

RECEIVED

JUL 18 2014

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79452MINIMUM 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) Anderson EnterprisesCheck 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: Idwr Notes from Applicant's Office visits

SUPPORT DATA

IN FILE #

03-9937

Page 1 of Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 18 2014

WATER RESOURCES
WESTERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Anderson Enterprises Phone 570-5531Mailing address 17220 S. Cloverdale Email Boyd Anderson 362-4649

- ☐ 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 _____ Phone _____

Mailing address _____ Email _____

- ☐ 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.

Boyd Anderson
Signature of Applicant or Authorized Representative

Boyd Anderson Gen Manager 7/17/14
Print Name and Title if applicable 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.

want to expand place of use to include additional
ground & be able to rotate the senior rights
on different ground if need be.

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 ☒ ☐			63-9937	.62	Irrigation	3/15 to 11/15	Indian Cr - Boise R.
			- 11343	.96		" to "	Small Cr - Indian Cr
			- 33817	.13		3/1 to "	ground water
			- 33819	1.17		3/15 to "	
			- 33821	.14		" to "	
			- 33823	.43		3/1 to "	
			- 33825	1.10		3/15 to "	
			- 33827	.47		" to "	
			- 33829	1.94		" to "	

Total authorized under rights 6.58 cfs and/or 21.7 acre-feet. ← storage →

2. Total amount of water proposed to be transferred or changed 6.58 cubic feet per second and/or 21.7 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
N			NW	SW	3	1N	16	Ada	Indian Cr	
N			NW	NE	10				" + Small Cr	
Y			SW	NE	10				"	Moved from SE SW 50
N			SW	SW	3				ground water	
N			NW	NE	10				"	

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	16	3									3	15	40	37			30		125
		10		40	40	40	40	40	40	40									280
		11							40										40

Total Acres (for irrigation use) → 445

* CONTINUED NEXT PAGE

limited to 341 acres in
(Attachment 9)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF A WATER RIGHT

Supplemental Page for Description of Rights after Transfer**

	<u>Right Number</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐	63-33831	.86	Irrigation	3/1 to 11/15	Indian Cr - Boise R
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Right 63-9937 includes:

21.7 AF

Low Storage

1/1 12/31

Low Flow Storage

3/15 11/15

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes	1N	1E	10			SW	NE	Ada	ground water	
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Continuation page

Rights : point of diversion

Page 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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:

Single closed unit system

- b. Who owns the property at the point(s) of diversion? SAME AS APPLICANT
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

N/A

- 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:

N/A

- 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:

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 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 J. Strane Date 7-18-14

Preliminary check by _____ Date _____

Fee paid 980.00 Date 7-18-14

Received by J. Strange Receipt # W042353

Add'l fee paid 50.00 Date 7-18-14

Received by J. Strong Receipt # W042353

Page _____ of _____

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

Current Water Right No.: 63-9937

Current Owner: ROY E STEPHENSON
MICHAEL TOOMEY
WILLIAM R STURGEON

Priority Date: 7/15/1982

Origin: Water Right

Status: Active

Basis: Decreed

Source

INDIAN CREEK
SAND CREEK

Tributary

BOISE RIVER
INDIAN CREEK

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION FROM STORAGE 03/15 to 11/15

21.7 AF

IRRIGATION 03/15 to 11/15

0.62 CFS

166.5 AF

IRRIGATION STORAGE 01/01 to 12/31

21.7 AF

Total Diversion

0.62 CFS

210.1 AF

Location of Point(s) of Diversion

INDIAN CREEK
ADA County

NW1/4NE1/4 Sec. 10, Twp 01N, Rge 01E B.M.

SAND CREEK
ADA County

NW1/4NE1/4 Sec. 10, Twp 01N, Rge 01E B.M.

