

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 79342  
**RECEIVED**

**MINIMUM REQUIREMENTS CHECKLIST**  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

MAY 08 2014

An application for transfer must be prepared in accordance with the minimum requirements listed below to be accepted 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](http://www.idwr.idaho.gov).

Name of Applicant(s) Point of Rocks Ranch, LLC

**Check 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](http://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: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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DEPT. OF WATER RESOURCES  
SOUTHERN REGION

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Point of Rocks Ranch, LLC Phone (208) 726-1725

Mailing address PO Box 9320, Ketchum, Idaho 83340 Email john.french@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

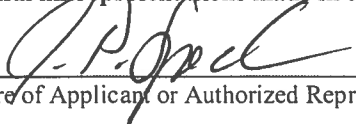
☒ No Representative

Name of Representative James P. Speck Phone (208) 726-4421

Mailing address PO Box 987, Ketchum, ID 83340 Email jim@speckandaanestad.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.**

  
Signature of Applicant or Authorized Representative

James P. Speck  
Print Name and Title if applicable

5-6-14  
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 has purchased land from BLM and desires to move a portion of the water rights to irrigate the new land.

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<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 37-2591      | 1.54 cfs              | irrigation    | 4/15 to 10/31 | ground water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 37-4427      | 1.0 cfs               | irrigation    | 4/15 to 10/31 | ground water       |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |

Total authorized under rights 2.54 cfs cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.54 cfs cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)  
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.  
 Label it **Attachment #5**.

| New ? | Lot | ¼ | ¼ | ¼ | Sec | Twp | Rge | County | Source | Local name or tag # |
|-------|-----|---|---|---|-----|-----|-----|--------|--------|---------------------|
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

| Twp                              | Rge | Sec | NE ¼ |    |    |    | NW ¼ |      |    |    | SW ¼ |     |      |      | SE ¼ |    |    |      | Acre Totals |
|----------------------------------|-----|-----|------|----|----|----|------|------|----|----|------|-----|------|------|------|----|----|------|-------------|
|                                  |     |     | NE   | NW | SW | SE | NE   | NW   | SW | SE | NE   | NW  | SW   | SE   | NE   | NW | SW | SE   |             |
| 1S                               | 20E | 15  |      |    |    |    |      |      |    |    |      | 3.4 | 39.0 | 15.0 |      |    |    |      | 57.4        |
| 1S                               | 20E | 16  |      |    |    |    |      |      |    |    |      |     |      |      | 2.5  |    |    | 21.6 | 24.1        |
| 1S                               | 20E | 22  |      |    |    |    | 20.5 | 25.0 |    |    |      |     |      |      |      |    |    |      | 45.5        |
|                                  |     |     |      |    |    |    |      |      |    |    |      |     |      |      |      |    |    |      |             |
|                                  |     |     |      |    |    |    |      |      |    |    |      |     |      |      |      |    |    |      |             |
|                                  |     |     |      |    |    |    |      |      |    |    |      |     |      |      |      |    |    |      |             |
|                                  |     |     |      |    |    |    |      |      |    |    |      |     |      |      |      |    |    |      |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |      |    |    |      |     |      |      |      |    |    |      | 127.0       |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

### PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Well, pivot and handline sprinkler irrigation systems

- 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?  
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 effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:  
It will no longer 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) use:

- 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:



Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. 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. K06 This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.
4. X35 Rights 37-2591 and 37-4427 when combined shall not exceed a total annual maximum diversion volume of 444.5 af at the field headgate, and the irrigation of 127 acres.
5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands 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.

