

RECEIVED

MAY 20 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 change1. APPLICANT(S) Sweet Potato Ranch, LLC Phone 800-946-45382. MAILING ADDRESS c/o Joe Clark, Aviation Partners, 7299 Perimeter Rd. S. City SeattleState WA Zip 98108 Email jclark@aviationpartners.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) 37-4440☒ 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 0.47 cfs cubic feet per second and/or 191.1 AF 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.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
2N	18E	18		NW	NW	SE	Blaine	ground water	
2N	18E	18		NW	NW	SE	Blaine	ground water	
2N	18E	18		NW	NW	SE	Blaine	ground water (injection)	
2N	18E	18	5	NW	SE	SE	Blaine	ground water (rediversion)	
2N	18E	18		NW	NW	SE	Blaine	ground water	
~~2N~~	~~18E~~	~~18~~		~~SE~~	~~SW~~	~~SE~~	~~Blaine~~	~~ground water~~	
2N	18E	18		SE	NE	SE	Blaine	ground water	

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:

Wells, pumps, buried and portable mainlines, sprinkler irrigation systems. Existing, approved measuring devices have been installed on two added points of diversion(wells)

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

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

- c. 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 1/4 1/4 of section information. The Map Tool, available at <http://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

Print name and title if applicable

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 4 pages of attachments. Received by Date

Fee paid \$500 Date 5-20-2014 Receipted by Receipt # S034030

Preliminary review completed by Date 5-20-2014

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

Current Water Right No.: 37-4440

Current Owner: SWEET POTATO RANCH LLC

Priority Date: 12/31/1950

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION STORAGE	01/01 to 12/31		5 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	
IRRIGATION	04/15 to 10/31	0.47 CFS	186.1 AF
	<u>Total Diversion</u>	0.47 CFS	191.1 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4SE1/4	Sec. 18,	Twp 02N,	Rge 18E B.M.
BLAINE County				
GROUND WATER	NW1/4NW1/4SE1/4	Sec. 18,	Twp 02N,	Rge 18E B.M.
BLAINE County				
GROUND WATER	NW1/4NW1/4SE1/4	Sec. 18,	Twp 02N,	Rge 18E B.M.
BLAINE County				
GROUND WATER	L5(NW1/4SE1/4SE1/4)	Sec. 18,	Twp 02N,	Rge 18E B.M.
BLAINE County				
GROUND WATER	NW1/4NW1/4SE1/4	Sec. 18,	Twp 02N,	Rge 18E B.M.
BLAINE County				

Place of Use

RECREATION STORAGE Within BLAINE County

T02N R18E S18	NESE	T02N R18E S18	Lot 5	SESE
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STOCKWATER Within BLAINE County

T02N R18E S17	Lot 3	SWNW	T02N R18E S17	Lot 4	SENW
T02N R18E S17		NESW	T02N R18E S17		NWSW
T02N R18E S18		SWNE	T02N R18E S18		NENW
T02N R18E S18		NWNW	T02N R18E S18		SWNW
T02N R18E S18		SENW	T02N R18E S18		NESW
T02N R18E S18		SWSW	T02N R18E S18		SESW
T02N R18E S18		NESE	T02N R18E S18		NWSE
T02N R18E S18		SWSE	T02N R18E S18	Lot 5	SESE

IRRIGATION Within BLAINE County

T02N R18E S17	SWNW	2.30	T02N R18E S17	SENW	21.00
T02N R18E S17	NESW	34.00	T02N R18E S17	NWSW	35.00
T02N R18E S18	SWNE	15.00	T02N R18E S18	NENW	1.40
T02N R18E S18	NWNW	0.20	T02N R18E S18	SWNW	2.70
T02N R18E S18	SENW	32.00	T02N R18E S18	NESW	0.30
T02N R18E S18	SWSW	1.10	T02N R18E S18	SESW	12.00
T02N R18E S18	NESE	31.00	T02N R18E S18	NWSE	19.00
T02N R18E S18	SWSE	21.00	T02N R18E S18	Lot 5	SESE 25.00

Total Acres: 253

Conditions of Approval:

1. U42 Place of use does not include federal public lands.
2. X35 Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440 and 37-22250 when combined shall not exceed a total diversion rate of 9.08 cfs.
3. 067 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.
4. 214 Prior to the diversion and use of water under Transfer approval 78433, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. X35 Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-22250, and 37-22251 when combined shall not exceed a total diversion rate of 9.08 cfs and the irrigation of 198.5 acres.
6. X35 Rights 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440, and 37-22250 when combined shall not exceed the irrigation of 185 acres.
7. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
8. X35 Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250 and 37-22251 when combined shall not exceed a total diversion rate of 9.23 cfs and the irrigation of 198.5 acres.
9. T19 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.
10. T08 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. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use when applied via a sprinkler irrigation system.
12. X27 This right is limited to the irrigation of 65.4 acres within the authorized place of use in a single irrigation season.
13. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
14. 206 Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250, and 37-22251 are limited to the irrigation of a specific 198.5 acres within the 253 acre place of use authorized by this right in a single irrigation season. The specific 198.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 198.5 acres to be irrigated within the 253 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Decreed Date: 5/3/2011