Place of Use

IRRIGATION Within ADA County

T01N R01E S10	NWNE	17.90	T01N R01E S10	SENE	19.10
Total Acres: 37					

Place of Use: IRRIGATION FROM STORAGE same as IRRIGATION

Place of Use: IRRIGATION STORAGE same as IRRIGATION

Conditions of Approval:

1. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15, UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. 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.

Page _____ of _____

Decreed Date: 4/10/2007

Page _____ of _____

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

Current Water Right No.: 63-11343

Current Owner: ROY E STEPHENSON
MICHAEL TOOMEY
WILLIAM R STURGEON

Priority Date: 6/21/1990

Origin: Water Right

Status: Water Supply Bank Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.36 CFS	81 AF
	<u>Total Diversion</u>	0.36 CFS	81 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4 Sec. 10, Twp 01N, Rge 01E B.M.
ADA County

Place of Use

IRRIGATION Within ADA County

T01N R01E S10 NWNE 18.00
Total Acres: 18

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Licensed Date: 9/30/1993

Page _____ of _____

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

Current Water Right No.: 63-33817

Current Owner: ANDERSON ENTERPRISES

Priority Date: 6/4/1963

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.13 CFS	33.4 AF
	<u>Total Diversion</u>	0.13 CFS	33.4 AF

Location of Point(s) of Diversion

GROUND WATER

ADA County

SW1/4SW1/4NE1/4

Sec. 10, Twp 01N, Rge 01E B.M.

Place of Use

IRRIGATION Within ADA County

T01N R01E S10	SWNE	35.00	T01N R01E S10	SENE	20.00
T01N R01E S10	NENW	36.00	T01N R01E S10	NWNW	38.00
T01N R01E S10	SWNW	39.00	T01N R01E S10	SENW	40.00

Total Acres: 208

Page _____ of _____

Conditions of Approval:

1. Rights 63-3219B, 63-3337A, 63-3337C and 63-3577 are subject to the conditions of the Preliminary Order dated July 29, 1999 in the matter of Application for Transfer 5205.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. F06 The following rights are diverted through point of diversion described above in Section 10: 63-333817, 63-33819, 63-33823 and 63-33829.
6. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. X27 This right is limited to the irrigation of 7.4 acres within the authorized place of use in a single irrigation season.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
10. X35 Rights 63-333817, 63-33819, 63-33823 and 63-33829 when combined shall not exceed a total diversion rate of 3.68 cfs, a total annual maximum diversion volume of 936.0 af at the field headgate, and the irrigation of 208 acres.

Decreed Date: 2/16/2007

typo Extension 3

Page _____ of _____

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

Current Water Right No.: 63-33819

Current Owner: ANDERSON ENTERPRISES

Priority Date: 1/16/1961

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	03/15 to 11/15	1.17 CFS	419.1 AF
	<u>Total Diversion</u>	1.17 CFS	419.1 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T01N R01E S10	SWNE	35.00	T01N R01E S10	SENE	20.00
T01N R01E S10	NENW	36.00	T01N R01E S10	NWNW	38.00
T01N R01E S10	SWNW	39.00	T01N R01E S10	SENW	40.00

Total Acres: 208

Conditions of Approval:

1. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. X27 This right is limited to the irrigation of 93.1 acres within the authorized place of use in a single irrigation season.
4. X35 Rights 63-333817, 63-33819, 63-33823 and 63-33829 when combined shall not exceed a total diversion rate of 3.68 cfs, a total annual maximum diversion volume of 936.0 af at the field headgate, and the irrigation of 208 acres.
5. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. F06 The following rights are diverted through point of diversion described above in Section 10: 63-3219B, 63-3337A, 63-3337C and 63-3577. In addition, these rights and rights 63-2966, 63-3219A, 63-3219C, 63-3337D, 63-3337E, and 63-7388 shall be diverted through a single well authorized under Transfer 77003 to be drilled and developed within Section 4 or Section 9 described above.
7. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. Rights 63-333817, 63-33819, 63-33823 and 63-33829 are subject to the conditions of the Preliminary Order dated July 29, 1999 in the matter of Application for Transfer 5205.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.

