

RECEIVED

JUL 02 2014

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

79433

Dairy

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) Cannon Shelley Property LTDCheck 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: Secretary of State Business Entities

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

79433

Dairy/Feed Lot

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

Name of Applicant Cannon Shelley Property LTDPhone (208) 357-7787Mailing Address 1470 N 750 E, Shelley, ID 83274

Email _____

- ☐ 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 RepresentativeName of Representative Keith C. Wilson c/o Rocky Mountain Environmental Associates Inc. Phone (208) 524-2353 / Fax 524-1795Mailing address 482 Constitution Way, Suite 303, Idaho Falls, ID 83402 Email kwilson@rockymountainenvironmental.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.

Seth Cannon

Signature of Applicant or Authorized Representative

Seth Cannon

Print Name and Title if applicable

6-24-14

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change Point of Diversion ☒ Add diversion point(s) ☒ Change Place of use
☒ Change Nature of Use ☒ Change Period of Use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**:

Applicant proposes to change the nature of use of ^{61.2}~~60.7~~ acres of water right 35-13523 from irrigation to stock water and commercial for 4000 milking, 500 dry and 3690 head of replacement cattle for a dairy and feed lot (this portion of 35-13523 will be used in conjunction with 35-13524). A companion Transfer will transfer sufficient acres for the irrigation of the additional acres irrigated by a pivot located in the NW¼ Sec 6, T03N, R36E

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHT(S) 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					
☐ ☒	35-13523	0.41 cfs	Commercial	01/01 to 12/31	Ground Water
☐ ☐		0.41 cfs	Stock Water	01/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total Authorized under rights 0.79 cfs and/or _____ ac-ft

2. Total amount of water being transferred or changed 0.79 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 #
No	4		SW	SW	31	4N	36E	Jefferson	Ground Water	
No	4		SW	SW	31	4N	36E	Jefferson	Ground Water	

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	
4N	36E	31									C/S	C/S	C/S	C/S		C/S	C/S		

Total Acres (for irrigation use): _____

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:

Wells (2) pumps with mainline to stock troughs for feed lot and dairy. A lockable controlling works could be either a valve in the main line, or the electrical panned. An inline meter could be uses as a measuring device.

- 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. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No ☒
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage, or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Place of Use will become part of the dairy and feedlot operation and will not be irrigated.

- 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) of use:

Water Right 35-13524 is used for the dairy operation of Kettle Butte Dairy. No other water rights will be appurtenant to the place of use pursuant to this transfer.

- 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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDEDWATER RIGHT NO. **35-13523**

Owner Type	Name and Address
Current Owner	CANNON SHELLEY PROPERTY LTD
	1470 N 750 E
	SHELLEY, ID 83274
	(208) 357-7787

Priority Date: 08/08/1983

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	9.91 CFS	3058 AFA
Total Diversion			9.91 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESWNW	Sec. 06	Township 03N	Range 36E	BONNEVILLE County
--------------	--------	---------	--------------	-----------	-------------------

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	36E	6	1	NENE	26	2	NWNE	26		SWNE	39		SENE	40
			3	NENW	30.4	4	NWNW	30		SWNW	27.9		SENW	26.9
				NESW	34		NWSW	31		SWSW	38		SESW	40
				NESE	39		NWSE	40		SWSE	40		SESE	39
04N		31		NESW	31.3	4	SWSW	1.8		SESW	28.2			
				NESE	40		NWSE	40		SWSE	39		SESE	37

