

RECEIVED

FEB 20 2014

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

AMENDED

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ * Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on then Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.b.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

SUPPORT DATA

IN FILE # 03-2958

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Hoot Nanney Farms, Inc.

Phone (208) 484-5528

Mailing address C/o Michael Dixon, 8542 W Floating Feather Rd, Eagle, ID 83616

Email _____

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

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

☐ No Representative

Name of Representative David Shaw

Phone (208) 365-7684

Mailing address 4001 East Main Street Emmett, ID 83617

Email dshaw@eroresources.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

MICHAEL L. DIXON
Print Name and Title if applicable

2-19-14
Date


Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

SUPPORT DATA
IN FILE # 63-2958

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Add a point of diversion to increase capacity for installed pivots. Same land will be irrigated from the new well.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒ ☐	63-2958	2.40 cfs	Irrigation	3-1 to 11-15	Ground Water
☒ ☐	63-31988	1.16 cfs	Irrigation	3-1 to 11-15	Ground Water
☐ ☐					
☐ ☐					
☐ ☐					
☐ ☐					
☐ ☐					
☐ ☐					
☐ ☐					

Total authorized under rights 2.40 cfs and/or 1080 ac-ft

2. Total amount of water proposed to be transferred or changed 2.40 cubic feet per second and/or 1080 acre-feet per annum.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
	4		NW	NW	3	4N	1W	Ada	Ground Water	
	4		NW	NW	3	4N	1W	Ada	Ground Water	D29401
Yes	4		NW	NW	3	4N	1W	Ada	Ground Water	

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Two existing wells will continue to be used, a new well will be added to supply capacity for pivots installed on the property.

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

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A

e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: A new application is being filed to increase the allowable diversion rate needed to irrigate with pivots. No additional acreage or water volume is added by the new application. Pivots should provide more efficient irrigation yielding a net reduction in the annual volume of water being diverted. Only acres and volume are being transferred to the new POD, diversion rate will be provided by a new permit currently being processed.

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

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

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

[illegible][illegible]

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it Attachment #7a.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it Attachment #7b. If the place of use currently consists of a permissible place of use, the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it attachment #8a.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it Attachment #8b.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

2 proof reports
1 map

Transfer contains 6 pages and 3 attachments.

Received by CS Date 2/19/14 Prelim. Check by JE Date 2/24/2014

Fee Paid \$260 + \$160 Date 2/19/14 Received by CS Receipt # C090342

✓ Add'l Fee Paid \$50 Date " Received by " Receipt # "

\$210

ok JE

→ \$160 to increase transfer rate from .80 to 2.40 cfs and \$50 for re-advertising

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

Current Water Right No.: 63-2958

Current Owner: HOOT NANNEY FARMS INC

Priority Date: 8/28/1953

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total Diversion

Diversion Rate

2.4 CFS

2.4 CFS

Annual Volume

558 AF

558 AF

Location of Point(s) of Diversion

GROUND WATER

ADA County

L4(NW1/4NW1/4) Sec. 3, Twp 04N, Rge 01W B.M.

GROUND WATER

ADA County

NW1/4SW1/4 Sec. 3, Twp 04N, Rge 01W B.M.

GROUND WATER

ADA County

L4(NW1/4NW1/4) Sec. 3, Twp 04N, Rge 01W B.M.
(Injection)

GROUND WATER

ADA County

L4(NW1/4NW1/4) Sec. 3, Twp 04N, Rge 01W B.M.
(Rediversion)

GROUND WATER

ADA County

L4(NW1/4NW1/4) Sec. 3, Twp 04N, Rge 01W B.M.