Decreed Date: 2/16/2007

Page _____ of _____

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

Current Water Right No.: 63-33821

Current Owner: ANDERSON ENTERPRISES

Priority Date: 1/16/1961

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.14 CFS	49.4 AF
	<u>Total Diversion</u>	0.14 CFS	49.4 AF

Location of Point(s) of Diversion

GROUND WATER		SE1/4NW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County					
GROUND WATER		SW1/4SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County					
GROUND WATER		SE1/4SE1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County					

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NWSW	1.00	T01N R01E S3	SWSW	35.00
T01N R01E S3	SESW	30.00	T01N R01E S3	SWSE	30.00

Total Acres: 96

Conditions of Approval:

1. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.
2. X11 The right holder shall maintain acceptable measuring devices at the point of injection into Indian Creek and at the point of redirection from Indian Creek.
3. X27 This right is limited to the irrigation of 11 acres within the authorized place of use in a single irrigation season.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. F06 The following rights are diverted through point of diversion described above in the SWSWSW of Section 3: 63-33821, 63-33825, and 63-33827.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
8. G01 Point of injection is into Indian Creek and point of redirection is from Indian Creek.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. X35 Rights 63-33821, 63-33825, 63-33827 and 63-33831 when combined shall not exceed a total diversion rate of 1.92 cfs, a total annual maximum diversion volume of 432.0 af at the field headgate, and the irrigation of 96 acres.
12. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Decreed Date: 2/16/2007

Page _____ of _____

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

Current Water Right No.: 63-33823

Current Owner: ANDERSON ENTERPRISES

Priority Date: 6/4/1963

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	03/01 to 11/15	0.43 CFS	97.7 AF
	<u>Total Diversion</u>	0.43 CFS	97.7 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4SW1/4NE1/4

Sec. 10, Twp 01N, Rge 01E B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T01N R01E S10	SWNE	35.00	T01N R01E S10	SENE	20.00
T01N R01E S10	NENW	36.00	T01N R01E S10	NWNW	38.00
T01N R01E S10	SWNW	39.00	T01N R01E S10	SENW	40.00

Total Acres: 208

Page _____ of _____

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. X35 Rights 63-333817, 63-33819, 63-33823 and 63-33829 when combined shall not exceed a total diversion rate of 3.68 cfs, a total annual maximum diversion volume of 936.0 af at the field headgate, and the irrigation of 208 acres.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. F06 The following rights are diverted through point of diversion described above in Section 10: 63-3219B, 63-3337A, 63-3337C and 63-3577. In addition, these rights and rights 63-2966, 63-3219A, 63-3219C, 63-3337D, 63-3337E, and 63-7388 shall be diverted through a single well authorized under Transfer 77003 to be drilled and developed within Section 4 or Section 9 described above.
6. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Rights 63-333817, 63-33819, 63-33823 and 63-33829 are subject to the conditions of the Preliminary Order dated July 29, 1999 in the matter of Application for Transfer 5205.
9. X27 This right is limited to the irrigation of 21.7 acres within the authorized place of use in a single irrigation season.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 2/16/2007

Page _____ of _____

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

Current Water Right No.: 63-33825

Current Owner: ANDERSON ENTERPRISES
Priority Date: 6/4/1963
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	03/15 to 11/15	1.1 CFS	276.8 AF
	<u>Total Diversion</u>	1.1 CFS	276.8 AF

Location of Point(s) of Diversion

GROUND WATER		SE1/4NW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County				↳ (Rediversion)	
GROUND WATER	<i>well</i> →	SW1/4SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County					
GROUND WATER		SE1/4SE1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County				↳ (Injection)	

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NWSW	1.00	T01N R01E S3	SWSW	35.00
T01N R01E S3	SESW	30.00	T01N R01E S3	SWSE	30.00

