

RECEIVED

APR 29 2014

Department of Water Resources
Eastern Region

4/23/14

TO: Idaho Department of Water Resources
ATTN: James Cefalo

FROM: BLF Land, LLC

SUBJECT: Transfer 78878 – Response to Preliminary Order Denying Transfer

Mr. Cefalo,

During the Departments Finding of Fact, there is additional information available pertaining to this land and the use thereof, not available from the usual sources. I will address these issues below:

1. Aerial photography during this period of time is non-conclusive in this particular instance due to the timing of the irrigations. Irrigation of this land is accomplished in the early and the late irrigation season. There are multiple reasons for this. It must be understood that the beneficial use of this land is primarily livestock feed as Mr. Vadnais indicated in his statement. Irrigation of this land is accomplished by aluminum irrigation pipe moved by hand (commonly referred to as hand lines). These lines are utilized during the main growing season on multiple crops which require much more water than this parcel's grass requires. This allows the lines to be available for the grass during the down time of the other crops. Seasonal conditions also affect the grass's water requirements. Rains during periods of need can also eliminate costly irrigations for feed requirements. Grazing of this land does not happen every year due to surrounding crop rotations and chemical applications which prevent grazing. This parcel is normally, though not always, grazed in conjunction with a large block of surrounding crop land as crops and conditions warrant.
2. Reference is made to a recital by Farmland Management Services pertaining to this parcel having not been irrigated. We believe this statement should be taken in the context of what was being purchased.

Land prices were predicated on pivot irrigated land, no hand lines utilized anywhere. Also, the land was irrigated by the previous owner prior to purchase by BLF Land and the subsequent sale transaction with Farmland Management Services. If in depth research would have been accomplished, prior irrigations would have surfaced thus negating that statement. Hand line irrigation does not appeal to them anymore than it does to Larsen Farms.

3. Farm Service Agency (FSA) records were cited as proof this parcel had not been reported as producing crops. Research such as this is also inconclusive since reporting and enrollment in FSA programs is a voluntary action normally associated with crop subsidies and program benefits, none of which apply to this land use.
4. Water consumption records substantiate the 2007 application if these records have applicability but comparison to post 2007 consumption against prior years leads to inaccurate assumptions. Irrigation application during 2007 and prior was a prior owner with different management practices and crop strategies. Irrigation during 2008 on represent aggressive yield and production goals which also require additional water inputs to achieve. Pumps providing water in this area are high lift, high horsepower units requiring large electrical cost inputs. Commodity prices during this time could support these cost inputs.

In the subsequent remarks, we will address items referred to in the Departments Analysis/Conclusions of Law:

1. Reference is made indicating "the Applicant did not identify any specific defenses to forfeiture". Due diligence on the part of BLF Land confirmed water had been applied by the previous owner hence no requirement to defend forfeiture. No elements of the water right indicated a requirement to utilize a minimum amount of water on the defined land, only a maximum limit. No element defined proof of use be maintained or reported to any specific entity.
2. 2011 irrigation of this parcel was required for multiple reasons, not intention to assert resumption of use.
 - A. This water application was primarily implemented as a result of the drought Idaho has been experiencing. Pictures provided with the application should identify not only the irrigation requirement

but the feed value available if irrigated in a timely manner. Future weather predictions indicated this requirement was applicable.

- B. Projected transfer of this water was an additional incentive to prolong viable feed availability in future years.
- C. Irrigation at this time also fulfilled the requirement for the 5 year use stipulation.

In Summary, the information provided above should provide additional insight into the use and reasons behind periodic water applications to this parcel. In many cases, the easily available information used by the Department would suffice in cases such as this, but not in this particular case. Additional use substantiation will also be provided in the form of Affidavits from personnel employed by the former owner during the period in question, some of which were directly involved in applying the irrigations. Included is an affidavit from a neighbor (Tim Parkinson) and a copy of the statement from Steve Vadnais referencing these irrigations ("Water has been periodically applied to (the SENW of Section 7) via hand lines...").

We respectfully request this additional information be submitted and evaluated with the end purpose of reversing denial of transfer 78878 and proposed forfeiture of this portion of WR# 31-7215. It should also be noted this specified portion of 31-7215 is owned by BLF Land, LLC.

We are prepared to research and provide any additional information requested by IDWR to resolve this issue in favor of BLF Land, LLC.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Clawson', written over the word 'Sincerely,'.

