

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

78974

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/>.

Name of Applicant(s) MINERVA WOODLAND TRUST;

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

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

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

- ☐ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the 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/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☐ #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: _____

78974

JAN 06 2014

Department of Water Resources
Eastern RegionAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant MINERVA WOODLAND TRUST

Phone (208)237-3805

Mailing Address 109 FAIRWAY CIR, POCATELLO ID 83201

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 a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

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

☐ No Representative

Name of Representative KEVIN PECK

Phone

Mailing Address 700 W GLOVER RD, ARIMO ID 83214

Email kpeckfam@hotmail.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

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	29-7153	No	No	Yes	No	No	No

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Applicant desires to create a permissible place of use in order to give the operator flexibility in field use and to decrease labor requirements. No additional acres will be watered.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
29-7153	2.500 cfs	1066.0 af	311.0	347.0		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

2.500 cfs	1,066.0 af	311.0	347.0	N/A	N/A	N/A	N/A
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2. Total amount of water proposed to be transferred or changed 2.5 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)

☒ As shown in Part 1.

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

☐ No changes to place of use are proposed. (Proceed to #5.)

☒ As shown in Part 1.

☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
T 1 Transfer Right After Requested Changes**

Proposed Water Right No. 29-7153

Current Water Right Owner
MINERVA WOODLAND
TRUST
109 FAIRWAY CIR
POCATELLO, ID 83201

Priority Date: 8/20/1973

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	2.500 CFS	1066.0 AFA	
Total Diversion			2.500 CFS	1066.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SENW	Sec. 28 Twp 10S Rge 36E BANNOCK County
GROUND WATER	NWSE	Sec. 28 Twp 10S Rge 36E BANNOCK County

Describe the proposed diversion system

2 16", 150 HP PUMPS; ~550' DEEP 59 5" WHEEL LINE SPRINKLERS

2 16", 150 HP PUMPS; ~550' DEEP 59 5" WHEEL LINE SPRINKLERS

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	
10S	36E	21									40.0			39.0					79.0
10S	36E	28			39.0		38.0	32.0		39.0	36.0				23.0	23.0	38.0		268.0

Right Acre Limit: 311.0

POU Total Acres: 347.0

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
2 wells and pumps to pivots and wheel lines. Could install measuring devices if required.
- 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?
No, ☒ If Yes, ☐
Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:
It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
An equal amount of irrigated acres under this water right will be dried up.
- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Applicant also owns share of stock in Marsh Center Irrigation Co.
- 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:

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

Current Water Right No. 29-7153

Current Water Right Owner

MINERVA WOODLAND
TRUST
109 FAIRWAY CIR
POCATELLO, ID 83201

Priority Date: 8/20/1973

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	2.500 CFS	1066.0 AFA	
Total Diversion			2.500 CFS	1066.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SENE	Sec. 28 Twp 10S Rge 36E BANNOCK County
GROUND WATER	NWSE	Sec. 28 Twp 10S Rge 36E BANNOCK County

Describe the proposed diversion system

2 16", 150 HP PUMPS; ~550' DEEP 59 5" WHEEL LINE SPRINKLERS

2 16", 150 HP PUMPS; ~550' DEEP 59 5" WHEEL LINE SPRINKLERS

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	
10S	36E	21									40.0			39.0					79.0
10S	36E	28			39.0		38.0	32.0		39.0					23.0	23.0	38.0		232.0

POU Total Acres: 311.0

Conditions/Remarks:

1. Use of this right is combined with water from Marsh Center Irrigation Co.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.