Total Acres: 96

Page _____ of _____

Conditions of Approval:

1. F06 The following rights are diverted through point of diversion described above in the SWSWSW of Section 3: 63-33821, 63-33825, and 63-33827.
2. X27 This right is limited to the irrigation of 61.5 acres within the authorized place of use in a single irrigation season.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. G01 Point of injection is into Indian Creek and point of redirection is from Indian Creek.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. X35 Rights 63-33821, 63-33825, 63-33827 and 63-33831 when combined shall not exceed a total diversion rate of 1.92 cfs, a total annual maximum diversion volume of 432.0 af at the field headgate, and the irrigation of 96 acres.
8. X11 The right holder shall maintain acceptable measuring devices at the point of injection into Indian Creek and at the point of redirection from Indian Creek.
9. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.
10. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 2/16/2007

Page _____ of _____

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

Current Water Right No.: 63-33827

Current Owner: ANDERSON ENTERPRISES

Priority Date: 1/21/1971

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	03/15 to 11/15	0.47 CFS	105.8 AF
	<u>Total Diversion</u>	0.47 CFS	105.8 AF

Location of Point(s) of Diversion

GROUND WATER		SE1/4NW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County					
					↳ (Rediversion)
GROUND WATER		SW1/4SW1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County					
	Well →				
GROUND WATER		SE1/4SE1/4SW1/4	Sec. 3,	Twp 01N,	Rge 01E B.M.
ADA County					
					↳ (Injection)

Place of Use

IRRIGATION Within ADA County

T01N R01E S3	NWSW	1.00	T01N R01E S3	SWSW	35.00
T01N R01E S3	SESW	30.00	T01N R01E S3	SWSE	30.00

Total Acres: 96

Page _____ of _____

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. X35 Rights 63-33821, 63-33825, 63-33827 and 63-33831 when combined shall not exceed a total diversion rate of 1.92 cfs, a total annual maximum diversion volume of 432.0 af at the field headgate, and the irrigation of 96 acres.
7. X11 The right holder shall maintain acceptable measuring devices at the point of injection into Indian Creek and at the point of redirection from Indian Creek.
8. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. X27 This right is limited to the irrigation of 23.5 acres within the authorized place of use in a single irrigation season.
10. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
11. G01 Point of injection is into Indian Creek and point of redirection is from Indian Creek.
12. F06 The following rights are diverted through point of diversion described above in the SWSWSW of Section 3: 63-33821, 63-33825, and 63-33827.

Decreed Date: 2/16/2007

Page _____ of _____

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

Current Water Right No.: 63-33829

Current Owner: ANDERSON ENTERPRISES

Priority Date: 1/20/1967

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	03/15 to 11/15	1.94 CFS	437.1 AF
	<u>Total Diversion</u>	1.94 CFS	437.1 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4NE1/4	Sec. 10,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T01N R01E S10	SWNE	35.00	T01N R01E S10	SENE	20.00
T01N R01E S10	NENW	36.00	T01N R01E S10	NWNW	38.00
T01N R01E S10	SWNW	39.00	T01N R01E S10	SENW	40.00

Total Acres: 208

Conditions of Approval:

1. Rights 63-33817, 63-33819, 63-33823 and 63-33829 are subject to the conditions of the Preliminary Order dated July 29, 1999 in the matter of Application for Transfer 5205.
2. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.
3. F06 The following rights are diverted through point of diversion described above in Section 10: 63-3219B, 63-3337A, 63-3337C and 63-3577. In addition, these rights and rights 63-2966, 63-3219A, 63-3219C, 63-3337D, 63-3337E, and 63-7388 shall be diverted through a single well authorized under Transfer 77003 to be drilled and developed within Section 4 or Section 9 described above.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. X35 Rights 63-333817, 63-33819, 63-33823 and 63-33829 when combined shall not exceed a total diversion rate of 3.68 cfs, a total annual maximum diversion volume of 936.0 af at the field headgate, and the irrigation of 208 acres.
10. X27 This right is limited to the irrigation of 97.1 acres within the authorized place of use in a single irrigation season.
11. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Decreed Date: 2/16/2007