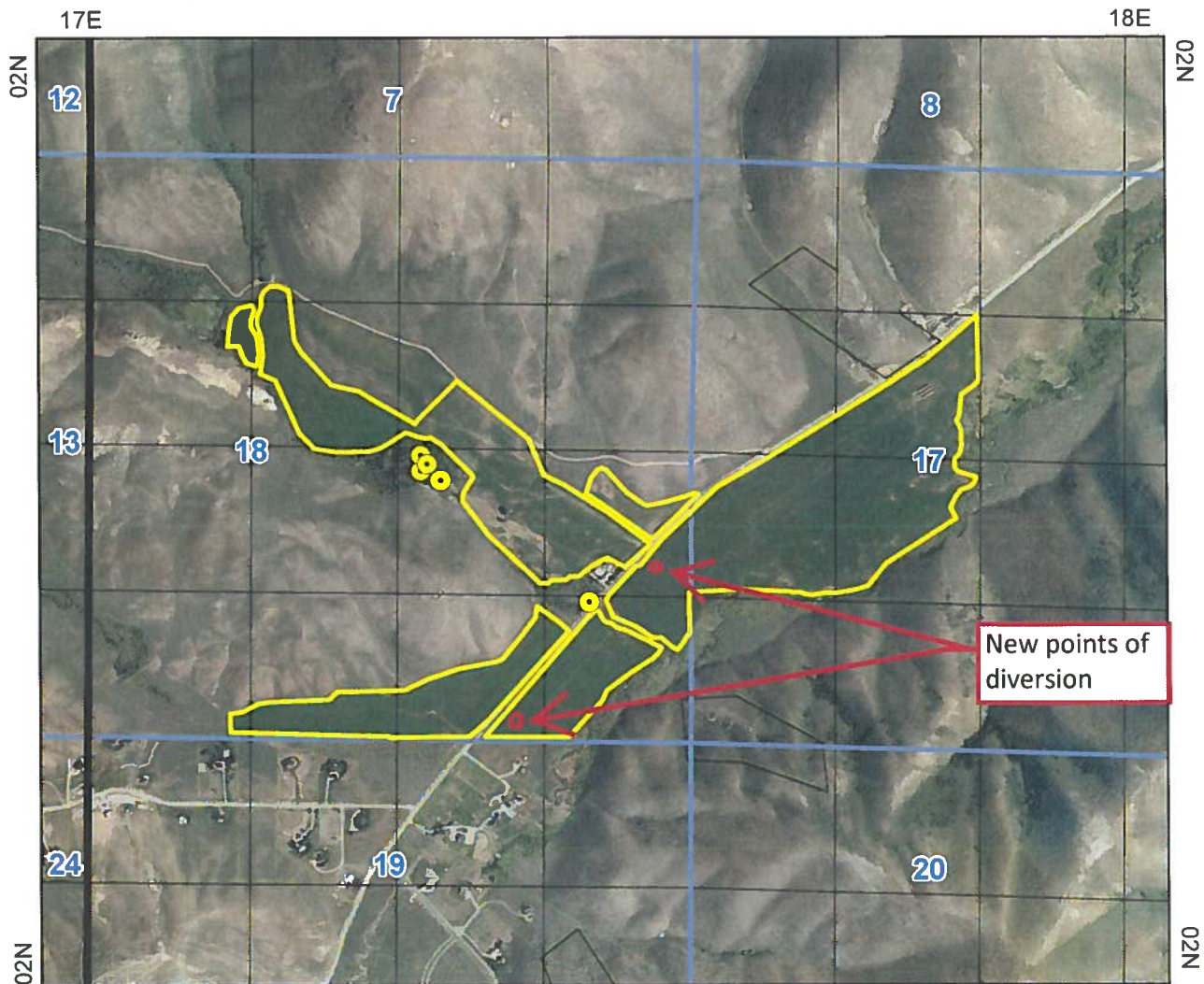
State of Idaho
Department of Water Resources

Water Right

37-4440

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



175 Existing points of diversion, injection & redirection

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

Taxlots

0 0.2 0.4 0.8 Miles

TRANSFER 79334





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

October 31, 2014

SWEET POTATO RANCH LLC
C/O JOE CLARK
AVIATION PARTNERS
7299 PERIMETER RD S
SEATTLE, WA 98108

RE: Transfer No. 79334
Water Right No(s). 37-4440

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 **IDAHO MOUNTAIN EXPRESS on 11/5/2014 and 11/12/2014**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**November 24, 2014**).

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

cc:

SPECK & AANESTAD
C/O JAMES P SPECK
PO BOX 987
KETCHUM, ID 83340



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

October 31, 2014

KEVIN LAKEY
WATER DISTRICT #37
107 W 1ST
SHOSHONE, ID 83352

RE: Transfer No. 79334
Water Right No(s). 37-4440

RE: Transfer No. 79429
Water Right No(s). 37-22771, 37-22790, 37-7408

Dear Mr. Lakey:

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)

Maline, Denise

From: Maline, Denise
Sent: Thursday, October 30, 2014 4:12 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express Cover Letter.docx; Idaho Mtn Express Ad.doc

Attached please find (1) legal notice being submitted for publication on November 5th & 12th, 2014. 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
Idaho Dept of Water Resources
Administrative Assistant, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



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

October 30, 2014

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Transfer No. 79334
Water Right No(s): 37-4440

RE: Transfer No. 79429
Water Right No(s): 37-22771, 37-22790, 37-7408

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 November 24, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79334**

SWEET POTATO RANCH LLC, C/O JOE CLARK, AVIATION PARTNERS, 7299 PERIMETER RD S, SEATTLE, WA 98108; has filed Application No. 79334 for changes to the following water rights within BLAINE County(s): Right No(s). 37-4440; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding an existing well as an authorized point of diversion to a 0.47 cfs irrigation, stockwater and recreation storage ground water right. The well to be added is located approximately 1.6 miles west and 1.1 miles south of the intersection of Bullion St. and Hwy 75 in Hailey.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79429**

