

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

Transfer No. 79586

MINIMUM 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) BAR O BAR RANCH, LLCCheck 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: _____

79586

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 19 2014

Department of Water Resources
Eastern Region

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

Name of Applicant(s) BAR O BAR RANCH, LLC Phone (208) 648-0906
Mailing address 826 WOOD RD, BANCROFT, ID 83217 Email rriabrouche@gmail.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 DAVE R. GALLAFENT Phone (208) 232-2286
Mailing address PO BOX 991, POCATELLO, ID 83204 Email dgallafent@merrillandmerrill.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.

Bar O Bar LLC
Remy Labrouche
Signature of Applicant or Authorized Representative

Owner & Manager
Remy Labrouche
Print Name and Title if applicable

9-16-14
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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 owner applicant has installed pivots which change the watering pattern of the property to which water right 29-2545 is appurtenant.

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	29-2545	1.75 CFS	Irrigation	04/01 to 10/31	Groundwater
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 1.75 CFS cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.75 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	
07S	38E	23								36.0	35.0	12.0	11.0	10.0					104.0
Total Acres (for irrigation use)																			104.0

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:

Moving the place of use. Still will be irrigated from the same well.

- b. Who owns the property at the point(s) of diversion? BAR O BAR RANCH, LLC

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

- 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: N/A

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:
The land previously irrigated by water right 29-2545 will not be used as irrigated crop land.

- 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:
N/A

- 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:

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

Current Water Right No.: 29-2545

Current Owner: REMY LABROUCHE
RUTH A LABROUCHE
Priority Date: 12/7/1966
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>
IRRIGATION	04/01 to 10/31	1.75 CFS	312 AF
	<u>Total Diversion</u>	1.75 CFS	312 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4SW1/4 Sec. 23, Twp 07S, Rge 38E B.M.
CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T07S R38E S23	SESW	36.00	T07S R38E S23	NESW	36.00
T07S R38E S23	NWSW	4.00	T07S R38E S23	SWSW	17.00
T07S R38E S23	SESW	11.00			

Total Acres: 104

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 3/22/2004

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**.

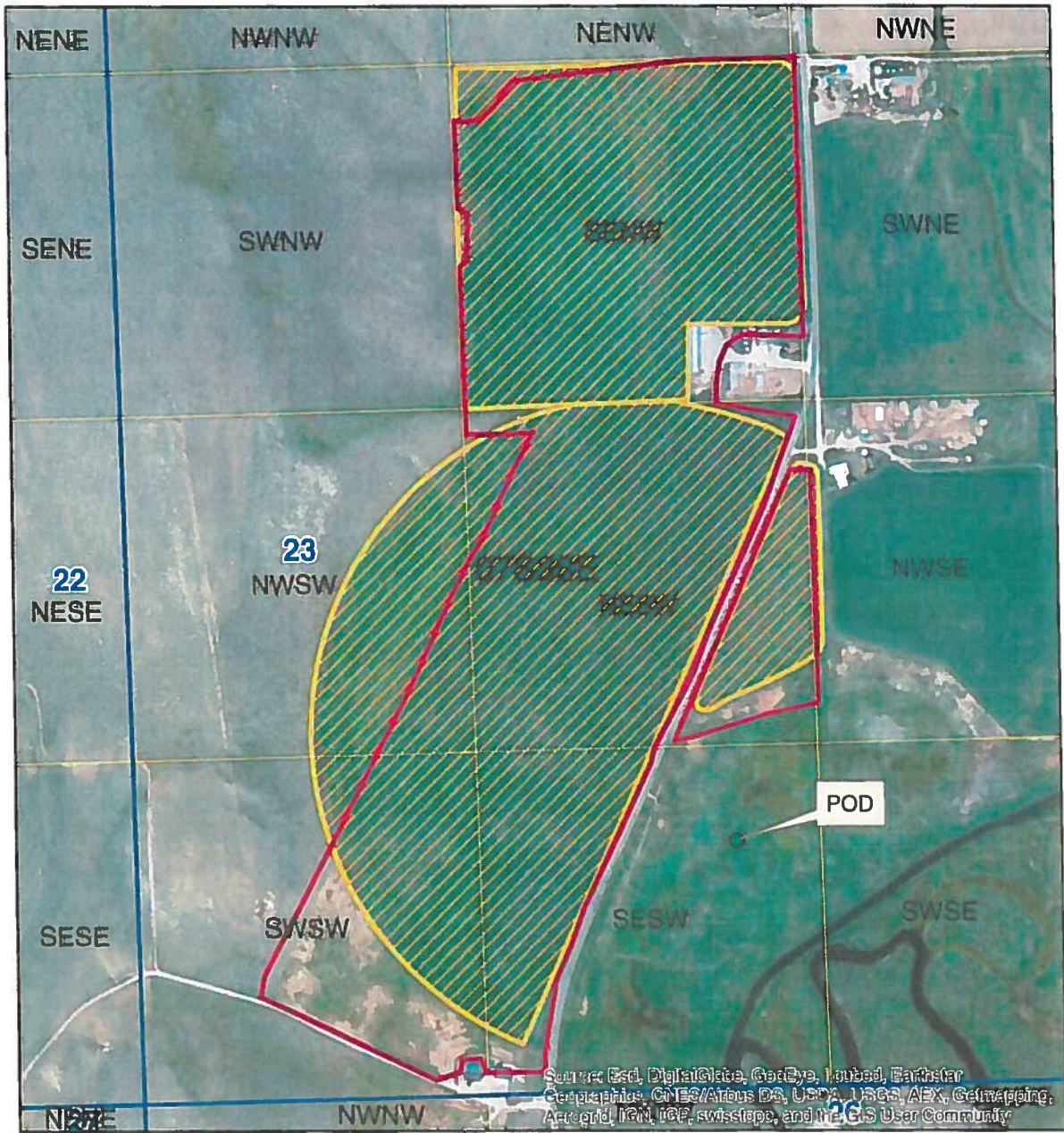
Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary 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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____
 Fee paid \$200.- Date 9/19/2014 Received by JB Receipt # E040256
 Add'l fee paid _____ Date _____ Received by _____ Receipt # _____