Decreed Date: 4/7/2010

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

**Current Water Right No.: 37-2591**

Current Owner: POINT OF ROCKS RANCH LLC

Priority Date: 12/24/1956

Origin: Water Right

Status: Active

Basis: Decreed

**Source**

Tributary

GROUND WATER

| <u>Beneficial Use</u> | <u>From To</u>         | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/15 to 10/31         | 1.54 CFS              | 269.5 AF             |
|                       | <u>Total Diversion</u> | 1.54 CFS              | 269.5 AF             |

Location of Point(s) of Diversion

GROUND WATER NE1/4SW1/4SE1/4 Sec. 16, Twp 01S, Rge 20E B.M.  
BLAINE County

### Place of Use

IRRIGATION Within BLAINE County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01S R20E S15 | SWSW | 39.00 | T01S R20E S15 | SESW | 15.00 |
| T01S R20E S16 | NESE | 2.50  | T01S R20E S16 | SWSE | 1.10  |
| T01S R20E S16 | SESE | 23.90 | T01S R20E S22 | NENW | 20.50 |
| T01S R20E S22 | NWNW | 25.00 |               |      |       |

Total Acres: 127

Conditions of Approval:

1. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. 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.
3. X35 Rights 37-2591 and 37-4427 when combined shall not exceed a total annual maximum diversion volume of 444.5 af at the field headgate, and the irrigation of 127 acres.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 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.
6. 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.
7. K06 This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.

Decreed Date: 4/5/2010

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

**A. DESCRIPTION OF RIGHT(S) AS RECORDED**

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ [www.idwr.idaho.gov](http://www.idwr.idaho.gov), Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

**B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES**

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ [www.idwr.idaho.gov](http://www.idwr.idaho.gov), Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: \_\_\_\_\_

1. amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

**A. PLAT MAP** (See Part 3A of Instructions for application for transfer for complete requirements.)

- ### B. CHANGES IN NATURE OF USE (Water Balance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- FOR DEPARTMENT USE ONLY**

Transfer contains 10 pages and            attachments.

Received by B. Walker Date 5/8/14 Preliminary check by B Walker Date 5/8/14

Fee paid 200~~00~~ Date 5/8/14 Received by B. Walker Receipt # S034003

Add'l fee paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_

|                                                                                                                                                                            |                                                                                                                                      |  |                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------|
| No. <b>W 18035</b>                                                                                                                                                         | Due no later than Feb 28, 2014<br><b>Annual Report Form</b>                                                                          |  | 2. Registered Agent and Office<br><b>(NOT A P.O. BOX)</b><br>JAMES P SPECK<br>120 EAST AVE<br>KETCHUM ID 83340 |
| Return to:<br>SECRETARY OF STATE<br>450 N 4th STREET<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>         RECEIVED BY DUE<br/>         DATE</b> | 1. Mailing Address: Correct in this box if needed.<br>POINT OF ROCKS RANCH, L.L.C.<br>PO BOX 9320<br>114 WALL ST<br>KETCHUM ID 83340 |  | 3. <u>New</u> Registered Agent Signature.                                                                      |

4. Limited Liability Companies: Enter Names and Addresses of Managers OR Members. See Instructions.
 

| Manager or Member                                                           | Name           | Street or PO Address | City        | State | Country | Postal Code |
|-----------------------------------------------------------------------------|----------------|----------------------|-------------|-------|---------|-------------|
| Manager <input checked="" type="checkbox"/> Member <input type="checkbox"/> | JOHN K. FRENCH | PO BOX 9320          | KETCHUM, ID | USA   |         | 83340       |
| Manager <input type="checkbox"/> Member <input type="checkbox"/>            |                |                      |             |       |         |             |
| Manager <input type="checkbox"/> Member <input type="checkbox"/>            |                |                      |             |       |         |             |
| Manager <input type="checkbox"/> Member <input type="checkbox"/>            |                |                      |             |       |         |             |

|                                                                                                                  |                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| 5. Organized Under the Laws of:<br><br><div style="text-align: center;"> <b>IDAHO</b><br/> <b>W 18035</b> </div> | 6. Signature:<br><hr/> Name (type or print): <b>JOHN K FRENCH</b><br><hr/> Date: <b>2/5/2014</b><br><hr/> Title: <b>MANAGER</b> |
|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|

Issued 01/22/2014 by DK1
116912

## INSTRUCTIONS FOR THE IDAHO ANNUAL REPORT FORM

**Block 1: Entity name may not be altered through the use of this form.** Pay special attention to the mailing address. If the correct mailing address is not given in Block 1, strike it out and write in the correct address. **Note:** To ensure future mailings, the corrected address must be inside Block 1.