SV RANCH LLC, C/O GREGORY VIK, PO BOX 1607, BELLEVUE, WA 98009; has filed Application No. 79429 for changes to the following water rights within BLAINE, CAMAS County(s): Right No(s). 37-22771, 37-22790, 37-7408; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes moving portions of three ground water rights from existing farms for irrigation of a new pivot system located 2.5-3.0 mi. south and 6.0-6.5 mi. west of Fairfield. The application proposes to transfer 131.3 acres from three existing farms at these listed locations: a 11.1 acre portion (0.22 cfs) from a farm located 2.0-3.0 east of Fairfield on the south side of HWY 20; a 2.5 acre portion (0.03 cfs) from a farm located 19.25-19.5 mi. east and 4.7-5.0 mi. south of Fairfield; and a 117.7 acre portion (2.35 cfs) from a farm located 3.8-4.8 mi. south and 3.1-4.6 mi. west of Fairfield. In total three existing wells will divert up to 2.6 cfs and 393.8 AF for the irrigation of 131.3 acres under the new pivot. Published in Idaho Mountain Express & Camas Courier on November 5th & 12th, 2014.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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 November 24, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on November 5th & 12th, 2014

Mills, William

From: Jim Speck [jim@speckandaanestad.com]
Sent: Monday, October 20, 2014 9:53 AM
To: Mills, William
Subject: RE: RE: FW: RE: FW: Sweet Potato Ranch Transfer 79334

Bill,

That's my fault & you are correct, it is the SESWSE S.18 T.2N, R.18E., B.M., Blaine County.

Jim

-----Original Message-----

From: Mills, William
Sent: Monday, October 20, 2014 9:49 AM
To: Jim Speck

Jim,

I have already moved the transfer application forward for advertising and watermaster comments.

However, there is a typo in Mr. Clark's email indicating the pod to be dropped is in "Section 8" instead of Section 18, T.2N, R.18E., B.M., Blaine County, which you could verify is a typo for purposes of clarification, Thanks,

Bill

-----Original Message-----

From: Jim Speck [<mailto:jim@speckandaanestad.com>]
Sent: Monday, October 20, 2014 9:21 AM
To: Mills, William
Cc: 'Judy Galfano'; 'Joe Clark'
Subject: RE: FW: RE: FW: Sweet Potato Ranch Transfer 79334

Bill,

Please confirm the e-mail below is all you need to proceed to advertising this transfer application. Thanks.

Jim

-----Original Message-----

From: Joe Clark
Sent: Thursday, October 16, 2014 9:54 AM
To: William.Mills@idwr.idaho.gov
Cc: Jim Speck; Judy Galfano

Bill,

Please consider this e-mail the request by Sweet Potato Ranch, LLC to delete the point of diversion in the SESWSE of Section 8, T.2N, R.18E., B.M., Blaine County, Idaho commonly referred to as the "West Well" from

Application for Transfer No. 9334. Thank you.

Sweet Potato Ranch, LLC

By: S.B. Joseph Clark, Member

This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

Mills, William

From: Joe Clark [jclark@winglets.com]
Sent: Thursday, October 16, 2014 9:55 AM
To: Mills, William
Cc: Jim Speck; Judy Galfano
Subject: FW: RE: FW: Sweet Potato Ranch Transfer 79334

RECEIVED

OCT 16 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

Bill,

Please consider this e-mail the request by Sweet Potato Ranch, LLC to delete the point of diversion in the SESWSE of Section 8, T.2N, R.18E., B.M., Blaine County, Idaho commonly referred to as the "West Well" from Application for Transfer No. 79334. Thank you.

Sweet Potato Ranch, LLC

By: S.B. Joseph Clark, Member

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Mills, William

From: Jim Speck [jim@speckandaanestad.com]
Sent: Monday, October 06, 2014 4:09 PM
To: Palmer, Cherie; Mills, William
Cc: Merritt, Allen; Charles E. Brockway; Zach Latham
Subject: RE: FW: Sweet Potato Ranch Transfer 79334

Cherie & Bill,

The Comments and Evidence of Charles E. Brockway is the "brief analysis" I referred to in my discussion with you and subsequent e-mail to Bill. Dr. Brockway concludes the two wells in question are drawing water from the same aquifer. Please let me know if you need anything further at this time.

Thank you.

Jim

-----Original Message-----

From: Palmer, Cherie
Sent: Monday, October 06, 2014 3:43 PM
To: Jim Speck
Cc: Merritt, Allen; Mills, William

Jim,

I apologize I didn't respond sooner to you. I was under the impression you would be working with the region to get sufficient information together for the transfer so I wasn't paying attention, again my apologies.

Please find an email attachment below. I provided this feedback to Bill after our telephone conversation.

I read through your evidence you emailed to me and I'm surprised the field examination information that we discussed on the phone back in July was not part of your evidence. I looked over the affidavits and I'm not too sure if we could rely on affidavits alone to move forward with the transfer application. If that is all the evidence you are able to provide I believe the regional manager would need to weigh in on the sufficiency of your evidence.

Bill, please let me know how else I can help on this matter.

Sincerely,

Cherie Palmer, Water Rights Supervisor
Idaho Dept of Water Resources
Water Allocation Bureau
322 E. Front Street (Front St. & Broadway Ave)
Mail: PO BOX 83720 Boise, ID 83720-0098
email: cherie.palmer@idwr.idaho.gov
phone: (208) 287-4944
fax: (208) 287-6700

From: Palmer, Cherie

Sent: Friday, July 18, 2014 9:32 AM
To: Mills, William
Cc: Keen, Shelley
Subject: Sweet Potato Ranch Transfer 79334

Bill,

I spoke with Jim Speck today about this transfer. He is going to amend the transfer to just include one point of diversion (the east well). Apparently the other well (the west well) does not appear to be connected to surface flows or Jim could not find evidence of that. Jim was able to find evidence that the east well is connected to surface flows in a statement from the farmer and statements made in a field examination report concerning that well.

As long as the field examination explicitly states that there are surface flow pressures in that well, it seems that would be solid evidence in moving forward with this transfer.

Jim is going to send you his evidence along with the amendment. The amendment will be in the form of a letter requesting to drop the west well.

I told him to make sure to include the legal description so we eliminate the correct PD.