Scott Clawson

Water Right Specialist

BLF Land & Blaine Larsen Farms

AFFIDAVIT

1/21/2014

TO: Idaho Department of Water Resources

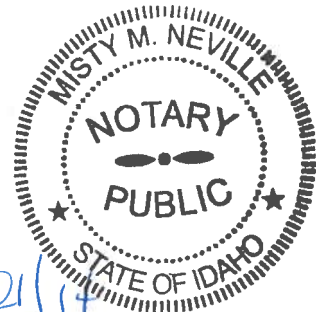
SUBJECT: Irrigation of Field# 61W (Historical Use 2004, 2006, 2007)

I, Tim Parkinson, have observed irrigations applied to 40 acres of land located in Fremont County, T8N R38E SENW ¼ since the year 2000. During that period of time, travel to my employment in the Hamer Area would periodically require use of roads within view of this field. I also have been responsible for potato storage management in close proximity to this land.

Tim Parkinson



1-21-2014



1/21/14
Misty M. Neville
Jefferson County Id
ex 1/17/18

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- Labels
- Ownership
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NAD83 / Idaho East (ftUS)
N: 865427 E: 691889

Long: -112° 01' 50.9" Lat: 44° 02' 28.4"
Long: -112.0308° Lat: 44.0412°
Scale = 1 : 3771

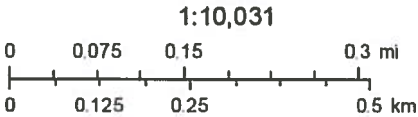
UTM Zone 12 NAD83 meters
X = 417412 Y = 4876966
Designed by Greenwood Mapping, Inc.