**Block 2:** To change the registered agent or office, strike the incorrect information and write in the correct information. **Note:** The office of the registered agent must be at a street address in Idaho, **not a Post Office Box or Personal Mail Box.**

**Block 3:** Only a new registered agent must sign in Block 3.

**Block 4:** Check either **Member** or **Manager**. Enter names and business addresses of managers or members of the limited liability company. **Note: DO NOT** put "same as last year" or "same as above". These will not be accepted. Changes here will not affect the address in Block 1. If more space is needed please add an attachment.

**Block 5:** May not be altered through the use of this form.

**Block 6:** The annual report must be signed by a person authorized to represent the limited liability company. Print or type the name of the signer below the signature.

**\*\* The image of this form will be available on the Internet once it has been filed. DO NOT enter Social Security numbers.**

If the limited liability company is no longer doing business in Idaho, you may file the appropriate form. Forms are available on the website at [www.sos.idaho.gov](http://www.sos.idaho.gov). However, if no timely annual report is filed, administrative action will be taken, at no cost to the limited liability company to terminate the legal existence. If you have any questions contact the Commercial Division at (208) 334-2301.

If the document is incorrect, is there a telephone number to reach you for correction: \_\_\_\_\_

*POSTMARK DATES WILL NOT BE ACCEPTED*

TRANSFER 79342

ATTACHMENT 1

**SPECIAL POWER OF ATTORNEY  
(WATER RIGHTS)**

POINT OF ROCKS RANCH, L.L.C. ("Point of Rocks"), an Idaho limited liability company, designates and appoints JAMES P. SPECK, of Ketchum, Idaho, as Point of Rocks' attorney in fact and agent (subsequently called "Agent") to act in Point of Rocks' name and for Point of Rocks' benefit for the specific purposes stated herein only. Point of Rocks grants to its Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as Point of Rocks might or could do if personally present and fully competent, hereby ratifying and confirming all that Point of Rocks' Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. Point of Rocks' agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that Point of Rocks now has or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or Point of Rocks' Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to Point of Rocks' Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to Point of Rocks' Agent shall incur any liability to Point of Rocks as a result of permitting the Agent to exercise any power.

5. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

6. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, Point of Rocks has executed this Special Power of Attorney this 11 day of March, 2003.

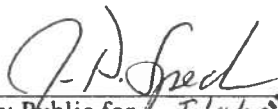
POINT OF ROCKS RANCH, L.L.C.

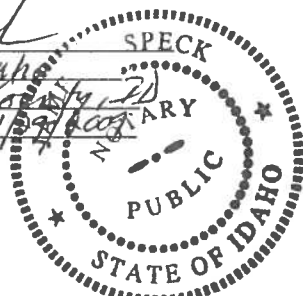
By:   
John K. French, manager

STATE OF IDAHO )  
County of Blaine ) ss.

On this 11<sup>th</sup> day of March, 2003, before me, the undersigned notary public in and for said state, personally appeared John K. French, known or identified to me to be the manager of POINT OF ROCKS RANCH, L.L.C. and the person who executed the foregoing instrument on behalf of said limited liability company and acknowledged to me that said limited liability company executed the same.

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

  
Notary Public for Idaho  
Residing at: Blaine County, ID  
Commission expires: 1/27/2009