Cherie Palmer, Water Rights Supervisor
Idaho Dept of Water Resources
Water Allocation Bureau
322 E. Front Street (Front St. & Broadway Ave)
Mail: PO BOX 83720 Boise, ID 83720-0098
email: cherie.palmer@idwr.idaho.gov<mailto:cherie.palmer@idwr.idaho.gov>
phone: (208) 287-4944
fax: (208) 287-6700

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Cc: Merritt, Allen; Mills, William
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Mail: PO BOX 83720 Boise, ID 83720-0098
email: cherie.palmer@idwr.idaho.gov
phone: (208) 287-4944
fax: (208) 287-6700*

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To: Mills, William
Cc: Keen, Shelley
Subject: Sweet Potato Ranch Transfer 79334

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Cherie Palmer, Water Rights Supervisor

Idaho Dept of Water Resources

Water Allocation Bureau

322 E. Front Street (Front St. & Broadway Ave)

Mail: PO BOX 83720 Boise, ID 83720-0098

email: cherie.palmer@idwr.idaho.gov

phone: (208) 287-4944

fax: (208) 287-6700

Mills, William

From: Jim Speck [jim@speckandaanestad.com]
Sent: Friday, October 03, 2014 4:08 PM
To: Palmer, Cherie
Cc: Keen, Shelley; Mills, William; Joe Clark; Judy Galfano; Charles E. Brockway; Zach Latham
Subject: RE: Sweet Potato Ranch, llc - Application for Transfer 79334 for Water Right No. 37-4440

Cherie,

Having returned to the office last week from a nice break I don't see a reply from you to my e-mail below. Can you please get back to me right away so we can move forward with this application? Thank you.

Jim

-----Original Message-----

From: Jim Speck [<mailto:jim@speckandaanestad.com>]
Sent: Friday, August 29, 2014 9:40 AM
To: 'Cherie Palmer'
Cc: Mr. Shelley W. Keen (Shelley.Keen@idwr.idaho.gov); Mills, William (William.Mills@idwr.idaho.gov); Joe Clark (jclark@winglets.com); Judy Galfano (jgalfano@winglets.com); Charles E. Brockway (charles.e.brockway@brockwayeng.com); Zach Latham (zach.latham@brockwayeng.com)
Subject: Re: Sweet Potato Ranch, llc - Application for Transfer 79334 for Water Right No. 37-4440

Cherie,

Attached are copies of two Comments on Evidence (Affidavits) from my client's farmer, David Knowlton, and Chuck Brockway, Sr., addressing the issue of whether or not the "East Well" draws water from the same aquifer (source) as the existing points of diversion for 37-4440. Dr. Brockway concludes that it does. Thus, adding the East Well as a point of diversion for this right should not change the impact of diverting the water under 37-4440 on any other water rights. Please let me know if you concur so that we can submit the amended transfer application for processing.

Thank you.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue North
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

Mills, William

From: Jim Speck [jim@speckandaanestad.com]
Sent: Friday, August 29, 2014 9:40 AM
To: Palmer, Cherie
Cc: Keen, Shelley; Mills, William; Joe Clark; Judy Galfano; Charles E. Brockway; Zach Latham
Subject: Re: Sweet Potato Ranch, llc - Application for Transfer 79334 for Water Right No. 37-4440
Attachments: brockway affidavit.pdf; knowlton affidavit.pdf

Cherie,

Attached are copies of two Comments on Evidence (Affidavits) from my client's farmer, David Knowlton, and Chuck Brockway, Sr., addressing the issue of whether or not the "East Well" draws water from the same aquifer (source) as the existing points of diversion for 37-4440. Dr. Brockway concludes that it does. Thus, adding the East Well as a point of diversion for this right should not change the impact of diverting the water under 37-4440 on any other water rights. Please let me know if you concur so that we can submit the amended transfer application for processing.

Thank you.

Jim

James P. Speck
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CONFIDENTIAL COMMUNICATION

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AUG 29 2014

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

DEPT OF WATER RESOURCES
SOUTHERN REGION

IN THE MATTER OF WATER RIGHTS	)	COMMENTS AND
37-4138, 37-4440, 37-8670 AND 37-22251	)	EVIDENCE OF
FOR IRRIGATION	)	CHARLES E. BROCKWAY
	)	

COMES NOW, Charles E. Brockway, and provides the following comments and evidence in this matter:

1. I am the senior member at Brockway Engineering, PLLC. I have a PhD in Water Resources Engineering and I am a registered Engineer.
2. I am familiar with the Sweet Potato Ranch, LLC property located in Sections 17 and 18, Township 2 North, Range 18 East, B.M., as shown in Exhibit A attached to this affidavit, hereafter known as the "Property." I have knowledge of the irrigation system and diversion works on the Property.
3. The wells associated with the following water rights are named as follows:
 - a. 37-22251; East Well
 - b. 37-8670; Beaver Pond Aesthetics Well
 - c. 37-4138, 37-4139; Hailey Hot Springs Collector Box Water Rights
 - d. 37-4440; Beaver Pond Irrigation Wells
4. I have observed that the East Well associated with 37-22251 flows under artesian pressure when pumping is not occurring.
5. Based on testimony from the Property's care taker, David Knowlton, it is my understanding that over the course of every irrigation season the discharge and water temperature associated with water rights 37-4138 and 37-4139 originating from the Collector Box decreases when the East Well associated with 37-22251 is in use. The discharge and water temperature associated with the Collector Box water rights 37-4138 and 37-4139 increases after the East Well associated with 37-22251 is turned off at the end of the irrigation season.
6. Pump test data recorded by Brockway Engineering, PLLC from May 16th through May 18th of 2007 indicates the discharge and water temperature associated with the Collector Box water rights 37-4138 and 37-4139 decreased as a result of pumping of the Beaver Pond Aesthetic Well, associated with water right 37-8670. Additionally, pumping of the Beaver Pond Aesthetic Well 37-8670 decreased the discharge and temperature of the south well of the Beaver Pond Irrigation Wells authorized under 37-4440.