Property Map



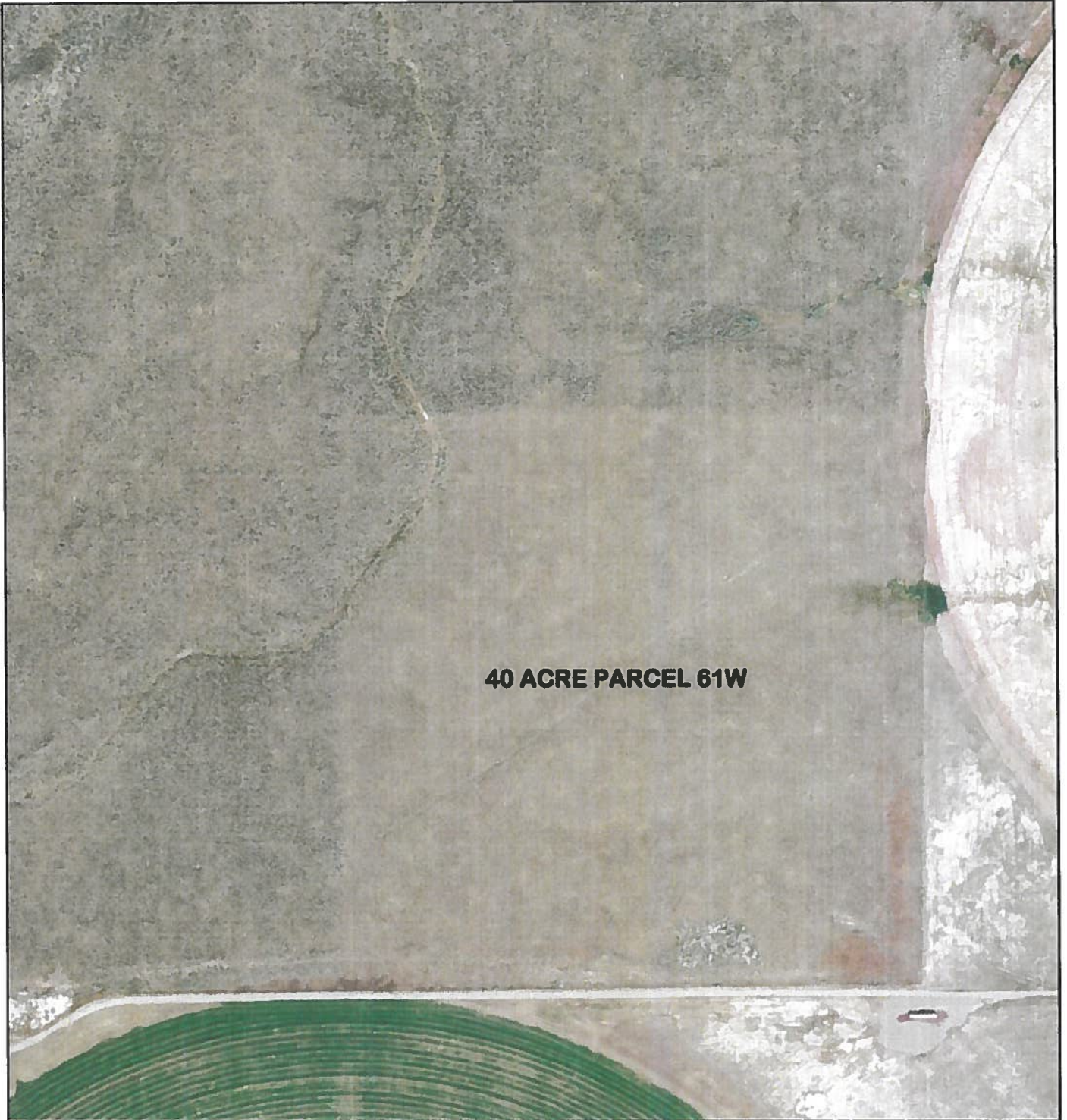
January 24, 2014

City	U.S. HIGHWAY		Parcel
INTERSTATE	Section		
LOCAL ROAD	Parcel		
SEASONAL ROAD	Subdivision		
STATE HIGHWAY	Section		



Source: Esri, DigitalGlobe, GeoEye, I-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Property Map



AFFIDAVIT

1/21/2014

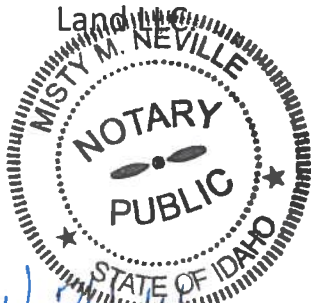
TO: Idaho Department of Water Resources

SUBJECT: Irrigation of Field# 61W (Historical Use 2004, 2006, 2007)

I, Scott Clawson, hereby certify the following irrigations were applied to 40 acres of land located in Fremont County, T8N R38E SENW ¼ as described below:

1. In the fall of 2004 via handlines. Purpose: seed germination following sagebrush removal and subsequent seeding with crested wheat grass and recommended native vegetation for livestock feed.
2. In the fall of 2006 and spring of 2007 via handlines. Purpose: seed germination following replanting with crested wheat grass and recommended native vegetation for livestock feed.

These irrigations were applied during my employment by Cornelison Farms as General Farm Manager and subsequent Special Project Manager. Cornelison Farms was the current owner and operator of this land prior to purchase by BLF Land LLC

