

AUG 07 2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change

1. **APPLICANT(S)** C4 Ranch, LLC Phone 408-995-0795

2. **MAILING ADDRESS** 525 Sunol St. City San Jose

State CA Zip 95126 Email Jim@coastal-lumber.com

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 79-14240, 79-14242

☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is .13cfs cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
	4	NW	SW		24	27N	01E	Idaho	Salmon River	
	4	NW	SW		24	27N	01E	Idaho	Salmon River	

6. 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:

pump w/meter

- b. Who owns the property at the point(s) of diversion? C4 Ranch, LLC
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

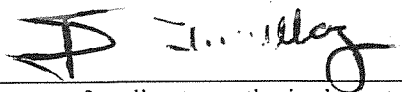
Yes No

- ☐ ☒ 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(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

J M ZUBILAGA
Print name and title if applicable

07/31/2014
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by J. Strange Date 8-7-2014
Fee paid 200.00 Date 8-7-2014 Received by J. Strange Receipt # W042405
Preliminary review completed by _____ Date _____



Go gle earth

feet 1000
meters 500



- current point of diversion
SWSE Lt. 12, Section 23, Township 27 North, Range 01E
- ◆ new point of diversion
See Exhibit A, attached hereto

EXHIBIT A

Township 27 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 24: A parcel of land located in Government Lot 4, also
being a portion of the Slate Creek Placer Claim No. 1,
more particularly described as follows:

Commencing at the northeast corner of Government Lot 4,
a brass cap monument in place;
thence S 56°08'43" W, 467.70 feet;
thence S 22°25'49" E, 25.38 feet to a point on the
southeasterly right-of-way line on Old U.S. 95 (now a
county road) the True Point of Beginning;
thence along the southeasterly right-of-way line of Old
U.S. 95 (now a county road) S 77°17'29" W, 49.16 feet
to the beginning of a curve concave to the southeast;
the curve having a delta of 09°20'06", a radius of
1112.92 feet, a chord bearing of S 72°37'26" W, a chord
length of 181.12 feet;
thence S 67°57'29" W, 147.00 feet to the beginning of a
curve concave to the southeast;
the curve having a delta of 08°53'47", a radius of
1240.24 feet, a chord bearing of S 63°30'35" W, a chord
length of 192.38 feet;
thence S 59°03'29" W, 107.60 feet to the beginning of a
curve concave to the southeast;
the curve having a delta of 08°46'05", a radius of
1399.39 feet, a chord bearing of S 54°40'15" W, a chord
length of 213.92 feet;
thence leaving the southeasterly right-of-way line of
Old U.S. 95 (now a county road) S 71°16'03" E, 1079.54
feet to a monument on an existing fence line;
thence along the existing fence line N 38°21'03" E,
118.63 feet;
thence N 47°12'29" W, 17.91 feet;
thence N 27°40'15" E, 39.60 feet;
thence N 04°22'57" W, 183.52 feet;
thence N 05°27'44" W, 23.88 feet;
thence N 02°10'49" E, 46.50 feet;
thence N 50°05'39" W, 135.24 feet;
thence N 41°49'37" W, 148.41 feet;
thence N 41°14'48" W, 85.37 feet;
thence N 22°25'49" W, 82.84 feet to the TRUE POINT OF
BEGINNING.

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

7/31/2014

WATER RIGHT NO. 79-14240

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	C4 RANCH LLC 525 SUNOL ST SAN JOSE, CA 95126 408-995-0795
Original Owner	JACK J MAREK
Original Owner	LARGE CATTLE CO HC 01 BOX 83A WHITE BIRD, ID 83554
Security Interest	GRANT BAKER SERVICE CORP C/O PACIFIC INTERMOUNTAIN MORTGAGE CO 2420 MAIN ST BAKER CITY, OR 97814

Priority Date: 04/01/1961
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
SALMON RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	02/15	11/30	0.1 CFS	
Total Diversion			0.1 CFS	

Location of Point(s) of Diversion:

SALMON RIVER|SWSE Lt 12|Sec. 23|Township 27N|Range 01E|IDAHO County

IRRIGATION Use:

Acre Limit: 6.3

Place(s) of use:

Place of Use Legal Description: IRRIGATION IDAHO County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
27N	01E	24	4	NWSW	9.4									

Total Acres: 9.4

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. K06 This right is limited to the irrigation of 6.3 acres within the place of use described above in a single irrigation season.
3. X35 Rights 79-14240 & 79-14242 when combined shall not exceed a total diversion rate of 0.13 cfs, a total annual maximum diversion volume of 37.6 af at the field headgate, and the irrigation of 9.4 acres.

