

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78560

RECEIVED

APR 24 2013

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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 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. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ ☐ #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 <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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #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: Transfer Explanation

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78560

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

APR 24 2013

WATER RESOURCES
WESTERN REGION

Name of Applicant(s) Idaho Water Company, LLC Phone 208-312-1135
Mailing address c/o Del Kohtz, 1135 Valley Road South, Eden, ID 83325 Email delkohtzidwc@mindspring.com

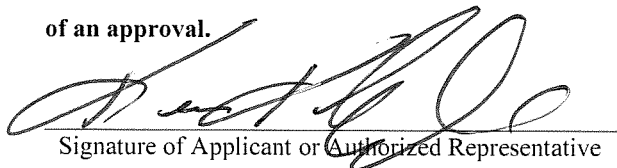
- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the 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 SPF Water Engineering Phone 208-383-4140
Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email lgraves@spfwater.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

Managing Partner
Print Name and Title if applicable

4-22-13
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. See Attachment 9**

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 ☐ ☒	61-10841	3.01/817.4	Irrigation	4/1 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.01 cfs and/or 817.4 ac-ft

2. Total amount of water proposed to be transferred or changed 3.01 cubic feet per second and/or 817.4 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 #
No	5		NW	SW	19	4S	5E	Elmore	Ground Water	1966 Well
No			NE	NE	30	4S	5E	Elmore	Ground Water	1967 Well

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	
4S	5E	19									40	40	40	40	28	40	40	40	308
		30	40	40	40	40													160

Total Acres (for irrigation use) 468

Limited to 181 acres within the above permissible place of 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, mainline, pressurized irrigation system.

Measuring devices and lockable controlling will be installed upon Department request.

- 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: Land Bank 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:

See Attachment 9. Lands that have historically received primary ground water for irrigation will be retired.

- 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. Water from the Idaho Water Supply Bank has been rented in the past for irrigation within the ppu and will continue to be rented for the remaining acres not initially irrigated with transferred water until an additional water right(s) can be secured.

- 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: _____

Water right 61-10841 was decreed in 2000 and accepted to the Idaho Water Supply Bank in 2003.

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

Current Water Right No.: 61-10841

Current Owner: HELEN S PERCY
STEPHEN H PERCY
Priority Date: 3/24/1970
Origin: Water Right
Status: Water Supply Bank Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	4.6 CFS	1251 AF
	<u>Total Diversion</u>	4.6 CFS	1251 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SW1/4SW1/4 Sec. 6, Twp 03S, Rge 08E B.M.
ELMORE County

Place of Use

IRRIGATION Within ELMORE County

T03S R07E S1	Lot 2	NWNE	4.50	T03S R07E S1		SWNE	22.50
T03S R07E S1		SENE	19.00	T03S R07E S1	Lot 3	NENW	15.00
T03S R07E S1	Lot 4	NWNW	5.20	T03S R07E S1		SWNW	6.10
T03S R07E S1		SENE	37.00	T03S R07E S1		NESW	6.40
T03S R07E S1		NESE	33.20	T03S R07E S1		NWSE	23.00
T03S R07E S1		SWSE	9.20	T03S R07E S1		SESE	19.60
T03S R07E S12		NENE	3.00	T03S R08E S6		SWNW	1.50
T03S R08E S6		NESW	4.60	T03S R08E S6	Lot 3	NWSW	13.00
T03S R08E S6	Lot 4	SWSW	24.00	T03S R08E S6	Lot 5	SESW	24.00
T03S R08E S7		NENW	0.80	T03S R08E S7	Lot 1	NWNW	5.40

Total Acres: 277

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.91 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1350 AF. COMBINED RIGHT NOS.:61-07069D, 61-07069E.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.54 CFS. COMBINED RIGHT NOS.: 61-00269, 61-00270.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
4. C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
5. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 277 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:61-00269, 61-00275
6. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE:61-07069D, 61-07069E.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.61-07065 AND A PORTION OF 61-07069.

Decreed Date: 10/26/2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.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.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ 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.

Right Number: 61-10841

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

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, 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.

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 right(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**.

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.:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 6 attachments.