Total Acres: 764.5

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.
--------	---

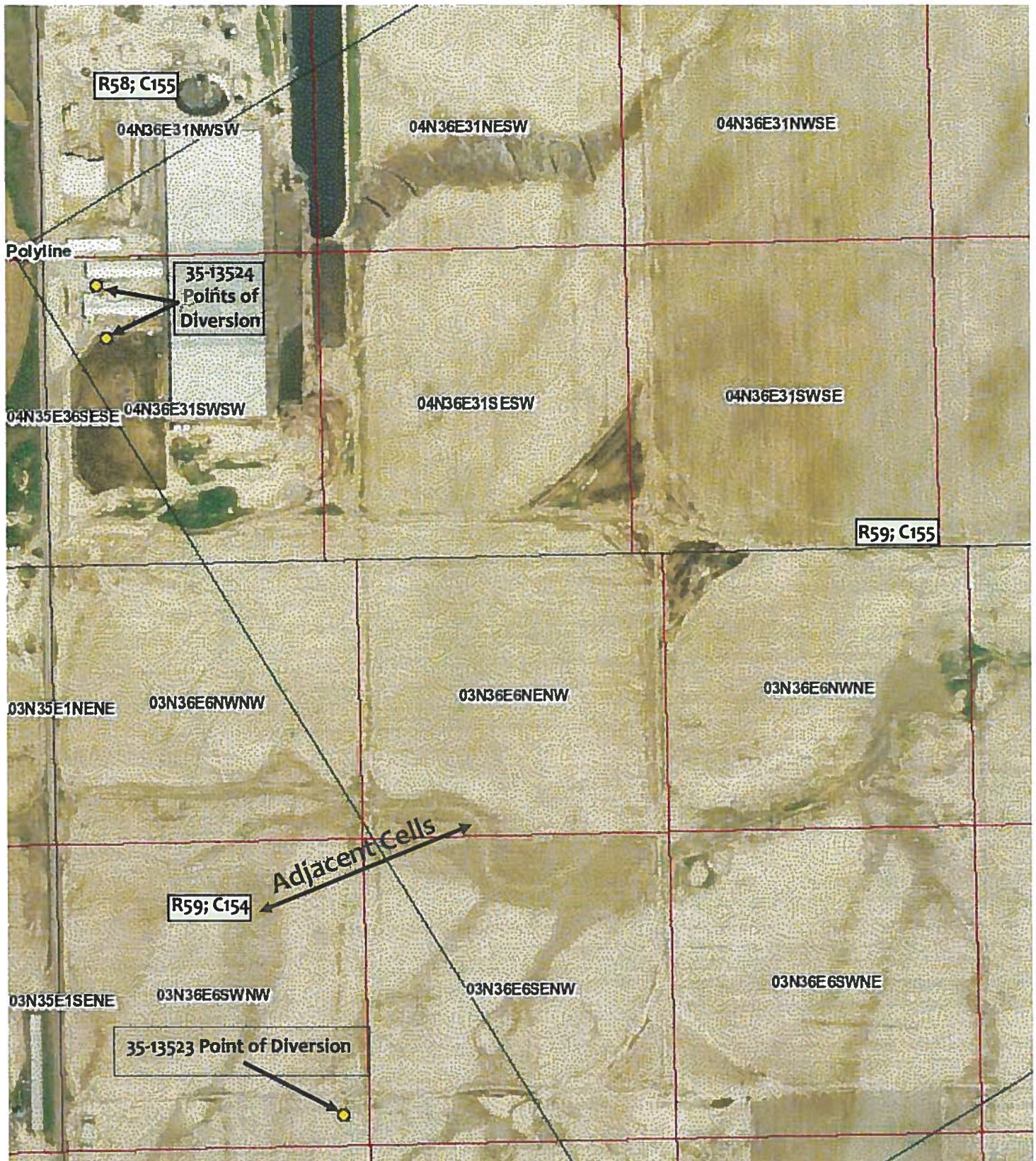
Decreed Date: 01/31/2002

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

No ESPA Spreadsheet Analysis is required for wells in Adjacent Cells.



