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APR 25 2014

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79305MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) TERRIE E. AND WALTER L. TRAILCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Attachment 9.1, POU con't.; Attachment 9.2 Commitment for Title Insurance;

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) TERRIE E. AND WALTER L. TRAIL Phone 208-366-7762

Mailing address 5308 E TRAIL RD., KING HILL, ID 83633 Email cmchugh@mchughbromley.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 CANDICE M. MCHUGH Phone 208-287-0991

Mailing address 380 S. 4TH ST., STE. 103, BOISE, ID 83702 Email cmchugh@mchughwaterlaw.com

- ☐ 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.

Terrie E. Trail
Signature of Applicant or Authorized Representative

TERRIE E. TRAIL
Print Name and Title if applicable

April 22, 2014
Date

Walter L. Trail
Signature of Applicant or Authorized Representative

WALTER L. TRAIL
Print Name and Title if applicable

April 22, 2014
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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 purpose of the transfer is to authorize the use of the 12 cfs and 600 acres under water right 2-4021 in a permissible place of use with the lands irrigated under water rights 2-2209B and 2-103, which are owned by Black Mesa Farms.

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 ☒ ☐	2-4021	12 cfs	Irrigation	3/15 to 11/15	Snake River, Columbia River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 12 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 12 cubic feet per second and/or _____ acre-feet per annum.

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 #

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	
5S	10E	35				38									40			39	117
		36	17	37	10		38	17	40	32	11	40	35	12					289
6S	10E	1 lot 4						41	40			39							120
		2 lot 1	41												33				74
							CONTINUED ON ATTACHMENT 9.1.									Total here			600
																Total from	9.1		3948
Total Acres (for irrigation use)																			4548

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:
There is no proposed change in the diversion system. The diversion system includes 3, 600 HP pumps from the Snake River with buried mainline from the Snake River to the farm with buried lines from the mainline to each field. Each field is irrigated with portable mainline to sprinklers. Measuring devices and works are being installed pursuant to the August 26, 2013 Final Order requiring measuring devices in Water District 02.
- b. Who owns the property at the point(s) of diversion? Mr. Falcone and BLM.
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
A Crossing Agreement dated January 26, 1965, a Right of Way Agreement dated August 23, 1965, A Right of Way dated March 3, 1983 and and Easement Agreement dated July 9, 1979 allows Claimant Access. See Attachment 9.2
- 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: This is not applicable since this water right will continue to be used on the land already authorized; the transfer is simply asking to add additional lands as a permissible place of use.
It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
There is no effect other than allowing the flexibility for this water right to be used on the land now irrigated or within a larger permissible place of use depending on the year.
- e. 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:
Water rights 2-2209B and 2-103 owned by Black Mesa are also used on the lands described under those water rights. This transfer is simply asking to authorize the use of the 12 cfs and 600 acres under water right 2-4021 to also be used on the acres covered by Black Mesa's water right. There is no proposed change to water rights 2-2209B or 2-103.
- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
Yes No
☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

N/A

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.

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:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 7 attachments.

Received by CWHL Date 4/25/14 Preliminary check by KW Date 10-16-14

Fee paid 1380⁰⁰ Date 4/25/14 Received by CWHL Receipt # W042053

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

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WESTERN REGION

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/24/2014

WATER RIGHT NO. 2-4021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TERRIE E TRAIL
Current Owner	WALTER L TRAIL 5308 E TRAIL RD KING HILL, ID 83633 (208)366-7762
Original Owner	ROBERT E GRIGG C/O CIGNA CORPORATION SOUTH BUILDING S-305 900 COTTAGE GROVE RAD BLOOMFIELD, CT 06002

Priority Date: 05/10/1965

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	12 CFS	
Total Diversion			12 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER|NWSW Lt 6|Sec. 09|Township 06S|Range 11E|ELMORE County

Attachment
2A

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Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE 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>
05S	10E	35		SENE	38									
				NESE	40		SESE	39						
		36		NENE	17		NWNE	37		SWNE	10			
				NENW	38		NWNW	17		SWNW	40		SENW	32
				NESW	11		NWSW	40		SWSW	35		SESW	12
06S		1	4	NWNW	41		SWNW	40						
				NWSW	39									
		2	1	NENE	41		SENE	33						

Total Acres: 600

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.

Dates:

Licensed Date:

Decreed Date: 10/31/2012

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: AND

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:

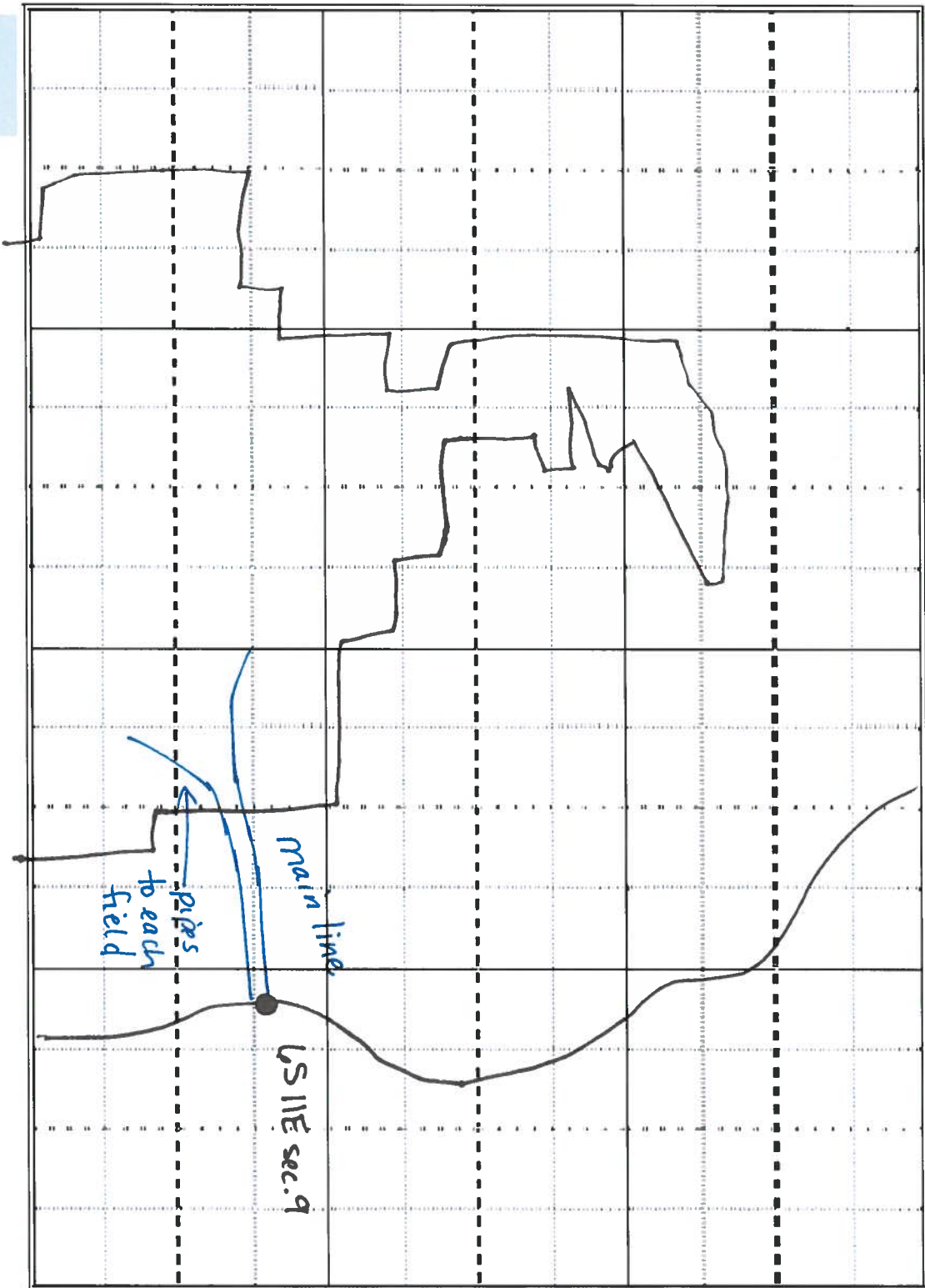
Mitigation Plan: False

Close

WATER RESOURCES
WESTERN REGION

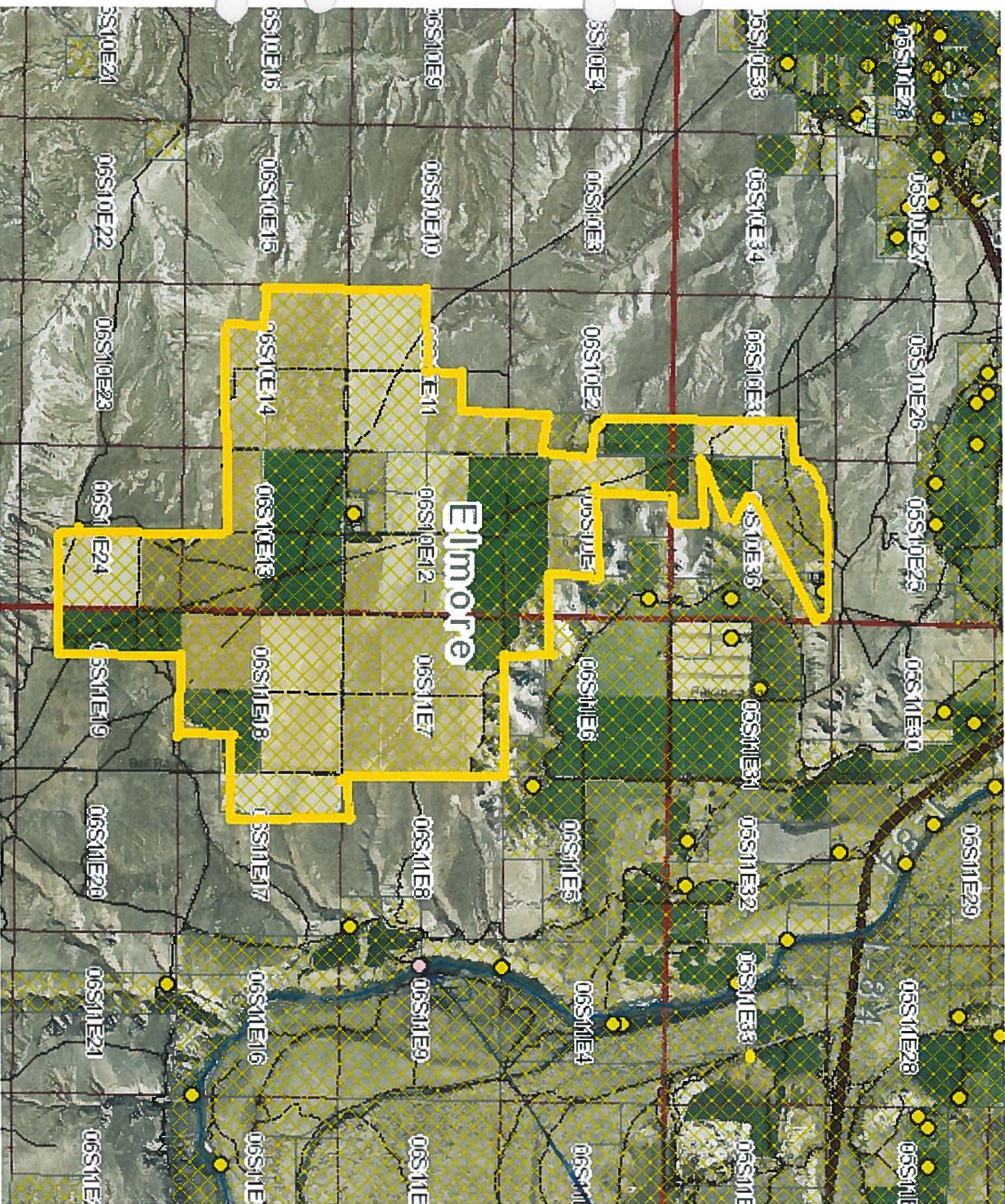
Attachment
7.2.