7. Pumping of the East Well under 37-22251 will affect the Beaver Pond Irrigation Wells authorized under 37-4440, the Collector Box, and the Beaver Pond Aesthetic well. This leads me to conclude the East Well and the Beaver Pond Irrigation wells are drawing water from the same aquifer.

DATED this 22nd day of August, 2014.

Charles E. Brockway
Charles E. Brockway

SUBSCRIBED and SWORN to before me

This 22nd day of August, 2014.



Sheila D. Daniels

NOTARY PUBLIC

Residing at : Kimberly, Idaho

My Commission Expires: 8/16/19

RECEIVED

AUG 29 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF WATER RIGHTS	)	COMMENTS AND
37-4138, 37-4440, 37-8670 AND 37-22251	)	EVIDENCE OF
FOR IRRIGATION	)	David Knowlton
	)	

COMES NOW, David Knowlton, and provides the following comments and evidence in this matter:

1. I am familiar with the Sweet Potato Ranch LLC property located in Sections 17 and 18, Township 2 North, Range 18 East, B.M., as shown in Exhibit A attached to this affidavit, hereafter known as the "Property."
2. I have managed, maintained, irrigated and cropped the said Property from 1995 to Present and have knowledge of the irrigation system, diversion works, and crops that were irrigated during that time. 
3. The wells associated with the following water rights are named as follows:
 - a. 37-22251; East Well
 - b. 37-8670; Beaver Pond Aesthetics Well
 - c. 37-4138, 37-4139; Hailey Hot Springs Collector Box Water Rights
 - d. 37-4440; Beaver Pond Irrigation Wells
4. During my tenure, the East Well associated with 37-22251 has flowed under artesian pressure when pumping is not occurring.
5. Based on my observations, over the course of every irrigation season since my managing of the property, the discharge and water temperature associated with water rights 37-4138 and 37-4139 originating from the Collector Box, decreases when the East Well associated with 37-22251 is in use. The discharge and water temperature associated with Collector Box water rights 37-4138 and 37-4139 increases after the East Well associated with 37-22251 is turned off at the end of the irrigation season.
6. I understand that pump test data recorded by Brockway Engineering PLLC from May 16th through May 18th of 2007 indicates the discharge and water temperature associated with the Collector Box water rights 37-4138 and 37-4139 decreased as a result of pumping of the Beaver Pond Aesthetic Well associated with water right 37-8670. Additionally, pumping of the Beaver Pond Aesthetic Well 37-8670 decreased the discharge and temperature of the south well of the Beaver Pond Irrigation Wells authorized under 37-4440.

DATED this 27 day of Aug, 20 14.

David Knowlton
David Knowlton

SUBSCRIBED and SWORN to before me

this 27th day of August, 20 14.

Margaret Howard

NOTARY PUBLIC

Residing at: 710 S River, Hailey, ID 83333

My Commission Expires: 2/30/2019

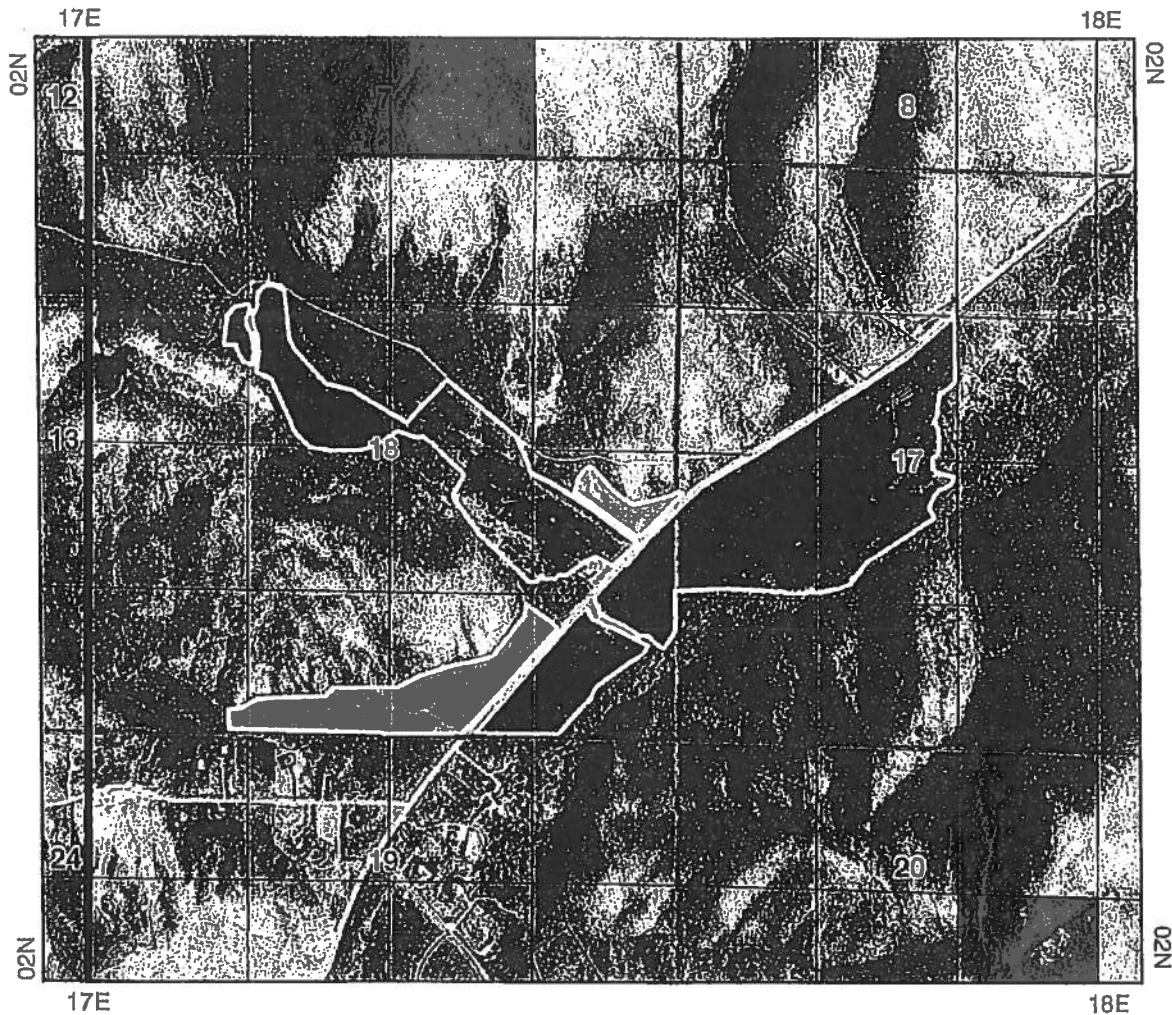
MARGARET HOWARD
NOTARY PUBLIC
STATE OF IDAHO