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

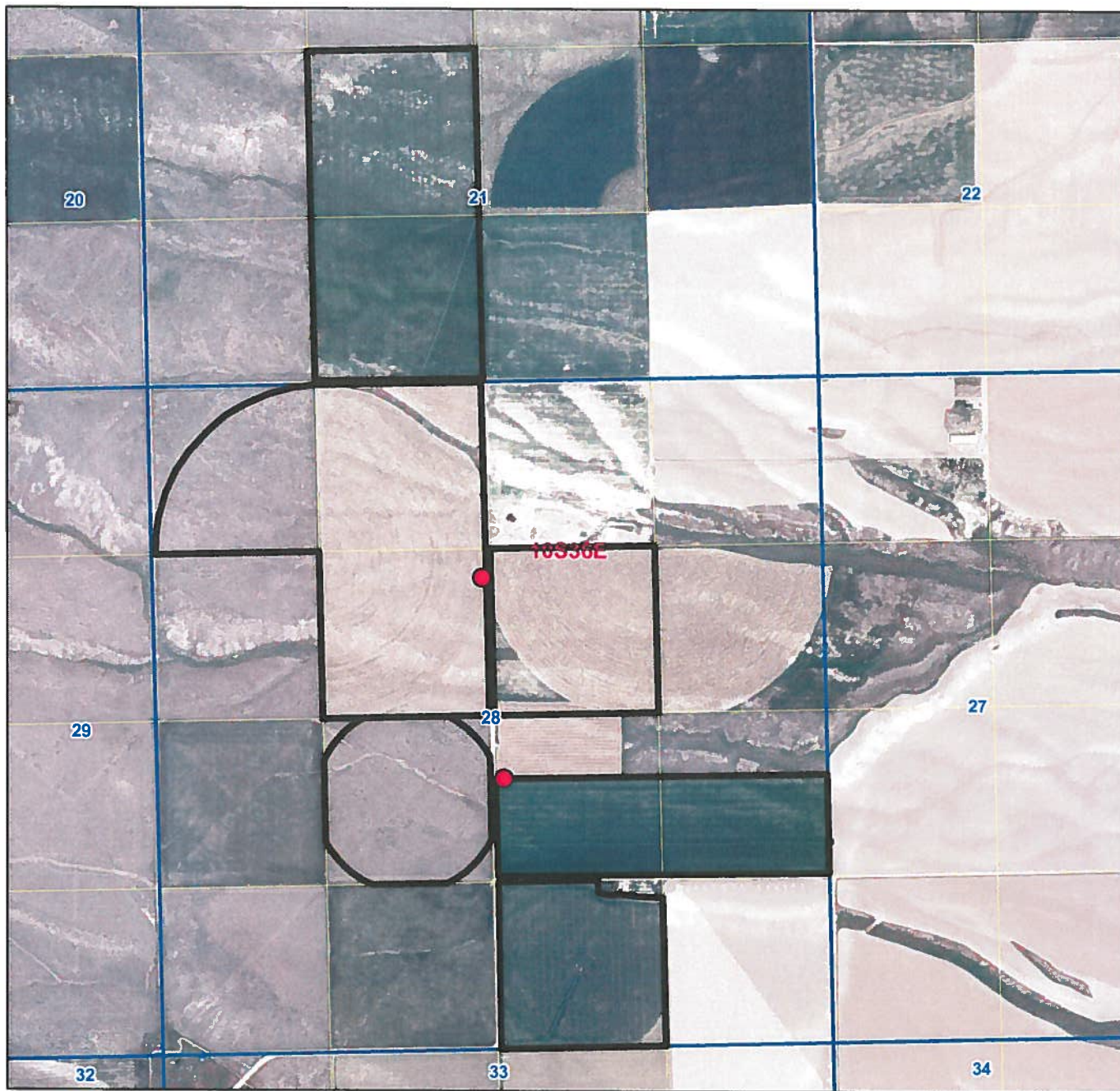
☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of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

☐ 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.:

Transfer Contains 7 pages and attachments.
 Received By MWA Date 12/11/2013 Prelim. Check By M HOLLIDAY Date 1/16/14
 Fee Paid 500 Date 1/9/14 Received By SC Receipt # E039430
 Add'l Fee Paid Date Received By Receipt #