Place of Use

IRRIGATION Within ADA County

T04N R01W S3	Lot 4	NWNW	39.00	T04N R01W S3		SWNW	40.00
T04N R01W S3		NWSW	40.00	T04N R01W S4	Lot 1	NENE	41.00
T04N R01W S4		SENE	40.00	T04N R01W S4		NESE	40.00

Total Acres: 240

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 115 Prior to the diversion and use of water under Transfer 78388, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized points of diversion and at the authorized point of rediversion, in accordance with Department specifications.
3. Rights 63-2958 and 63-31988 when combined shall not exceed a total diversion rate of 2.40 cfs, a total annual maximum diversion volume of 1080.0 af at the field headgate, and the irrigation of 240 acres.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. F06 The following rights are diverted through points of diversion described above: 63-2958, 63-31988 and 63-33721.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. X27 This right is limited to the irrigation of 124 acres within the place of use described above in a single irrigation season.
9. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
10. X35 Rights 63-2958, 63-31988 and 63-32010 when combined shall not exceed a total annual maximum diversion volume of 1080.0 af at the field headgate, and the irrigation of 240 acres.
11. 020 The diversion and use of water described in Transfer 78338 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
12. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. K01 Right 63-31988 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
14. 067 The right holder shall record the quantity of water diverted from each point of diversion and from the point of rediversion and annually report the totals, in accordance with Department instructions.
15. Ground water diverted from the new well authorized under Transfer 78338 located in the NWSW, Section 3, Township 4N, Range 1 West, shall be limited to water bearing formations no deeper than 200 feet below ground surface.
16. Ground water diverted from the points of diversion in Govt. Lot 4 (NWNW), Section 3, Township 4 North, Range 1 West, is injected into Little Gulch Creek and rediverted from Little Gulch Creek.

Decreed Date: 2/16/2007

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

Current Water Right No.: 63-31988

Current Owner: HOOT NANNEY FARMS INC

Priority Date: 3/1/1976

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.16 CFS	522 AF
	<u>Total Diversion</u>	1.16 CFS	522 AF

Location of Point(s) of Diversion

GROUND WATER	L4(NW1/4NW1/4)	Sec. 3,	Twp 04N,	Rge 01W B.M.
ADA County				
GROUND WATER	NW1/4SW1/4	Sec. 3,	Twp 04N,	Rge 01W B.M.
ADA County				
GROUND WATER	L4(NW1/4NW1/4)	Sec. 3,	Twp 04N,	Rge 01W B.M.
ADA County	(Injection)			
GROUND WATER	L4(NW1/4NW1/4)	Sec. 3,	Twp 04N,	Rge 01W B.M.
ADA County	(Rediversion)			
GROUND WATER	L4(NW1/4NW1/4)	Sec. 3,	Twp 04N,	Rge 01W B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T04N R01W S3	Lot 4	NWNW	39.00	T04N R01W S3		SWNW	40.00
T04N R01W S3		NWSW	40.00	T04N R01W S4	Lot 1	NENE	41.00
T04N R01W S4		SENE	40.00	T04N R01W S4		NESE	40.00

