will eventually be.

45-13905 – This right is in the same situation as the rights above. The conversion on the surrounding irrigated acres is completed through Burley Irrigation District.

45-2746 – This right is not included in Southwest Irrigation District. The ground this POU covers is now owned by Darrell Funk and he is included in the conversion program but this right was not sold with the ground. Simplot has declined mitigation for the Rangen call and so this water even if rented is curtailed.

Let me know if you have any other questions. The SWID board is aware of the Big Sky and Moo View situations and agreed that since the rights are mitigation only and are not technically involved with the conversion program they are ok.

I think we will be working in the next year or two on getting these individuals to either build the dairies or convert their commercial and stock back to irrigation so we don't have to deal with this sort of situation.

Thanks,

Jaxon Higgs
WWC Inc.

From: Brian Higgs [<mailto:brian@waterwellconsultants.com>]
Sent: Tuesday, March 31, 2015 10:32 AM
To: Jaxon Higgs
Subject: Fw: Basin 45 water rights

From: Buyer, Remington
Sent: Monday, March 30, 2015 10:18 AM
To: <mailto:brian@waterwellconsultants.com>
Cc: Palmer, Cherie ; Luke, Tim
Subject: Basin 45 water rights

Brian,

In working on rentals for the 2015 irrigation season, the Water Supply Bank has discovered that some basin 45 water rights may be involved in conversion and mitigation projects for Southwest Irrigation District. I would like to ask for your assistance in clarifying the current involvement of these rights in SWID activities and whether they can be rented from the Bank without enlarging the use of water. The rights in question are: 45-2746, 45-13905, 45-7335, 45-7355 and 45-13549.

45-2746 was fully committed to the Bank in 2005. This right is junior to Rangen and therefore un-rentable from the Bank if it is not participating in Rangen mitigation efforts. Can you please confirm whether this right is participating in mitigation efforts for Rangen sufficient that it can remain active and rentable through the Water Supply Bank? Also, it appears that 11.91 acres of 45-2746 are identified as being idled for inclusion in the Blue Lakes/Snake River Farm delivery mitigation efforts? We will contact Simplot about removing these 11.91 acres from the Bank if they are to be included in SWID mitigation efforts.

45-13905, held by Moo View Cow Palace, appears to have been identified as part of the J Canal project since 2003, though it is unclear if this right is currently participating in the conversion project. Though this right is licensed as a commercial/stockwater (dairy) right, it appears to never have been converted to use for a dairy and instead, went into the Bank in 2010 to be rented back to the water right holder as an irrigation right. Is this right partially/fully committed to the J Canal conversion project for SWID, and/or can it be rented through the Bank without causing an enlargement in the use of water? We will contact MVCP to inform them that they need to withdraw their water right from the Bank if the right is in fact needed to be included in the J-Canal project. Please advise.

45-7335, 45-7355 and 45-13549 are identified as part of the West Cassia Pipeline conversion project. It appears these rights were committed in part (or fully?) to the pipeline conversion project in 2010, but the water right holder recently applied to deposit all three of these rights into the Water Supply Bank. Can you please confirm whether these rights are fully part of the pipeline conversion project and/or if they are able to be leased into/rented from the Bank? Again, we will contact the water right holder if these rights need to be released from the Bank to avoid an enlargement in the use of water.

Thank you for your assistance,

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street, Boise, ID, 83720
T: (208) 287-4918 | F: (208) 287-6700



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 12, 2015

MOO VIEW COW PALACE
474 E 550 S
BURLEY ID 83318

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 45-13905**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$5984.00** was calculated based on the current rental rate of \$17.00 per acre-foot times a diversion volume of 352 acre-feet. Since you are both the lessor and the renter of the right, **you are only obligated to pay the 10% administrative fee or \$598.40.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to February 15 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check for \$598.40 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing.

If you have any questions, please contact me at (208) 287-4946.

