

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78429**

This is to certify that: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
2-10238	WR/LICENSE	9/4/1974	0.720 cfs	366.9 af	82.0	193.0	SNAKE RIVER
2-10239	WR/LICENSE	9/4/1974	3.280 cfs	1680.6 af	373.0	882.0	SNAKE RIVER
2-10240	WR/LICENSE	12/18/1974	0.480 cfs	246.0 af	55.0	193.0	SNAKE RIVER
2-10241	WR/LICENSE	12/18/1974	2.210 cfs	1126.5 af	250.0	882.0	SNAKE RIVER
2-10242	WR/LICENSE	7/7/1994	1.200 cfs	201.6 af	181.0	193.0	SNAKE RIVER
2-10243	WR/LICENSE	7/7/1994	5.490 cfs	923.4 af	829.0	882.0	SNAKE RIVER
57-2254	WR/DECREED	8/28/1962	1.090 cfs	319.5 af	N/A	71.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-10238	NO	NO	YES	NO	NO	NO
2-10239	NO	NO	YES	NO	NO	NO
2-10240	NO	NO	YES	NO	NO	NO
2-10241	NO	NO	YES	NO	NO	NO
2-10242	NO	NO	YES	NO	NO	NO
2-10243	NO	NO	YES	NO	NO	NO
57-2254	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-10238	2-10238	0.720 cfs	369.0 af	82.0	1201.0	N/A	N/A	N/A	N/A	N/A
2-10239	2-10239	3.280 cfs	1678.5 af	373.0	1201.0	N/A	N/A	N/A	N/A	N/A
2-10240	2-10240	0.490 cfs	247.5 af	55.0	1201.0	N/A	N/A	N/A	N/A	N/A
2-10241	2-10241	2.200 cfs	1125.0 af	250.0	1201.0	N/A	N/A	N/A	N/A	N/A
2-10242	2-10242	0.710 cfs	31.5 af	144.0	1201.0	N/A	N/A	N/A	N/A	N/A
2-10243	2-10243	4.760 cfs	679.5 af	774.0	1201.0	N/A	N/A	N/A	N/A	N/A
57-2254	57-2254	1.090 cfs	319.5 af	71.0	1201.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		13.250 cfs	4158.0 af	924.0	1201.0		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 78429

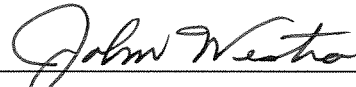
IN FILE # 2-10238

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78429

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 4th day of April, 2014.



Western Regional Manager

WATER RIGHT NO. 57-2254**As Modified by Transfer No. 78429**

In accordance with the approval of Transfer No. 78429, Water Right No. 57-2254 is now described as follows:

Right Holder: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

Priority Date: 8/28/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	1.090 cfs	319.5 af
			1.090 cfs	319.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESESE Sec 17 Twp 02N Rge 04W OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	04W	16										22.0	32.0						54.0
02N	04W	17													2.0	7.0	37.0	30.0	76.0
02N	04W	20	33.0			11.0												21.0	65.0
02N	04W	21		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	40.0		459.0
02N	04W	28		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
02N	04W	29	40.0	5.0	40.0	40.0									40.0	22.0		40.0	227.0

Right Acre Limit: 71.0

POU Total Acres: 1201.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. 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. 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.

Transfer No. 78429

WATER RIGHT NO. 57-2254
As Modified by Transfer No. 78429

CONDITIONS OF APPROVAL

5. This right is limited to the irrigation of 71 acres within the authorized place of use in a single irrigation season.
6. Rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243 when combined shall not exceed a total annual maximum diversion volume of 4158.0 af at the field headgate for the irrigation of 924 acres (6 acres ground water only, 65 acres ground water supplemented with surface water and 853 surface water only).
7. Rights 57-2254 and 57-11673 when combined shall not exceed a total diversion rate of 2.1 cfs.
8. Rights 57-2254, 2-10238, 2-10240 and 2-10242 when combined shall not exceed a total annual maximum diversion volume of 675.0 af at the field headgate the irrigation of 150 acres (6 acres ground water, 65 acres ground water supplemented with surface water and 79 acres surface water only).
9. 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. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/22/2003.
11. This right does not grant any right-of-way or easement across the land of another.
12. The following rights are diverted through point of diversion described above: 57-2254 and 57-11673.

WATER RIGHT NO. 2-10238**As Modified by Transfer No. 78429**

In accordance with the approval of Transfer No. 78429, Water Right No. 2-10238 is now described as follows:

Right Holder: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

Priority Date: 9/4/1974

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.720 cfs	369.0 af
			0.720 cfs	369.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	04W	16										22.0	32.0						54.0
02N	04W	17													2.0	7.0	37.0	30.0	76.0
02N	04W	20	33.0			11.0												21.0	65.0
02N	04W	21		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	40.0		459.0
02N	04W	28		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
02N	04W	29	40.0	5.0	40.0	40.0									40.0	22.0		40.0	227.0

Right Acre Limit: 82.0
POU Total Acres: 1201.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

Transfer No. 78429

WATER RIGHT NO. 2-10238

As Modified by Transfer No. 78429

CONDITIONS OF APPROVAL

4. 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. This right is limited to the irrigation of 82 acres within the authorized place of use in a single irrigation season.
6. Rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243 when combined shall not exceed a total annual maximum diversion volume of 4158.0 af at the field headgate for the irrigation of 924 acres (6 acres ground water only, 65 acres ground water supplemented with surface water and 853 surface water only).
7. Rights 57-2254, 2-10238, 2-10240 and 2-10242 when combined shall not exceed a total annual maximum diversion volume of 675.0 af at the field headgate the irrigation of 150 acres (6 acres ground water, 65 acres ground water supplemented with surface water and 79 acres surface water only).
8. Rights 2-10238, 2-10240 and 2-10242 when combined shall not exceed the irrigation of 144 acres (65 acres surface water supplemental to ground water and 79 acres surface water only).
9. 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. 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 11/12/1997.
11. This right does not grant any right-of-way or easement across the land of another.
12. The following rights are diverted through points of diversion described above: 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243.