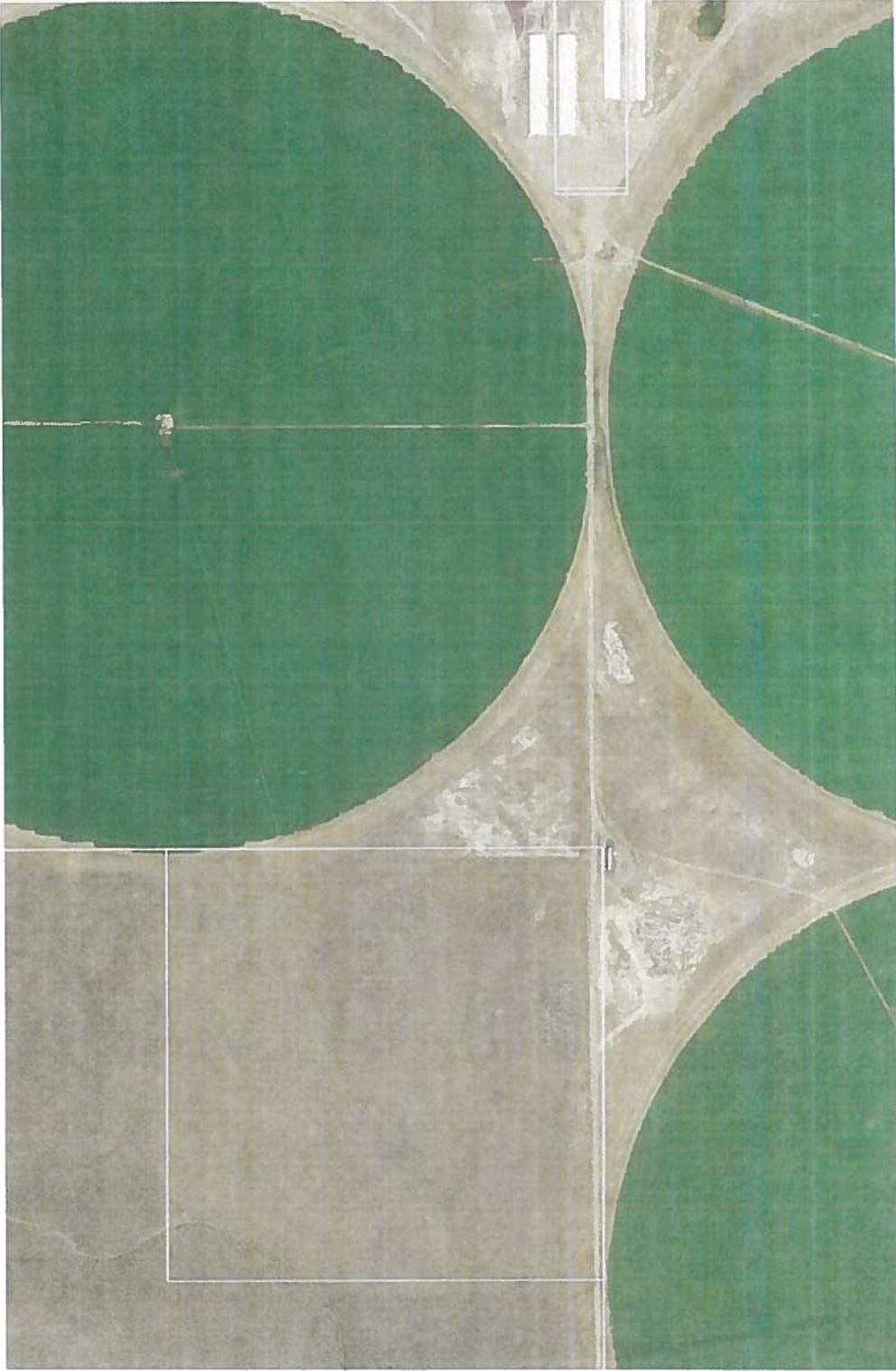


Scott Clawson

[Handwritten signature of Scott Clawson] 1-21-14

[Handwritten notes in blue ink:]
Misty M. Neville
Fremont County, ID
11/17/18

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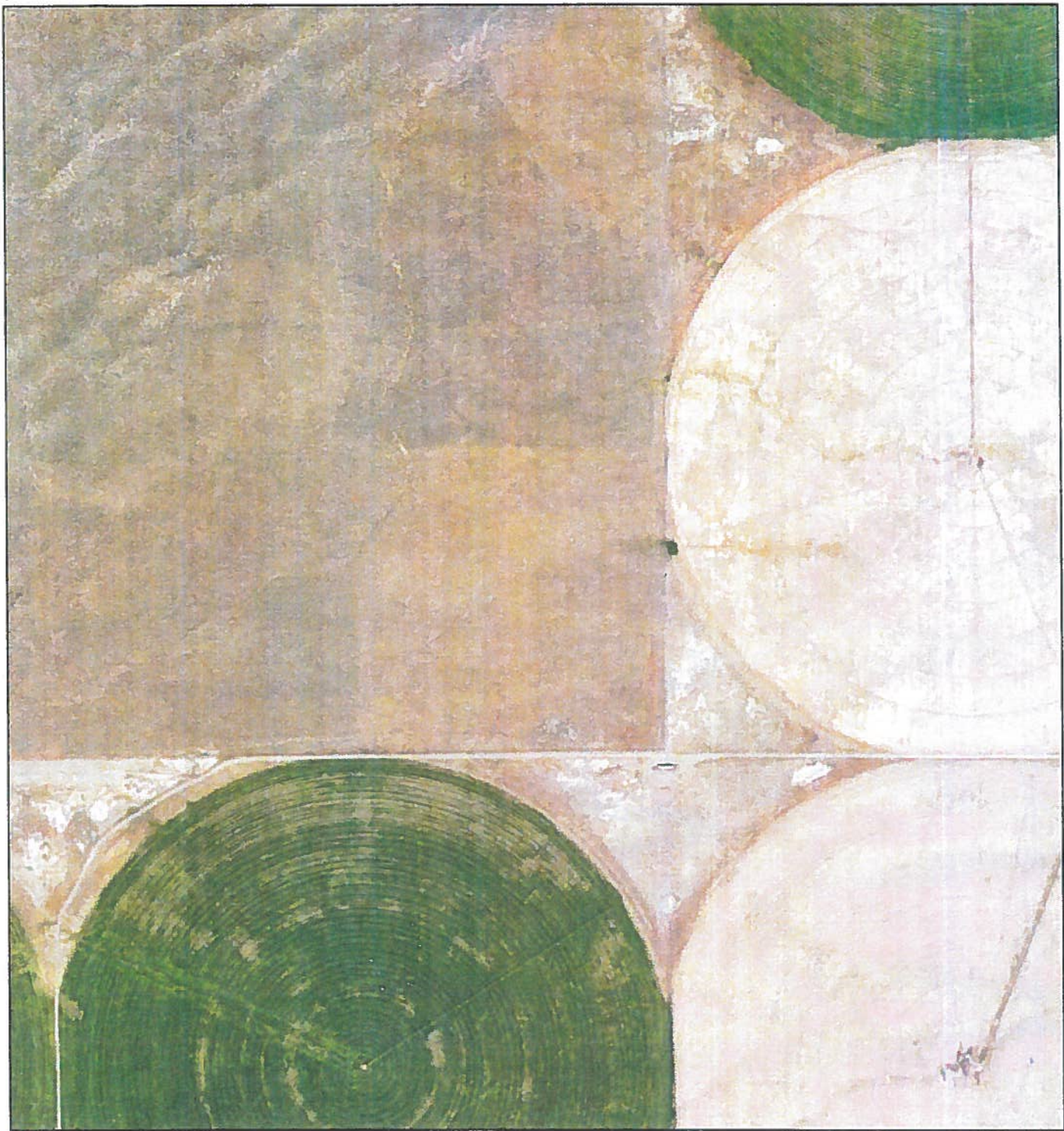
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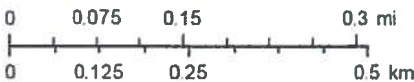
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January 24, 2014