Sincerely,

Michele Edl
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Rental Agreement

c: IDWR Front Desk

Edl, Michele

From: Merritt, Allen
Sent: Thursday, March 05, 2015 11:34 AM
To: Edl, Michele
Subject: RE: Moo View Cow Palace self-serve rental

I do not have concerns at this time. I'm not sure what we do when the extension of the transfer runs out.

From: Edl, Michele
Sent: Wednesday, March 04, 2015 5:31 PM
To: Merritt, Allen
Subject: Moo View Cow Palace self-serve rental

Allen,

I have completed my review of a WSB rental application submitted by Craig Searle (Moo View Cow Palace) for rental of their own leased right, 45-13905. In essence, it is a request to reinstate a rental that expired December last year. I spoke with Watermaster Higgs over the phone a few moments ago. He is very familiar with the property and has no concerns.

Moo View Cow Palace's right 45-13905 was put into the WSB indefinitely. The WSB is hoping to end those indefinite leases in the near future. The transfer which changed the NOU and took the right to the proposed dairy POU was approved in 2006. It has been given an extension to 2016 to develop the dairy. No construction has been or is now ongoing.

I discussed the rental period with Cherie and she agreed that 10 years should be enough time to develop a dairy. For now, I am setting the end of the rental period at 2016 rather than 2019 that Moo View Cow Palace requested.

I have attached my review memo and a PDF showing the rental-lease location.

Please let me know if you have any feed back or concerns about this application.

Thank you.
Michele

Water Right No.	Rented Vol (AF)	Lessor Fee (90%)	Administrative Fee (10%)	Total Fee @ \$17 (2015-2017)	Rental Amounts	
					Rate (cfs)	Acres
45-13905	352.0	\$0.00	\$598.40	\$598.40	0.30	88.00
Total	352.0	\$0.00	\$598.40	\$598.40	0.30	88.00

MEMORANDUM

To: Water Right(s) 45-13905

From: Michele Edl

Date: March 4, 2015

Re: Review & Analysis of Moo View Cow Palace's Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On January 20, 2015, Moo View Cow Palace submitted an application to rent its own water right, 45-13905. The application proposes to rent 45-13905 to irrigate 88 acres in Twp 12S, Rge 23E, sec 12. In essence the application proposes to reinstate the previous rental agreement for another 5 years.

Right 45-13905 was split from 45-7186B by Transfer 71925 (approved November 6, 2006) with the expectation that a dairy would be constructed where there had been irrigation. Construction of the dairy has been delayed. An order granting an extension to November 6, 2016 to complete the transfer was issued. Although Water Right 45-13905 had been converted to commercial and stock use by Transfer 71925, it was accepted into the bank as if no change in the nature-of-use had occurred.

For irrigation use, 45-13905 has a rental value of 0.3 cfs, 88 acres and 352 acre-ft and a 3/15-11/15 season-of-use. In contrast, for commercial and stock use 45-13905 would have a rental value of 0.3 cfs, 217.2 acre ft and a year-round season-of-use. The change in the nature-of-use required that 45-13905 be trimmed. The applicant was unsure of which rental values to use on the application and listed both.

According to available Cassia County taxlot information, the proposed wells are located on MVCP, LLC property. They have WMIS #401812 (double well) and #401814. The proposed rental POU is also property held by MVCP, LLC.

AUTHORITY TO FILE: Moo View Cow Palace is listed with ISOS as partnership #K354. Craig E. Searle is a partner. He signed the application. Although Craig E. Searle is identified as a member of both MVCP, LLC and Moo View Cow Palace, the two business entities are not the same.

WATER RIGHT VALIDITY: Water right 45-13905 was transferred to the place-of-use in 2006. It has been leased to the WSB since March 19, 2010 for an indefinite period. A review of 2013 aerial photography shows no construction activity at the POU. On March 2, 2015, I confirmed by a phone call to Mr. Craig Searle that no dairy is under construction. The right is available to rent in the quantities requested.