Page _____ of _____

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

Current Water Right No.: 63-33831

Current Owner: ANDERSON ENTERPRISES

Priority Date: 3/3/1966

Origin: Water Right

Status: Active

Basis: Decreed

Source

INDIAN CREEK

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

0.86 CFS

Annual Volume

193.5 AF

Total Diversion

0.86 CFS

193.5 AF

Location of Point(s) of Diversion

INDIAN CREEK

SE1/4NW1/4SW1/4

Sec. 3, Twp 01N, Rge 01E B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T01N R01E S3

SESW

13.00

T01N R01E S3

SWSE

30.00

Total Acres: 43

Conditions of Approval:

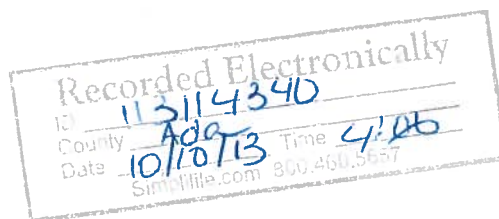
1. X35 Rights 63-33821, 63-33825, 63-33827 and 63-33831 when combined shall not exceed a total diversion rate of 1.92 cfs, a total annual maximum diversion volume of 432.0 af at the field headgate, and the irrigation of 96 acres.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 2/16/2007



Fidelity National Title
Insurance Company

Order No.: 1079070-ch



WARRANTY DEED

FOR VALUE RECEIVED

Roy E Stephenson, a married man (34% Interest) and Jennifer Romney Stephenson, his spouse, Michael Toomey, as Trustee of The Albion Enterprises, Inc. Defined Benefit Plan Trust (50% Interest) and William R Sturgeon, Trustee of Business Services Retirement Plan (16% Interest)

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL AND CONVEY unto:

Anderson Enterprises, An Idaho General Partnership,

GRANTEES(s), whose current address is: **17220 S Cloverdale, Kuna, ID 83634**
the following described real property in Ada County, State of Idaho, more particularly described as follows, to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Effective this 8th day of October, 2013

Albion Enterprises, Inc. Defined Benefit Plan
Trust

x Michael Toomey
By: Michael Toomey

Its: Trustee

Order No. 1079070-ch
Deed-Warranty

ATTACHMENT 2A/B

10/8/13 9:06 AM

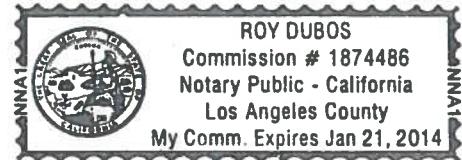
Business Services Retirement Plan
Signed in Counterpart

By: William R Sturgeon
Its: Trustee

x Roy E Stephenson
Roy E Stephenson

x Jennifer Romney Stephenson
Jennifer Romney Stephenson

State of California
County of Los Angeles



On this 8th day of October, 2013, before me the undersigned, a Notary Public in and for said state, personally appeared Michael Toomey known or identified to me to be the person(s) whose name is subscribed to the within instrument as the Trustee of Albion Enterprises, Inc. Defined Benefit Plan Trust and acknowledged to me that Michael Toomey executed the same as such Trustee.

Roy Dubos
Notary Public Name: Roy Du Bos
Residing at Los Angeles CA
My Commission Expires: 01-21-14

State of _____
County of _____

On this _____ day of October, 2013, before me the undersigned, a Notary Public in and for said state, personally appeared William R Sturgeon known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as the Trustee of Business Services Retirement Plan and acknowledged to me that William R Sturgeon executed the same as such Trustee.