WATER RIGHT NO. 2-10239**As Modified by Transfer No. 78429**

In accordance with the approval of Transfer No. 78429, Water Right No. 2-10239 is now described as follows:

Right Holder: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

Priority Date: 9/4/1974

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

3.280 cfs

3.280 cfs

Diversion Volume

1678.5 af

1678.5 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	04W	16										22.0	32.0						54.0
02N	04W	17													2.0	7.0	37.0	30.0	76.0
02N	04W	20	33.0			11.0												21.0	65.0
02N	04W	21		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	40.0		459.0
02N	04W	28		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
02N	04W	29	40.0	5.0	40.0	40.0									40.0	22.0		40.0	227.0

Right Acre Limit: 373.0

POU Total Acres: 1201.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

Transfer No. 78429

WATER RIGHT NO. 2-10239

As Modified by Transfer No. 78429

CONDITIONS OF APPROVAL

4. 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. This right is limited to the irrigation of 373 acres within the authorized place of use in a single irrigation season.
6. Rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243 when combined shall not exceed a total annual maximum diversion volume of 4158.0 af at the field headgate for the irrigation of 924 acres (6 acres ground water only, 65 acres ground water supplemented with surface water and 853 surface water only).
7. Rights 2-10239, 2-10241 and 2-10243 when combined shall not exceed the irrigation of 774 acres.
8. 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.
9. 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 11/12/1997.
10. This right does not grant any right-of-way or easement across the land of another.
11. The following rights are diverted through points of diversion described above: 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243.

WATER RIGHT NO. 2-10240**As Modified by Transfer No. 78429**

In accordance with the approval of Transfer No. 78429, Water Right No. 2-10240 is now described as follows:

Right Holder: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

Priority Date: 12/18/1974

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.490 cfs	247.5 af
			0.490 cfs	247.5 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	04W	16										22.0	32.0						54.0
02N	04W	17													2.0	7.0	37.0	30.0	76.0
02N	04W	20	33.0			11.0												21.0	65.0
02N	04W	21		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	40.0		459.0
02N	04W	28		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
02N	04W	29	40.0	5.0	40.0	40.0									40.0	22.0		40.0	227.0

Right Acre Limit: 55.0

POU Total Acres: 1201.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

Transfer No. 78429

WATER RIGHT NO. 2-10240

As Modified by Transfer No. 78429

CONDITIONS OF APPROVAL

4. 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. This right is limited to the irrigation of 55 acres within the authorized place of use in a single irrigation season.
6. Rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243 when combined shall not exceed a total annual maximum diversion volume of 4158.0 af at the field headgate for the irrigation of 924 acres (6 acres ground water only, 65 acres ground water supplemented with surface water and 853 surface water only).
7. Rights 57-2254, 2-10238, 2-10240 and 2-10242 when combined shall not exceed a total annual maximum diversion volume of 675.0 af at the field headgate the irrigation of 150 acres (6 acres ground water, 65 acres ground water supplemented with surface water and 79 acres surface water only).
8. Rights 2-10238, 2-10240 and 2-10242 when combined shall not exceed the irrigation of 144 acres (65 acres surface water supplemental to ground water and 79 acres surface water only).
9. 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. 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 11/12/1997.
11. This right does not grant any right-of-way or easement across the land of another.
12. The following rights are diverted through points of diversion described above: 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243.

WATER RIGHT NO. 2-10241**As Modified by Transfer No. 78429**

In accordance with the approval of Transfer No. 78429, Water Right No. 2-10241 is now described as follows:

Right Holder: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

Priority Date: 12/18/1974

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.200 cfs	1125.0 af
			2.200 cfs	1125.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	04W	16										22.0	32.0						54.0
02N	04W	17													2.0	7.0	37.0	30.0	76.0
02N	04W	20	33.0			11.0												21.0	65.0
02N	04W	21		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	40.0		459.0
02N	04W	28		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
02N	04W	29	40.0	5.0	40.0	40.0									40.0	22.0		40.0	227.0

Right Acre Limit: 250.0
POU Total Acres: 1201.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

Transfer No. 78429

WATER RIGHT NO. 2-10241

As Modified by Transfer No. 78429

CONDITIONS OF APPROVAL

4. 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. This right is limited to the irrigation of 250 acres within the authorized place of use in a single irrigation season.
6. Rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243 when combined shall not exceed a total annual maximum diversion volume of 4158.0 af at the field headgate for the irrigation of 924 acres (6 acres ground water only, 65 acres ground water supplemented with surface water and 853 surface water only).
7. Rights 2-10239, 2-10241 and 2-10243 when combined shall not exceed the irrigation of 774 acres.
8. 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.
9. 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 11/12/1997.
10. This right does not grant any right-of-way or easement across the land of another.
11. The following rights are diverted through points of diversion described above: 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243.

WATER RIGHT NO. 2-10242**As Modified by Transfer No. 78429**

In accordance with the approval of Transfer No. 78429, Water Right No. 2-10242 is now described as follows:

Right Holder: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

Priority Date: 7/7/1994

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.710 cfs	31.5 af
			0.710 cfs	31.5 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	04W	16										22.0	32.0						54.0
02N	04W	17													2.0	7.0	37.0	30.0	76.0
02N	04W	20	33.0			11.0												21.0	65.0
02N	04W	21		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	40.0		459.0
02N	04W	28		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
02N	04W	29	40.0	5.0	40.0	40.0									40.0	22.0		40.0	227.0

