

JUL 17 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78283

MINIMUM 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 www.idwr.idaho.gov.

Name of Applicant(s) BUCKEYE FARMS, INC.Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**AMENDED****RECEIVED**

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

JUL 17 2013Name of Applicant(s) BUCKEYE FARMS, INC. Phone 208-622-4100DEPT. OF WATER RESOURCES
SOUTHERN REGIONMailing address ROUTE ONE, BOX 18335, U.S. HIGHWAY 30, HAGERMAN, 83332 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 RepresentativeName of Representative JOHN SIMPSONPhone 208-336-0700Mailing address 1010 W. JEFFERSON, BOISE, ID 83706Email JKS@IDAHOWATERS.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.

Brian Barsotti
Signature of Applicant or Authorized Representative

BRIAN BARSOTTI, PRESIDENT
Print Name and Title if applicable

7/16/13
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

NORTHERN HALF OF PROPERTY WAS SOLD. WATER RIGHTS ARE BEING TRANSFERRED OFF THE PROPERTY
PURSUANT TO THE SALES AGREEMENT. THIS AMENDMENT CORRECTS THE PLACE OF USE

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 ☒ ☐	36-15	6.5 C.F.S.	IRRIGATION	3-15 to 11-15	WEATHERBY SPRINGS
☒ ☐	36-18	20 C.F.S.	IRRIGATION	3-15 to 11-15	BILLINGSLEY CREEK
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 26.5 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 26.5 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

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

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

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	13E	26											40	40			38	37	155
		27																14	14
		34	15																15
		35	10	35	40	14	39	24		40	34				23	40			299
Total Acres (for irrigation use)																			483

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:

36-15 IS DELIVERED THROUGH THE BAR-S DITCH, CURREN DITCH AND SOUTH PIPELINE

36-18 IS DELIVERED THROUGHT CURRENT DITCH AND SOUTH PIPELINE

- b. Who owns the property at the point(s) of diversion? BUCKEYE

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

NO WATER IS CURRENTLY APPURTENANT TO THE LANDS IDENTIFIED

- 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:

NONE

- 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.: 36-15

Current Owner: BUCKEYE FARMS INC
Priority Date: 3/8/1902
Origin: Water Right
Status: Active
Basis: Decreed

Source

WEATHERBY SPRINGS

Tributary

BILLINGSLEY CREEK

Beneficial Use

IRRIGATION

From To

2/15 to 11/30

Total Diversion

Diversion Rate

6.5 CFS

6.5 CFS

Annual Volume

Location of Point(s) of Diversion

WEATHERBY SPRINGS

GOODING County

SE1/4NE1/4SW1/4

Sec. 30, Twp 07S, Rge 14E B.M.

Place of Use

IRRIGATION Within GOODING County

T07S R13E S23	NESW	32.00	T07S R13E S23	NWSW	35.00
T07S R13E S23	SWSW	40.00	T07S R13E S23	SESW	34.00
T07S R13E S26	NENW	10.00	T07S R13E S26	NWNW	22.00
T07S R13E S26	SESW	21.00	T07S R13E S26	NESW	19.00
T07S R13E S26	SESW	16.00	T07S R13E S26	NWSE	6.00
T07S R13E S26	SWSE	22.00	T07S R13E S26	SESE	12.00
T07S R13E S35	NENE	8.00	T07S R13E S35	NWNE	9.00
T07S R13E S35	SWNE	38.00	T07S R13E S35	SENE	9.00
T07S R13E S35	NENW	15.00	T07S R13E S35	NWNW	2.00
T07S R13E S35	SESW	37.00	T07S R13E S35	NESW	40.00
T07S R13E S35	NESE	19.00	T07S R13E S35	NWSE	37.00

Total Acres: 483

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 36-00018 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 483 ACRES IN A SINGLE IRRIGATION SEASON.
2. WATER IS DELIVERED THROUGH THE BAR S DITCH, CURREN DITCH, NORTH PIPELINE, AND SOUTH PIPELINE.

Decreed Date: 8/27/2001

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

Current Water Right No.: 36-18

Current Owner: BUCKEYE FARMS INC
Priority Date: 4/1/1917
Origin: Water Right
Status: Active
Basis: Decreed

Source

BILLINGSLEY CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

2/15 to 11/30

Total Diversion

Diversion Rate

20 CFS

20 CFS

Annual Volume

Location of Point(s) of Diversion

BILLINGSLEY CREEK

GOODING County

NE1/4SW1/4NE1/4 Sec. 31, Twp 07S, Rge 14E B.M.

Place of Use

IRRIGATION Within GOODING County

T07S R13E S23	NESW	32.00	T07S R13E S23	NWSW	35.00
T07S R13E S23	SWSW	40.00	T07S R13E S23	SESW	34.00
T07S R13E S26	NENW	10.00	T07S R13E S26	NWNW	22.00
T07S R13E S26	SESW	16.00	T07S R13E S26	NESW	19.00
T07S R13E S26	SWSE	22.00	T07S R13E S26	NWSE	6.00
T07S R13E S26	SESW	16.00	T07S R13E S26	SESE	12.00
T07S R13E S35	NENE	8.00	T07S R13E S35	NWNE	9.00
T07S R13E S35	SWNE	38.00	T07S R13E S35	SENE	9.00
T07S R13E S35	NENW	15.00	T07S R13E S35	NWNW	2.00
T07S R13E S35	SESW	37.00	T07S R13E S35	NESW	40.00
T07S R13E S35	NESE	19.00	T07S R13E S35	NWSE	37.00

Total Acres: 483

Conditions of Approval:

1. WATER IS DELIVERED THROUGH CURREN DITCH, NORTH PIPE AND SOUTH PIPE.
2. USE OF THIS RIGHT WITH RIGHT NO. 36-00015 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 483 ACRES IN A SINGLE IRRIGATION SEASON.

Decreed Date: 8/27/2001

TRANSFER 78283