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or  see attached.



Scale: 1" =

- ☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (required)
- ☒ Aerial photo attached (required for irrigation of 10+ acres)
- ☐ Photo of diversion and system attached



Point of
diversion

Attachment
Tb.1
Combines
Tb.2 & Tb.3

State of Idaho
Department of Water Resources

Water Right

2-4021

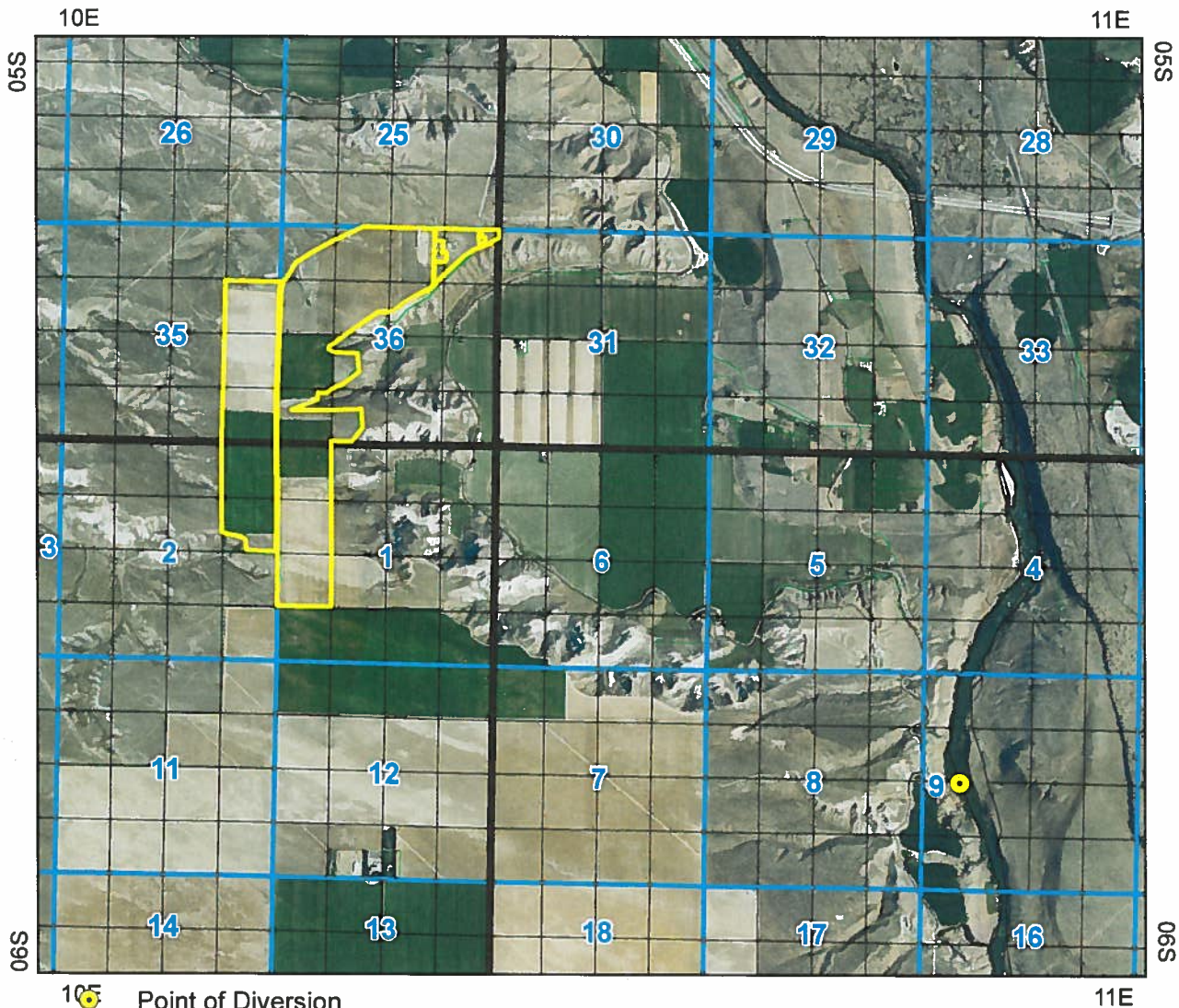
IRRIGATION

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WATER RESOURCES
WESTERN REGION