Right Acre Limit: 144.0

POU Total Acres: 1201.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

Transfer No. 78429

WATER RIGHT NO. 2-10242

As Modified by Transfer No. 78429

CONDITIONS OF APPROVAL

4. 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. This right is limited to the irrigation of 144 acres within the authorized place of use in a single irrigation season.
6. Rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243 when combined shall not exceed a total annual maximum diversion volume of 4158.0 af at the field headgate for the irrigation of 924 acres (6 acres ground water only, 65 acres ground water supplemented with surface water and 853 surface water only).
7. Rights 57-2254, 2-10238, 2-10240 and 2-10242 when combined shall not exceed a total annual maximum diversion volume of 675.0 af at the field headgate the irrigation of 150 acres (6 acres ground water, 65 acres ground water supplemented with surface water and 79 acres surface water only).
8. Rights 2-10238, 2-10240 and 2-10242 when combined shall not exceed the irrigation of 144 acres (65 acres surface water supplemental to ground water and 79 acres surface water only).
9. 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. Water shall not be diverted, under this right, when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5,000 cfs; Lime Point 13,000 cfs.
11. This right does not grant any right-of-way or easement across the land of another.
12. The following rights are diverted through points of diversion described above: 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243.

WATER RIGHT NO. 2-10243**As Modified by Transfer No. 78429**

In accordance with the approval of Transfer No. 78429, Water Right No. 2-10243 is now described as follows:

Right Holder: DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING, ID 83639

Priority Date: 7/7/1994

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	4.760 cfs	679.5 af
			4.760 cfs	679.5 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County
SNAKE RIVER	L1 (NWNW)	Sec 23 Twp 02N Rge 04W OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	04W	16										22.0	32.0						54.0
02N	04W	17													2.0	7.0	37.0	30.0	76.0
02N	04W	20	33.0			11.0												21.0	65.0
02N	04W	21		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0			19.0	40.0		459.0
02N	04W	28		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
02N	04W	29	40.0	5.0	40.0	40.0									40.0	22.0		40.0	227.0

Right Acre Limit: 774.0
POU Total Acres: 1201.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

Transfer No. 78429

WATER RIGHT NO. 2-10243
As Modified by Transfer No. 78429

CONDITIONS OF APPROVAL

4. 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. This right is limited to the irrigation of 774 acres within the authorized place of use in a single irrigation season.
6. Rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243 when combined shall not exceed a total annual maximum diversion volume of 4158.0 af at the field headgate for the irrigation of 924 acres (6 acres ground water only, 65 acres ground water supplemented with surface water and 853 surface water only).
7. Rights 2-10239, 2-10241 and 2-10243 when combined shall not exceed the irrigation of 774 acres.
8. 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.
9. Water shall not be diverted, under this right, when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5,000 cfs; Lime Point 13,000 cfs.
10. This right does not grant any right-of-way or easement across the land of another.
11. The following rights are diverted through points of diversion described above: 2-10238, 2-10239, 2-10240, 2-10241, 2-10242 and 2-10243.

Sommer, Rachel

From: Sommer, Rachel
Sent: Monday, April 28, 2014 12:01 PM
To: Knowles, Corbin
Subject: Approved Transfer 78429
Attachments: Transfer 78429.pdf

Hello Corbin,

I have attached the approved transfer for your convenience. Let me know if you need anything else.

Have a wonderful Monday!

Rachel Sommer

Sommer, Rachel

From: Sommer, Rachel
Sent: Monday, April 28, 2014 11:54 AM
To: 'Jonathan.Lee@raboag.com'
Subject: RE: Desert Farms Real Estate LLC
Attachments: Security Interest Acknowledgment Letter.pdf; Transfer 78429.pdf; Water Right Proof Report 2-10238.pdf; Water Right Proof Report 2-10239.pdf; Water Right Proof Report 2-10240.pdf; Water Right Proof Report 2-10241.pdf; Water Right Proof Report 2-10242.pdf; Water Right Proof Report 2-10243.pdf; Water Right Proof Report 57-2254.pdf

Good Morning Jonathan,

Thank you for being patient as I prepared the acknowledgment to you regarding Rabo Agrifinance's security Interest with approved transfer no. **78429**.

Let me know if you have any questions.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 28, 2014

RABO AGRIFINANCE INC
12443 OLIVE BLVD STE 50
ST LOUIS MO 63141

RE: Approved Water Right Transfer No. 78429

Dear Party Holding Security Interest:

The Department of Water Resources has approved the above referenced water right transfer. The Department is notifying you of this approval because you have been a security interest holder or you have been added as a security interest holder.

For your records I have enclosed a copy of the approved transfer along with water right proof reports for water right no's:

2-10238, 2-10239, 2-10240, 2-10241, 2-10242, 2-10243, 57-2254

Additional information can be found online at www.idwr.idaho.gov. If you have any questions, please contact this office at 208-334-2190.

Sincerely,

Rachel Sommer
Administrative Assistant I
Western Regional Office

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 28, 2014

D L EVANS BANK
PO BOX 87
TWIN FALLS ID 83303

RE: Approved Water Right Transfer No. 78429

Dear Party Holding Security Interest:

The Department of Water Resources has approved the above referenced water right transfer. The Department is notifying you of this approval because you have been a security interest holder or you have been added as a security interest holder.

For your records I have enclosed a copy of the approved transfer along with water right proof reports for water right no's:

2-10238, 2-10239, 2-10240, 2-10241, 2-10242, 2-10243, 57-2254

Additional information can be found online at www.idwr.idaho.gov. If you have any questions, please contact this office at 208-334-2190.

Sincerely,

Rachel Sommer
Administrative Assistant I
Western Regional Office

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 28, 2014

WELLS FARGO FINANCIAL LEASING INC
800 WALNUT ST
MAC F4031-050
DES MOINES IA 58039

RE: Approved Water Right Transfer No. 78429

Dear Party Holding Security Interest:

The Department of Water Resources has approved the above referenced water right transfer. The Department is notifying you of this approval because you have been a security interest holder or you have been added as a security interest holder.

For your records I have enclosed a copy of the approved transfer along with water right proof reports for water right no's:

2-10239, 2-10241, 2-10243

Additional information can be found online at www.idwr.idaho.gov. If you have any questions, please contact this office at 208-334-2190.