State of Idaho
Department of Water Resources

Attachment To Transfer No. 78433

Water Rights: 37-4440, 37-22249 and 37-22251

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.175 0.35 0.7 Miles



EXHIBIT A

Mills, William

From: Jim Speck [jim@speckandaanestad.com]
Sent: Wednesday, July 23, 2014 4:29 PM
To: Mills, William
Cc: Zach Latham; Joe Clark; Judy Galfano; Palmer, Cherie
Subject: RE: Sweet Potato Ranch Transfer #79334

Bill,

I have discussed this with Cherie Palmer who called me in response to an e-mail I sent to Shelley Keen. We are going to amend the application to add ONLY the East Well as an additional point of diversion for 37-4440.

We will include a brief analysis with supporting information to establish that the current point of diversion and the East Well both draw water from the same, connected aquifer and that whether the water is diverted at either or both points of diversion the impact, if any, on the Big Wood River and its tributaries will be the same.

Please hold the application until we get you this new information.
Thank you.

Jim

-----Original Message-----

From: Mills, William
Sent: Tuesday, July 15, 2014 9:06 AM
To: Jim Speck

Jim,

I'm just following up to see if there have been any decisions made as how to proceed with the Sweet Potato Ranch transfer application #79334?

Bill

From: Mills, William
Sent: Wednesday, June 04, 2014 11:24 AM
To: 'jim@speckandaanestad.com'
Subject: Sweet Potato Ranch Transfer #79334

Jim,

I spoke with the State office about the Sweet Potato Ranch transfer (#79334) and the issue of enlargement of the "cold" water use came up. They felt it would need to be demonstrated that the intensified use of the ground water from the added points of diversion wouldn't impact river water right holders, since it has been established that there is connectivity between the "cold" ground water source and the Big Wood River. The other alternative might be mitigation to offset the intensification of use from this source.

Let me know how your client wishes to proceed and/or if there are questions regarding how to proceed, Sincerely, Bill Mills

Mills, William

From: Mills, William
Sent: Tuesday, July 15, 2014 9:06 AM
To: 'Jim Speck'
Subject: Sweet Potato Ranch Transfer #79334

Jim,

I'm just following up to see if there have been any decisions made as how to proceed with the Sweet Potato Ranch transfer application #79334?

Bill

From: Mills, William
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Let me know how your client wishes to proceed and/or if there are questions regarding how to proceed,

Sincerely,

Bill Mills

Mills, William

From: Mills, William
Sent: Wednesday, June 04, 2014 3:01 PM
To: 'Jim Speck'
Cc: Keen, Shelley; Merritt, Allen
Subject: RE: Sweet Potato Ranch Transfer #79334
Attachments: 37-8659 B.U.F.E..pdf

Jim,

my statement that there is evidence of a connection between the two aquifer sources is based on a beneficial use field exam performed by Brockway Engineering in August of 2009. On page 2 of the exam it states that "the East Well (#3) does experience artesian pressures at different times during the year and was seeping from the well head before the pump was turned on. In addition, the well seems to be slightly connected to the hot water system apparent up Democrat Gulch." Well #3 is the well associated with water right 37-22251. The use of the term "slightly" doesn't quantify the extent to which there may be a connection and until there is actual determination of the degree of connectivity, I believe the two aquifers need to be viewed as separate ground water systems. It was Shelley Keen that brought up the issue of potential enlargement and injury to Big Wood River water users, and you're more than welcome to contact him concerning this matter.

Sincerely,
Bill

-----Original Message-----

From: Jim Speck [<mailto:jim@speckandaanestad.com>]
Sent: Wednesday, June 04, 2014 11:32 AM
To: Mills, William
Subject: RE: Sweet Potato Ranch Transfer #79334

Bill,

From our conversation yesterday I understand it has also been established that the source of water for 37-4440 is connected to the cold water source from which the two additional wells pump. If so, there shouldn't be a need for mitigation. Who at the State office should we contact to discuss this point?

Thanks.

Jim

-----Original Message-----

From: Mills, William
Sent: Wednesday, June 04, 2014 11:24 AM
To: jim@speckandaanestad.com

Jim,

I spoke with the State office about the Sweet Potato Ranch transfer (#79334) and the issue of enlargement of the "cold" water use came up. They felt it would need to be demonstrated that the intensified use of the ground water from the added points of diversion wouldn't impact river water right holders, since it has been established that there is connectivity between the "cold" ground water source and the Big Wood River. The other alternative might be mitigation to offset the intensification of use from this source.