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.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.5 1 2 Miles

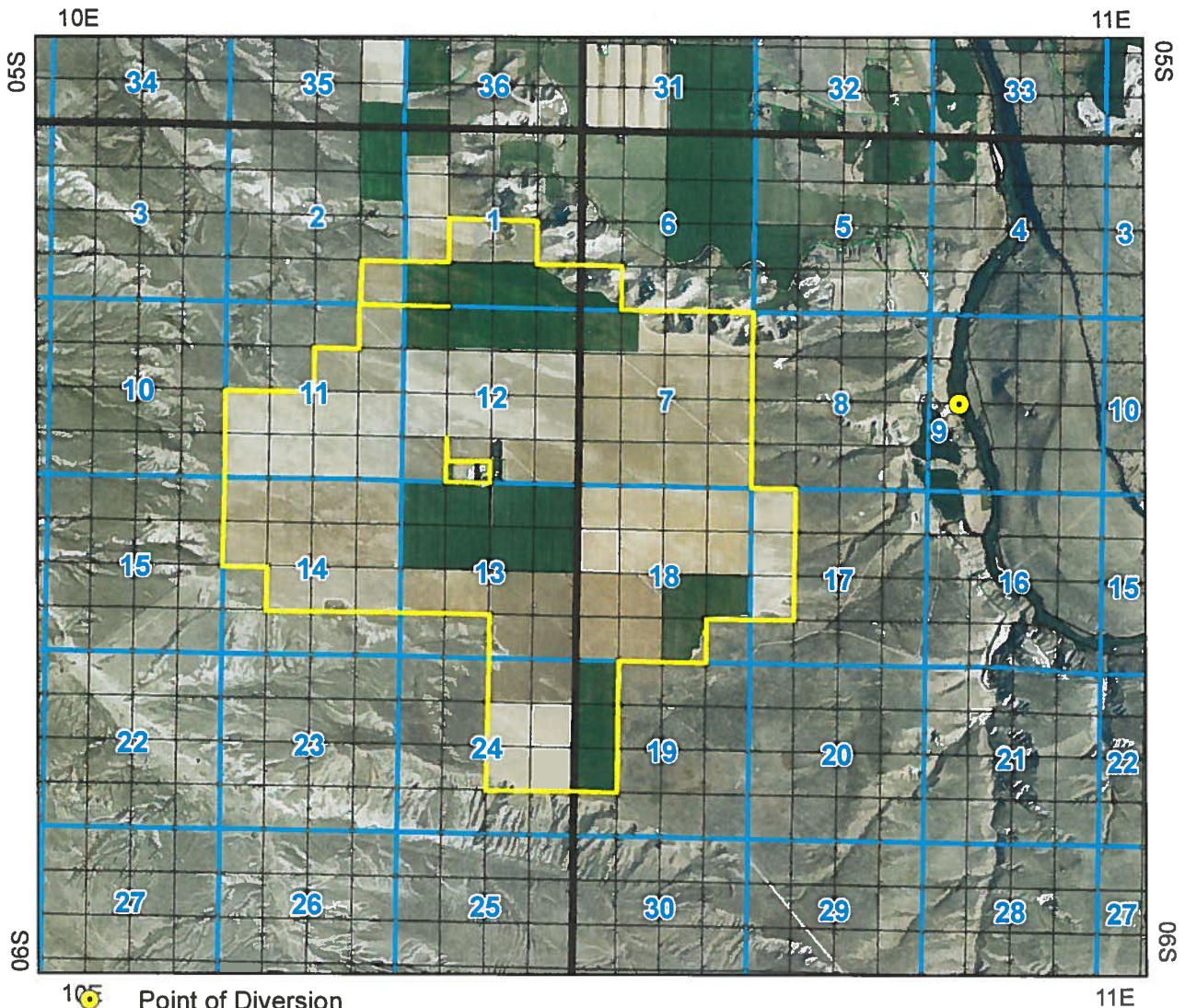


State of Idaho
Department of Water Resources

Water Right
2-2209B

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.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.5 1 2 Miles



Place(s) of use:

ATTACHMENT 9.1 - POU CON'T

Place of Use Legal Description: IRRIGATION ELMORE County

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Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	10E	1		NESW	35		SWSW	39		SESW	40			
				NWSE	30		SWSE	40		SESE	30			
		2		SESE	39									
		11		NENE	40		SWNE	40		SENE	39			
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	39		NWSE	40		SWSE	40		SESE	40
		12		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	39		SWNW	39		SENW	40
				NESW	40		NWSW	39		SWSW	38		SESW	21
				NESE	40		NWSE	40		SWSE	39		SESE	39
		13		NENE	39		NWNE	39		SWNE	40		SENE	40
				NENW	39		NWNW	39		SWNW	40		SENW	40
				NESW	40		NWSW	40						
				NESE	40		NWSE	40		SWSE	40		SESE	40
		14		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENW	40
				NESW	39									
				NESE	39		NWSE	30						
		24		NENE	40		NWNE	39		SWNE	40		SENE	40
				NESE	40		NWSE	40						
	11E	6	7	SWSW	10									
		7		NENE	25		NWNE	25		SWNE	40		SENE	40
				NENW	30	1	NWNW	37	2	SWNW	37		SENW	40
				NESW	40	3	NWSW	38	4	SWSW	37		SESW	39
				NESE	40		NWSE	40		SWSE	39		SESE	40
		17		NWNW	40		SWNW	40						
				NWSW	40									
		18		NENE	38		NWNE	39		SWNE	40		SENE	39
				NENW	39	1	NWNW	37	2	SWNW	38		SENW	40
				NESW	40	3	NWSW	38	4	SWSW	38		SESW	40
				NESE	40		NWSE	40		SWSE	40			
		19	1	NWNW	39	2	SWNW	39						
			3	NWSW	39									

Total Acres: 3948

COMMITMENT FOR TITLE INSURANCE
CONTINUATION

SCHEDULE _____

0194-90-199

File Number: _____

Commitment Number: _____

10. Power Line Easement dated October 7, 1964, granted by Grace Thompson and Ralph Thompson, wife and husband, and Ralph Lish and Rose E. Lish, husband and wife, to Idaho Power Company, a corporation, recorded February 8, 1965, in Book 43 of Miscellaneous Records at Page 185, records of Elmore County, Idaho. (Affects NW $\frac{1}{4}$ SW $\frac{1}{4}$ -9-6S-11E)

11. Crossing Agreement dated January 26, 1965, executed by and between King Hill Irrigation District and Cottonwood Mutual Canal Company, a corporation, recorded February 9, 1965, in Book 30 of Agreements at Page 41, records of Elmore County, Idaho. (Affects E $\frac{1}{2}$ SE $\frac{1}{4}$ -8-6S-11E)

12. Right of Way Agreement dated August 23, 1965, executed by William A. Anderson, et al, as Owners, and Cottonwood Mutual Canal Company, an Idaho corporation, as Company, recorded August 25, 1965, in Book 43 of Miscellaneous Records at Page 222, records of Elmore County, Idaho; wherein Owners grant to Company rights of way for operation and maintenance of an irrigation system and the Company grants unto the Owners the right to use and to occupy the various rights of way granted by the Owners to the Company and right to use and occupy all other rights of way but not limited to a right of way granted by Ralph Thompson and Iris M. Thompson, husband and wife, and Ralph Lish and Rose Lish, husband and wife, across the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 8, and across Lot 6, Section 9, T6S, R11E, B.M., and a right of way granted by a crossing agreement made the 26th day of January, 1965, between the Company and King Hill Irrigation District.

Said irrigation system mentioned above has the main pump station and point of diversion located in Lot 6, Section 9, T6S, R11E, B.M., as disclosed in Deed to William A. Anderson, et al, recorded August 25, 1965, in Book 43 of Miscellaneous Records at Page 224, records of Elmore County, Idaho.

13. Power Line Easement dated January 22, 1975, granted by Homer Randy Jackson and Barbara Fay Jackson, husband and wife, to Idaho Power Company, a corporation, recorded June 30, 1975, as Instrument No. 163968, records of Elmore County, Idaho. (Affects the East 400 feet of the South 100 feet of NE $\frac{1}{4}$ SE $\frac{1}{4}$ -8-6S-11E)

14. Right of Way for irrigation pipeline along Cottonwood Mutual Canal Company system, as shown in instrument recorded March 3, 1983, as Instrument No. 213269, records of Elmore County, Idaho. (Affects Lot 6, Sec. 9; and Sec. 8, both T6S, R11E)

Page _____

COMMITMENT FOR TITLE INSURANCE
CONTINUATION

SCHEDULE _____

File Number: 0194-90-199

Commitment Number: _____

15. Power Line Easement dated March 20, 1979, granted by Rondo Pilant and Cynthia Pilant, husband and wife, to Idaho Power Company, a corporation, recorded April 27, 1979, as Instrument No. 187662, records of Elmore County, Idaho. (Affects a portion of Lot 6, Sec. 9-6S-11E)

16. Easement Agreement dated July 9, 1979, granted by Rondo Pilant and Cynthia Pilant, to King Hill Irrigation District, recorded July 11, 1979, as Instrument No. 189240, records of Elmore County, Idaho. (Affects a portion of Lot 6, Sec. 9, and a portion of SE $\frac{1}{4}$, Sec. 8, both T6S, R11E)

17. Power Line Easement dated August 6, 1979, granted by Rondo Pilant and Cynthia Pilant, husband and wife, to Idaho Power Company, a corporation, recorded April 21, 1980, as Instrument No. 194767, records of Elmore County, Idaho. (Affects a portion of Lot 6, Sec. 9-6S-11E)

18. Any claim arising from the difference in the mean high water line of the Snake River and the meander line as shown by the Government survey.

PIC
19. Mortgage dated April 23, 1979, executed by C. Rondo Pilant and Cynthia Pilant, husband and wife, as Mortgagor; and The United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, as Mortgagee; secures the payment of \$118,000.00 together with interest and any other obligations secured thereby; recorded April 23, 1979 as Instrument No. 187546, records of Elmore County, Idaho.

20. Financing Statement executed by Dennis R. Laib and Marjorie J. Laib, as Debtors, to United States of America, acting through Farmers Home Administration, as Secured Party, recorded November 24, 1987, as Instrument No. 244776, records of Elmore County, Idaho.

