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JUL 02 2014

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79438

Irrigation

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. 79438
IRRIGATION TRANSFER

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant Cannon Shelley Property LTD Phone (208) 357-7787

Mailing 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 Representative

Name of Representative Keith C. Wilson c/o Rocky Mountain Environmental Associates Inc. Phone (208) 524-2353 / Fax 524-1795

Mailing 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

7-22-14
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**:
Applicant proposes to transfer sufficient acres to reflect the current irrigation of fields under the remaining acres of water right 35-13523 (after the Dairy/Feed lot Transfer.)

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.	All or Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ ☒		35-13523	9.12 cfs	Irrigation	04/01 to 10/31	Ground Water
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	

Total Authorized under rights 9.12 cfs and/or _____ ac-ft

2. Total amount of water being transferred or changed 0.61 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				Total Acres
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	36E	6	31.2	32.9	35.6	37.6	35.5	34.9	34.7	34.5	39.4	31.0	37.8	37.2	39.0	39.5	37.0	36.4	574.2
			L-1	L-2			L-3	L-4											
4N	36E	31											3.9	5.3	36.9	23.6	24.0	35.4	129.1
Total Acres (for Irrigation Use)																			703.3

Page 3
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:

Well pump with mainline to center pivots and hand lines. 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:

A companion transfer changes the nature of use of 61.2 acres from irrigation to a dairy and feedlot operation and will not be irrigated. This transfer rearranges the remaining acres (703.3 acres) to reflect the current irrigation practices. Of the 703.3 acres ~~47.3~~ 46.8 acres requires a change in the place of use. The remaining acres within each quarter-quarter are being rearranged to match the shape file. Those acres from which the water right will be removed 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:

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
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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.
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Decreed Date: 01/31/2002

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

Part 3

A. PLAT MAP (See Part 3A for 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).....N/A

- ☐ 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.....N/A

- ☐ 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 supplemental, 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:

[illegible]

FOR DEPARTMENT USE ONLY

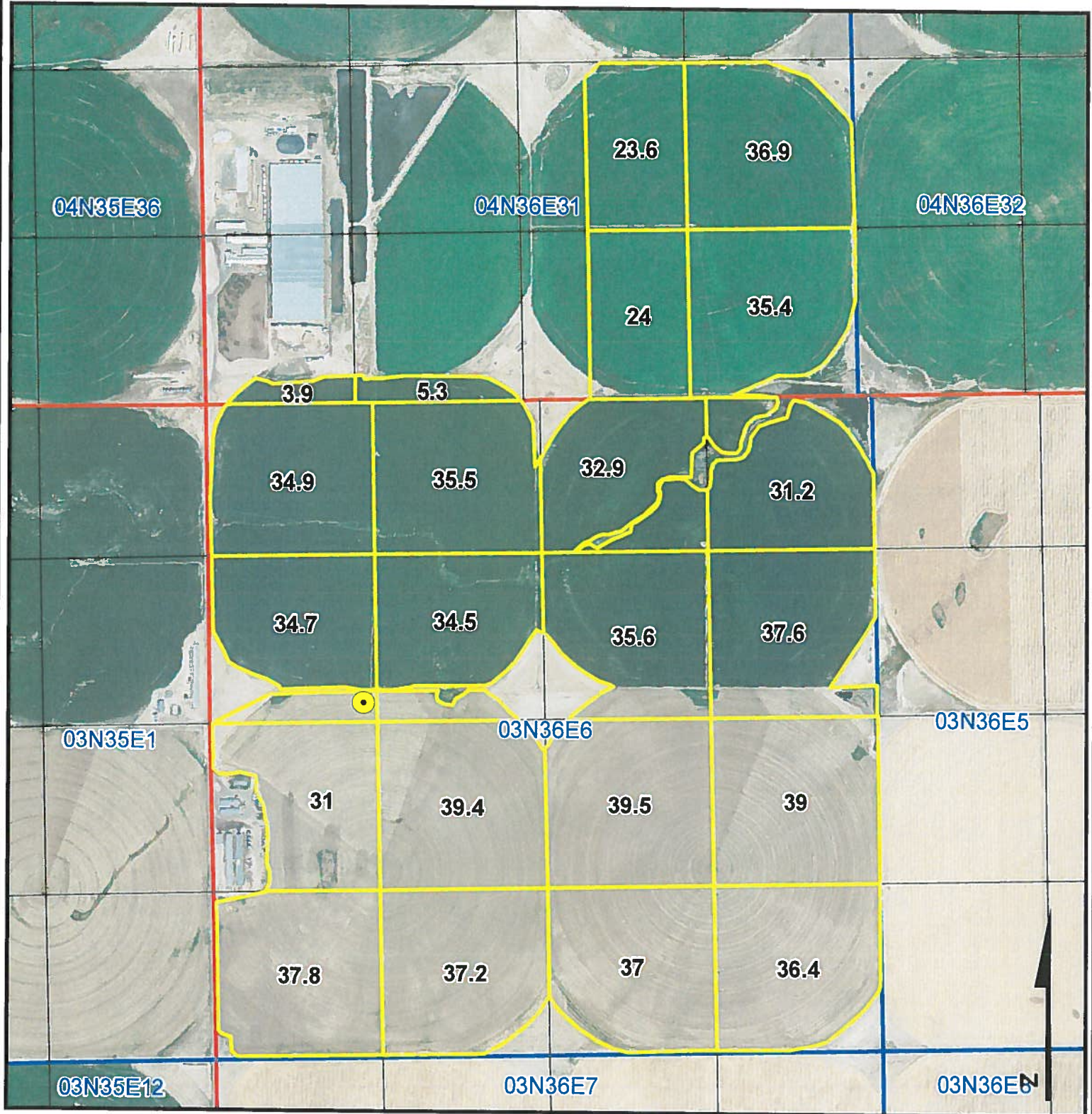
Transfer contains _____ pages and _____ attachments.