Sincerely,

Rachel Sommer
Administrative Assistant I
Western Regional Office

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 4, 2014

DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING ID 83639

Re: Transfer No. 78429
Water Right No's:
2-10238, 2-10239, 2-10240, 2-10241, 2-10242, 2-10243, 57-2254

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,



For:

John Westra
Western Regional Office

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No. 78429

Water Right No's:

2-10238, 2-10239, 2-10240, 2-10241, 2-10242, 2-10243, 57-2254

**DESERT FARMS REAL ESTATE LLC
8222 DESERT DR
MARSING ID 83639**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**

A handwritten signature in black ink, reading "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. Note: the petition must be received by the department within this fourteen (14) day period. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

FEB 28 2014

WATER RESOURCES
WESTERN REGION

Affidavit of Publication

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 20th day of February, 2014 and ending with the issue dated 27th day of February, 2014

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 27th day of February, 2014, before me,

a Notary Public, personally appeared Ruby Aufderheide,

The following applications have been filed to appropriate the public waters of the State of Idaho:

PROPOSED CHANGE OF WATER RIGHTS

Desert Farms Real Estate LLC c/o Dale and/or Jackie Van Es of 8222 Desert Dr. Marsing ID 83639 filed Application No. **78429** to transfer seven water rights with 1962 thru 1994 priority dates from ground water and the Snake River totaling 14.47 cfs. The purpose of the transfer is to authorize a permissible place of use for the rights surrounding the current place of use near Pascoe Lane between Hwy 95 and Hwy 78 approximately 3 miles south southwest of Marsing.

PROPOSED AMENDMENT OF WATER PERMIT

City of Kuna, PO Box 13, Kuna, ID, 83638, filed Application No. **79089** to amend Permit No. **63-31741** with a 2003 priority from ground water totaling 18.0 cfs for municipal use. The permit provides municipal water for property located within the City of Kuna service area. The applicant proposes to amend the permit to add two wells (1 existing and 1 proposed) to their system. 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 3/10/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

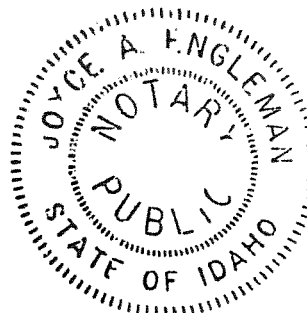
PUBLISH: February 20 and 27, 2014

person whose name subscribed to the within instrument, and being by me first duly sworn, depose and say that the contents herein are true, and acknowledged to me that he executed the same.

Joyce A. Engleman
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 6/8/19

✓
OK
3/17/14
RS



RIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date:	<u>02/27/2014</u>	INVOICE NO.	<u>91735</u>
Account No.	<u>964760</u>		
Description	<u>91735 The follo</u>		
Times	<u>2</u>	Lines	<u>73</u>
		Tab. lines	
		\$	<u>104.03</u>
	PO#	<u>78429 & 79089</u>	

**LEGAL ADVERTISING
INVOICE**

Sold To: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

RECEIVED
MAR 03 2014
**WATER RESOURCES
WESTERN REGION**
AFFIDAVIT OF PUBLICATION

91735
The following applications
have been filed to appropri-
ate the public waters of the
State of Idaho:

**PROPOSED CHANGE
OF WATER RIGHTS**

Desert Farms Real Estate
LLC c/o Dale and/or Jackie
Van Es of 8222 Desert Dr.
Marsing ID 83639 filed Ap-
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fer seven water rights with
1962 thru 1994 priority dates
from ground water and the
Snake River totaling 14.47
cfs. The purpose of the trans-
fer is to authorize a permissi-
ble place of use for the rights
surrounding the current
place of use near Pascoe Lane
between Hwy 95 and Hwy 78
approximately 3 miles south
southwest of Marsing.

**PROPOSED AMENDMENT
OF WATER PERMIT**

City of Kuna, PO Box 13,
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2003 priority from ground
water totaling 18.0 cfs for
municipal use. The permit
provides municipal water for
property located within the
City of Kuna service area.
The applicant proposes to
amend the permit to add two
wells (1 existing and 1 pro-
posed) to their system.

Karen J. Lewis, being duly sworn, deposes and
says, I am the Legal Clerk of the Tribune
Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho
and under and by virtue of the laws of the State of Washington,
publishers of the Lewiston Tribune, a news-
paper of general circulation published at Lewiston, Nez Perce
County, Idaho; That the said Lewiston Tribune is
an established newspaper and has been published regularly
and issued regularly at least once a day for more than 105
consecutive years next immediately preceding the first
publication of this notice, and has been so published
uninterrupted for said period; that the 91735 The follo
attached hereto and which is made a part of this affidavit
was published in the said Lewiston Tribune,
2 time(s). Publication being on
02/20, or once a **Week**
for 2 consecutive **Week**,
the first publication thereof being on the 02/20/2014,
and the last publication thereof being on the 02/27/2014,
and said 91735 The follo was so published in the
regular and entire issue of said newspaper and was not in a
supplement thereof and was so published in every issue and
number of the said paper, during the period and times of
publication as set forth above.

Karen J. Lewis

State of Idaho

S.S.

County of Nez Perce

On this 28th day of February in the year
of 2014, before me, a Notary Public, personally
appeared Karen J. Lewis, known or identified
to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledged to me that he executed the same.