Attachment #7a Proposed Place of Use

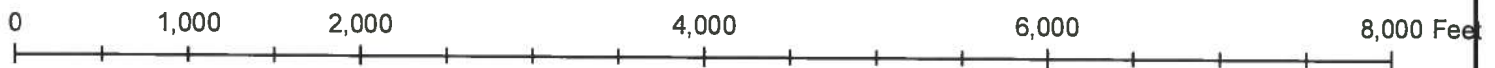
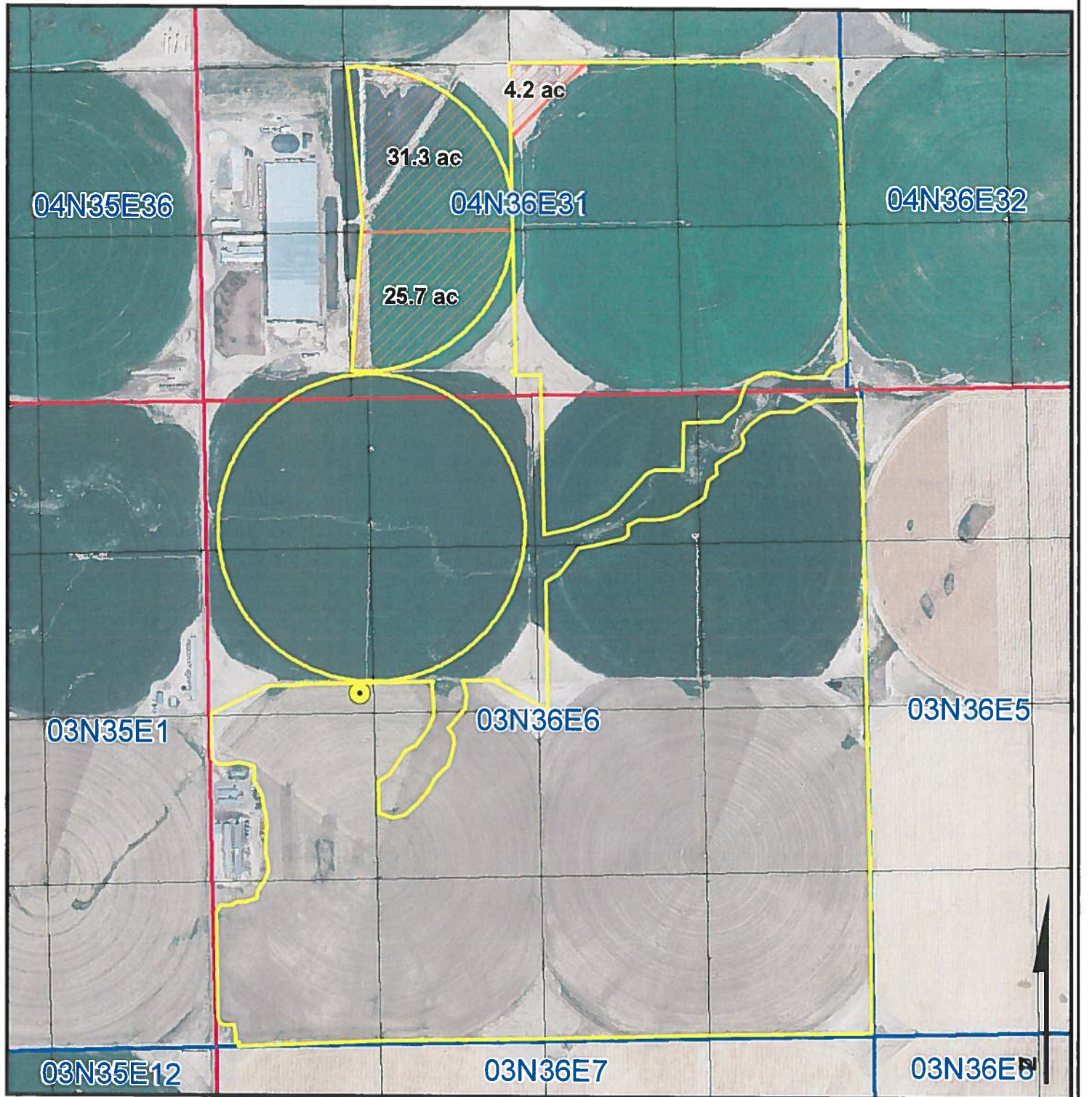


0 500 1,000 2,000 3,000 4,000 Feet

- Proposed Dairy POD
- Proposed Dairy POU
- Township and Range
- Section
- QQ

2013 NAIP Photography

Attachment #7b Existing Place of Use



- WR POU 35-13523
- Township and Range
- Section
- QQ
- Existing Irrigation Well
- Dry Acres

2013 NAIP Photography



FILE NAME -----	Cannon Shelley Property LTD
REVIEWER -----	
DATE -----	July 15, 2014