21. Financing Statement executed by Dennis R. Laib and Marjorie J. Laib, as Debtors, to United States of America, acting through Farmers Home Administration, as Secured Party, recorded November 24, 1987, as Instrument No. 244777, records of Elmore County, Idaho.

22. Road and Ditch rights of way.

23. Financing Statements, Seed and Farm Laborer's liens against crops which are filed in the office of the Secretary of State.

Page _____

COMMITMENT FOR TITLE INSURANCE
CONTINUATION

SCHEDULE _____

0194-90-199

File Number: _____

Commitment Number: _____

NOTE: Whereas the policy when issued will exclude from coverage water rights or claims or title to water we call to your attention the pending Snake River surface waters adjudication case in The District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada under Civil No. 73804, as disclosed by Lis Pendens recorded February 27, 1981 as Instrument No. 200844, and Amended Lis Pendens recorded May 11, 1981 as Instrument No. 202064, and Second Amended Lis Pendens recorded February 19, 1982 as Instrument No. 207110, records of Elmore County, Idaho. The Policy when issued will not refer to this litigation.

REQUIREMENTS:

Because of the provisions of the Idaho Homestead Law (Chapter 10, Title 55, I.C.), the company will require:

(a) The personal execution and acknowledgment of any deed, deed of trust, mortgage or special power of attorney to convey or encumber the homestead by the vested owner and spouse, if any,

or in the alternative

(b) An Affidavit, signed by the vested owner and spouse which states (i) that the land described herein is not their principal residence; (ii) the land is not claimed as homestead property; and (iii) their principal residence is _____. [and if applicable, the vested owner is not married.]

NOTE: General taxes for the year 1989, under parcel no. 06S11E087210, are in the amount of \$259.40. (Affects Section 8)

NOTE: General taxes for the year 1989, under parcel no. 06S11E095510, are in the amount of \$55.80.

Page _____

CONTINUATION

Commitment

Reorder Form No. 11119

AGENT'S COPY

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, October 29, 2014 10:17 AM
To: 'jtarter@blm.gov'
Subject: BLM. Application No. 79305
Attachments: Agency Recommendation Form.docx; Application No. 79305.pdf

October 29, 2014

J. ALLEN TARTER
BLM-FOUR RIVERS FIELD OFFICE
3948 DEVELOPMENT AVE.
BOISE ID 83705

RE: Application for Transfer No. 79305

Dear Mr. Tarter:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed with this email for your reference. Please review the application, complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of November 24, 2014.

If your agency desires to formally protest approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

IDWR will assume your agency does not object to this application if a timely response is not received. Please contact me if you have any questions regarding the application. Thank you for your help.

Sincerely,

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

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Sincerely,

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

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, October 29, 2014 10:00 AM
To: Knowles, Corbin
Subject: 02. Application for Transfer
Attachments: 1 Watermaster Recommendation Form.docx; Application No. 79305.pdf

October 29, 2014

CORBIN KNOWLES
WATER DISTRICT #02
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

RE: Application for Transfer No. 79305

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete the attached recommendation form, and submit your reply, if any, to this office by November 24, 2014.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

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

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, October 29, 2014 8:07 AM
To: 'LEGALNOTICES@POSTREGISTER.COM'; 'LEGALS@LMTRIBUNE.COM';
'LEGALS@MAGICVALLEY.COM'
Subject: Bonneville Legal Ad - Nez Perce Legal Ad - Twin Falls Legal Ad
Attachments: State Wide Cover Letter.docx; State Wide Legal Ad.docx
Categories: Legal Ad Confirmed

Good Morning Staci Dockery, Karen Lewis and Ruby Aufderheide,

Please see the attached ad for publication on 11/6/2014 & 11/13/2014.

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

ATTN: Stacey Dockery:

NOTE BILLING ACCT # 00042190

October 29, 2014

POST REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

LEWISTON TRIBUNE
505 C ST PO BOX 957
LEWISTON, ID 83501

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

RE: Application for Transfer No. 79305

Dear Legal Notice Departments:

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 11/24/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

PROPOSED CHANGE OF WATER RIGHT

Terrie E. and Walter L. Trail of 5308 E. Trail Rd., King Hill, ID, 83633, filed Application No. **79305** to transfer one water right with a 1965 priority date from the Snake River tributary to the Columbia River totaling 12.0 cfs. The purpose of the transfer is to change the place of use and include it in a permissible place of use totaling 4548 acres. Water will be used at the current place of use approximately 5 miles southeast of Glenns Ferry and south of Pasadena Valley.

For additional information concerning the property location, 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 Idaho Code § 42-222. Any protest against the proposed change must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 11/24/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/6/2014 and 11/13/2014

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, October 29, 2014 8:05 AM
To: 'SSWENSON@MOUNTAINHOMENEWS.COM'
Subject: **Elmore Legal Ad
Attachments: Elmore Cover Letter.docx; Elmore Legal Ad.docx

Categories: Legal Ad Confirmed

Good Morning Stacy Swenson,

Please see the attached ad for publication on 11/5/2014 & 11/12/2014.

Please confirm these are okay to publish as shown.

