

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 20 2015

Department of Water Resources
Eastern Region

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Mackay Land Company, LLCPhone 805-379-0188

79922

Mailing address 2655 First Street, Suite 245 Simi Valley, CA 93065Email mark@scheuproperties.com

- ☐ 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.

MACKAY LAND CO, LLC
Mark Scheu
Signature of Applicant or Authorized Representative

COTTONWOOD GROVE RANCHES LLC
Dianna Scheu
Signature of Applicant or Authorized Representative

Mark Scheu, Managing Member

3/17/15

Print Name and Title if applicable

Date

Dianna Scheu (Dianna Mary Baxter)

3/17/15

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 Ownership Changes - All

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**.

The transfer proposes to change the POU for water rights 34-13865, 34-13868, 34-14404, 34-14406 and a split portion of rights 34-14403 and 34-14405. Additionally, all water rights will undergo ownership changes through this transfer such that they will all be in the name of Mackay Land Co, LLC

79922

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 ☒ ☐	34-13865	0.1	Irrigation	05/01 to 10/15	Big Lost River/Sinks
☒ ☐	34-13868	0.16	Irrigation	05/01 to 10/15	Big Lost River/Sinks
☒ ☐	34-14404	0.13	Irrigation	05/01 to 10/15	Big Lost River/Sinks
☒ ☐	34-14406	0.22	Irrigation	05/01 to 10/15	Big Lost River/Sinks
☐ ☒	34-14403	0.07	Irrigation	05/01 to 10/15	Big Lost River/Sinks
☐ ☒	34-14405	0.11	Irrigation	05/01 to 10/15	Big Lost River/Sinks
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.79 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.79 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 #
No			SE	SW	20	07N	24E	Custer	Big Lost River	

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	
07N	24E	36														22.4			22.4
Total Acres (for irrigation use)																			22.4

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:
Surface water will come by way of Swauger Ditch. A flow meter will be installed before groundwater co-mingles with surface water going to the pivot. The surface water will delivered via the Swauger Ditch. Pump will be controlled by a lockable power supply.
- b. Who owns the property at the point(s) of diversion? No Tellum Creek Ranch, LLC
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
No Tellum Creek Ranch, LLC is a related ownership with similar members as Mackay Land Co, LLC.
- 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:
It will be dry.

- 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:
The transferred water rights will be used in conjunction with Water Storage Rights currently owned by Mackay Land Co to irrigate an existing 1/2 pivot (roughly 42 acres). This pivot has had a continued use of being irrigated for several years.
- 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:

See attachment.

5.g (Full Description)

The more senior water rights involved in this proposed transfer were used last year in a temporary transfer. Historically the ditch that services the property that the water rights currently serve has been shared by neighboring property owners (Randy Nelson, Randy Pearson and Scott McKaffee). The combination of all these users on the ditch provided for a good flow. All neighbors have now gone to wells with new pivots. Scott McAfee still uses the ditch but now diverts the water at a point above the property and pumps it to the pivot through pipes. As a result there is no longer a combined effort and a share among all users in the normal shrink involved in the delivery of water. Water has been requested in the past but it is purely an exercise. Each year the water fees are paid associated with these rights but delivery of the water is never achieved. The proposed transfer will assure a reliable water source and used in conjunction with our Water Storage Rights currently used on a pivot already in production..

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/5/2015

Water Right 34-14403

Owner Type **Name and Address**
Current Owner DIANNA MARY BAXTER
5101 OLD CHILLY RD
MACKAY, ID 83251
(805) 405-9030

Priority Date: 4/22/1884

Basis: Decreed

Status: Active

Source **Tributary**
BIG LOST RIVER SINKS

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	05/01	10/15	0.100 CFS	
	Total Diversion		0.100 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER NWNWSE Sec. 12, Twp 07N, Rge 23E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	20		6.3			1.1												7.4

Right Acre Limit: 18.1

POU Total Acres: 7.4

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. WATER IS DELIVERED THROUGH THE SHARP DITCH.
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 34-14405 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7.4 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/5/2015