Point of Rocks LLC  
1987 aerial photo

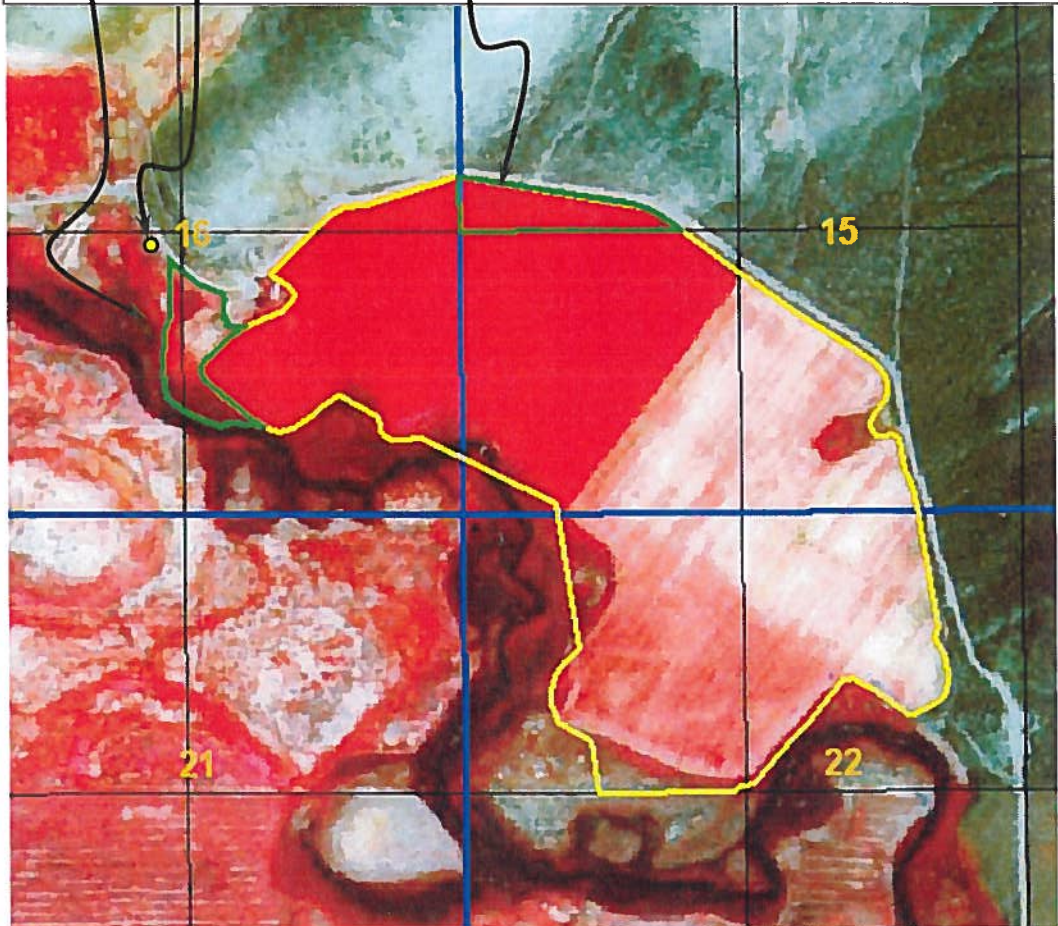
Application for transfer

Attachment 7A and 7B

Old POU – 3.4A - no longer irrigated

New POU – 3.4A

POD



TRANSFER 79342

*The United States of America*  
*To all to whom these presents shall come, Greeting:*

RECEIVED  
MAY 14 2014  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

IDI-35249

WHEREAS

**Point of Rocks Ranch LLC**

are entitled to a land patent pursuant to Sections 203 and 209 of the Act of October 21, 1976, as amended (43 U.S.C. 1713 and 1719), for the following described land:

Boise Meridian, Idaho  
T. 1 S., R. 20 E.,  
Sec. 15, Lot 6

Containing 3.39 acres

**NOW KNOW YE**, that there is, therefore, granted by the **UNITED STATES**, unto Point of Rocks Ranch LLC, the land described above; **TO HAVE AND TO HOLD** the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, there unto belonging, unto Point of Rocks Ranch LLC and to its successors or assigns, forever; and

**EXCEPTING AND RESERVING TO THE UNITED STATES:**

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945)

**SUBJECT TO:**

1. Pursuant to the requirements established by section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9620(h)] (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1988 (100 Stat. 1670), notice is hereby given that the above described parcel has been examined and no evidence was found to indicate that any hazardous substances have been stored for one year or more, nor had any hazardous substances been disposed of or released on the subject property.
2. The patentees, by accepting this patent, covenant and agree to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind arising from the past, present, and future acts or