Thank you very much,

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

October 29, 2014

LEGAL NOTICE DEPARTMENT
MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME, ID 83647-1330

RE: Application for Transfer No. 79305

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 11/24/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

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For additional information concerning the property location, 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 Idaho Code § 42-222. Any protest against the proposed change must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 11/24/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/5/2014 and 11/12/2014

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, October 29, 2014 10:22 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Categories: Legal Ad Confirmed

Good Morning Janice Hildreth,

Please see the attached ad for publication on 11/6/2014 & 11/13/2014.

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

October 29, 2014

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No's: 63-33799, 63-33985
Application for Transfer No. 79305

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 11/24/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-33799

STEPHEN RAYMOND
COLEEN COOLEY
3800 ROCK GARDEN LN
BOISE, ID 83714

Point of Diversion SENE SWNE S5 T04N R02E ADA County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.02 CFS

Use: IRRIGATION 03/01 to 11/15 0.18 CFS

Total Diversion: 0.2 CFS

Date Filed: 6/25/2013

Place of Use: DOMESTIC

T04N R02E S5 SENE

Place of Use: IRRIGATION

T04N R02E S5 SWNE SENE

Total Acres: 8.8

Water bearing zone to be appropriated is from 200 to 500 feet.

63-33985

PINEWOOD LAKES RESERVE HOA
PO BOX 388
STAR, ID 83669

(2) Points of Diversion SWNE S18 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

(3) Points of Diversion SENW S18 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 178 AF

Total Diversion: 178 AF

Date Filed: 8/22/2014

Place of Use: AESTHETIC STORAGE

T04N R01W S18 SWNE SENW

PROPOSED CHANGE OF WATER RIGHT

Terrie E. and Walter L. Trail of 5308 E. Trail Rd., King Hill, ID, 83633, filed Application No. **79305** to transfer one water right with a 1965 priority date from the Snake River tributary to the Columbia River totaling 12.0 cfs. The purpose of the transfer is to change the place of use and include it in a permissible place of use totaling 4548 acres. Water will be used at the current place of use approximately 5 miles southeast of Glenns Ferry and south of Pasadena Valley.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 11/24/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/6/2014 and 11/13/2014

MEMORANDUM

TO: Transfer No. 79305
FROM: Kay Walker 
DATE: October 15, 2014
RE: Evaluation of Application

The transfer proposes the use of 12 cfs of water and 600 acres under Rt. 02-4021 in a permissible place of use (ppu) with the lands irrigated under Rts. 02-103 and 02-2209B, owned by another party. The 3 rights, when combined, will have a ppu of 4548 acres. Rt. 02-4021 is limited to the irrigation of 600 acres. Rt. 02-103 is limited to 198 acres and Rt. 02-2209B is limited to 640 acres for a total of 1438 acres in any irrigation season.

The site is located approximately 5 miles southeast of Glens Ferry and south of Pasadena Valley.

Contact person for the applicant is Candice McHugh, Attorney, 380 S. 4th, Ste. 103, Boise, ID, 83702, phone: 287-0991.

Summary of Information Submitted

Authority to File:

The applicant is the water right holder of record for Rt. 02-4021. The applicant has a lease from Black Mesa to irrigate 310 acres of their irrigated farmland. The applicant, in turn, has leased 80 acres of irrigated farmland to Black Mesa. The lease between the parties expires in December of 2019.

Water Right Validity:

Right presumed to be valid because the partial decree was issued within the past five year period on October 31, 2012.

Injury to Other Water Rights:

Injury should not occur as long as each of the water rights is limited to its face value in amounts of water and number of acres that can be irrigated. The point of diversion of these rights is from the same diversion so water master will just have to deliver same amount of water to the water users.

Enlargement of Use:

No enlargement should occur as long as the conditions of transfer are specific in limiting rights to their face value.

Local Public Interest:

It is within the local public interest to allow water users to change their irrigation systems to improve their use of water and grow their crops.

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.

Discussion

Water master comments will be solicited.

Other important comments requested include letter to Bureau of Land Management since they have had lots of history in regard to Black Mesa and Cottonwood Canal Company.

Data entry affected the correct record which is the partial decree issued on the above right.

Overlapping rights at existing POD are: 02-4021, 02-103, 02-2209B and 02-10189. Rt. 02-4021 is the right under this transfer. 02-103 and 02-2209B are the rights of Black Mesa that will share a ppu with the Trails. Rt. 02-10189 is a split from 02-10186 which is a split from Rt. 02-2209D. Rt. 02-103 has a condition that explains why 02-10189 is not a problem. The condition states:

Other water rights have been decreed with a place of use within portions of the decreed place of use for this water right and water right 2-2209B. However, only water right nos. 2-103 and 2-2209B are currently beneficially used on the decreed place of use for this right and water right 2-2209B. No transfer or other administrative or judicial action affecting the place of use of any other water right shall affect the right to the use of water under this water right or water right no. 2-2209B at the above described place of use.

Overlapping rights at existing &/or proposed POU are rights 02-103, 02-2209B, 02-4021 and Rt. 02-10450. Rt. 02-10450 is a portion of prior Rt. 02-2209 and was transferred from 120 acres of irrigation to a municipal use.

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.

Walker, Kay

From: Candice McHugh [cmchugh@mchughbromley.com]
Sent: Tuesday, September 16, 2014 10:08 AM
To: Walker, Kay
Subject: RE: Lease between Black Mesa Farms and Trail Ranches
Attachments: 20140916 Black Mesa Trail.pdf

Good Morning Kay.