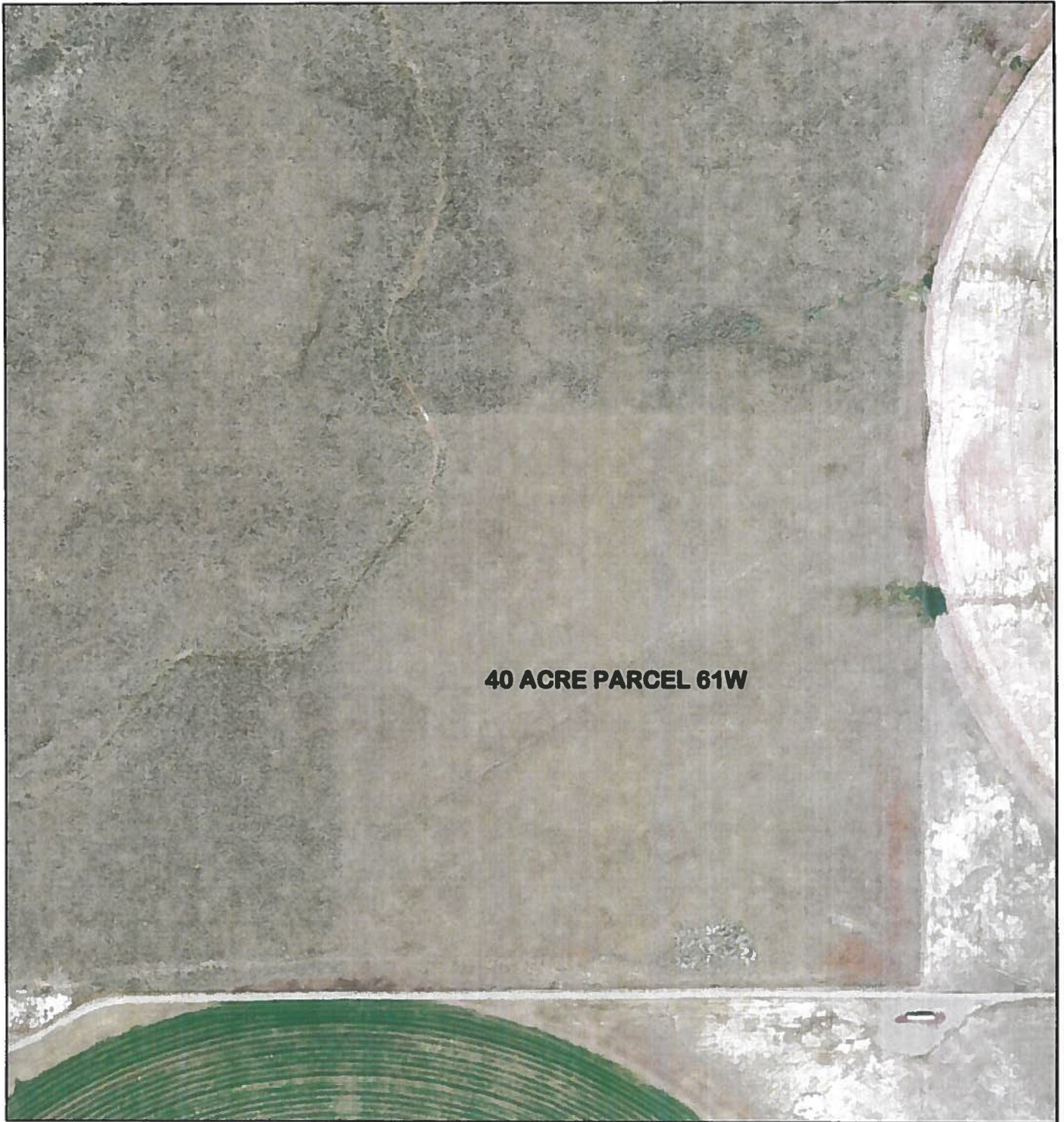
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City	U.S. HIGHWAY	Parcel
INTERSTATE	Section	
LOCAL ROAD	Parcel	
SEASONAL ROAD	Subdivision	
STATE HIGHWAY	Section	