Carol Peterson
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 9-1-2017



CONTINUED

RECEIVED

MAR 03 2014

WATER RESOURCES
WESTERN REGION

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 3/10/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director
Published on 2/20/2014 and
2/27/2014

OK
3/17/14
RJ

**Proof of Publication
The Post Register**

RECEIVED

**State of Idaho
Bonneville County:**

MAR 03 2014

**WATER RESOURCES
WESTERN REGION**

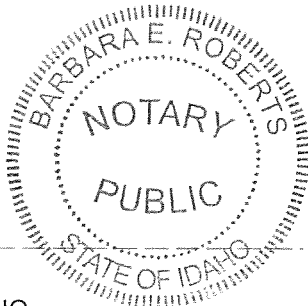
I, ~~Hilary Witt~~ or Staci Dockery, first being duly sworn, depose and say: That I am the ~~Classifieds Manager~~ or Legal Notice Representative of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under this ad number: **631634**, for **2** consecutive (days) weeks, between **02/20/2014** and **02/27/2014**,

and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Staci Dockery

Subscribed and sworn to before me, this 27 day of February 2014



Barbara E. Roberts
Notary Public

My Commission expires: 5/9/2019

attached jurat

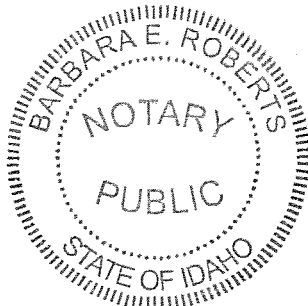
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 27 day of February 2014, before me, the undersigned, a Notary public for said state, personally appeared ~~Hilary Witt~~ or Staci Dockery, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

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



Barbara E. Roberts
Notary Public for The Post Company
Residing at: Idaho Falls
My Commission expires: 5/9/2019

RECEIVED

MAR 03 2014

WATER RESOURCES
WESTERN REGION

The following applications have been filed to appropriate the public waters of the State of Idaho:

PROPOSED CHANGE OF WATER RIGHTS

✓ **Desert Farms Real Estate LLC** c/o Dale and/or Jackie Van Es of 8222 Desert Dr. Marsing ID 83639 filed Application No. **78429** to transfer seven water rights with 1962 thru 1994 priority dates from ground water and the Snake River totaling 14.47 cfs. The purpose of the transfer is to authorize a permissible place of use for the rights surrounding the current place of use near Pascoe Lane between Hwy 95 and Hwy 78 approximately 3 miles south southwest of Marsing.

**PROPOSED AMENDMENT
OF WATER PERMIT**

✓ **City of Kuna**, PO Box 13, Kuna, ID, 83638, filed Application No. **79089** to amend Permit No. **63-31741** with a 2003 priority from ground water totaling 18.0 cfs for municipal use. The permit provides municipal water for property located within the City of Kuna service area. The applicant proposes to amend the permit to add two wells (1 existing and 1 proposed) to their system.

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 3/10/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/20/2014 and 2/27/2014 (631634)

OK
3/17/14
RS

FEB 28 2014

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	WESTERN REGION	Lines
263978	0000907916	LEGAL NOTICE The following applications	Sam Pauley	\$134.70	1	84

Attention: RACHEL SOMMERS

IDAHO DEPT WATER RESOURCE/ WEST
2735 AIRPORT WAY
BOISE, ID 837055082

LEGAL NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

✓ **63-33862**
SAM PAULEY
2980 S MIRACLE LN
MERIDIAN, ID 83642
Point of Diversion SESE S22 T03N
R01W ADA County Source
GROUND WATER
Use: IRRIGATION 03/01 to
11/15 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 10/15/2013
Place of Use: IRRIGATION
T03N R01W S22 SESE
Total Acres: 5
Water bearing zone to be appropriated is from 260 to 300 feet.

OK 3/17/14
R8

PROPOSED CHANGE OF WATER RIGHTS

✓ **Desert Farms Real Estate LLC**
c/o Dale and/or Jackie Van Es of
8222 Desert Dr. Marsing ID
83639 filed Application No.
78429 to transfer seven water
rights with 1962 thru 1994 priority
dates from ground water and
the Snake River totaling 14.47
cfs. The purpose of the transfer is
to authorize a permissible place of
use for the rights surrounding the
current place of use near Pascoe
Lane between Hwy 95 and Hwy 78
approximately 3 miles south south-
west of Marsing.

PROPOSED AMENDMENT OF WATER PERMIT

✓ **City of Kuna, PO Box 13, Kuna, ID, 83638**, filed Application No. 79089 to amend Permit No. 63-31741 with a 2003 priority from ground water totaling 18.0 cfs for municipal use. The permit provides municipal water for property located within the City of Kuna service area. The applicant proposes to amend the permit to add two wells (1 existing and 1 proposed) to their system. 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 3/10/2014. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Pub. Feb. 20, 27, 2014

0000907916-01

JANICE HILDRETH, being duly sworn deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 02/20/2014

Ending issue of: 02/27/2014

Janice Hildreth
(Legals Clerk)

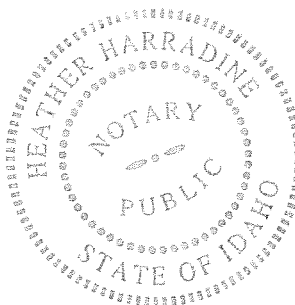
STATE OF IDAHO)
SS

COUNTY OF ADA)

On this 25th day of February in the year of 2014 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Heather Harradine
Notary Public FOR Idaho
Residing at: Boise, Idaho

My Commission expires: 2/1/15



The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Robert E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the president of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

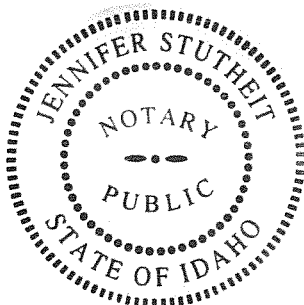
FEBRUARY 19, 26, 2014

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 27 day of Feb. in the year of 2014 before me, a

Notary Public, personally appeared ROBERT E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Jennifer Stutheit
Notary Public of Idaho

Residing at HOMEDALE, IDAHO
My commission expires: JANUARY 3, 2015

PROPOSED CHANGE OF WATER RIGHT(S)

Desert Farms Real Estate LLC
c/o Dale and/or Jackie Van Es
of 8222 Desert Dr. Marsing ID
83639 filed Application No. 78429
to transfer seven water rights
with 1962 thru 1994 priority
dates from ground water and the
Snake River totaling 14.47 cfs.
The purpose of the transfer is to
authorize a permissible place of
use for the rights surrounding the
current place of use near Pascoe
Lane between Hwy 95 and Hwy
78 approximately 3 miles south
southwest of Marsing.