Please find attached a new agreement between Black Mesa Farms and Trail.

Let me know if this satisfies your concern.

Regards,

Candice M. McHugh

M^CHUGH BROMLEY
ATTORNEYS AT LAW, PLLC

380 S. 4th, Ste. 103

Boise, ID 83702

(208) 287-0991 – office

(208) 287-0864 – facsimile

cmchugh@mchughbromley.com

<http://www.mchughbromley.com>

Confidentiality Notice: The information in this e-mail (including attachments, if any) is considered confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this e-mail is prohibited except by or on behalf of the intended recipient. If you have received this email in error, please notify me immediately by reply email, delete this email, and do not disclose its contents to anyone. Thank you.

September 11, 2014

Black Mesa Farms agrees to continue leasing Trail Ranches, Inc. approximately 310 acres of irrigated farm ground for the duration of 5 years. This lease will start January 1, 2015 and end December 31, 2019. Walter L. and Terrie E. Trail agree to lease to Black Mesa Farms approximately 80 acres of irrigated farm ground for 5 years starting January 1, 2015 and ending December 31, 2019.

Black Mesa Farms, LLC.

Chin A. ~~Boyd~~

Trail Ranches, Inc.

Walter L. Trail

Sept 16, 2014

Walker, Kay

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To: Walker, Kay
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(208) 287-0991 – office
(208) 287-0864 – facsimile
cmchugh@mchughbromley.com
<http://www.mchughbromley.com>

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From: Walker, Kay [<mailto:Kay.Walker@idwr.idaho.gov>]
Sent: Thursday, August 28, 2014 8:52 AM
To: Candice McHugh
Cc: Walker, Kay
Subject: Lease between Black Mesa Farms and Trail Ranches

Hi, Candice!

I am in the process of reviewing the application for transfer that that you submitted on behalf of Terrie and Walter Trail. In initial review, I notice that the lease between Black Mesa Farms and Trail Ranches will expire on December 31, 2014. I would like to make sure that processing this transfer is not going to be a waste of time so would like to see a lease that will cover an irrigation season that extends beyond this year. Please try to obtain a lease that will be valid for the next irrigation season and beyond, if the applicant's think they will continue to lease property from Black Mesa after December 31, 2014.

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days.

Walker, Kay

From: Walker, Kay
Sent: Thursday, August 28, 2014 8:52 AM
To: Candice McHugh
Cc: Walker, Kay
Subject: Lease between Black Mesa Farms and Trail Ranches

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If you have any questions or concerns regarding this request, please do not hesitate to contact me.

Sincerely,
KAY WALKER
Sr. Water Resource Agent
334-2190

Walker, Kay

From: Candice McHugh [cmchugh@mchughbromley.com]
Sent: Monday, August 11, 2014 2:28 PM
To: Walker, Kay
Subject: Application for Transfer 79305 - extension regarding additional information

Kay,

I am requesting a three week extension to provide additional information relative to the above transfer and as outline in your July 10, 2014 letter.

Please let me know if this email will be sufficient or if I need to file a more formal request.

Thank you very much.

Candice M. McHugh

MCHUGH BROMLEY
ATTORNEYS AT LAW, PLLC

380 S. 4th, Ste. 103

Boise, ID 83702

(208) 287-0991 – office

(208) 287-0864 – facsimile

cmchugh@mchughbromley.com

<http://www.mchughbromley.com>

Confidentiality Notice: The information in this e-mail (including attachments, if any) is considered confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this e-mail is prohibited except by or on behalf of the intended recipient. If you have received this email in error, please notify me immediately by reply email, delete this email, and do not disclose its contents to anyone. Thank you.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 10, 2014

TERRIE E AND WALTER L TRAIL
5308 E TRAIL RD
KING HILL ID 83633

Re: Application for Transfer 79305

Dear Applicants:

We are in the process of initial review of the above referenced application for transfer and find we need additional information to continue. We see that you propose to create a permissible place of use in connection with lands owned by Black Mesa Farms. What exactly is the agreement between yourselves and Black Mesa Farms?

Attached to the application for transfer are "Commitment for Title Insurance" documents. Where did these documents come from? Are these provided to show the easements and rights of way for Black Mesa or for your right of ways under this application?

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days. Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please feel free to contact me at 334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Cc: Candice McHugh
380 S 4th St, Ste. 103
Boise, ID 83702

7-15-14
Discussed w/ Candice.
She will submit
requested info. kw

McHUGH BROMLEY
ATTORNEYS AT LAW, PLLC

RECEIVED

APR 25 2014

WATER RESOURCES
WESTERN REGION

cmchugh@mchughbromley.com
208-287-0991

380 S. 4th St., Ste. 103
Boise, ID 83702

April 24, 2014

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

RE: Transfer by Walter and Terri Trail
Water Right No. 02-4021

Dear Nick:

Enclosed please find a fully executed Application for Transfer for Water Right No. 02-4021 Walter and Terri Trail. This is the transfer that I discussed with you a couple weeks ago. Also enclosed is a check for \$1,380.00 for the filing fee.

Please accept this letter as my Notice of Appearance on behalf of Trails in this transfer matter and as indicated on the transfer, please remit the original documents to the Trails directly with copies to me at the above address.

I appreciate your attention to this matter; please call or email me with any questions.

Very Truly Yours,



Candice M. McHugh

Enclosures
cc: Trails