1. jhersley 6/20/2013 split right
this right is a split from 34-14088 due to an ownership change.
2. jhersley 6/20/2013 POD
Updated Shape
3. jhersley 6/20/2013 POU
Updated Shape
4. nmiller 1/21/2014 POD
PODID 853050 correlated from SpatialDataID 199306 to SpatialDataID 199347

Dates and Other Information

Decreed Date: 7/10/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/5/2015

Water Right 34-14405

Owner Type **Name and Address**
Current Owner DIANNA MARY BAXTER
5101 OLD CHILLY RD
MACKAY, ID 83251
(805) 405-9030

Priority Date: 6/1/1894

Basis: Decreed

Status: Active

Source **Tributary**
BIG LOST RIVER SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.170 CFS	
	<u>Total Diversion</u>		0.170 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER NWNWSE Sec. 12, Twp 07N, Rge 23E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	20		6.3			1.1												7.4

POU Total Acres: 7.4

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. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
3. F01 WATER IS DELIVERED THROUGH THE SHARP DITCH.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. E55 USE OF THIS RIGHT WITH RIGHT NO. 34-14403 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7.4 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. jhersley 6/20/2013 split right

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/5/2015

this water right is the result of split from 34-14090.

2. jhersley 6/20/2013 POD
Updated Shape

3. jhersley 6/20/2013 POU
Updated Shape

4. nmiller 1/21/2014 POD
PODID 853052 correlated from SpatialDataID 199306 to SpatialDataID 199347

Dates and Other Information

Decreed Date: 7/10/2002

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 34

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5

Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 34-14405

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/8/2015

WATER RIGHT NO. 34-13865

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DIANA BAXTER PO BOX 263 MACKAY, ID 83251
Directors Report Owner	BILL SCHMIDT
Directors Report Owner	JILL SCHMIDT 4515 HWY 93 MACKAY, ID 83251 (208)588-2663
Original Owner	A D STREETER

Priority Date: 04/22/1884
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.1 CFS	
Total Diversion			0.1 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|NWNWSE|Sec. 12|Township 07N|Range 23E|CUSTER County

9922 1

IRRIGATION Use:
Acre Limit: 4.9

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07N	24E	17		SESW	7.3									

Total Acres: 7.3

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. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
4. USE OF THIS RIGHT WITH RIGHT NO. 34-13868 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7.3 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4.9 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. WATER IS DELIVERED THROUGH THE SHARP DITCH.
6. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 34-13734

Dates:

Licensed Date:

Decreed Date: 07/10/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

79922

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/8/2015

WATER RIGHT NO. 34-13868

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DIANA BAXTER PO BOX 263 MACKAY, ID 83251
Directors Report Owner	BILL SCHMIDT
Directors Report Owner	JILL SCHMIDT 4515 HWY 93 MACKAY, ID 83251 (208)588-2663
Original Owner	A D STREETER

Priority Date: 06/01/1894
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.16 CFS	
Total Diversion			0.16 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|NWNWSE|Sec. 12|Township 07N|Range 23E|CUSTER County

79922

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER 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>
07N	24E	17		SESW	7.3									

Total Acres: 7.3

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. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 34-13735
4. USE OF THIS RIGHT WITH RIGHT NO. 34-13865 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7.3 ACRES IN A SINGLE IRRIGATION SEASON.
5. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. WATER IS DELIVERED THROUGH THE SHARP DITCH.
7. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Dates:

Licensed Date:

Decreed Date: 07/10/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

79922

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/8/2015

WATER RIGHT NO. 34-14404

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	COTTONWOOD GROVE RANCHES LLC 5101 OLD CHILLY RD MACKAY, ID 83251
Original Owner	BILL SCHMIDT
Original Owner	JILL SCHMIDT 4515 HWY 93 MACKAY, ID 83251 (208)588-2663

Priority Date: 04/22/1884
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.13 CFS	
Total Diversion			0.13 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|NWNWSE|Sec. 12|Township 07N|Range 23E|CUSTER County

IRRIGATION Use:

79922

Acre Limit: 18.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER 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>
07N	24E	17		SWSW	0.5		SESW	7.9						
		20		NENW	1.7									