Source: Esri, DigitalGlobe, GeoEye, I-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Property Map



AFFIDAVIT

1/21/2014

TO: Idaho Department of Water Resources

SUBJECT: Irrigation of Field# 61W (Historical Use 2004, 2006, 2007)

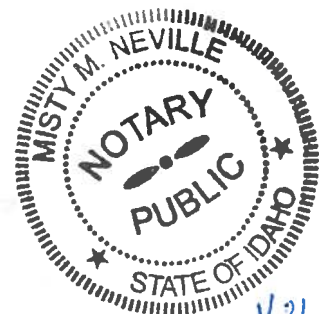
I, Anthony Clawson, hereby certify the following irrigations were applied to 40 acres of land located in Fremont County, T8N R38E SENW ¼ as described below:

1. In the fall of 2004 via handlines. Purpose: seed germination following sagebrush removal and subsequent seeding with crested wheat grass and recommended native vegetation for livestock feed.
2. In the fall of 2006 and spring of 2007 via handlines. Purpose: seed germination following replanting with crested wheat grass and recommended native vegetation for livestock feed.

I was employed by Cornelison Farms from 2000 thru 2008. In 2004 thru 2007 my position was Farm Manager for Juniper Sands and Upper Grassy Farm Units. Field# 61W was a component of Upper Grassy Farm. My responsibilities included all farming and irrigation operations for both these units.

Anthony Clawson

 1-21-14



1/21/2014
Misty M. Neville
Jefferies, Co.
exp 11/17/15

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Labels

Ownership

- Assessor Ownership Lines
- Adjusted Ownership Lines
- Tax Numbers (metes & bounds)
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Sec, Twp, Rng

State Tax Code Areas

Longitude / Latitude Grid

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USGS Topos

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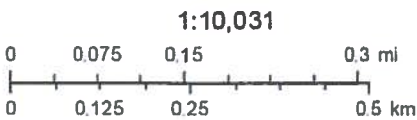
Property Map