Notary Public Name: _____
Residing at _____
My Commission Expires: _____

EXHIBIT "A"

PARCEL I

The East half of the Northwest quarter; the Southwest quarter of the Northeast quarter; the South half of the Southeast quarter of the Northeast quarter, all in Section 10, Township 1 North, Range 1 East, Boise Meridian, Ada County, Idaho.

EXCEPTING THEREFROM the North half of the Northeast quarter of the Northwest quarter and the North half of the Southeast quarter of the Northeast quarter of the Northwest quarter.

PARCEL II

The Northwest quarter of the Northeast quarter of Section 10, Township 1 North, Range 1 East, Boise-Meridian, Ada County, Idaho.

EXCEPT THEREFROM the following described parcel of land:

Part of the Northwest quarter of the Northeast quarter in Section 10, Township 1 North, Range 1 East, Boise Meridian, Ada County, Idaho, described as follows:

Commencing at a point on the half section line 407.0 feet North of a half inch steel pin marking the North center 1/16 corner of said Section 10; thence continuing North along the half section line 200.0 feet; thence East 217.8 feet; thence South 200.0 feet; thence West 217.8 feet to the POINT OF BEGINNING.

PARCEL III

The North half of the Southeast quarter of the Northeast quarter in Section 10, Township 1 North, Range 1 East, Boise Meridian, Ada County, Idaho.

PARCEL IV

Southwest quarter of the Northwest quarter of Section 11, Township 1 North, Range 1 East, Boise Meridian, Ada County, Idaho.

Initials XLT

Initials XRE

Attachment 7A/B



TOWR NOTES PER OFFICE VISITS

SL
5/5/2014

WELLS ANDERSON 2 JWSN 5.3 JUNE 5.10
* "STEPHENSON" 1 63-11343 MUNE 5.10

CREEK ANDERSON 63-33831 Indian CK.
* STEPHENSON 63-9937 Indian CK + Sand CK. (with storage)

ANDERSON 2 PRIOR PAU SYSTEMS :

Anderson obtained from Stephenson

①	33817	}	3.68 cfs	208 ACRES	5.10 well
	33819				
	33823				
	33829				
②	33821	}	1.92 cfs	96 ACRES	} 5.3 well
	33825				
	33827				
	33831				

CREEK

* SUBTOTAL 5.60 cfs 304 ACRES

ADD 9937 .62 cfs 37 ACRES
11343 .36 cfs 18 ACRES (part of 37 acres)

SUBTOTAL .98 cfs 37 ACRES

GRAND TOTAL  6.58 CFS 341 ACRES  LIMITS

ATTACHMENT 9

Sommer, Rachel

From: Sommer, Rachel
Sent: Friday, August 15, 2014 8:24 AM
To: 'waterdistrict63@qwestoffice.net'
Subject: Application for Permit & Transfer
Attachments: Application No. 63-33882.pdf; Application No. 79452.pdf; Watermaster Recommendation Form.docx

August 15, 2014

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR ID 83669-0767

RE: Application for Permit No. 63-33882
Application for Transfer No. 79452

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you 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 a recommendation form, and submit your reply, if any, to this office by September 8, 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, August 13, 2014 2:53 PM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Categories: Legal Ad Confirmed

Good Afternoon Janice Hildreth,

Please see the attached ad for publication on 8/21/2014 & 8/28/2014.

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

August 13, 2014

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

RE: Application For Permit No's: 63-33882, 63-33955
Application For Transfer No. 79452

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 9/8/2014. 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:

63-33882

ANDERSON ENTERPRISES

17220 S CLOVERDALE RD

KUNA, ID 83634

Point of Diversion SWSW S3 T01N R01E ADA County Source GROUND WATER

Points of Diversion SWNE NWN S10 T01N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 1.36 CFS

Total Diversion: 1.36 CFS

Date Filed: 11/22/2013

Place of Use: IRRIGATION

T01N R01E S3 SW(ALL) SWSE

T01N R01E S10 NWNE SWNE SENE NW(ALL)

T01N R01E S11 SWNW

Total Acres: 445

Water bearing zone for 3 existing wells also used for Application **79452** is from 100 to 300 feet.