Total Acres: 10.1

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. WATER IS DELIVERED THROUGH THE SHARP DITCH.
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 34-14406 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 10.1 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 6.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 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.
5. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Dates:

Licensed Date:

Decreed Date: 07/10/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

79922

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/8/2015

WATER RIGHT NO. 34-14406

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	COTTONWOOD GROVE RANCHES LLC 5101 OLD CHILLY RD MACKAY, ID 83251
Original Owner	BILL SCHMIDT
Original Owner	JILL SCHMIDT 4515 HWY 93 MACKAY, ID 83251 (208)588-2663

Priority Date: 06/01/1894
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.22 CFS	
Total Diversion			0.22 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|NWNWSE|Sec. 12|Township 07N|Range 23E|CUSTER County

Place(s) of use:

9922 1

Place of Use Legal Description: IRRIGATION CUSTER 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>
07N	24E	17		SWSW	0.5		SESW	7.9						
		20		NENW	1.7									

Total Acres: 10.1

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
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. C18
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 34-14404 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 10.1 ACRES IN A SINGLE IRRIGATION SEASON.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. F01 WATER IS DELIVERED THROUGH THE SHARP DITCH.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 07/10/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

79922

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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

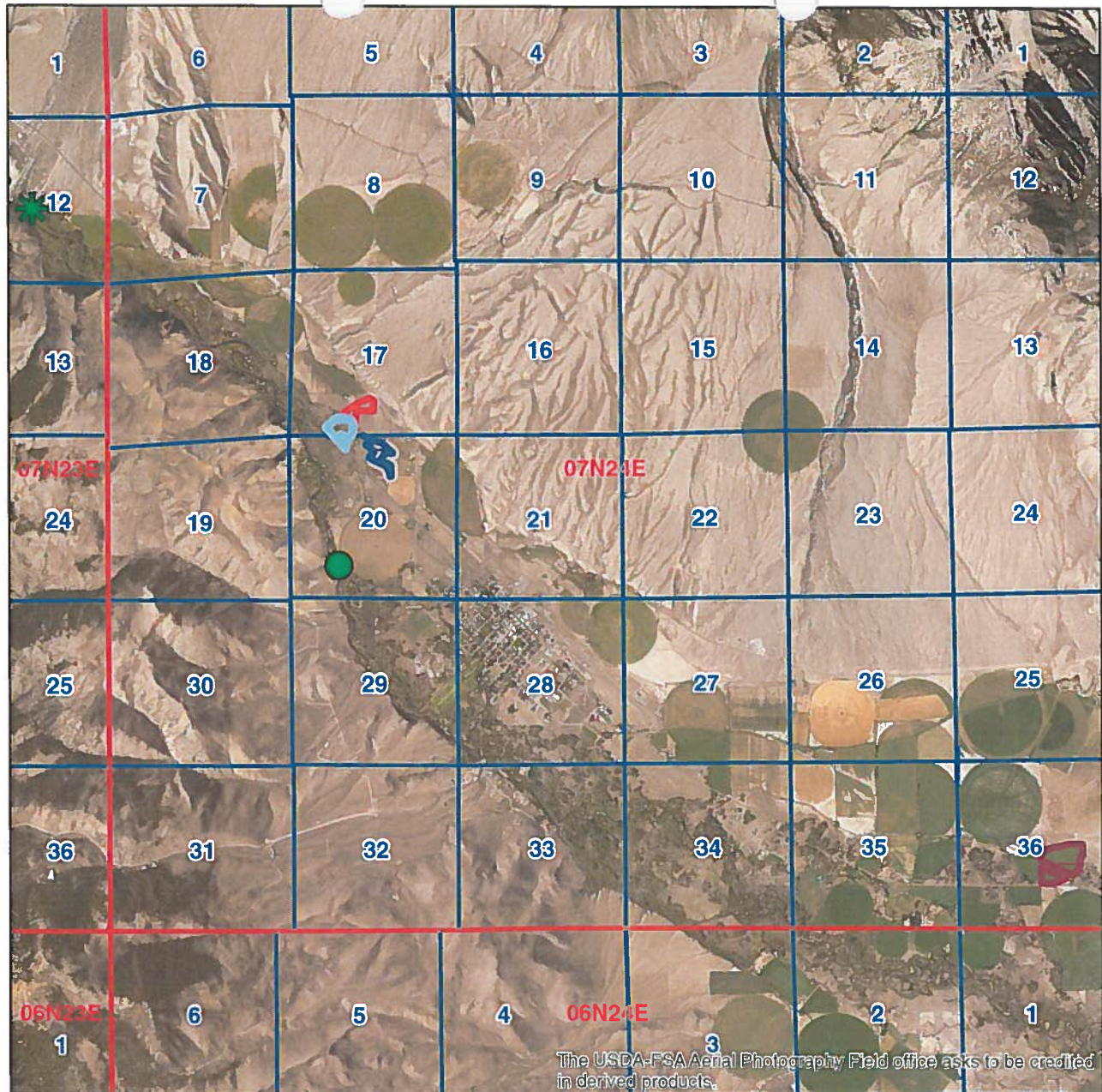
Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$ 800 Date _____ Received by _____ Receipt # E040792