INJURY TO OTHER WATER RIGHTS: Moo View Cow Palace is renting its own water right and is not moving it from its authorized location. It's not clear how water diverted from three wells in section 31 and 32 (the authorized POD's for 45-13905) reach the pivots in section 12. Closer wells/POD's exist but none of them were identified on the application as the proposed rental POD. ESPA modeling is not required.

ENLARGEMENT OF USE: Although Water Right 45-13905 had been converted to commercial and stock use by Transfer 71925, it was accepted into the State Water Supply Bank as if no change in the nature-of- use had occurred.

Multiple ground water rights held by MVCP, LLC. and various members of the Searle families also divert from the proposed rental wells. As of this date, those rights are: 45-2383, 45-13981, 45-13982, 45-7118, 45-7125, 45-7317, 45-13904, 45-7004, 45-7186A, 45-14412, 45-14413, 45-14414, 45-14415, 45-14416, 45-14417, and 45-14418.

A review of 2014 imagery showed that irrigation of MVCP's previously identified 3493-acre POU within the 4389-acre PPU is occurring as authorized. The POU under 45-13905 was also irrigated in 2014 as it had been in previous years.

Both the large PPU owned by MVCP LLC and the rental POU for 45-13905 owned by are within the service territory of Southwest Irrigation District. Surface water could also be made available to the rental POU. The rental agreement will show limits on the total water use.

LOCAL PUBLIC INTEREST: Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rented right is subject to Water District 140 and is within the Oakley Kenyon Critical Groundwater Management Area. I spoke with Watermaster Higgs on the phone March 5, 2015. He was familiar with the farm and had no objections to the rental. Southern Region was also consulted and had no objections.

I recommend issuing a rental which will expire in two years rather than the 5 years requested. There are two years remaining (until November 6, 2016), on the extension to complete development of Transfer 71925. At that time, the applicant will have had 10 years to within which to develop a dairy. I understand that the applicant has authorization from other agencies to construct a dairy and does not wish to relinquish that certification. However, due to rights-of-way and other issues, there has been little progress toward a construction of a dairy at this location. Another location may be a more workable choice.

The current lease for water right 45-13905 is an indefinite period. Because the applicant is both the lessor and the renter, I also recommend that the WSB revisit the lease contract at the time that the rental agreement expires.



IDAHO SECRETARY OF STATE Viewing Business Entity

Lawrence Denney, Secretary of State

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MOO VIEW COW PALACE

474 EAST 550 SOUTH
BURLEY, ID 83318

Type of Business: PARTNERSHIP AUTHORITY (GP)

Status: CURRENT

State of Origin: IDAHO

Date of 27 Apr 2006

Origination/Authorization:

Current Registered Agent: CLOYD R SEARLE
474 EAST 550 SOUTH
BURLEY, ID 83318

File Number: K354

Date of Last Annual Report:

Original Filing:

Filed 27 Apr 2006 ORIGINAL
FILING

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Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov



STATEMENT OF PARTNERSHIP AUTHORITY

(Instructions on back of application)

FILED EFFECTIVE

2006 APR 27 AM 8:47

SECRETARY OF STATE
STATE OF IDAHO

The undersigned partnership hereby files a statement of partnership authority, and submits the following information to the Secretary of State pursuant to Idaho Code § 53-3-303.