State of Idaho
Department of Water Resources
Transfer No. 78974



Legend

- point of diversion
- ▭ Permissible POU
- ▭ Township/Range
- ▭ Sections
- QQ

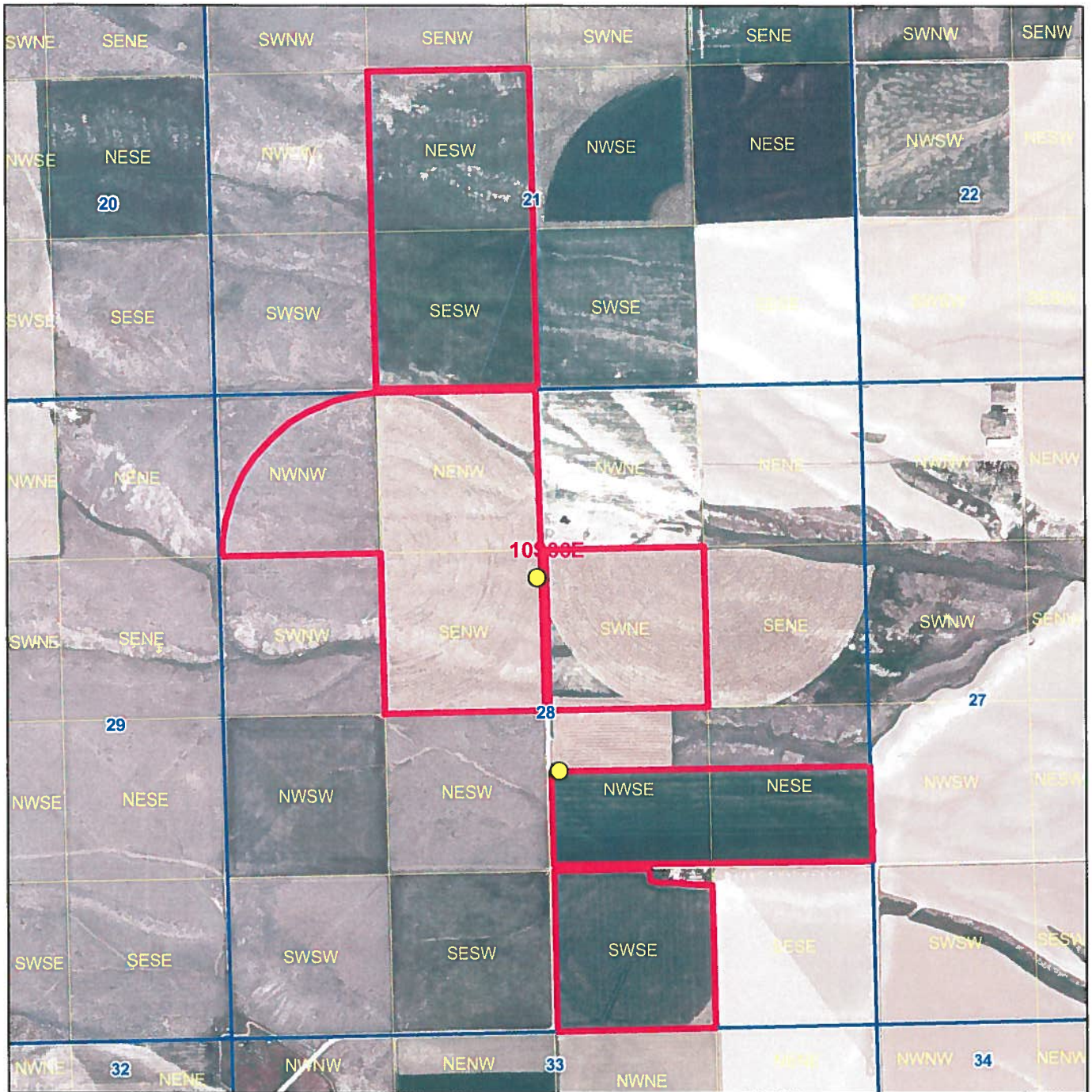
0 0.25 0.5 1 Miles



78 97 4

Acres irrigated before transfer

Transfer No. 78974



Legend

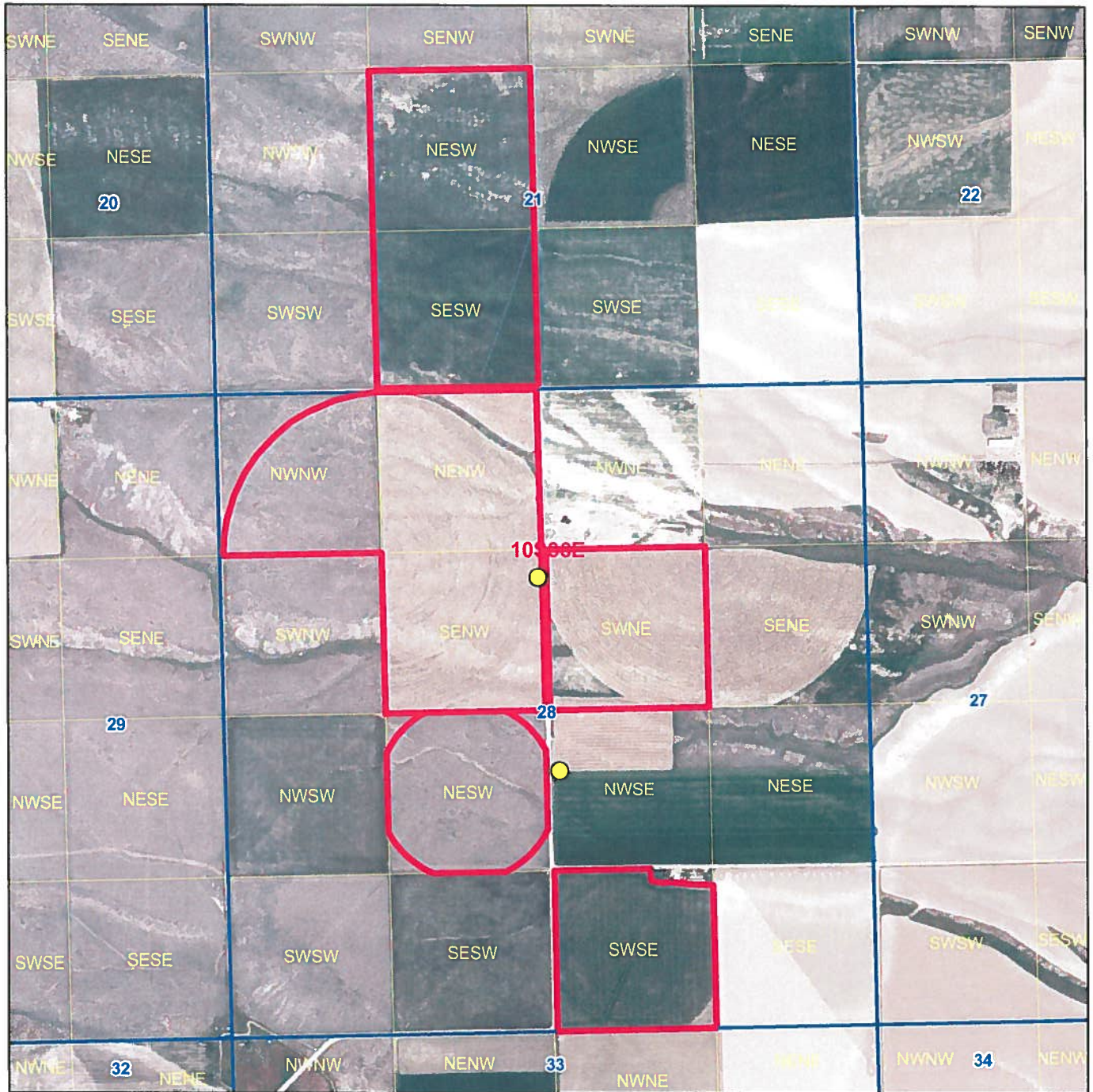
-  29-7153
-  Township/Range
-  Sections
- QQ

0 0.2 0.4 0.8 Miles



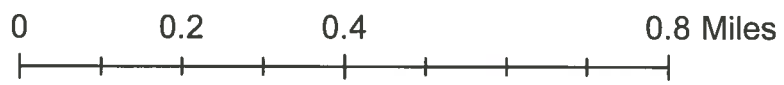
78974

Acres proposed to be irrigated
Transfer No. 78974



Legend

-  Irrigated acres
-  Township/Range
-  Sections
- QQ



AFFIDAVID A

I Noel Christensen, Trustee of Minerva Woodland Trust, give my permission to change the Permissible place of use of water right # 29-7153 and Marsh Center Irrigation to include the NESW of sec. 28