Patent No. 11-2014-0001

**Instrument # 617593**

HAILEY, BLAINE, IDAHO

3-24-2014 02:43:00 No. of Pages: 4

Recorded for : JOHN FRENCH

JOLYNN DRAGE

Fee: 19.00

Ex-Officio Recorder Deputy

Index to: PATENT/DEED

mpp

**TRANSFER 79342**

omissions of the patentee, its employees, agents, contractors, lessees, or any third party, arising out of, or in connection with the patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentees and its employees, agents, contractors, or lessees, or any third party, arising out of, or in connection with, the use and/or occupancy of the patented real property that has already resulted or does hereafter result in: (1) Violations of Federal, State, and local laws and regulations that are now, or may in the future, become applicable to the real property; (2) Judgments, claims, or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Releases or threatened releases of solid or hazardous waste(s), and /or hazardous substance(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interests of the United States; (5) Activities by which solids or hazardous substance(s) or wastes, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action, or other actions related in any manner to said solid or hazardous substance(s) or waste(s); or (6) Natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho, the seventeenth day of March in the year of our Lord two thousand and fourteen and of the Independence of the United States the two hundred and THIRTY-EIGHTH.



By David H. Murphy  
David H. Murphy  
Chief, Branch of Lands, Minerals, Water Rights  
Resource Services Division

Patent No. 11-2014-0001

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MAY 14 2014

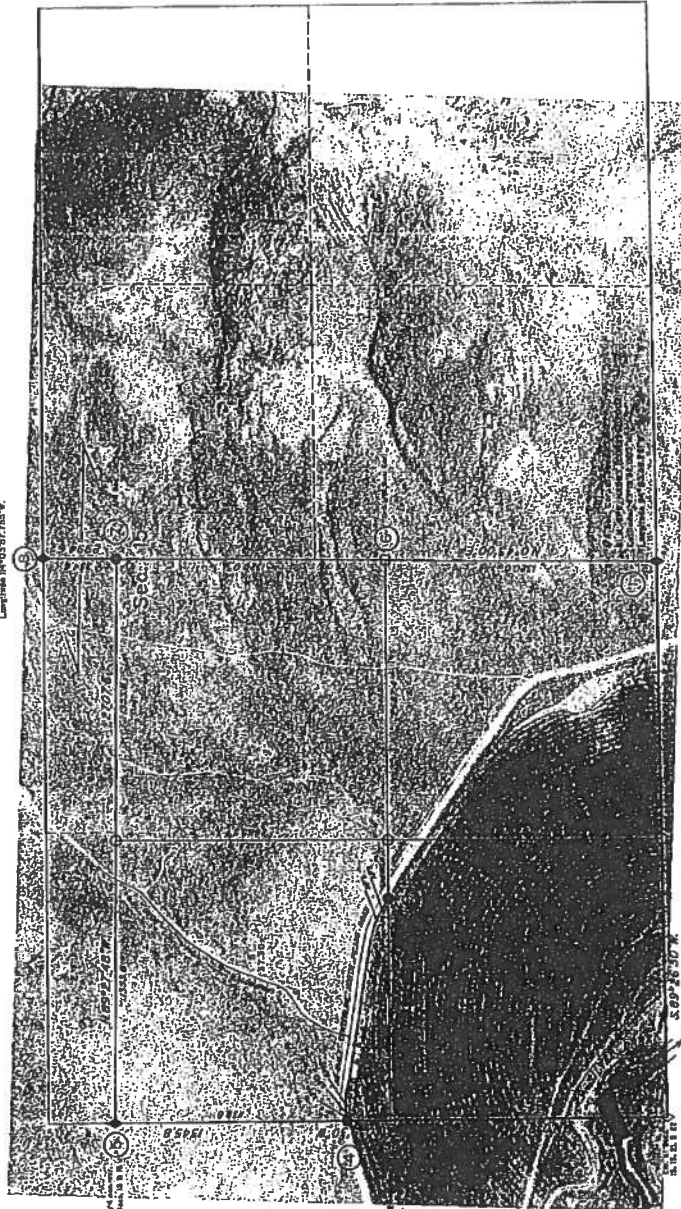
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