1. The name of the partnership is: Moo View Cow Palace
2. The street address of its chief executive office is: 474 East 550 South, Burley, Idaho 83318
3. The street address of one (1) office in Idaho: 474 East 550 South, Burley, Idaho 83318

4. The names and mailing addresses of all partners (attached sheets may be added):

Name	Address
<u>Cloyd R. Searle</u>	<u>474 East 550 South, Burley, Idaho 83318</u>
<u>Kent R. Searle</u>	<u>476 East 600 South, Burley, Idaho 83318</u>
<u>(see attached page for more)</u>	

OR the name and address of the registered agent in Idaho is:

5. The names of the partners authorized to execute an instrument transferring real property held in the name of the partnership:

At least three(3) of these must	execute to transfer:
<u>Cloyd R. Searle</u>	<u>Craig E. Searle</u>
<u>Kent R. Searle</u>	<u>Clifford L. Searle</u>
	<u>Kelly C. Searle</u>

6. Signature of at least 2 partners:

- 1) Cloyd R. Searle
Typed Name Cloyd R. Searle
- 2) Kent R. Searle
Typed Name Kent R. Searle
- 3) Craig E. Searle
Typed Name Craig E. Searle

Secretary of State use only

g:\corpforms\gforms\partnershipauth p65
Revised 01/2001

IDAHO SECRETARY OF STATE (kw)
04/27/2006 05:00
CK: 1518 CT: 124011 BH: 951641
1 @ 100.00 = 100.00 PARTN AUT W 2

K 354

Statement of Partnership Authority (added page) for Moo View Cow Palace:

Item #4: Additional names and mailing addresses of partners:

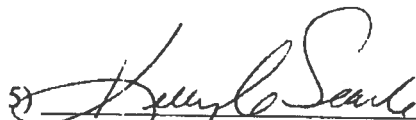
Name	Address
Craig E. Searle	522 East 600 South, Burley, Idaho 83318
Clifford L. Searle	500 East 500 South, Burley, Idaho 83318
Kelly C. Searle	739 South 50 West, Burley, Idaho 83318

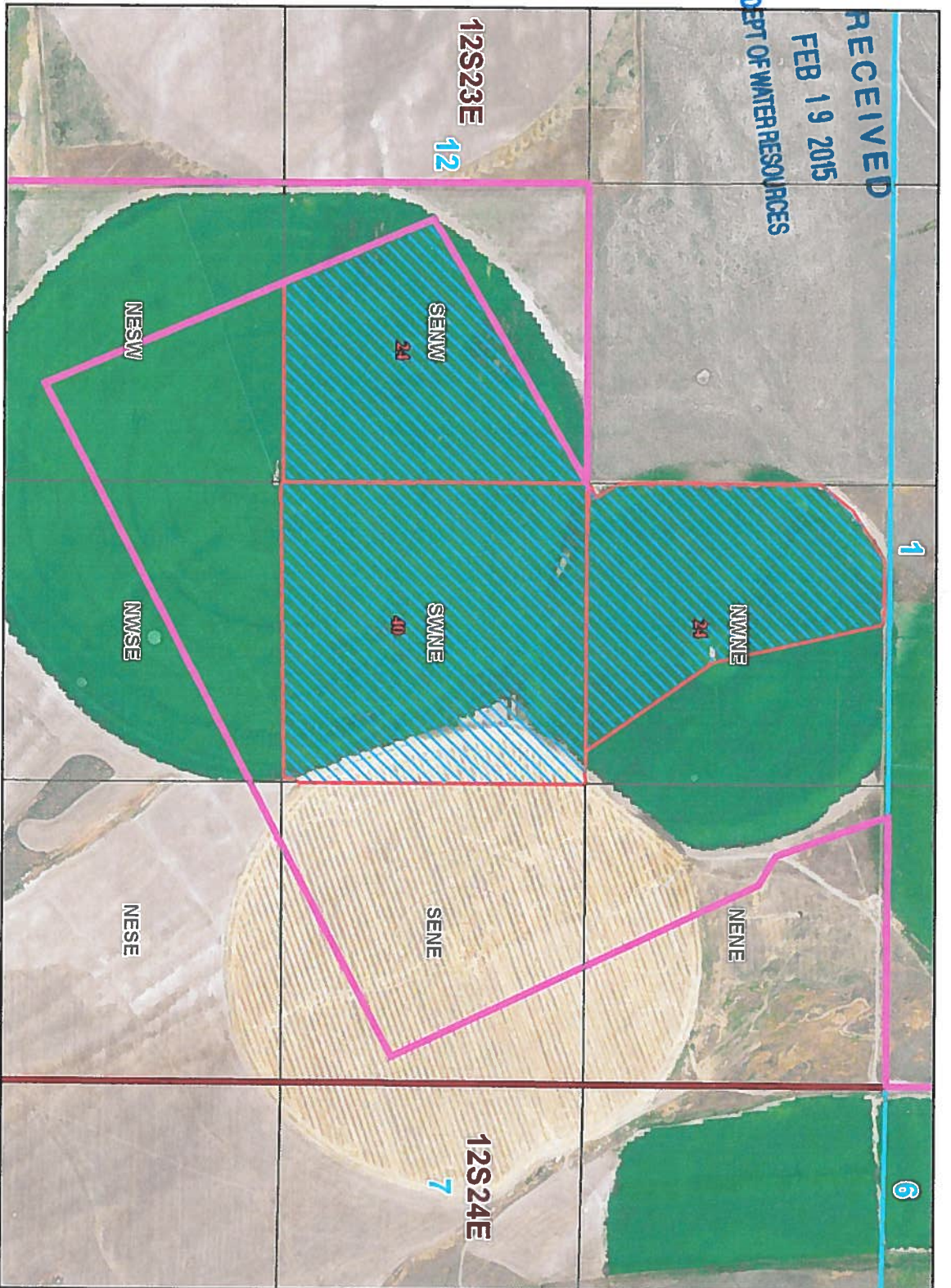
Statement of Authority or Limitations: (Idaho Code 53-3-303(a)(2))