Dates:

Licensed Date:

Decreed Date: 02/06/2008

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:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/31/2014

WATER RIGHT NO. 79-14242

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	C4 RANCH LLC 525 SUNOL ST SAN JOSE, CA 95126 408-995-0795
Original Owner	PEGGY J MAREK 143 CATTLE DR WHITE BIRD, ID 83554 (208)839-2413
Security Interest	GRANT BAKER SERVICE CORP C/O PACIFIC INTERMOUNTAIN MORTGAGE CO 2420 MAIN ST BAKER CITY, OR 97814

Priority Date: 11/04/1972

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SALMON RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	02/15	11/30	0.03 CFS	
Total Diversion			0.03 CFS	

Location of Point(s) of Diversion:

SALMON RIVER|SWSE Lt 12|Sec. 23|Township 27N|Range 01E|IDAHO County

IRRIGATION Use:

Acre Limit: 3.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION IDAHO County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
27N	01E	24	4	NWSW	9.4									

Total Acres: 9.4

Conditions of Approval:

1. E60 Right Nos. 79-14240 & 79-14242 are limited to a total combined diversion rate of .013 cfs and to a total combined annual diversion volume of 37.6 AF.
2. E55 Right Nos. 79-14240 & 79-14242 are limited to the irrigation of a combined total of 9.4 acres in a single irrigation season.
3. 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.
4. K06 This right is limited to the irrigation of 3.1 acres within the place of use described above in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 02/06/2008

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:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Sommer, Rachel

From: Sommer, Rachel
Sent: Monday, November 24, 2014 4:08 PM
To: 'IFPlegals@idahocountyfreepress.com'
Subject: Idaho Legal Ad
Attachments: Idaho Cover Letter.docx; Idaho Legal Ad.docx

Good Afternoon Nona Donaldson,

Please see the attached ad for publication on 12/3/2014 & 12/10/2014.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Sommer

Administrative Assistant
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov

November 24, 2014

LEGAL NOTICE DEPARTMENT
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE, ID 83530

RE: Transfer No. 79507

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 12/22/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

PROPOSED CHANGE OF WATER RIGHTS

C4 Ranch LLC of 525 Sunol St., San Jose, CA 95126 filed Application No. **79507** to transfer two water rights with 1961 and 1972 priority dates from the Salmon River totaling 0.13 cfs. The purpose of the transfer is to change the point of diversion 0.8 miles downstream to a point on the Salmon River that is more accessible to applicant's property. Water will be used at the current place of use 0.5 miles east and eight miles south of White Bird, ID.

For additional information concerning the property location, please contact Western Region office at 208-334-2190 or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 12/22/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/3/2014 and 12/10/2014

MEMORANDUM

TO: Transfer No. 79507
FROM: Vicky Music
DATE: November 19, 2014
RE: Evaluation of Application

C4 Ranch LLC filed this transfer which proposes to change the point of diversion on the Salmon River common to water right nos. 79-14240 and 79-14242 to a point on the Salmon River about 0.8 miles downstream and on the applicant's property. The POD is being moved from the SWSE Section 24 to the NWSW [Lot 4] Section 24.

The site is about 0.5 miles east of Hwy 95 and 8 miles south of White Bird, Idaho.

Contact person for the applicant is Adam Green, attorney.

Deviations from Transfer Policy Standards

The application was filed on the appropriate short form for changes in PODs only. There are no deviations from policy. I emailed the attorney for a clarification because in application item # 5, 2 PODs are listed as PODs to be included.

Mr. Green checked with his client who confirmed that there is one POD, common to both rights, and e-mailed me the information. I am not going to require an amendment to the application because the applicant resides in California, and the attorney is in Grangeville, ID, so it is not reasonable to require them to come in to amend the application. The e-mail in the file is sufficient.

Summary of Information Submitted

Authority to File:

The applicant is the owner of record and has the authority to file the application.

Water Right Validity:

The rights that are the subject of the transfer, 79-14240 and 79-14242 were split from 79-4014 and 79-7015 in 2010. The SRBA Court issued the partial decrees for the parent rights on February 6, 2008. The rights are presumed to be valid because aerial photography for 2011 indicates the property was irrigated that year, which is within the past five years and precludes forfeiture.

Injury to Other Water Rights:

No injury is expected by moving the Salmon River POD 0.8 miles downstream because there is sufficient flow in the Salmon River and there are only two points of diversion on the Salmon between the old and proposed POD.

Enlargement of Use:

No enlargement is expected by moving the diversion point.

Local Public Interest:

There are no apparent public interest issues.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Additional Information/Analysis and Discussion

There is no additional information the applicant should provide and no IDWR analysis needed from other programs within IDWR.

There is no watermaster from whom to solicit comments.

Data entry affected the correct record, the partial decree was issued & results were migrated to wr records.

There are no overlapping rights at existing &/or proposed POD &/or POU.

There are no Mitigation or Water Bank issues.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 N/A because a new well is not proposed.