January 24, 2014

City
INTERSTATE
LOCAL ROAD
SEASONAL ROAD
STATE HIGHWAY

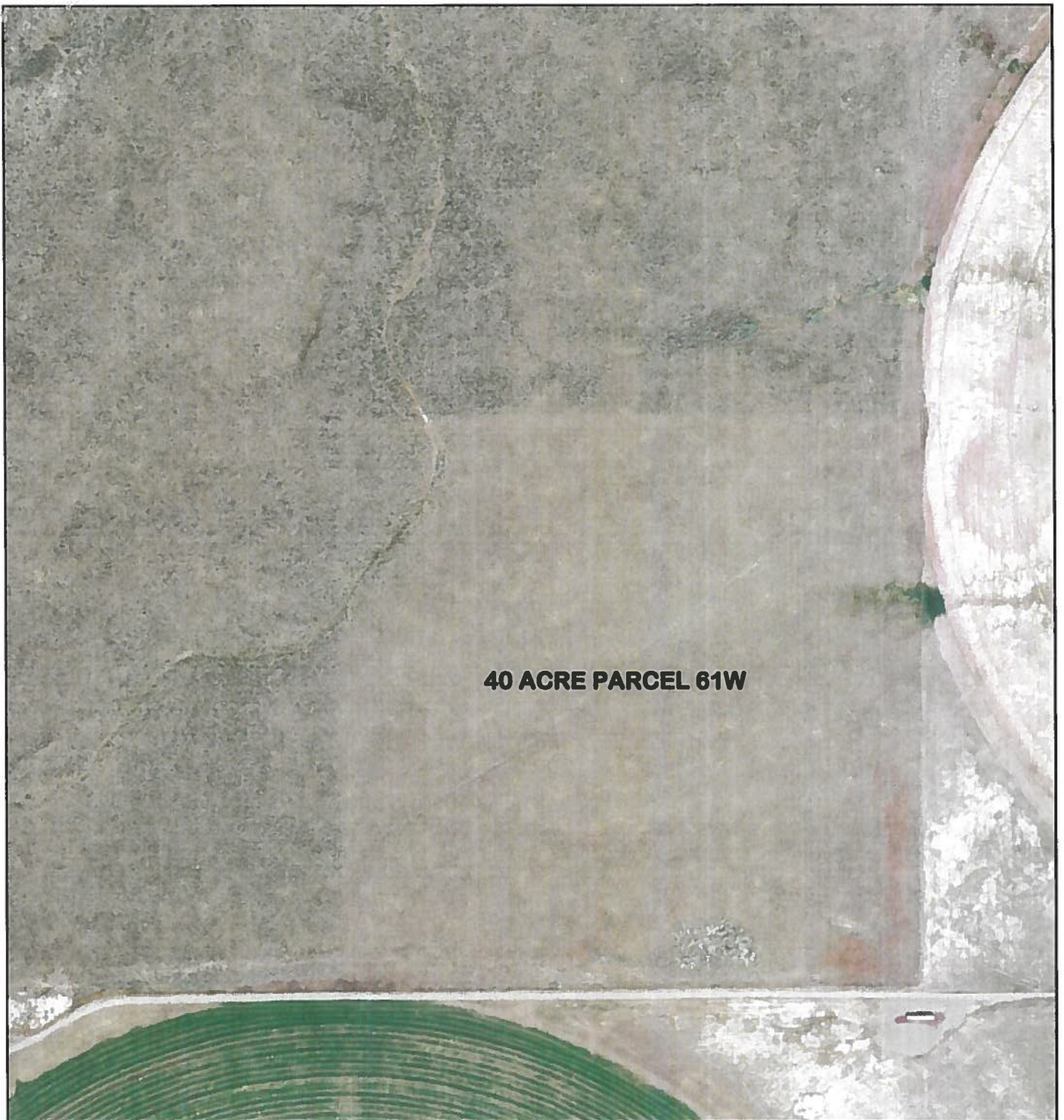
U.S. HIGHWAY ☐ Parcel
Section
Parcel
Subdivision
Section



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

User Name
Jefferson County GIS

Property Map



AFFIDAVIT

1/21/2014

TO: Idaho Department of Water Resources

SUBJECT: Irrigation of Field# 61W (Historical Use 2004, 2006, 2007)

I, Roberto Martinez, hereby certify the following irrigations were applied to 40 acres of land located in Fremont County, T8N R38E SENW ¼ as described below:

1. In the fall of 2004 via handlines. Purpose: seed germination following sagebrush removal and subsequent seeding with crested wheat grass and recommended native vegetation for livestock feed.
2. In the fall of 2006 and spring of 2007 via handlines. Purpose: seed germination following replanting with crested wheat grass and recommended native vegetation for livestock feed.

I have been employed in the Hamer Area where this land is located since 1980. Both my employers, Golden Eagle Ranch and Cornelison Farms, operated farms containing this 40 acres. I was involved in all farming and irrigation processes during this time. My last year of employment was 2007 prior to the sale of this land to Blaine Larsen Farms.

Roberto Martinez



Roberto Martinez



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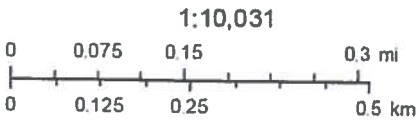
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City
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U.S. HIGHWAY ☐ Parcel
Section
Parcel
Subdivision
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AFFIDAVIT

1/21/2014

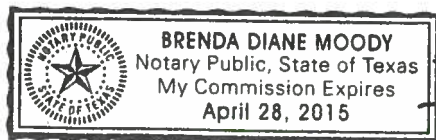
TO: Idaho Department of Water Resources

SUBJECT: Irrigation of Field# 61W (Historical Use 2004, 2006, 2007)

I, Joaquin Martinez, hereby certify the following irrigations were applied to 40 acres of land located in Fremont County, T8N R38E SENW ¼ as described below:

1. In the fall of 2004 via handlines. Purpose: seed germination following sagebrush removal and subsequent seeding with crested wheat grass and recommended native vegetation for livestock feed.
2. In the fall of 2006 and spring of 2007 via handlines. Purpose: seed germination following replanting with crested wheat grass and recommended native vegetation for livestock feed.