Let me know how your client wishes to proceed and/or if there are questions regarding how to proceed, Sincerely, Bill Mills

Narrative for Beneficial Use Examination
Permit 37-8659 in the name of Spring Canyon Ranch, LLC

Daren T. Nelson and Charles E. Brockway
August 5, 2006

Permit 37-8659 is for ground water irrigation for the irrigation of ~ 125 acres in the 17th and 18th Sections of Township 2N, Range 18E as shown on the attached Figure 1: Spring Canyon Ranch, LLC Claims Map. The original applicant for this permit was Helen Nan Crocker. However, Spring Canyon Ranch, LLC has recently acquired the property appurtenant to this permit.

Spring Canyon Ranch, LLC asked Charles E. Brockway to complete this field exam as soon as possible in order for them to firm up their water rights at the property. Therefore, Brockway Engineering, PLLC obtained approval from IDWR regarding the completion of this field exam (see attached letter from Shelly Keen). The field exam for the permit was completed by Daren T. Nelson under the direction of Charles E. Brockway on June 6, 2006. The Ranch Manager, Dave Knowlton, was on-site during the entire examination.

Two wells supply ^{irrigation} ~~water~~ to the Spring Canyon Ranch in which comprises of approximately 215.8 ~~irrigable~~ ^{irrigation} acres (see Figure 2: Irrigation System). However, all of the acres are not serviced by the ground water wells in a given year. The original permit applicants applied for this ground water permit in order to supplement their original surface water rights and water approximately 125 acres from three ground water wells. The remaining acres would be continued to be irrigated by their existing surface water rights at the property. According to Dave Knowlton, the ranch has been utilizing the existing right throughout the property and not on the specified place of use applied for in the original permit application. Therefore, we are recommending that the place of use for the license be for the entire 215.8 ~~irrigable~~ ^{irrigation} acres, but be limited to 125 acres within any given irrigation season. In addition, Mr. Knowlton has stated that due to the very unreliable surface water rights and the very permeable soils at the property the ranch has been utilizing the full discharge of the permit.

There currently are ten (10) different wells on the property of the ranch, but only two of these wells are being utilized under this current permit. These wells have all been numbered per a water system analysis that was completed at the time of the proof of beneficial exam in 1995. The permit's proof of beneficial use stated that four wells (wells #1, #2, #3, and #5 per Figure 2: Irrigation System) were used for this permit. However, the ranch has never hooked up the irrigation well (well #5) that was drilled in the NW ¼, SW ¼, NW ¼, of Section 18, Township 2N, Range 18E due to the low yield of the well. Well #1 per Figure 1 was also drilled under this permit (see attached amendment sheet approved on 06/02/1993 & attached well descriptions from Ken Smith), but is not currently hooked to the irrigation system. In addition, the point of diversion listed on the permit for the SE ¼, SE ¼, of Section 18 (well #2) is not actually at this location and should be changed per this field exam. Therefore, it is being recommended that well well #5 and well #1 be removed from the permit application and that the well in the SE

¼, SE ¼, of Section 18 (well #2) be changed to the SE ¼, SW ¼, SE ¼, of Section 18, Township 2N, Range 18E. The other wells on the property are either utilized by other water rights on the property or are capped test wells that may be utilized at the property for future development.

The well in the SE ¼, SW ¼, SE ¼, of Section 18, Township 2N, Range 18E (well #2) is a 12-inch diameter hole with a 50 hp vertical turbine pump. The well in the SE ¼, NE ¼, SE ¼, of Section 18, Township 2N, Range 18E (well #3) is a 10-inch diameter hole with a 60 hp vertical turbine pump. A copy of a well drilling records, a summary of these wells, and pump curves for each of these wells are attached. In addition, pump tests for both of these wells were completed in August of 1994 by Layne Pump & are also attached (see Layne Pump Records/Layne Pump Well Test Summary). The pump tests completed by Layne Pump state that the pumps could pump a combined averaged total of ~ 2.65 cfs with a standard deviation of 0.57 cfs in 1994. However, it is unknown what the conditions and set-up were like at the time of these pump tests. ✓

A Fuji Portaflow X sonic meter was used to measure the discharge from both of the wells. Each of the wells service a differing portion of the Ranch; however, they could be connected via temporary handlines that are used at the property. Due to the configuration of the wells it would be difficult to obtain an accurate discharge reading at the well head (see attached Photos).

At the West Well (#2) an aluminum 6" handline was connected to the end plug and all of the risers were turned off in order to get a measurement of the entire discharge from the well (see attached Photo and Figure 2: Irrigation System Map). In addition, a ditch was dug at the end of the handline and a flume was installed in an attempt to double check the meter. However, we were not expecting the large discharge and the ditch could not contain the water that was diverted from the well. Therefore, the flume readings were deemed inaccurate. The well was pumped for a little over an hour with an average discharge of 1.88 ± 0.01 cfs (845 ± 5 gpm) (see attached Flow Summary). The flow of the well during pumping was discharged into a small depression approximately 200 feet from Croy Creek. However, due to the permeable soils at the site the most of the water seeped into the ground before the water could be diverted to the creek.

The East Well (#3) does experience artesian pressures at different times during the year and was seeping from the well head before the pump was turned on. In addition, the well seems to be slightly connected to the hot water system apparent up Democrat Gulch. Due to the corrosiveness of the water the end plug at the measuring site had been corroded. Therefore, the ranch replaced the end plug and kept the excavation open in order for us to measure the actual mainline (see attached Photo and Figure 2: Irrigation System Map). As in the configuration of the West Well (#2) all of the risers in the system were turned off in order to obtain the entire flow of the well at the measurement point. The well was pumped for a little over two and a half (2.5) hours with an average discharge of 2.38 ± 0.03 cfs (1067 ± 12 gpm) (see attached Flow Summary). The flow of the well during pumping was discharged directly into Croy Creek.