In order to contract for any debt or liability exceeding the value of Five Hundred Thousand Dollars (\$500,000.00), at least three of any of the partners named herein this Statement of Partnership Authority must execute the instrument evidencing said debt or liability for it to be deemed to be an authorized debt or liability of the partnership. For any debt or liability of an amount less than Five Hundred Thousand Dollars (\$500,000.00), any one or more of the partners as named herein is authorized to execute the instrument evidencing indebtedness on behalf of the entirety of the partnership.

Item #6. Remaining Signatures of Partners:

4) 
Typed Name Clifford L. Searle

5) 
Typed Name Kelly C. Searle



0 350 700 1,400 Feet

Legend

	Proposed_PPU_2010 = 4,383.7 acres
	Water_Bank_Rented_88 Ac.
	Township_Range
	Section_Lines
	OO lines





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 30, 2015

MOO VIEW COW PALACE
522 E 600 S
BURLEY ID 83318

RE: Water Supply Bank Rental Application – Additional Information Required

Dear Applicant,

The Idaho Department of Water Resources received your application to rent water rights from the Idaho Water Resource Board's Water Supply Bank however, as submitted, your application is incomplete.

As submitted, your application cannot be processed. The required information is missing or insufficient:

- ☐ A completed *Application to Rent Water from the Water Supply Bank*
- ☒ If the 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.
- ☐ The place of use described in item #4 of the application does not match your map
- ☐ The signature is missing or we need power of attorney documentation for the signor
- ☐ How will the proposed diversion point of diversion convey water to the place of use
- ☐ Authorization from the individual/entity that owns the land at the place of use
- ☐ Authorization from the individual/entity that owns the land at the proposed point of diversion
- ☒ A map that clearly outlines the location of irrigated acres.
- ☐ Other:

Please provide the required information within fourteen (14) days. While you are making corrections or amending your application, you will not be placed in the processing queue. Once you submit an application that contains all the required items, your application will be assigned a place in the processing queue.

Please note that applications that are received earlier in time and contain all the minimum requirements have an increased chance of acquiring the requested rental water.

Please contact me if you have questions regarding this matter at (208) 287-4944.

Sincerely,

Cherie Palmer, Water Rights Supervisor
Water Allocation Bureau