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)

Pre-Transfer and Post-Transfer



0 0.75 1.5 3 Miles

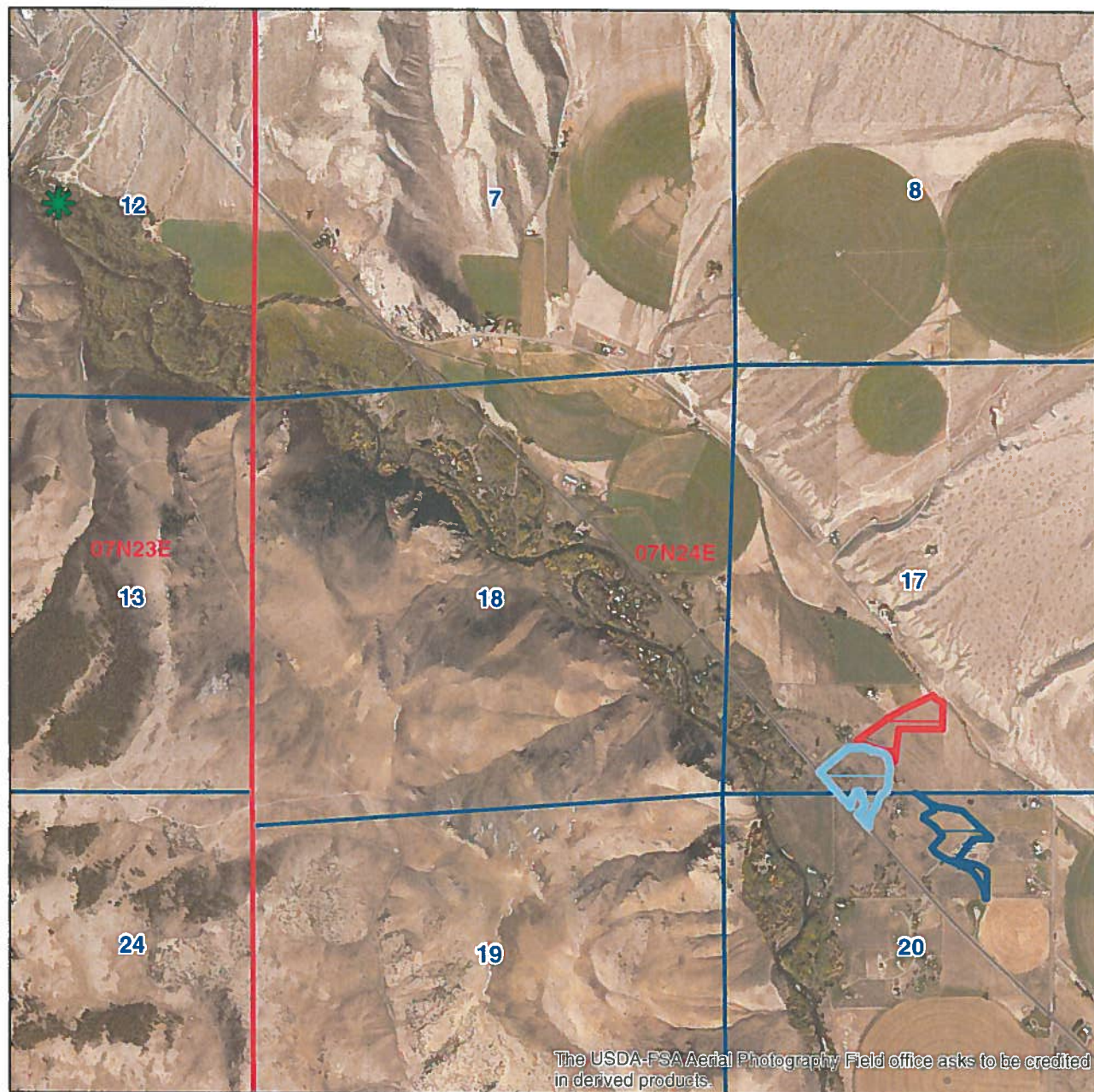
2013 Imagery

Legend

- 34-13865, 34-13868, 34-14403, 34-14404, 34-14405, and 34-14406 Pre-Transfer POD
- Post-Transfer 34-13865, 34-13868, 34-14404, 34-14406, & Split 34-14403 and 34-14405 POD
- 34-14404 and 34-14406 Pre-Transfer POU
- 34-13865 and 34-13868 Pre-Transfer POU
- 34-14403 and 34-14405 Pre-Transfer POU
- Left Behind 34-14403 and 34-14405 POU
- Post-Transfer POU
- Township/Range
- Sections