Proposes 68 acres in same place of use as Application **79452**. Site is located approximately 5 miles southeast of Kuna and is bordered on the north by the Union Pacific Railroad and on the east by S. Cloverdale Rd.

63-33955

GEORGE BRECHT

LEIGH BRECHT

4830 N HAWK WING LN

EAGLE, ID 83616

(3) Points of Diversion SWSE S26 T05N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.32 CFS

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

Total Diversion: 0.34 CFS

Date Filed: 6/3/2014

Place of Use: IRRIGATION, STOCKWATER

T05N R01W S26 SWSE

Total Acres: 16

Water bearing zone to be appropriated is from 150 to 300 feet.

PROPOSED CHANGE OF WATER RIGHTS

Anderson Enterprises of 17220 S. Cloverdale, Kuna, ID 83634, filed Application No. **79452** to transfer 10 water rights with 1961 to 1990 priority dates from ground water, Indian Creek and Sand Creek totaling 6.58 cfs. The purpose of the transfer is to create a permissible place of use under all rights, change one of the points of diversion on Indian Creek to a different location, and identify all same-source points of diversion for each associated right. Same wells as Application 63-33882. Limited to 341 acres in same place of use as Application **63-33882**. Site is located approximately 5 miles southeast of Kuna and is bordered on the north by the Union Pacific Railroad and on the east by S. Cloverdale Rd.

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 9/8/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/21/2014 and 8/28/2014

MEMORANDUM

TO: Transfer No. 79452
FROM: Sharla Curtis
DATE: August 5, 2014
RE: Evaluation of Application

The purpose of the transfer is to create a permissible place of use, change one of the points of diversion on Indian Creek to a different location, and identify all same-source points of diversion for each right. Ground water is diverted by the same wells as Application 63-33882. All rights combined limited to 341 acres in same place of use as Application 63-33882. Site is located approximately 5 miles southeast of Kuna and is bordered on the north by the Union Pacific Railroad and on the east by S. Cloverdale Rd.

Summary of Information Submitted

Authority to File: The applicant is the owner of record for 8 of the 10 rights identified in the transfer. A Warranty Deed was submitted for the remaining 2 rights giving the applicant the authority to file.

Water Right Validity: Rights presumed to be valid because the partial decrees were issued within the past 7 year period but was also confirmed by aerial photography dated 2009, 2011 and 2013. In all cases, the number of irrigated acres was consistent with the 341 acres proposed by the transfer.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: All limiting parameters of the rights stay the same – number of acres, rates, volumes, etc.

Local Public Interest: Agriculture is considered to be in the local public interest.

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.

Data entry affected the correct records. Partial decrees were issued & results were migrated to WR records.

A Request to Release a Water Right (63-11343) from the Water Supply Bank was submitted at the same time as the transfer application. The form was sent to Cherie Palmer at the State Office for review.

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.

Condition 046 N/A since new wells are not proposed.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JUL 15 2014

WATER RESOURCES
WESTERN REGION

**WATER SUPPLY BANK
REQUEST TO RELEASE A WATER RIGHT FROM THE BANK**

ONE FORM PER WATER RIGHT

All water rights leased into the Water Supply Bank shall remain unused by the water right holder for the duration of the Lease Contract. The water right will not be released from the Water Supply Bank until the conclusion of the Lease Contract unless otherwise authorized by the Idaho Water Resource Board. Water right holders may use this form to petition for early termination of their Water Supply Bank Lease Contract.

Water right holders seeking an early termination of a Lease Contract must demonstrate justifiable need for the release. Water rights under Lease Contract that are eligible for early termination can be released from the Water Supply Bank if the release will not impair administration of the Water Supply Bank. **If a water right is currently rented, it cannot be considered for release until the Rental Agreement concludes.** A water right is not released from the Water Supply Bank until written release confirmation is issued by the Water Supply Bank.