OFFICIALLY FILED 2/3/2012

SHEET 1 OF 2

TOWNSHIP 1 SOUTH, RANGE 20 EAST, OF THE BOISE MERIDIAN, IDAHO  
DEPENDENT RESURVEY, SUBDIVISION, AND METES-AND-BOUNDS SURVEY

U.S. Nat. Sec. of Lands, B.L.M.  
B.L.M. 974, 1000, 1000, 1000  
Latitude 43°00'00"N  
Longitude 112°00'00"W



For internal Bureau of Land Management (BLM) use only. No warranty is made by the BLM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. This information is provided for informational purposes only. This information may not meet National Map Accuracy Standards. This product was developed through digital means using 2009 NAD 83 imagery. This map cannot be made Section 508 compliant. For help with its data or information, please contact the BLM Idaho State Office Webmaster at 208-373-4000.

| SECTION IS | LOCATION      | ACREAGE |
|------------|---------------|---------|
| 15         | NE 1/4 SW 1/4 | 4.00    |

I, Buck Barnhart, Cadastral Surveyor, HEREBY CERTIFY upon honor that I have dependently resurveyed a portion of the subdivision lines, subdivided section 15, and surveyed a metes-and-bounds survey in section 15, T. 1 S., R. 20 E., Boise Meridian, Idaho, beginning June 6, 2011 and completed July 21, 2011, and that said survey was conducted in accordance with the provisions of the BLM Manual of Surveying Instructions, 2008, and in the specific manner described and shown on this plat.

Cadastral Surveyor

Date

DATE

CORNER SYMBOL LEGEND

- ◊ BLM/GLD corner
- ◆ BLM/GLD corner monumented by private land surveyor
- Local corner
- Corner determined, not monumented
- Corner determined and monumented



This plat, in 2 sheets, constitutes the entire survey record of the dependent resurvey of a portion of the subdivision lines, subdivided section 15, and surveyed a metes-and-bounds survey in section 15, T. 1 S., R. 20 E., Boise Meridian, Idaho.

History of surveys:

1879 Allen M. Thompson surveyed a portion of the subdivided lines as shown on the plat approved December 1, 1873.

1910 Albert Scott Jr. and Franklin N. Ross surveyed a portion of the subdivided lines as shown on the plat accepted October 15, 1912.

Preliminary to the resurvey, the lines of the previous surveys were retraced and monuments were located to identify, correct, and establish the original corner monuments and other data of the record. Identified corners were accepted in their original positions based on the latest official record. The retracement data were thoroughly verified and only the true line field notes are given herein.

The direction and distance measurements taken during the progress of the survey were determined by Shaded Pathing System (SPS) observations, in accordance with Bureau of Land Management standards and guidelines for aerial surveying using GPS methods. All reported distances which are in feet are horizontal ground distances and the direction of all lines are referenced to the true north meridian. The nearest tenth of a minute shown in the second interval.

For these lines not depicting bearings and distances, refer to the plat accepted October 15, 1912.

Except as indicated herein, the area and lots are as shown on the plat accepted October 15, 1912.

The geographic coordinates, in NAD 83 (GCSNAD83), as shown on this plat, were determined by GPS observations, to an accuracy level of less than 0.00 meters, 95 percent confidence circle, relative to the Centimeter Operating Reference Station (CORS) based on Idaho Pathing User Service (IPUS) satellite.

Field Assistant:  
Robin D. Remington, Surveying Technician  
Jonathan R. Miles, Surveying Aid

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Salem, Idaho February 3, 2012

The survey represented by this plat, having been correctly executed in accordance with the requirements of the law and regulations of this Bureau, is hereby accepted.

For the Director

Chief Cadastral Surveyor for Idaho

TOWNSHIP 1 SOUTH, RANGE 20 EAST, OF THE BOISE MERIDIAN, IDAHO  
DEPENDENT RESERVE, SUBDIVISION, AND METES-AND-BOUNDS SURVEY

8502 LEHS

REFER TO SHEET ONE FOR SURVEY INFORMATION

## CORNER DESCRIPTIONS

NOTE: All Instrument Numbers listed in the corner descriptions are recorded in the Blaine County Courthouse.