- Current_POU_29-2545
- Proposed POU 29-2545
- Township/Range
- Sections
- QQ

0 340 680 1,360 Feet
1 inch = 603 feet



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

9/4/2014

WATER RIGHT NO. 29-2545

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	REMY LABROUCHE
Current Owner	RUTH A LABROUCHE 1525 P RD LOMA, CO 81524
Original Owner	DELMO SMITH
Original Owner	MADA SMITH 2629 KELLY TOPONCE RD BANCROFT, ID 83217 (208)648-7774

Priority Date: 12/07/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.75 CFS	312 AFA
Total Diversion			1.75 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NESESW|Sec. 23|Township 07S|Range 38E|CARIBOU County

79 586

Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU 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>
07S	38E	23		SE NW	36									
				NESW	36		NWSW	4		SWSW	17		SESW	11

Total Acres: 104

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 03/22/2004

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

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:

79586

QUITCLAIM DEED

For Value Received,

Remy Labrouche and Ruth Labrouche, husband and wife,

do hereby convey, release, remise and forever quit claim unto

Bar O Bar Ranch, LLC

whose current address is

826 Wood Road,
Bancroft, ID 83217

the following described premises in Caribou County , to-wit:

See attached Exhibit A.

Together with Idaho Department of Water Resources Water Right Nos. 29-2302, 29-2545, 29-4006, 29-7028 ,29-13395, 29-10160, 29-10161, 2-10162, 29-10163, 29-10164 and 29-10165.

Together with 380 shares in Chesterfield Land and Livestock Association.

Together with 2400 shares of stock in Topons Canal Company a/k/a Toponce Canal Company, a/k/a Toponce Canal Company, Ltd.

Together with their appurtenances, including all water, gas, oil and mineral rights.

Dated: 8-7-06

Remy Labrouche
Remy Labrouche

Ruth Labrouche
Ruth Labrouche

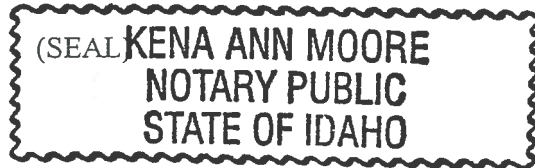
STATE OF IDAHO)
Caribou :ss.
County of ~~Bannock~~ Ku)

On this 7th day of August, 2006, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Remy A. Labrouche and Ruth Labrouche, known or identified to me to be the persons who subscribed their names to the foregoing instrument, and acknowledged to me that they executed the same.