Music, Vicky

From: Music, Vicky
Sent: Wednesday, November 19, 2014 9:40 AM
To: 'Adam H. Green'
Subject: RE: C4 Ranch transfer application

Great – that is exactly what I needed to know. I see no issues and will finish my part this week. The application will be advertised in December, and hopefully will be finalized in January.

Vicky Music
Sr. Water Resource Agent
IDWR Western Region
208.334.2190

Please reply that you received this message.

From: Adam H. Green [<mailto:adamhowardgreen@yahoo.com>]
Sent: Wednesday, November 19, 2014 8:47 AM
To: Music, Vicky
Subject: Re: C4 Ranch transfer application

Thank you Vicky. I have clarified with Mr. Jim Zubillaga of C4 Ranch, LLC, that there is only one pump common to both rights. I apologize for the confusion. Please let me know if there is anything more I can do to be of assistance.

Adam H. Green
Attorney at Law
401 W. North Street
P.O. Box 246
Grangeville, ID 83530
Phone: (208) 983-3089
Fax: (208) 983-1401

The information in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination or distribution is strictly prohibited. If you think you received this email message in error, please reply to the above referenced email address.

On 11/18/14, 12:22 PM, Music, Vicky wrote:

Mr Green –

The application your filed on behalf of your client, C4 Ranch LLC, to add a point of diversion [POD] on the Salmon R for water rights 79-14240 and 79-14242, has been assigned to me for processing.

I need to verify something. I believe there is 1 POD [pump] common to both rights, however, item # 5 on the application, which asks for a description of all PODs for the rights, the response was a description of 2 PODs.

Is there 1 or 2 pump/ PODs proposed? Please respond in writing.

Thank you.

Vicky Music

Sr. Water Resource Agent
IDWR Western Region
208.334.2190

Please reply that you received this message.

Music, Vicky

From: Music, Vicky
Sent: Tuesday, November 18, 2014 1:23 PM
To: 'adamhowardgreen@yahoo.com'
Subject: C4 Ranch transfer application

Mr Green –

The application your filed on behalf of your client, C4 Ranch LLC, to add a point of diversion [POD] on the Salmon R for water rights 79-14240 and 79-14242, has been assigned to me for processing.

I need to verify something. I believe there is 1 POD [pump] common to both rights, however, item # 5 on the application, which asks for a description of all PODs for the rights, the response was a description of 2 PODs.

Is there 1 or 2 pump/ PODs proposed? Please respond in writing.

Thank you.

Vicky Music
Sr. Water Resource Agent
IDWR Western Region
208.334.2190

Please reply that you received this message.

No. W 76604 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than Aug 31, 2013 Annual Report Form 1. Mailing Address: Correct in this box if needed. C4 RANCH, LLC JUDY CALLENBERG 525 SUNOL ST SAN JOSE CA 95126	2. Registered Agent and Address (NO PO BOX) JAMES ZUBILLAGA 185 MCKENZIE CREEK RD WHITE BIRD ID 83554 3. <u>New</u> Registered Agent Signature:*														
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager. <table border="1"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>MEMBER</td> <td>JAMES ZUBILLAGA</td> <td>525 SUNOL ST</td> <td>SAN JOSE</td> <td>CA</td> <td>USA</td> <td>95126</td> </tr> </tbody> </table>			Office Held	Name	Street or PO Address	City	State	Country	Postal Code	MEMBER	JAMES ZUBILLAGA	525 SUNOL ST	SAN JOSE	CA	USA	95126
Office Held	Name	Street or PO Address	City	State	Country	Postal Code										
MEMBER	JAMES ZUBILLAGA	525 SUNOL ST	SAN JOSE	CA	USA	95126										
5. Organized Under the Laws of: ID W 76604	6. Annual Report must be signed.* Signature: Judy Callenberg Name (type or print): Judy Callenberg Date: 06/13/2013 Title: Accounting Mgr															
Processed 06/13/2013 * Electronically provided signatures are accepted as original signatures.																

ADAM H. GREEN

Attorney at Law

401 W. North Street
P.O. Box 246
Grangeville, ID 83530

RECEIVED

AUG 07 2014

WATER RESOURCES
WESTERN REGION

Phone: (208) 983-3089

Fax: (208) 983-1401

5 August 2014

Idaho Department of Water Resources
Western Region – 2735 Airport Way
Boise, ID 83705-5082

Re: C4Ranch, LLC
#79-14240, 79-14242

Dear Clerk:

Enclosed you will find an Application for Transfer of Water Right – Point(s) of Diversion with regard to the above-named applicant, along with the fee of \$200.00. Please process in your usual and regular manner.

Thank you for your attention to this matter. If you have any questions or concerns, please feel free to contact me at any time.

Regards,



ADAM H. GREEN
Attorney at Law

AHG:law
Enclosure
cc: Client