[illegible]

The ser. of lots 15, 16, and 22, communicated with an iron pipe at the corner of street No. 12, adjoining to the garage, with brass door knockers, projecting to the curve the ground, with brass door knockers, and an alarm and so described in the official field notes of the 1910 survey, excepted in 2010 by John W. Sharp, lessee R.L.S. No. 4723, as recorded at Survey, returned under Instrument No. 577675. This ser. was subsequently excepted and returned in 2011 by an Idaho Professional Land Surveyor, as shown in the Record of Survey returned under Instrument No. 590468. The ser. is located on a very gentle NE slope, amid grass, scattered shrubs, and a few trees, and is bounded by the following: Chokchee, address, 1416, and other various weeds.

From this cor. N. 0°09'54" W., at 291 ft., Silver Creek, 55 ft. wide, course N. 72 1/2° E.

The S 1/4 sec. cor. of sec. 18 and 19, identified with eagle point No. 18 on the meter-soundings survey, communicated with a gravelized stream point, 2 1/4 lake-beds, directly east, 12 ft. below the surface of the ground, with brass cap, S 1/4 in. diam., m.d. as above, established in 1902 by Grace W. Smith, house, S.W. 7048 and recorded under instrument No. 294089. This cor. is accepted as the accepted and faithful determination of the position of the corner. The cor. is located in cultivated land, on the S. edge of a wheel track of a center street irrigation system.

Point for circle point No. 15 of the notes-and-beacons survey, at the point of intersection of the southerly right-of-way of North Pueblo Road and the belt, secs. 17 and 18, being 50.00 ft. perpendicular to the 30.00 ft. centerline of North Pueblo Road. Band on abutment post, 3.00 ft. long, 2 1/2 in. diam. 25 ft. to the ground, over a plain-welded magnet, with abutment cap and, as shown. Set a steel fence post with an attached Land Survey Measurement sign alongside the abutment post. The cross is boxed 2 ft. northerly of the side of riprapped road, and 50 ft. east.

[illegible][illegible]

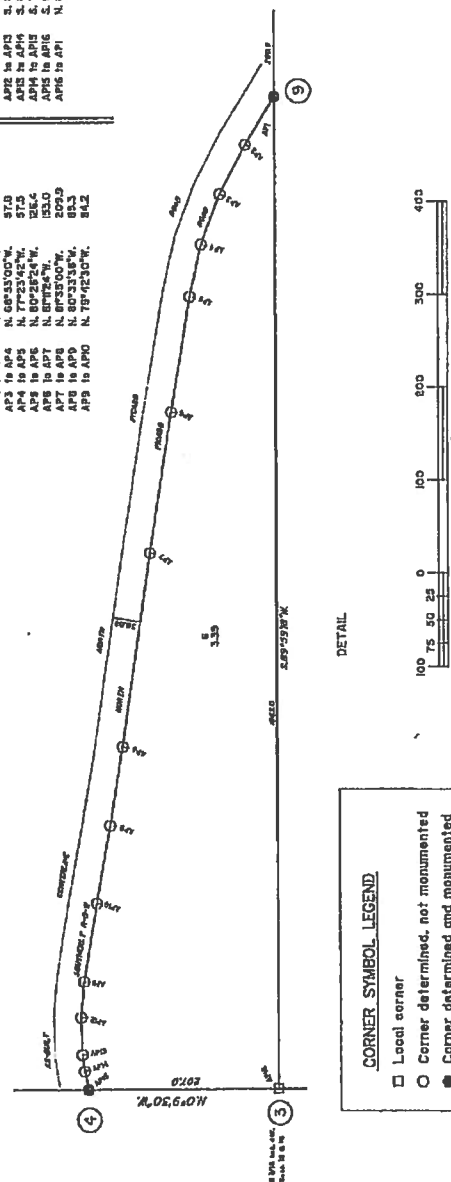
## METES-AND-BOUNDS SURVEY

[illegible]