Pre-Transfer POD and POU

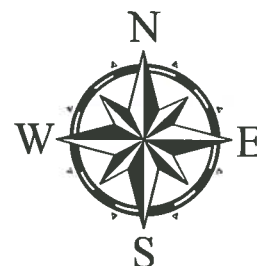


2013 Imagery

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Miles

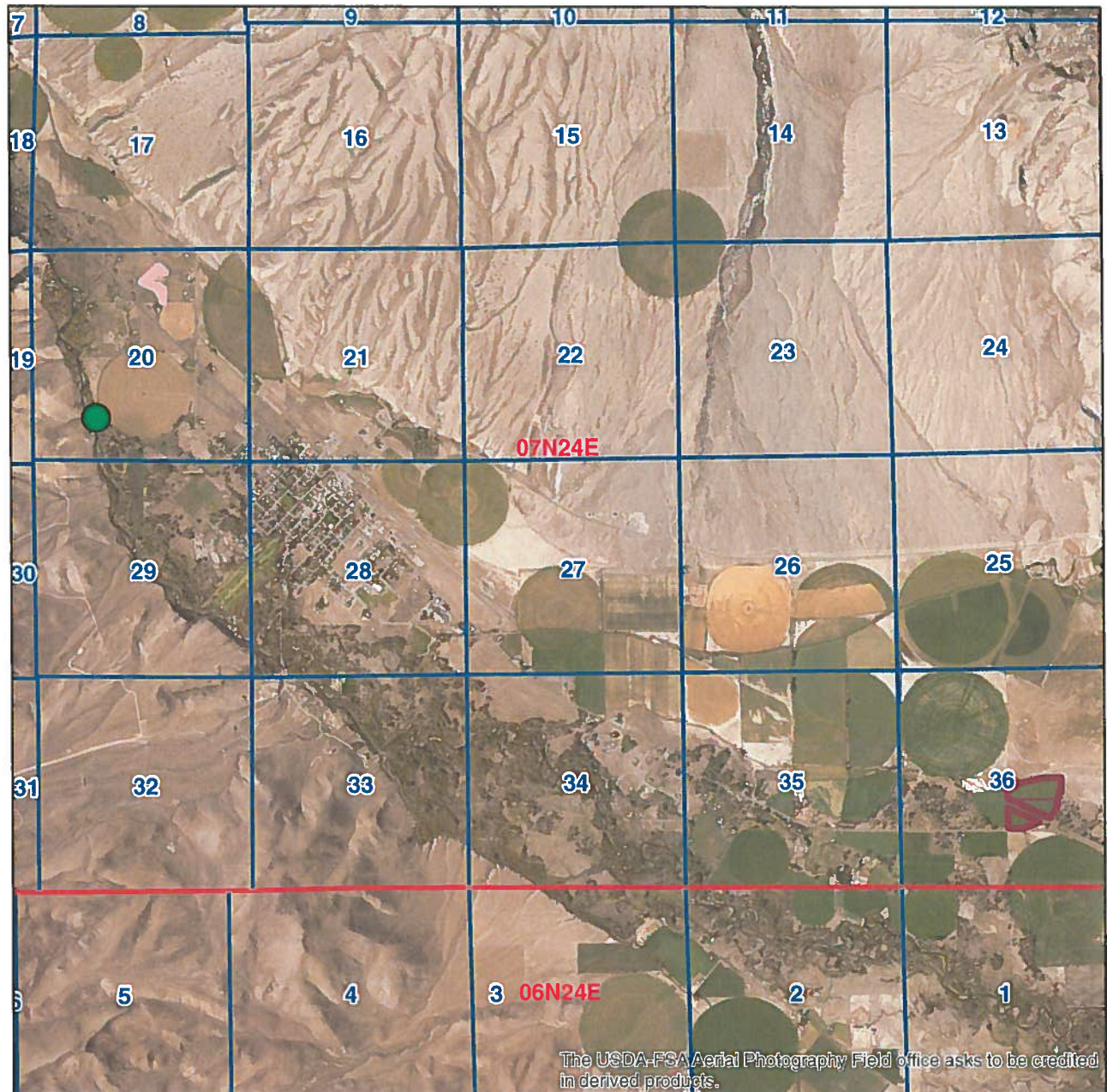
Legend

- 34-13865, 34-13868, 34-14403, 34-14404, 34-14405, and 34-14406 Pre-Transfer POD
- 34-14404 and 34-14406 Pre-Transfer POU
- 34-13865 and 34-13868 Pre-Transfer POU
- 34-14403 and 34-14405 Pre-Transfer POU
- Township/Range
- Sections