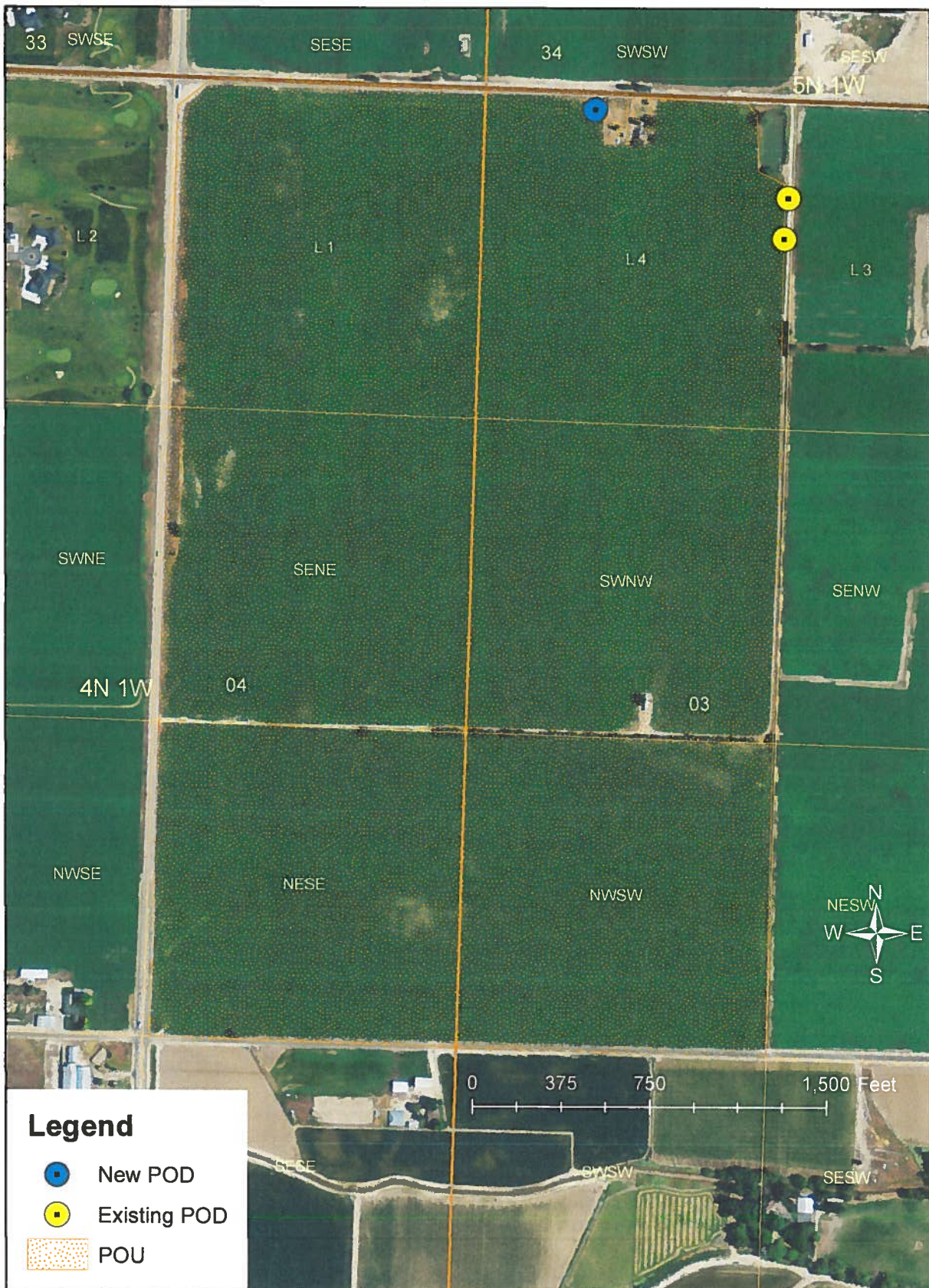
Total Acres: 240

Conditions of Approval:

1. Ground water diverted from the new well authorized under Transfer 78338 located in the NWSW, Section 3, Township 4N, Range 1 West, shall be limited to water bearing formations no deeper than 200 feet below ground surface.
2. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Ground water diverted from the points of diversion in Govt. Lot 4 (NWNW), Section 3, Township 4 North, Range 1 West, is injected into Little Gulch Creek and rediverted from Little Gulch Creek.
5. K02 This right is based upon an enlargement of Right No. 63-2958 pursuant to Section 42-1426, Idaho Code.
6. Rights 63-2958 and 63-31988 when combined shall not exceed a total diversion rate of 2.40 cfs, a total annual maximum diversion volume of 1080.0 af at the field headgate, and the irrigation of 240 acres.
7. 020 The diversion and use of water described in Transfer 78338 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. F06 The following rights are diverted through points of diversion described above: 63-2958, 63-31988 and 63-33721.
10. X27 This right is limited to the irrigation of 124 acres within the place of use described above in a single irrigation season.
11. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
12. 004 This right does not grant any right-of-way or easement across the land of another.
13. X35 Rights 63-2958, 63-31988 and 63-32010 when combined shall not exceed a total annual maximum diversion volume of 1080.0 af at the field headgate, and the irrigation of 240 acres.
14. 115 Prior to the diversion and use of water under Transfer 78388, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized points of diversion and at the authorized point of rediversion, in accordance with Department specifications.
15. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
16. 067 The right holder shall record the quantity of water diverted from each point of diversion and from the point of rediversion and annually report the totals, in accordance with Department instructions.