For additional information
concerning the property location,
contact Western Region office
at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description
of the right(s) and the proposed
transfer. Protests may be
submitted based on the criteria of
Idaho Code § 42-222. Any protest
against the proposed change 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 3/10/2014. The
protestant must also send a copy
of the protest to the applicant.

GARY SPACKMAN, Director
2/19,26/14

RECEIVED

MAR 03 2014

WATER RESOURCES
WESTERN REGION

✓
OK
3/7/14
RS

MEMORANDUM

TO: Transfer No. 78429 File

FROM: Angela Grimm

DATE: January 29, 2014

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to establish a permissible place of use for rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242, and 2-10243 for irrigation within a 1,201 acre PPU. Notices of change of ownership for all seven rights and security interest for only rights 57-2254, 2-10238, 2-10240, and 2-10242 are being processed in conjunction with this transfer application. This transfer proposes changes similar to transfer no. 74476, which was rescinded in 2009.

The place of use is near Pascoe Lane between Highway 95 and Highway 78 approximately 3 miles south/southwest of Marsing.

Contact person for the applicant is Lori Graves, SPF Water Engineering.

Summary of Information Submitted

Authority to File: Dale and Jackie Van Es (Van Es) are the owners of record for rights 2-10239, 2-10241, and 2-10243. Rights 57-2254, 2-10238, 2-10240, and 2-10242 are currently in the name of Leslie and Lavada Loucks (Loucks). Three recorded warranty deeds were submitted documenting Van Es ownership of irrigated lands for all seven rights proposed for transfer. A recorded quitclaim deed was also submitted transferring land described within the three warranty deeds from Van Es to Desert Farms Real Estate LLC (applicant). Dale and Jackie Van Es are managing members of Desert Farms Real Estate LLC per Idaho Secretary of State information submitted with the transfer application. All land currently irrigated under the rights proposed for transfer is owned by Desert Farms Real Estate LLC per the deeds received. Therefore, ownership of all sever rights can be updated within this transfer process. Additionally, all land proposed for the permissible place of use is owned by either Desert Farms Real Estate LLC and/or Dale and Jackie Van Es personally.

The property and rights proposed for transfer are subject to a lien. The recorded Mortgage, Assignment of Rents and Security Agreement with the Notice of Security Interest submitted by Rabo AgriFinance Inc. (received 1/25/13) describes a mortgage on all land described in the quitclaim deed of Desert Farms Real Estate LLC. The mortgage agreement was recorded on 6/8/2012, before Dale and Jackie Van Es recorded the quitclaim deed (12/31/2012) transferring the property from their personal names into

Desert Farms Real Estate LLC. Therefore, the name in the mortgage agreement filed with the security interest will not match the name the water rights will be placed in. However, the security interest should still be added to rights 57-2254, 2-10238, 2-10240, and 2-10242, because the property associated with these rights is subject to the mortgage agreement. Rights 2-10239, 2-10241, and 2-10243 already have a security interest(s) recorded, while the security interest of Rabo Agrifinance will be recorded for rights 57-2254, 2-10238, 2-10240, and 2-10242 during processing of this transfer. The applicant provided a lien holder letter acknowledging the lien holder is aware of the transfer and is ok with the changes proposed (application Attachment 6).

The applicant has authority to change their water rights.

Water Right Validity: Right 57-2254 is presumed valid based on evidence of irrigation from 2011 imagery within the previous five year period. Rights 2-10238, 2-10240, and 2-10242 when combined authorize irrigation of 181 acres within a 193 ac PPU. 2011 imagery indicates roughly 144 acres of the 181 authorized were irrigated in the previous 5 year period. It appears acres within the NW NE Sec 20 2N 4W, was subdivided and is no longer irrigated per 2011 imagery. Rights 2-10239, 2-10241, and 2-10243 when combined authorize irrigation of 829 acres within an 882 ac PPU. 2011 imagery along with applicants' analysis indicates roughly 774 acres (918 ac reported as irrigated by applicant – 144 ac irrigated in other rights/upper PPU) of the 829 acres authorized were irrigated in the previous 5 year period. It appears acres in the SW Sec 28 2N 4W were converted into a feedlot/dairy operation per 2011 imagery. In total it appears 92 acres (37 acres under rights 2-10238, 2-10240, and 2-10242 + 55 acres under rights 2-10239, 2-10241, and 2-10243) of Snake River water rights have been forfeit due to non-use. In a cover letter submitted with the modified application, the applicant's representative indicates the maximum extent of beneficial use of the Snake River rights is 918 acres of the 1010 acres authorized. The number of acres subject to forfeiture is based upon the applicant's analysis that irrigation of 918 acres within the Snake River rights current PPU and 71 acres within the current ground water PU occurred within the last five year period. Should the transfer be approved, 92 acres (1010 acres authorized – 918 acres irrigated) under the most junior Snake River rights (37 acres 2-10242 + 55 acres 2-10243) will be deemed forfeit. Forfeiture can occur from any one of the rights in the system as a result of this transfer based on Department policy allowing changes to individual rights within an un-staked common system.

Based on irrigation overlap analysis (see Enlargement section below) of the ground water and Snake River rights, 924 unique acres of irrigation (6 ground water only + 918 acres Snake River supplemental or primary/only) within the currently authorized places of use for the rights has occurred during the last five year period. Therefore, should the transfer be approved, the applicant will be authorized to irrigate a total of 924 individual acres (6 ac GW only + 65 ac SW & GW + 853 SW only) within the proposed 1,201 ac PPU See Desert Farms Real Estate LLC (Van Es) Transfer No. 78429 Irrigation Acres memo attachment for more details.