The combined maximum flow of the two wells equals was found to be $\sim 4.26 \pm 0.04$ cfs (1912 ± 16 gpm). However, since the application for permit was only for 2.5 cfs the permit should be licensed for that amount. The measurement of the wells were made at

free discharge (~ 0 psi); however, when the wells work at normal operating pressures of ~60 psi the discharge at the wells will be less than the estimated 4.26 cfs.

The following conditions of approval have been included with this permit:

1. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. 46B The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.
3. 01C A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 052 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. Two points of diversion located within NESE, S18, T02N, R18E.
7. 053 The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
8. 01G Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
9. 051 Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
10. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

The applicant has complied with all of the conditions of approval; except the conditions stating that a measurement device be installed at the wells. The former applicant submitted a waiver regarding the installation of a measurement device (see attached waiver) due to the configuration of the two wells. However, IDWR has stated that the applicant still needs to install a suitable measurement device or shall enter an agreement with the department to determine the amount of water diverted via power records and shall annually report this information to the department (see attached order dated 10/18/1995).

MEMORANDUM

Date: May 30, 2014
To: Transfer 79334 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes adding an existing well to ground water right 37-4440 (0.470 cfs; 186.1 af for irrigation). The irrigation component of this right (along with 8 other water rights) is authorized for the irrigation of 198.5 acres within a 253 acre permissible place of use (PPU), but this right isn't currently connected to the existing irrigation system. The well that is proposed to be added to this water right currently provides water as the only point of diversion (POD) for ground water right 37-22251 and would connect this water right to the existing irrigation system used in the authorized PPU. The well is located approximately 1.6 miles west and 1.1 miles south of the intersection of Bullion St. and Hwy 75 in Hailey.

The three wells that currently provide ground water for right 37-4440 are located up gradient of the proposed POD in what is referred to as Democrat Gulch. The three wells are artesian and the source is low temperature geothermal ground water. The proposed POD is located in what is considered a potentially separate "cold" ground water source in the Croy Creek drainage. When reviewing this application there was concern that adding points of diversion from the "cold" water source to this right could possibly intensify use of this water source and result in potential injury to Big Wood River water users down gradient. The original application for transfer proposed adding two points of diversion from the "cold" water source. In response to the Department's concerns, two affidavits were provided, both indicating that one of the proposed points of diversion, in the SENESE of sec 18, Twp 02N, Rge 18E demonstrates artesian pressures and a connection to the low temperature geothermal source. Additional information is included with the application from a narrative from the beneficial use field exam for permit 37-8659, performed in 2006 by Darren T. Nelson and Charles E. Brockway of Brockway Engineering, that also indicates the well experiences artesian pressures and that it appears connected to the low temperature geothermal system up gradient in Democrat Gulch. The applicant requested the Department drop the second proposed point of diversion located in the SESWSE of Sec. 18 Twp 02N, Rge 18E, as there was no evidence of a connection to the Democrat Gulch low temperature geothermal at this location. Dropping the non-connected POD along with the affidavits seems to address the potential concern for intensification of use from the "cold" water source as it demonstrates connectivity between the two ground water systems.

A measurement performed at the proposed well in the 2006 field exam mentioned above indicated the well could produce an average discharge of 2.38 cfs, which is sufficient to provide the flow required to satisfy both water rights that would be diverted from that POD if this transfer is approved.

This water right also provides 0.03 cfs for stockwater and 5.0 af for recreation storage, with a combined total diversion of 0.47 cfs and 191.1 af.

The other water rights used for irrigation of the 198.5 acres within the 253 PPU are as follows: 37-548 for 3.6 cfs from Democrat Gulch Creek and Lambs Gulch Creek; 37-549 for 3.11 cfs from Croy Creek; 37-1222 for 0.4 cfs from Democrat Gulch Creek; 37-2142 for 1.5 cfs from Hot Springs Gulch; 37-4138 for 0.15 cfs from Hailey Hot Springs; 37-12396 for 10 cfs diversion to storage and 647.5 af irrigation from storage diverted from Lambs Gulch Creek and Democrat Gulch Creek; 37-22250 for 0.68 cfs and 119.0 af of ground water; and 37-22251 for 1.82 cfs and 318.5 af of ground water. All irrigation rights appurtenant to this PPU have combined limit conditions that were placed on them in two previous transfers, 78432 & 78433, which were approved in 2013 and established the current PPU.

The POU and POD are located within Water District 37, and Watermaster comments will be solicited.

- **Authority to File:** Sweet Potato Ranch LLC is listed as the current owner of the water right in this transfer and IDWR records indicate they are the owners of all properties involved in this transfer.
- **Water Right Validity:** Water Right 37-4440 was decreed in the SRBA on 5/3/2011. Recent aerial and satellite imagery indicate that the property involved with this transfer appears to be irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

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

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

May 19, 2014

RECEIVED

MAY 20 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Allen Merritt
Idaho Department of Water Resources
650 Addison Ave W, Ste 500
Twin Falls, Idaho 83301

**Re: Sweet Potato Ranch, LLC/ Application for Transfer of Water Right - Points of
Diversion - 37-4440**

Dear Allen:

Enclosed you will find the original and one copy of the above-referenced Application for Transfer. Water Right 37-4440 currently diverts ground water from three flowing artesian wells. The irrigation system at the ranch is presently not set up to use the water from those wells. Therefore, we would like to add the existing irrigation wells, which are the points of diversion for 37-22250 and 37-22251, as additional point of diversion for this water right.

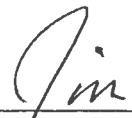
I have also enclosed our check payable to the Department for the \$500 filing fee. Please receipt date-stamp the copy of the Application and return it to me in the postage prepaid, self-addressed envelope included for that purpose. Kindly call me if you have any questions. ✓ DM

Thank you.

Sincerely,

SPECK & AANESTAD
A Professional Corporation

By: _____


James P. Speck

Enclosures

cc: Client w/encl.