Received by M. HOLLIDAY Date 7/12/14 Preliminary check by MH Date 7/10/14

Fee Paid \$500 Date 7/2/14 Received by JS Receipt # E039998

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

Attachment #7a Proposed Place of Use



0 1,000 2,000 4,000 6,000 8,000 Feet

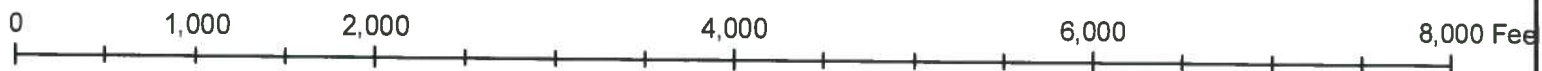
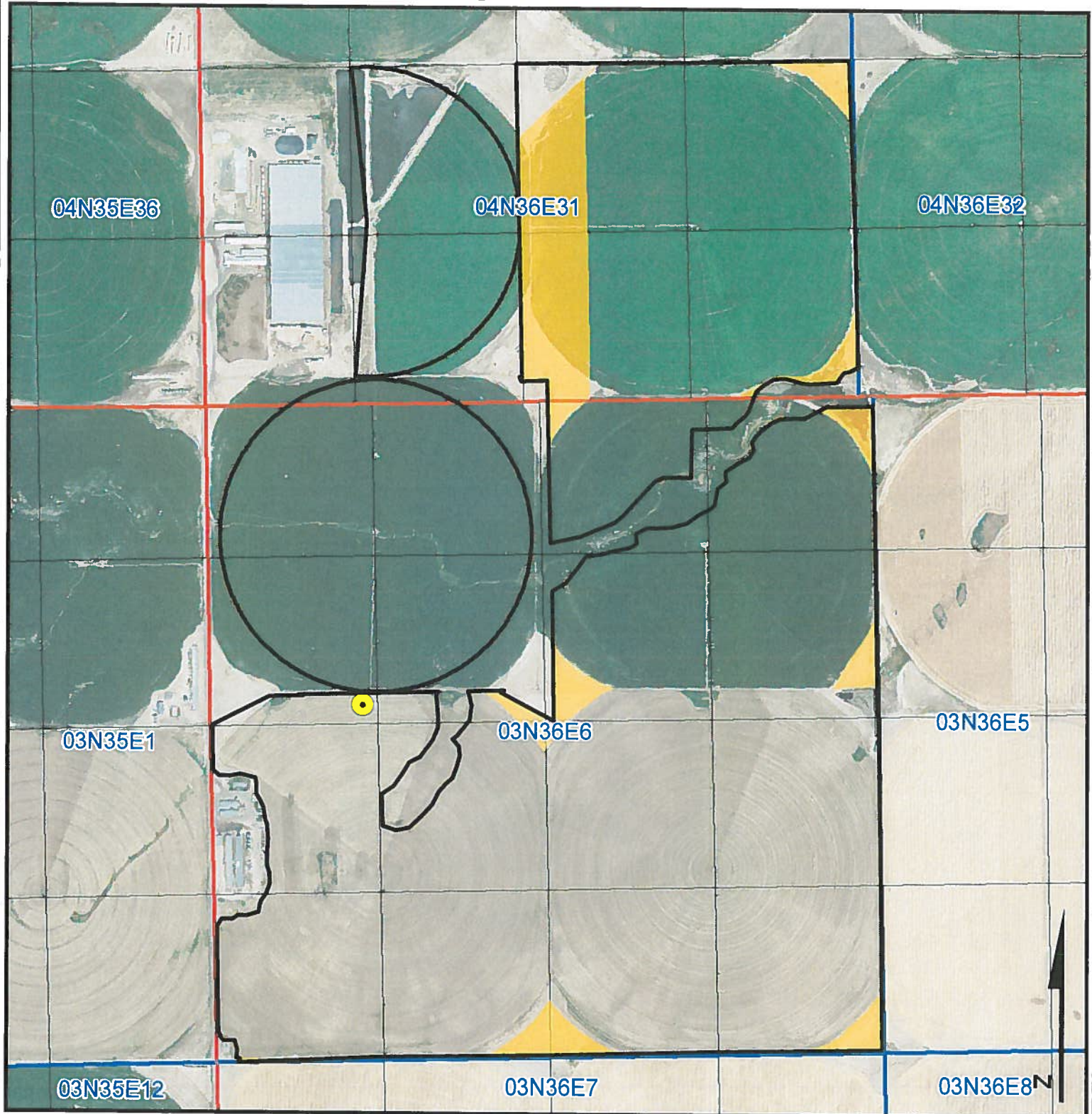
- Existing Irrigation Well
- Township and Range
- Proposed Irrigated Acres
- Section
- QQ