Injury to Other Water Rights: Injury should not occur under this proposal. There will be no change in the amount of acres irrigated, point of diversion, or water used.

Enlargement of Use: The applicant does not propose to enlarge the use. The applicant proposes to establish a permissible place of use for the rights to allow for irrigation 924 acres within a 1,201 acre PPU. The diversion rate, annual diversion volume, and number of acres authorized for irrigation will not increase. A portion of right 57-2254 PU partially overlaps the PPU of rights 2-10238, 2-10240, and 2-10242 (upper Snake River rights). 57-2254 is a ground water right with an older priority date than the upper Snake River rights meaning in the areas of overlap the upper Snake River water rights are supplemental to the pre-existing ground water right. 6 acres of irrigation within the PU of 57-2254 is outside of the PPU of the upper Snake River rights (unique irrigation). The remaining 65 acres of irrigation under 57-2254 is within the PPU of the upper Snake River rights. Within the current PPU of the upper Snake River rights, 144 acres is currently irrigated, 65 acres irrigated with primary ground water and supplemental surface water plus 79 acres only irrigated with surface water. In order to avoid enlargement, irrigation under rights 57-2254, 2-10238, 2-10240, and 2-10242 within the proposed PPU will be limited to 6 ac ground water irrigation, 79 ac surface water irrigation, and 65 ac ground water in combination with surface water irrigation. Also, all rights within the system will be limited to a total of 924 acres irrigation within the 1,201 acre PPU based on the total number of unique acres irrigated. See Desert Farms Real Estate LLC (Van Es) Transfer No. 78429 Irrigation Acres memo attachment for more details.

Local Public Interest: Authorizing the applicant to establish an integrated irrigation system within a larger permissible place of use allows for more efficient land use through rotation of crops and creation of a more efficient water supply system, which serves the local public interest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use(s) consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Discussion

Data entry will affect the water right records of rights 57-2254, 2-10238, 2-10239, 2-10240, 2-10241, 2-10242, and 2-10243. Right 57-2254 has been partially decreed in the SRBA and the record has been migrated in the database prior to transfer data entry. The other rights proposed for transfer are licensed water rights not subject to adjudication at the time of processing.

The existing PU of right 57-7754 partially overlaps the PPU of rights 2-10238, 2-10240 and 2-10242. This overlap was discussed in the Enlargement of Use section above. To

avoid enlargement, the transfer approval has been drafted to limit use of these four rights based on historic use of the rights in that 65 acres within the PPU have been irrigated with both ground water and surface water. Total irrigation within the proposed PPU shall be limited to the 924 (918 within current Snake River PPUs including 65 acres both ground water and Snake River water plus 6 acres solely ground water irrigation) unique acres irrigated. Right 57-11673 authorizes stockwater and commercial use from three wells (one of which is the authorized PD of 57-2254) for the dairy operation within the proposed PPU. Right 57-11673 is limited to diversion of 2.10 cfs when used in combination with 57-2254. The commercial PU authorized for 57-11673 includes land irrigated under the rights proposed for transfer as land application of wastewater from the dairy operation occurs on this land. This PU overlap does not affect rights within the transfer as right 57-11673 authorizes diversion for uses other than irrigation. There are no other overlapping rights for the existing PU and PPUs, the existing PDs, or the proposed PPU. No other water rights need to be involved in this transfer.

Rights 2-7155, 2-7186, and 2-7461 are the parent rights for the Snake River rights proposed for change in Transfer No. 78429 (2-10238, 2-10239, 2-10240, 2-10241, 2-10242, and 2-10243). 2-7155 and 2-7186 were limited to a combined diversion rate of 6.69 cfs (based on system capacity) and a combined volume of 3420.0 af (based on the maximum allowable 4.5 af per ac) for irrigation of 760 acres when licensed. 2-7461 was licensed for volume and rate of flow for irrigation of an additional 250 acres plus an increase in the authorized rate of flow for the 760 acres of irrigation previously licensed. At the time the beneficial use exam was conducted for 2-7461, the irrigation system consisted of 4 pumps with a combined system capacity of 13.38 cfs. 2-7461 was licensed for a rate of 6.69 cfs (13.38 cfs – 6.69 cfs previously licensed) and a volume of 1125.0 af (250 ac @ 4.5 af/ac) for irrigation of 1010 acres. The authorized rate of diversion for the combined system is approximately 0.013 cfs/ac (13.38 cfs/1010 ac). The 6.69 cfs diversion rate authorized for right 2-7461 consists of approximately 3.31 cfs for the additional 250 acres of irrigation and approximately 3.38 cfs of additional flow for irrigation of the 760 acres previously licensed under rights 2-7155 and 2-7186. The authorized volume for the combined system is 4.5 af/ ac (4545.0 af/1010 ac).

Previous split calculations for an ownership change of the parent rights 2-7155, 2-7186 and 2-7461 did not follow the licensing process regarding rate per acre and volume per acre quantities issued. See memos Locuks / Van Es Water Right Splits of 1/13/04 and Ownership Change Review of 2/19/04 on file. Transfer processing allows for the opportunity to re-work the splits and correct quantity errors, because the transfer proposes recombining the system. Correction of quantity errors is necessary in this case due to finding of forfeiture of water rights in the previously split systems (37 acres in 2-10238 et al and 55 acres in 2-10239 et al PPUs). Quantities for each of the rights were recalculated per the Calculations of Loucks/Van Es Water Right Splits memo dated January 29, 2014. Differences between the quantities of each right prior to processing of Transfer No. 78429 and after (including partial forfeiture of 2-10242 and 2-10243) processing are illustrated in the attached split tree. The combined systems, 2-10238 et al and 2-10239 et al, had a combined condition limiting the volume. The volume limitation is the additive of the individual volumes of each right, thus not limiting. The draft

approval of Transfer No. 78429 does not include the unnecessary limiting condition for combined volume or rate, but includes condition 205 for the surface water rights 2-10238 thru 2-10243, because the quantities of the draft approval are different than prior to transfer processing.