I have been employed in the Hamer Area with my brother Roberto, where this land is located since 1980. Both my employers, Golden Eagle Ranch and Cornelison Farms, operated farms containing this 40 acres. I was involved in all farming and irrigation processes during this time. My last year of employment was 2007 prior to the sale of this land to Blaine Larsen Farms.



Joaquin Martinez

Joaquin Martinez

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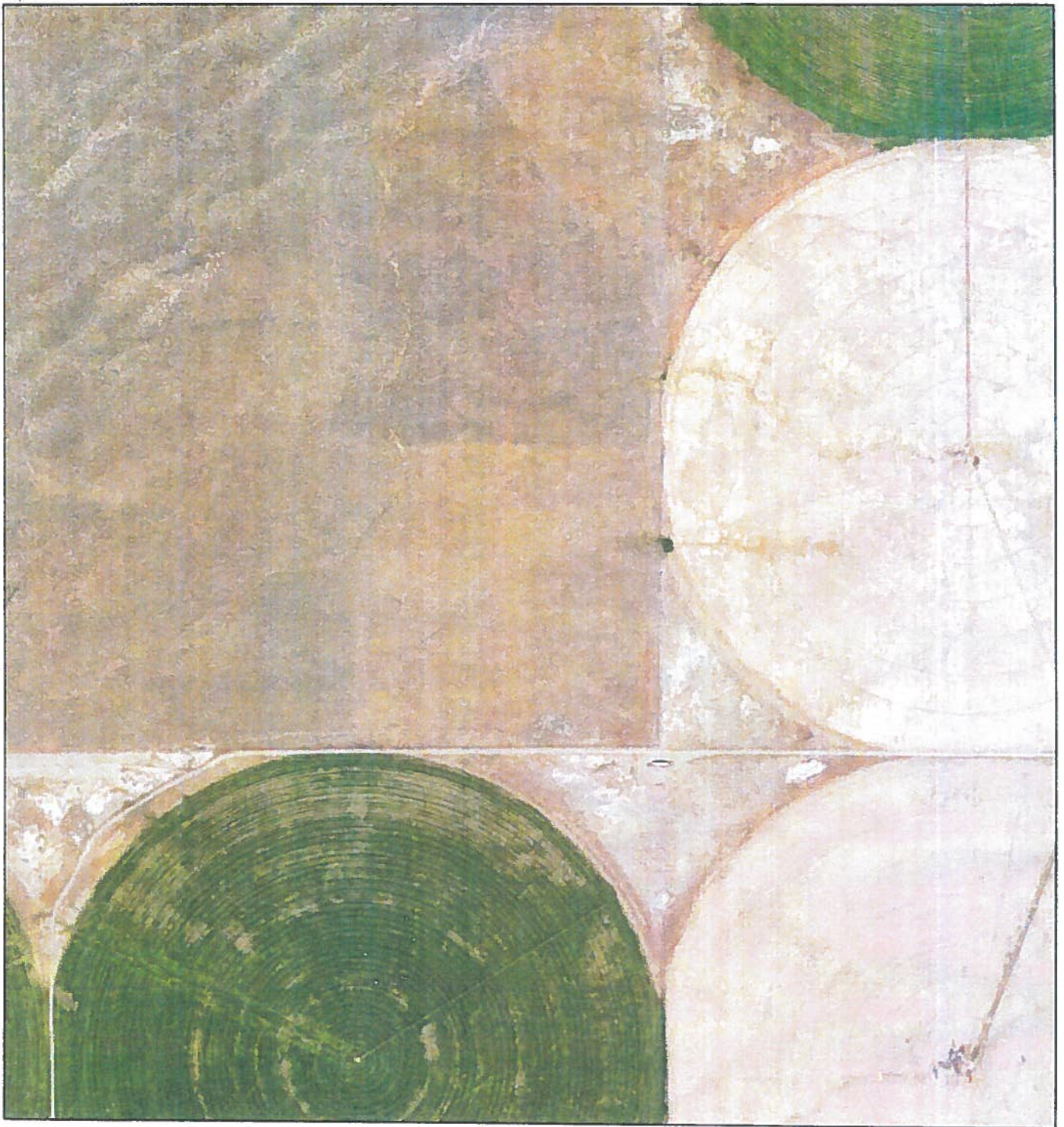
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Property Map



January 24, 2014

City

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U.S. HIGHWAY

Section

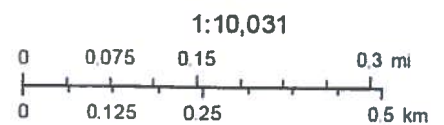
Parcel

Subdivision

Section



Parcel



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

User Name
Jefferson County GIS

Property Map