2013 NAIP Photography

79438

Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

Attachment #7b Existing Place of Use



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

2013 NAIP Photography

79 438

	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 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		Due no later than Jun 30, 2014 Annual Report Form 1. Mailing Address: Correct in this box if needed. CANNON SHELLEY PROPERTY LIMITED PARTNERSHIP SETH A CANNON 1470 N 750 E SHELLEY ID 83274		2. Registered Agent and Address (NO PO BOX) SETH ALAN CANNON 1470 N 750 E SHELLEY ID 83274 3. <u>New</u> 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: ID L 3449		6. Annual Report must be signed.* Signature: Troy Clayton Name (type or print): Troy Clayton Date: 05/20/2014 Title: Controller				
Processed 05/20/2014		* Electronically provided signatures are accepted as original signatures.				

Acre Reconfiguration

Twp & Rng	Section	QQ	Q	WR 35-13523	Dairy Tx - Dry up	Remaining WR Ac Post Dairy TX	Measured Acres	Dry Acres	Added Acres
3N36E	6	NE	NE	26		26	31.2		5.2
		NW		26		26	32.9		6.9
		SW		39		39	35.6	3.4	
		SE		40		40	37.6	2.4	
		NE	NW	30.4		30.4	35.5		5.1
		NW		30		30	34.9		4.9
		SW		27.9		27.9	34.7		6.8
		SE		26.9		26.9	34.5		7.6
		NE	SW	34		34	39.4		5.4
		NW		31		31	31		
		SW		38		38	37.8	0.2	
		SE		40		40	37.2	2.8	
		NE	SE	39		39	39		
		NW		40		40	39.5	0.5	
		SW		40		40	37	3	
		SE		39		39	36.4	2.6	
4N36E	31	NE	SW	31.3	31.3	0			
		SW		1.8		1.8	3.9		2.1
		SE		28.2	25.7	2.5	5.3		2.8
		NE	SE	40		40	36.9	3.1	
		NW		40	4.2	35.8	23.6	12.2	
		SW		39		39	24	15	
		SE		37		37	35.4	1.6	
		Total =			764.5	61.2	703.3	703.3	46.8

$$9.91 \text{ cfs}/764.5 \text{ ac} = (9.91 \div 764.5) = 0.012963 \text{ cfs/ac}$$

Acres Transferred		Diversion Rate	
0.01296 cfs/ac X	46.8 acres =	0.606655 cfs =	0.61 cfs