Noel Christensen

21311540

When Recorded and for taxes

Mail to:

Kevin Peck 700 W. Glover Rd. Arimo, ID 83214

RECORDS & DEEDS
BANNOCK COUNTY, IDAHO

969

DEPUTY

Kap Properties LC

21311540

2013 JUL -2 A 10:54
Leave space above for recording data.

QUIT CLAIM DEED

MERNA C. MARLEY (an unmarried person)
Of 250 NELSON ST. ARIMO, IDAHO

GRANTOR(S)

Of County of Bannock, State of Idaho

QUITS CLAIM TO:

KAP PROPERTIES LC
Of 700 WEST GLOVER RD. ARIMO, IDAHO

GRANTEE(S)

Of County of Bannock, State of Idaho

RECEIVED
JUL 02 2013
Bannock FSA

FOR THE VALUED RECIEVED AND OTHER GOOD AND VALUABLE CONSIDERATION,
THE FOLLOWING DESCRIBED TRACT LAND IN COUNTY, STATE OF IDAHO, to-wit:

PARCEL 1. T. 10S., R. 36 E. OF BOISE MERIDIAN, BANNOCK COUNTY, IDAHO. SECTION 28: NE ¼ OF SW ¼.

PARCEL 2. T. 10S. R. 36 E. OF BOISE MERIDIAN, BANNOCK COUNTY, IDAHO SECTION 28: SW ¼ OF SW ¼, EXCLUDING 1.09 ACRES BEGINNING AT THE SOUTHWEST CORNER SEC. 28 MARKED WITH 2" CAP STAMPED LS9163 AS DESCRIBED IN CORNER PERPETUATION INST. 20108417; THENCE NORTH 0 02'25" WEST ALONG THE WEST LINE OF SEC. 28, FOR 215.50 FEET; THENCE SOUTH 65 44'49" EAST FOR 210.44 FEET; THENCE SOUTH 60 31'06" EAST FOR 210.44 FEET; THENCE SOUTH 60 31'06" EAST FOR 261.09 FEET TO A POINT ON THE SOUTH LINE OF SEC. 28; THENCE SOUTH 89 55'23" WEST ALONG SOUTH SEC. LINE FOR 419.00 FEET TO THE POINT OF BEGINNING.

WITNESS, THE HAND(S) OF SAID GRANTOR(S), on

Merna C Marley

GRANTOR(S)

State of Idaho

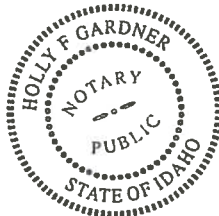
County of

Bannock

On June 12th, 2013

personally appeared before me Merna C. Marley

Signers of the within instrument, who duly acknowledge to me that ^{she} they executed the same



[Signature]

NOTARY PUBLIC

Exp. June 21, 2016

Pocatello ID 83201

78974



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

FILED EFFECTIVE

08 MAY 22 AM 8:43

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

KAP PROPERTIES, LLC

2. The street address of the initial registered office is:

700 West Glover Rd., Arimo, Idaho 83214

and the name of the initial registered agent at the above address is:

Kevin Peck

3. The mailing address for future correspondence is:

700 West Glover Rd., Arimo, Idaho 83214

4. Management of the limited liability company will be vested in:

Manager(s) ☒ or Member(s) ☐ (please check the appropriate box)

5. If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the member(s), list the name(s) and address(es) of at least one initial member.

Name

Address

Kevin Peck

700 West Glover Rd., Arimo, Idaho 83214

6. Signature of at least one person responsible for forming the limited liability company:

Signature: *Kevin Peck*

Typed Name: Kevin Peck

Capacity: Manager

Signature _____

Typed Name: _____

Capacity: _____

Secretary of State use only

W745-35

IDAHO SECRETARY OF STATE
05/22/2008 05:00
CK: 580 CT: 95787 BH: 1116324
1 @ 100.00 = 100.00 ORGAN LLC # 2

IdahoForm1001LLCformationfororganization.pdf
Revised 07/2002

Web Form

78974