Water Right No: 63-11343
Name(s) of Lessor(s): Anderson Enterprises
Mailing Address: 17220 S. Cloverdale
City: Kuna State: ID Zip: 83634
Telephone No: 208-362-4646 Email Address: _____

Lease Contract Expiration Date: indefinite
Requested Release Date: 8/1/14

Reason for Early Release:

transferring and acquiring additional water
rights, assist in this process and enable
additional ground to be put into production.

Boyd Anderson Boyd Anderson G.M.
Signature of Lessor Printed Name and Title* Date

Signature of Lessor Printed Name and Title* Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney.

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

May 28, 2014

ANDERSON ENTERPRISES
17220 S CLOVERDALE RD
KUNA ID 83634

RE: Application for Permit No. 63-33882 and Incomplete Application for Transfer

Dear Applicant:

You recently submitted an amended version of the above referenced application for permit seeking a new water right along with an incomplete transfer application for older rights to be reconfigured into an integrated irrigation system.

Both applications need additional attention to be considered complete enough for processing. Rather than discuss all the details in a lengthy and confusing letter, it is probably more productive for you to make an appointment with me at your earliest convenience. I will not be able to help you without a scheduled appointment.

Three key items need to be part of this process as follows.

- ✓ 1. Enclosed response form for Application 63-33882 should be completed as noted in my 12/16/2013 letter to you. The assumed water bearing zone for three existing wells is estimated from well reports on file with this agency.
- ✓ 2. Transfer application fee will be \$980 plus \$50 for ownership changes for rights 63-9937 and 63-11343, total \$1030. * 1030 - SL
- ✓ 3. Warranty Deed you provided for lands covered by those two rights is incomplete. Exhibit A noted on page 1 of the deed was not included.

Please make your appointment within the next sixty (60) days or make a written request for more time in this matter. Application 63-33882 will be voided and a refund will not be issued without a timely response. Thank you for your attention to these matters.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

* CORRECTED AT Applicant's office visit, cc of
corrected version to Applicant 7/15/2014

EXAMPLE OF CONDTIONS OF APPROVAL, APPLICATION 63-33882

The points of diversion (wells) authorized for this right shall include a measuring device or other suitable method to allow measurement of the static water level in the wells. Water level measurements shall be made monthly throughout the year from the beginning of diversion and use of water in connection with this right and continuing until notified otherwise by the Department. The records shall be made available to the Department upon request.

The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.

The right holder shall install a measuring device acceptable to the Department at the points of diversion authorized under this right. The measuring device shall be capable of displaying diversion flow rate and totalized volume measurement. The right holder shall record the flow rate and volume measurements monthly for any calendar year in which water is diverted and used in connection with this right until proof of beneficial use is filed. The records shall be made available to the Department upon request.

Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.

If the Department determines based on credible evidence, measurement reports, area data or otherwise that diversion and use of ground water under this right is causing material injury to any senior water right(s), the Department may order the diversion reduced, the diversion curtailed, or the right holder to provide adequate mitigation to remedy the injury.

Proof of application of water to beneficial use shall be submitted no sooner than 4 years and no later than 5 years from the date of approval of this right. A report with no less than 4 years of diversion measurement and aquifer level water monitoring data shall be submitted in connection with filing proof of beneficial use. Submittal of a proof of beneficial use statement without the required report will not be accepted by the Department and may result in cancellation of the permit.

Prior to submitting proof of beneficial use, the right holder shall not assign ownership of the permit to another individual, corporation, partnership, or association without prior approval of the Department

Failure of the right holder to comply with any condition of approval is cause for the Director to cancel this permit.

Note: A system with multiple wells can have 1 well designated for measuring water levels instead of all the wells. A single measuring device showing the rate of flow and annual volume delivered to the place of use can substitute for flow/volume measuring devices on all the wells. Example, Permit 63-33645.