DAIRIES: WATER USE WORKSHEET

Kettle Butte Dairy

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE -----	4000	
NUMBER OF DRY CATTLE -----	500	
NUMBER OF REPLACEMENT CATTLE:	0-2 MONTHS -----	617
	3-4 MONTHS -----	617
	5-8 MONTHS -----	617
	9-12 MONTHS -----	617
	13-15 MONTHS -----	617
	16-24 MONTHS -----	617
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC COW WASHING, OR 3 IF SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS -----		1
IF SPRINKLERS ARE USED: NUMBER OF SPRINKLERS IN HOLDING PEN -----	0	
NOZZLE DISCHARGE (USE 5.0 GPM IF UNKNOWN) -----	0.00	
TOTAL OPERATION TIME OF SPRINKLERS (MIN/DAY) -----	0	
NUMBER OF MILKINGS PER DAY -----	3	
AVG. LBS. OF MILK PRODUCED PER DAY PER ANIMAL (IDAHO AVG IS 70 LBS.) -----	70	
ARE THERE SEPARATE PUMPS FOR COMMERCIAL AND STOCKWATER USES? -----	N	
IF SO: HOW MANY HOURS PER DAY DOES THE STOCKWATER PUMP RUN? -----		
HOW MANY HOURS PER DAY DOES THE COMMERCIAL PUMP RUN? -----		
IF ONLY ONE PUMP, HOW MANY TOTAL HOURS PER DAY DOES IT RUN? -----	16.0	
IS A PLATE COOLER USED? -----	Y	
IS PLATE COOLER WATER LATER RECYCLED FOR OTHER USES? (IF NO PLATE COOLER, LEAVE BLANK) -----	Y	
ARE CORRAL MISTERS USED IN HOLDING PEN? -----	N	
IF USING CORRAL MISTERS: NUMBER OF MISTERS (IF UNKNOWN, ASSUME 1 MISTER FOR EVERY 5 COWS) -----	0	
NOZZLE DISCHARGE (USE 5 GPH IF UNKNOWN) -----	0.00	
SPRAY INTERVAL (EX - 2 MIN ON EVERY 5 MIN = 2/5) -----		
OPERATION TIME OF MISTERS (HRS/DAY) -----	0	
DAYS PER YEAR MISTERS ARE USED -----	0	
ENTER A TOTAL VOLUME IN GPD FOR MISCELLANEOUS WATER USES NOT INDIVIDUALLY CALCULATED BELOW (EX. - RESTROOMS, WASHING MACHINES) -----	40	

CALCULATIONS

7/15/2014

Cannon Shelley Property LTD

Pg 2 of 4

DIVERSION RATE (CFS):

Kettle Butte Dairy

STOCKWATER

MILKING CATTLE (BASED ON MILK PRODUCTION) -- ****
 DRY CATTLE @17.0 GPD/HD----- ****
 REPLACEMENT CATTLE ----- ****

STOCK WATER TOTAL = 0.41

COMMERCIAL

TOTAL ----- 0.41

TOTAL DIVERSION RATE = 0.41

DIVERSION VOLUME (AFA):

STOCK WATER

MILKING CATTLE ----- 129.0
 DRY CATTLE ----- 7.5
 REPLACEMENT CATTLE ----- 25.0

STOCK WATER TOTAL VOLUME = 161.5

COMMERCIAL

WASHING OF BULK TANK & RELATED EQUIPMENT 0.6
 BACKFLUSH ----- 6.7
 PARLOR/MILKHOUSE/HOLDING PEN CLEANUP - 3.0
 CATTLE WASHING BASED UPON METHOD OF WASHING 6.7
 PLATE COOLER ----- 0.0
 CORRAL MISTERS ----- 0.0
 MISCELLANEOUS USES ----- 0.0

COMMERCIAL TOTAL = 17.1

TOTAL DIVERSION VOLUME = 178.6

CONSUMPTIVE USE VOLUME (AFA)(assuming 100% consumptive):

STOCKWATER ----- 161.5

COMMERCIAL ----- 17.1

TOTAL CONSUMPTIVE USE 178.6

7/15/2014

Cannon Shelley Property LTD

Pg 3 of 4

Kettle Butte Dairy

THEORETICAL FLOW ESTIMATION WORKSHEET
--

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3	PUMP 4	PUMP 5
PUMP HORSEPOWER (HP) -----	25.00	25.00	0.00	0.00	0.00
PUMP EFFICIENCY (%) -----	70	70	70	70	70
LIFT (FT) -----	410	410	0	0	0
DISCHARGE PRESSURE (PSI) -----	40	40	0	0	0
FRICTION LOSSES (FT) -----	3.0	3.0	0.0	0.0	0.0
HOURS PER DAY PUMP OPERATES -----	16.0	16.0	0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * -----	0.30	0.30	0.00	0.00	0.00
DIVERSION VOLUME (AFA) ** -----	147.1	147.1	0.0	0.0	0.0

* IF PUMP EFFICIENCY IS UNKNOWN, 70% MAY BE ASSUMED.

** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS EVERY DAY OF THE YEAR.

7/15/2014

Pg 4 of 4

Cannon Shelley Property LTD

Kettle Butte Dairy

EVALUATION OF EQUIVALENT IRRIGATED ACREAGE

IRRIGATION RIGHT (BEFORE CHANGE)

Water Right Number: 35-13523

DIVERSION RATE -----	9.91 cfs
ACRES OF IRRIGATION -----	764.5 Acres
DIVERSION VOLUME -----	4.0 ac-ft/ac
CONSUMPTIVE USE VOLUME ¹ -----	2.92 ac-ft/ac ¹
IRRIGATION IS BEING CONVERTED FOR WHICH PORTION OF THE DAIRY OPERATION - STOCKWATER (S), COMMERCIAL (C), OR BOTH (B)? -----	
	B

Consumptive Use Calculations ¹	
Kettle Butte (AgriMet -- KTBI)*	
Irrigation Consumptive Crop =	Alfalfa - less frequent cuttings
Precipitation Deficit Pdef (mm) =	889.0 mm Growing Season
Mean Irr. Requirement (ac-ft/ac/season) =	2.92 ac-ft/ac ¹ Consumptive Use
* http://data.kimberly.uidaho.edu/ETIdaho/	

CALCULATIONS

IRRIGATION DIVERSION RATE PER ACRE -----	0.013 cfs/ac
REDUCTION OF IRRIGATION BASED ON DIVERSION RATE -----	31.6 Acres
REDUCTION OF IRRIGATION BASED ON DIVERSION VOLUME -----	44.7 Acres
REDUCTION OF IRRIGATION BASED ON CONSUMPTIVE USE -----	61.2 Acres

DIVERSION RATE ASSOCIATED WITH CONSUMPTIVE USE ACRES:

Diversion Rate cfs ÷ Total acres = Rate/Acre

61.2 Acres =

Diversion Rate

0.79 cfs

9.91 cfs ÷ 764.50 Acres = 0.01296 cfs/ac

0.01296 cfs/ac X 61.2 acres = 0.79 cfs

(Diversion Rate/Acre)X(Number of Acres)= Diversion Rate

DAIRY TRANSFER

	IDAHO SECRETARY OF STATE Viewing Business Entity	
	Ben Ysursa, Secretary of State	
CANNON SHELLEY PROPERTY LIMITED PARTNERSHIP		
1470 N 750 E, SHELLEY, ID 83274		
Type of Business:		LIMITED PARTNERSHIP
Status:		CURRENT, ANREPT SENT 03 Apr 2014
State of Origin:		IDAHO
Date of Origination/Authorization:		09 Jun 1997
Initial Registered Agent:		SETH ALAN CANNON 1470 N 750 E SHELLEY, ID 83274
File Number:		L3449
Date of Last Annual Report:		20 May 2014

No. L 3449		Due no later than Jun 30, 2014		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. CANNON SHELLEY PROPERTY LIMITED PARTNERSHIP SETH A CANNON 1470 N 750 E SHELLEY ID 83274		SETH ALAN CANNON 1470 N 750 E SHELLEY ID 83274			
				3. New Registered Agent Signature:*			
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
GENERAL PARTNER	SETH A CANNON	1470 N 750 E	SHELLEY	ID	USA	83274	
GENERAL PARTNER	ALAN M CANNON, JR.	707 E 1500 N	SHELLEY	ID	USA	83274	
5. Organized Under the Laws of:		6. Annual Report must be signed.*					
ID L 3449		Signature: Troy Clayton			Date: 05/20/2014		
		Name (type or print): Troy Clayton			Title: Controller		
Processed 05/20/2014		* Electronically provided signatures are accepted as original signatures.					