Angle joints 2 through 14 were established at 30.00 ft. dial perpendicular to

| SEGMENT     | BEARING           | DISTANCE (FEET) |
|-------------|-------------------|-----------------|
| AP1 to AP2  | N. 50° 02' 00" W. | 60.3            |
| AP2 to AP3  | N. 02° 14' 00" W. | 59.7            |
| AP3 to AP4  | N. 66° 33' 00" W. | 97.0            |
| AP4 to AP5  | N. 77° 23' 42" W. | 57.5            |
| AP5 to AP6  | N. 80° 25' 24" W. | 126.4           |
| AP6 to AP7  | N. 87° 24' 00" W. | 153.0           |
| AP7 to AP8  | N. 87° 32' 00" W. | 209.9           |
| AP8 to AP9  | N. 87° 33' 35" W. | 84.3            |
| AP9 to AP10 | N. 75° 42' 30" W. | 84.2            |

| SEGMENT      | BEARING        | DISTANCE (FEET)  |
|--------------|----------------|------------------|
| AP10 to AP9  | N. 60°26'06"W. | 84.9             |
| AP9 to AP1   | N. 65°10'30"W. | 38.2             |
| AP12 to AP13 | S. 88°37'35"W. | 40.0             |
| AP15 to AP14 | S. 82°57'0"W.  | 17.3             |
| AP14 to AP15 | S. 77°02'12"W. | 20.2, 848 etc.   |
| AP15 to AP16 | S. 0°5'30"E.   | 207.0, see etc.  |
| AP16 to AP1  | N. 63°55'16"E. | 1063.0, 198 etc. |



### CORNER SYMBOL LEGEND

- ☐ Local corner  
☐ Corner determined, not monumented  
☒ Corner determined and monumented

DETAIL:

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**Enig. bñho**

February 3, 2012

The survey represented by this plat, having been correctly executed in accordance with the requirements of the law and regulations of this Bureau, is hereby accepted.

For the Director

Stanley D. French  
Chief Central Surveyor for Idaho

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~~MAY 14 2014~~

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

**TRANSFER 79342**



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 4, 2014

KEVIN LAKEY  
WATER DISTRICT #37  
107 W 1<sup>ST</sup>  
SHOSHONE, ID 83352

*Via e-mail*

RE: Transfer No. 79342  
Water Right No(s): 37-2591, 37-4427

Dear Mr. Lakey:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

RECEIVED

MAY 08 2014

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

SPECK & AANESTAD  
A PROFESSIONAL CORPORATION  
ATTORNEYS

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340

TELEPHONE  
(208) 726-4421  
FACSIMILE  
(208) 726-0752

JAMES P. SPECK  
jim@speckandaanestad.com  
DOUGLAS J. AANESTAD  
doug@speckandaanestad.com

May 6, 2014

Mr. Allen Merritt  
Idaho Department of Water Resources  
650 Addison Ave W, Ste 500  
Twin Falls, Idaho 83301

**Re:** Point of Rocks Ranch, LLC - Application for Transfer of Water Rights  
37-2591 and 37-4427

Dear Allen:

Enclosed you will find the original and a copy of the Application for Transfer of Water Rights 37-2591 and 37-4427 owned by my client, Point of Rocks Ranch, LLC. You may recall a portion of these same water rights was transferred off of BLM land by the terms for Transfer 7614 to resolve an encroachment discovered during the SRBA. My client has recently completed the purchase from BLM of the lands previously irrigated by these water rights and desires to now transfer the same portion back to the former BLM land as it will allow the pivot irrigation to complete the circle. I have also enclosed our firm's check payable to the Department in the amount of \$200 for the filing fee. The fee was calculated using the following formula:  $3.4\text{acres}/127\text{acres} \times 2.54\text{cfs} = 0.07\text{cfs}$ .

Please receipt date-stamp the copy and return it to me in the postage prepaid self-addressed envelope I have included for that purpose. Kindly call me if you have any questions. Thank you.

Sincerely,

SPECK & AANESTAD  
A Professional Corporation

By:   
James P. Speck

Enclosures  
cc: Client w/encl.