COPY

79586

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Kena Ann Moore

Notary Public for Idaho

Residing at: Soda Springs, Idaho 83276

My commission expires: 7/18/09

COPY

EXHIBIT A

Caribou County, Idaho:

Township 7 South. Range 38 East of the Boise Meridian:

Section 12: Lots 3, 4, E½SW¼, W½SE¼, EXCEPT THEREFROM, any portion thereof lying within the right of way of County Roads.

Section 14: W½SW¼, SW¼NW¼.

Section 15: SE¼, SE¼NE¼.

Section 22: A tract of land in the N¼N¼ of said Section 22, more particularly described as follows:

Beginning at the Northeast corner of the NW¼NE¼ of Section 22, and running thence South approximately 940 feet to an existing fence line; thence in a Northwesterly direction along an existing fence line approximately 1550 feet; thence in a Northerly directly along an existing fence line approximately 250 feet to the North section line of said Section 22;

thence East approximately 1360 feet along the Section line, to the point of beginning.

Section 23: N¼NE¼, NW¼, E½SW¼, SW¼SE¼, ALSO, Beginning at the Southeast Corner of the SW¼SW¼ of Section 23, and running thence Northwesterly along a ditch, 980 feet, more or less, to an existing fence line; thence Northeasterly along said fence line 1910 feet, more or less, to a point on the West 1/16th line, which point is 2060 feet, more or less, North of the point of beginning; thence South along the West 1/16th line, 2060 feet, more or less, to the point of beginning.

EXCEPT THEREFROM the NE¼NE¼NW¼ and the NE¼SE¼NE¼NW¼.

ALSO EXCEPT THEREFROM the following 4 tracts of land.

1. Beginning at a point 2221.5 feet East and 25 feet South of the Northwest corner of Section 23, and running thence South 290.4 feet; thence East 150 feet; thence North 290.4 feet; thence West 150 feet; to the point of beginning.

2. Beginning at a point 400 feet North of the Southeast corner of the NE¼NW¼ of Section 23, and running thence West 220 feet; thence North 130 feet; thence East 220 feet; thence South 130 feet; to the point of beginning.

3. Beginning at a point 1300 feet South of the Northwest corner of the SE¼NW¼ of said Section 23, and running thence South 600 feet; thence North 26°33'54" East 670.82 feet, more or less, to the latitudinal center line; thence West 300 feet,

EXHIBIT A Cont.

to the point of beginning.

4. Beginning at a point 330 feet North of the Southeast corner of the NE~~X~~NW~~X~~ of said Section 23, and running thence West 660 feet; thence South 330 feet; thence East 660 feet; thence North 330 feet, to the point of beginning. (ALSO described as the S~~X~~SE~~X~~NE~~X~~NW~~X~~)

Section 24: NW~~X~~NW~~X~~.

Section 26: W~~X~~NW~~X~~, SW~~X~~ lying South and East of the Kelly-Toponce County Road, as presently located.

Section 27: S~~X~~NE~~X~~, N~~X~~SE~~X~~.

EXCEPT THEREFROM, any portion thereof lying within the right of way of County Roads.

COPY



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

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[[Get a certificate of existence for BAR O BAR RANCH, LLC](#)]
[[Monitor BAR O BAR RANCH, LLC business filings](#)]

BAR O BAR RANCH, LLC

826 WOOD RD
BANCROFT, ID 83217

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING, ANREPT SENT 07 Nov 2013

State of Origin: IDAHO

Date of 12 Jan 2006

Origination/Authorization:

Current Registered Agent: REMY LABROUCHE
826 WOOD RD
BANCROFT, ID 83217

File Number: W46362

Date of Last Annual Report: 18 Nov 2013

Original Filing:

Filed 12 Jan 2006 ARTICLES OF
ORGANIZATION

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Amendments:

Amendment Filed 16 Mar 2006 AMENDED &
RESTATED

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Annual Reports:

Report for year 2014 ANNUAL REPORT

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Report for year 2013 ANNUAL REPORT

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Report for year 2012 ANNUAL REPORT

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Report for year 2008 ANNUAL
REPORT

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Report for year 2007 ANNUAL
REPORT

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