79922

Post-Transfer POD and POU



2013 Imagery

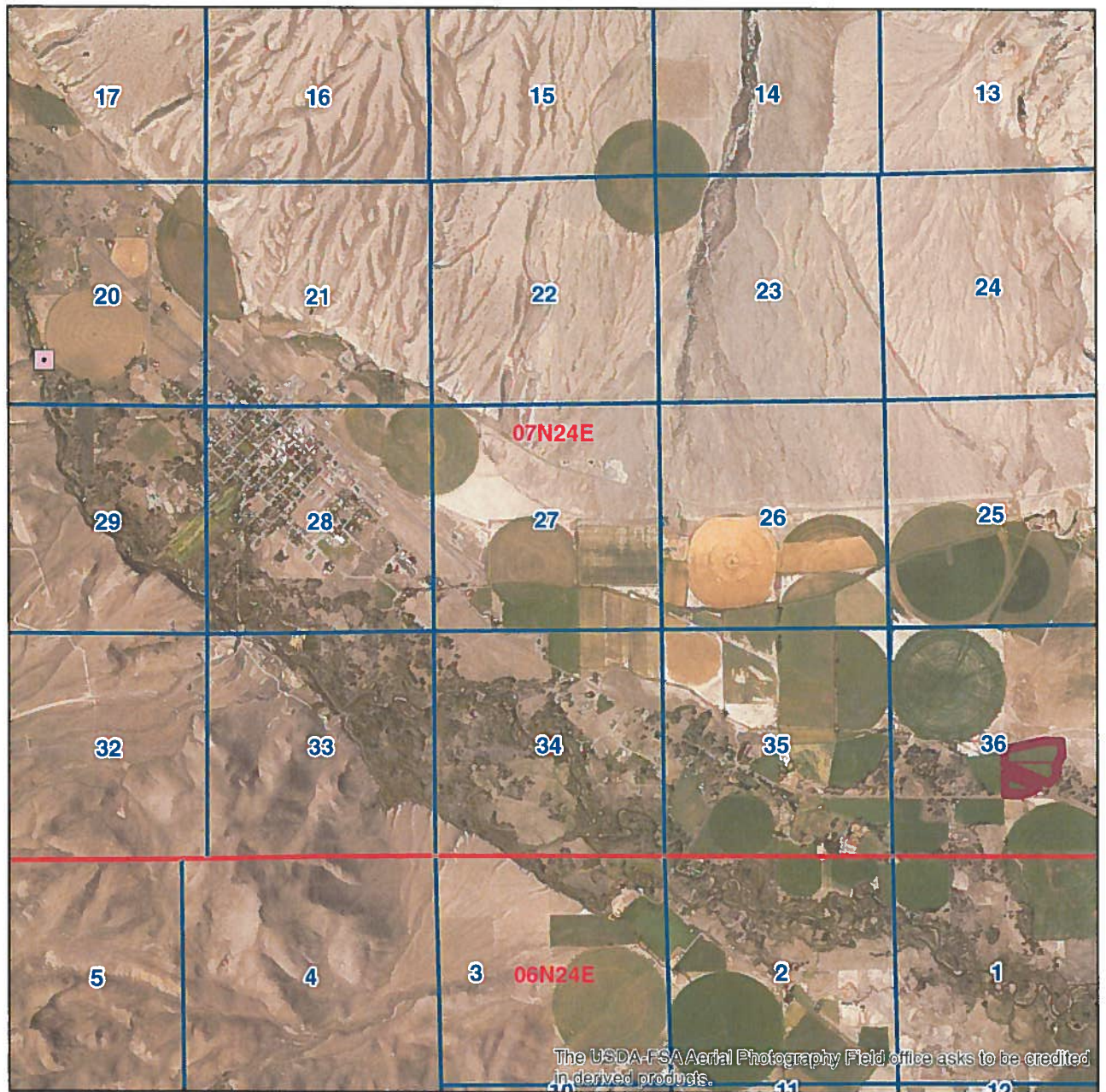
0 0.5 1 2 Miles

Legend

- Post-Transfer 34-13865, 34-13868, 34-14404, 34-14406, & Split 34-14403 and 34-14405 POD
- Post-Transfer 34-13865, 34-13868, 34-14404, 34-14406, & Split 34-14403 and 34-14405 POU
- Left Behind 34-14403 and 34-14405 POU
- Township/Range
- Sections



Post-Transfer POU and POD



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

2013 Imagery



0 0.45 0.9 1.8 Miles

Legend

- Post-Transfer 34-13865, 34-13868, 34-14404, 34-14406, & Split 34-14403 and 34-14405 POD
- Post-Transfer 34-13865, 34-13868, 34-14404, 34-14406, & Split 34-14403 and 34-14405 POU
- Township/Range
- Sections

W 3081

ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

To the Secretary of State of Idaho
Corporations Division
700 West Jefferson Room 203
P.O. Box 83720 • Boise, ID 83720-0080



Oct 31 4 21 PM '96
SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is: COTTONWOOD GROVE RANCHES, L.C.
2. The address of the initial registered office is: 200 Whiteknob, Mackay, ID 83251
(not a PO Box) and the name of the initial registered agent at that address is: DIANNA MARY BAXTER

Signature of registered agent: Dianna Mary Baxter

3. The latest date certain on which the limited liability company will dissolve: 11/1/2046
4. Is management of the limited liability company vested in a manager or managers?
☒ Yes ☐ No (check appropriate box)
5. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:

Address:

DIANNA MARY BAXTER

Post Office Box 263

Mackay, ID 83251

6. Signature of at least one person listed in #5 above:

Dianna Mary Baxter
DIANNA MARY BAXTER

Secretary of State use only

IDAHO SECRETARY OF STATE

DATE 11/01/1996 0900 36302

2

CK #: 2848 CUST#: 15311

ORGAN LLC

1@ 100.00= 100.00