Decreed Date: 2/16/2007

Hoot Nanney Farms Inc. Applications for Permit & Transfer



NAIP 2011 Photography

Prepared for Hoot Nanney Farms, Inc. by ERO February 2014



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

February 26, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

HONSINGER LAW PLLC
ATTN: CHARLES HONSINGER
PO BOX 517
BOISE ID 83701

CHUCK MEISSNER
3101 N PALMER
EAGLE ID 83616

VIKI PURDY
8075 FLOATING FEATHER
EAGLE ID 83616

**Re: Application for Permit No. 63-33721 — Hoot Nanney Farms Inc.
Application for Transfer No. 78338 — Hoot Nanney Farms Inc.**

Dear Interested Parties:

The above referenced applications may be of interest to you. I would like to inform you that both applications have been submitted to The Idaho Statesman for advertising. I have enclosed copies of both amended files for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you have any questions regarding the applications, please contact this office at 208-334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Rachel Sommer', is written in dark ink.

Rachel Sommer
Administrative Assistant I
Western Regional Office

Enclosures

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, February 26, 2014 10:51 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Morning Janice Hildreth,

Please see the attached ad for publication on 3/6/2014 & 3/13/2014.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant

IDWR, Western Region

Office: 208-334-2190

Fax: 208-334-2348

rachel.sommer@idwr.idaho.gov

February 26, 2014

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

RE: Application for Permit No's: 63-33721, 63-33849, 63-33851
Application for Transfer No. 78338

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/24/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

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

63-33721

HOOT NANNEY FARMS INC
C/O MICHAEL L DIXON
8542 FLOATING FEATHER RD
EAGLE, ID 83616

(3)Points of Diversion L4(NWNW) S3 T04N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 2.4 CFS

Total Diversion: 2.4 CFS

Date Filed: 12/13/2012

Place of Use: IRRIGATION

T04N R01W S3 L4(NWNW) SWNW NWSW

T04N R01W S4 L1(NENE) SENE NESE

Total Acres: 240

Previously published 4/18 & 4/25/2013, now amended to change proposed new well location from NWSW to NWNW, Section 3. Amended water bearing zone to be appropriated from 2 existing wells and 1 proposed well is from 4 to 200 feet (previously 4-450 feet). Also see amended Transfer Application 78338.

63-33849

DAVID BENSINGER
DEBORAH BENSINGER
7258 N SPRINGCREST PL
MERIDIAN, ID 83646

Point of Diversion SESE NWSE S9 T05N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 1.7 CFS

Use: STOCKWATER 01/01 to 12/31 0.03 CFS

Total Diversion: 1.73 CFS

Date Filed: 8/29/2013

Place of Use: IRRIGATION, STOCKWATER

T05N R01W S9 SE(ALL)

Total Acres: 152

Water bearing zone to be appropriated is from 300 to 1000 feet.

Stockwater use is for 50 to 100 range cattle.

Application proposes the irrigation of 85 acres within a 152-acre permissible place of use.

63-33851

IDAHO HUMANE SOCIETY INC
4775 DORMAN ST
BOISE, ID 83705-5086

Point of Diversion SESW S13 T03N R01E ADA County Source GROUND WATER

Use: AESTHETIC STORAGE 01/01 to 12/31 9.1 AF

Use: COMMERCIAL 01/01 to 12/31 0.28 CFS

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.28 CFS

Use: IRRIGATION 03/01 to 11/15 0.28 CFS

Total Diversion: 0.56 CFS

Date Filed: 9/5/2013

Place of Use: AESTHETIC STORAGE, COMMERCIAL, IRRIGATION

T03N R01E S13 SESW

Total Acres: 10

Water bearing zone to be appropriated is from 200 to 400 feet.

Commercial use is for a companion animal facility.

Application proposes irrigation of 7 acres within a 10 acres permissible place of use.

PROPOSED CHANGE OF WATER RIGHT

Hoot Nanney Farms C/O Michael Dixon, 8542 Floating Feather RD, Eagle ID 83616, filed Application No. **78338** to transfer two water rights with 1953 and 1976 priority dates from ground water totaling 2.40 cfs to irrigate 240 acres. The application was previously published 4/18 & 4/25/2013 proposing: add 1 well at south end of the property, with that new well being limited to 0.80 cfs for 80 acres, with balance of use to continue from 2 existing wells at northeast end of property. Amended application will relocate new well to northeast end of property near other wells, and all 3 wells will utilize the full amount of the water rights for the entire place of use. The site is southeast of Hwy 16 and Beacon Light Road. Same wells and acres are included in amended Application 63-33721.