Rights 57-2254, 2-10238, 2-10240, and 2-10242 currently have a security interest in the name of DL Evans Bank. This securing interest has an expiration year of 2031 per Department records. Rights 2-10239, 2-10241, and 2-10243 have recorded security interests in the name of DL Evans Bank (expires 9/15/2029), Wells Fargo Financial Leasing Inc (expires 4/21/2019) and Rabo AgriFinance [expires 1/5/2027(?)]. A lien holder letter from Rabo AgriFinance was submitted with the transfer application, but no letter has been received from DL Evans Bank or Wells Fargo Financial Leasing Inc nor have these entities withdrawn the security interests on these rights. Current Department processing standards do not require a lien holder letter for the changes proposed in this transfer. Therefore, a lien holder letter will not be requested from DL Evans Bank or Wells Fargo Financial Leasing Inc. However, these security interests will remain on the record of these rights, and a comment letter and copy of the transfer approval, should it be approved, will be sent to DL Evans Bank and Wells Fargo Financial Leasing Inc. per Department policy.

Rights 2-10239, 2-10241, and 2-10243 currently include irrigation of 20 acres in the NW SE Sec 29 T02N R04W. These 20 acres were recognized as a portion of irrigation occurring under parent right 2-7461 at the time the beneficial use exam occurred. After the exam and prior to licensing, a permit amendment application was processed to create a permissible place of use. The amended place of use erroneously excluded the NW SE Sec 29 T02N R04W, but the 20 acres of irrigation was included in the licensing as a portion of the total irrigated acres authorized within the licensed PPU. The transfer application provides an avenue to correct this error in processing by including this land inside the proposed PPU.

Rights 2-10238 thru 2-10243 PDs are currently described as one legal description under the PD portion of the right with a remark/condition stating there are 4 pumps. Per current Department data entry standards, each pump is recognized as a PD and the legal description is listed on each of the rights accordingly on the draft transfer approval.

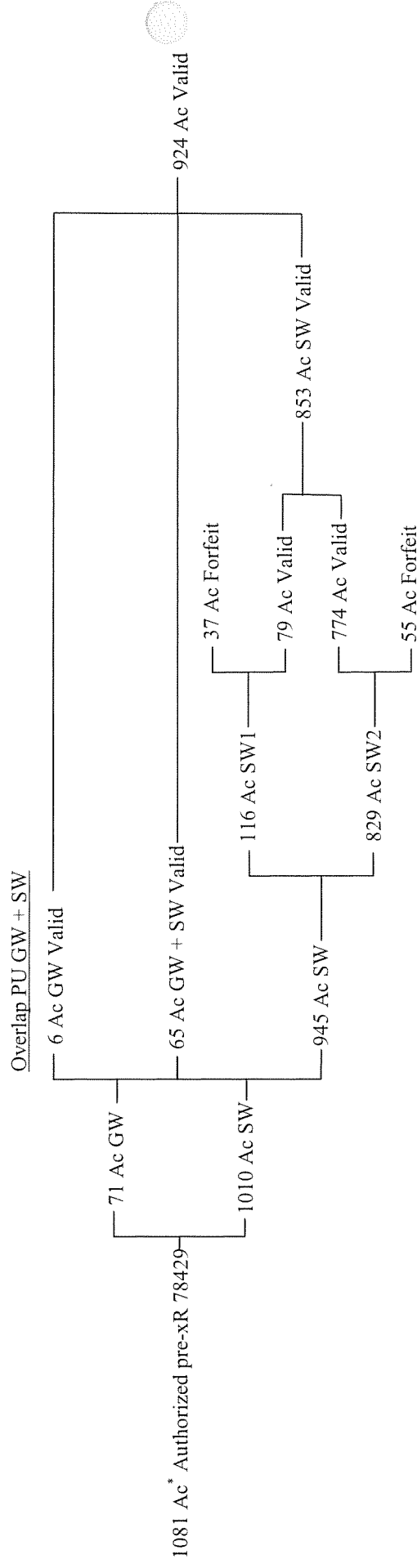
The transfer filing fee, based on the 14.47 cfs total diversion rate of the rights proposed for transfer, is \$1620.00. The ownership change for seven rights requires total filing fee of \$175. The security interest for four rights requires filing fee of \$100. For all three filings, a total of \$1895.00 is required. The applicant paid \$200.00 (W040817) with the Change of Ownership and Security Interest filings received 1/25/2013. The applicant paid \$1720.00 (W040855) with the transfer filing received 2/8/2013. An additional Change of Ownership (right 57-11673) with filing fee of \$100 (W041758) was received 1-9-2014. This fee includes \$25 to change ownership of 57-11673 (not included in this transfer filing) and \$75 towards ownership changes of rights within the transfer application. A refund of \$100.00 was issued to the applicant 2/11/2013 (see W040855

receipt for details). With the refund issued, the Department has received the correct filing fees from the applicant.

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.

Desert Farms Real Estate LLC (Van Es) Transfer No. 78429 Irrigation Acres



* = 1081 ac authorized prior to Transfer 78429 did not account for overlap of 57-2254 GW and 2-10238, 2-10240, & 2-10242 SW.
 GW = 57-2254: 6 ac primary ground water irrigation + 65 ac ground water irrigation supplemented with surface water = 71 ac
 SW1 = 2-10238, 2-10240, & 2-10242: 79 ac primary surface water irrigation + 65 ac irrigation supplemental to GW = 144 ac
 GW + SW1 = 57-2254, 2-10238, 2-10240, & 2-10242: 6 ac GW only + 65 ac GW supplemented with SW + 79 ac SW only = 150 ac
 SW2 = 2-10239, 2-10241, & 2-10243: 774 ac primary surface water irrigation = 774 ac
 GW + SW1 + SW2 = 57-2254, 2-10238 thru 2-10243: 6 ac GW only + 65 ac GW supplemented with SW + 853 ac SW only = 924 ac.