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 3/24/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/6/2014 and 3/13/2014

Lester, Steve

From: Dave Shaw [dshaw@erresources.com]
Sent: Monday, February 24, 2014 4:06 PM
To: Lester, Steve
Subject: RE: Hoot Nanney amended applications
Attachments: Amended Application for Transfer - Dixon p3#2.pdf

Steve:

Thank you for taking a look at these applications so quickly.



All points of diversion will be limited to 200 feet or less in depth. Both existing wells are less than 200 feet in depth and the new well proposed to be constructed will also be no more than 200 feet in depth.

The new page 3 for the application for transfer is attached.

Please let me know if you need any additional information,
Thank you again,
Dave

David Shaw

ERO Resources Corporation

208.365.7684 dshaw@erresources.com | www.erresources.com

From: Lester, Steve [<mailto:Steve.Lester@idwr.idaho.gov>]
Sent: Monday, February 24, 2014 3:48 PM
To: Dave Shaw
Subject: Hoot Nanney amended applications

Dave:

The SO asked Western to re-advertise the amended applications. Please provide the following information to help us do that.

63-33721: Prior water bearing zone 4-450 feet. The amended application lists a new well about 200 ft. deep. The water bearing zone for all points of diversion should be included in this application. I assume from the withdrawn approval that ground water no deeper than 200 feet is intended. Please confirm the water bearing zone for all points of diversion for this amended application.

78338: Application page 3, Part 1, item B.2, total water to be transferred increased from 0.80 to 2.40 cfs. While it's understood from your cover letter that the answer is 2.40 cfs, the item is incomplete on the amended application. All relevant application items must be completed for an application to be processed.

The water bearing zone can be confirmed by an email reply. The transfer application can be completed by (a) completing that item on the original form, or (b) submitting a replacement page 3. The latter could be an email attachment.

This Wednesday is the deadline for application information for ads to be sent to publish the first half of next month. Otherwise, the next chance is the last half of next month. Thanks for your help with this.

Steve

** Applicant-Additional Information*



RECEIVED
FEB 19 2014
DEPARTMENT OF
WATER RESOURCES

RECEIVED

FEB 20 2014

WATER RESOURCES
WESTERN REGION

February 18, 2014

Jeff Peppersack
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: Hoot Nanney Farms, Inc. Amended Applications 63-33721 and 78338

Dear Jeff:

Enclosed are amended applications for permit and transfer in the name of Hoot Nanney Farms, Inc. These applications were previously advertised and proposed approvals were issued. The proposed approvals were withdrawn because of the applicant's concern for obtaining an adequate water supply under the proposed conditions of approval and a previous stipulation to resolve a protest with an adjoining property owner.

The applicant now proposes to move the new point of diversion further north to provide more distance between the location of the new well and the adjoining property owner. We believe the new location will allow a successful well to be developed at 200 feet or less depth and will be far enough from the adjoining property owners well to not cause injury to the existing water use.

A check in the amount of \$260 is enclosed. It is my understanding the re-advertising fee is \$50 for each application. Under the present configuration the new well needs to be part of the water supply for the full 240 acres of the property, so an additional \$160 fee for the transfer is also included.

Denver
1842 Clarkson St.
Denver, CO 80218
303.830.1188

Durango
1015 ½ Main Avenue
Durango, CO 81301
970.422.2136

Hotchkiss
P.O. Box 932
161 South 2nd St.
Hotchkiss, CO 81419
970.872.3020

Idaho
4001 East Main Street
Emmett, ID 83617
208.365.7684

www.eroresources.com

OVER 7

Consultants in
Natural Resources
and the Environment

Please let me know if you have questions or need additional information. Anything that can be done to expedite processing of these amended applications will be appreciated.

Yours truly,



David Shaw

Attachments

cc: Michael Dixon