Received by RS Date 4/24/13 Prelim. Check by KW Date 7/11/2013

Fee Paid 740- Date 4/24/13 Received by RS Receipt # W041060

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____



ATTACHMENT 2b

PROPOSED PLACE OF USE OWNERSHIP DOCUMENTATION

FA-15635

WARRANTY DEED

FOR VALUE RECEIVED

John W. Warkentin and Katherine E. Warkentin, husband and wife, and Ryan Warkentin and Jennifer Warkentin, husband and wife

GRANTOR(s) do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Delbert G. Kohtz and Frances L. Kohtz, husband and wifeGRANTEE(s) whose address is: **1135 Valley Rd., South Eden, ID 83325**The following described real property in **ELMORE** County, Idaho to wit:**Township 4 South, Range 5 East, Boise Meridian, Elmore County, Idaho**

Section 19: U.S. Government Lots 5 and 8, the South 30 feet of US Government Lot 7, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 30: NE $\frac{1}{4}$

Subject to: Taxes, easements and restrictions of record.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 6, 2006

✱ John W. Warkentin
John W. Warkentin

✱ Ryan Warkentin
Ryan Warkentin

✱ Katherine E. Warkentin
Katherine E. Warkentin

✱ Jennifer Warkentin
Jennifer Warkentin

Instrument # 382490
Elmore County, Idaho
02:31pm Dec. 01, 2006
For: FIRST AMERICAN TITLE COMPAN'
No. of Pages: 2 Fee: \$6.00
MERRILEE HILER, Recorder
Deputy: DLE

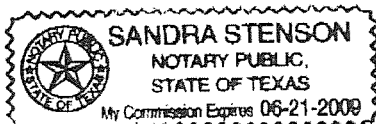
Attachment 1

State of TEXAS

County of Dallam

On Nov. 28, 2006 before me, a notary public in and for said State, personally appeared and **John W. Warkentin and Katherine E. Warkentin**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.



Notary Public

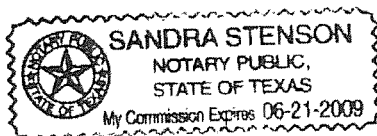
Residing at: Dallam County, Texas
Commission Expires: 6/21/09

State of TEXAS

County of Dallam

On Nov 28, 2006 before me, a notary public in and for said State, personally appeared and **Ryan Warkentin and Jennifer Warkentin**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.



Notary Public

Residing at: Dallam County, Texas
Commission Expires: 6/21/09

ATTACHMENT 3

WATER RIGHT OWNERS' CONSENT

IDAHO WATER COMPANY LLC

1135 Valley Rd. South

Eden, ID 83325

Telephone No. (208) 385-1135

Facsimile No. (208) 275-7511

CONSENT

The undersigned, Stephen and Helen Percy, as the owner(s) of that portion of Water Right No. 61-10841, appurtenant to 277 acres situated in the following parcels in Elmore County, Idaho:

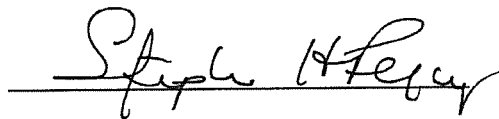
<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03S	07E	1	2	NWNE	4.5		SWNE	22.5		SENE	19			
			3	NENW	15	4	NWNW	5.2		SWNW	6.1		SENW	37
				NESW	6.4									
		12		NESE	33.2		NWSE	23		SWSE	9.2		SESE	19.6
				NENE	3									
				SWNW	1.5									
	08E	6		NESW	4.6	3	NWSW	13	4	SWSW	24	5	SESW	24
				NENW	0.8	1	NWNW	5.4						
		7												

Total Acres: 277

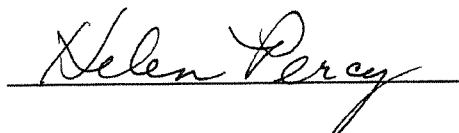
has granted to IDAHO WATER COMPANY LLC the option to purchase said Water Right, a copy of which option, with the purchase price redacted, is attached hereto, and pursuant to the option and this Consent, the undersigned, Stephen and Helen Percy, hereby authorizes IDAHO WATER COMPANY LLC and its respective agents, to file with the Idaho Department of Water Resources an Application for Transfer of Water Right and to process and prosecute said application to the fullest extent permitted by law as the undersigned owner would be permitted.

DATED this 22 day of December, 2012

STEPHEN PERCY (Owner/Seller)



HELEN PERCY (Owner/Seller)



Attachment 2

ATTACHMENT 6
LIEN HOLDER CONSENT



Northwest
FARM CREDIT SERVICES

April 19, 2013

16034 Equine Drive
Nampa, ID 83687
Voice: 208.468.1600 Toll Free: 800.819.3312 Fax: 208.468.1632

Idaho Water CO, LLC
135 Valley Road
Eden, ID 83325

Attn: Kevin Kohtz

RE: Water Rights-The Stephen H. & Helen S. Percy Trust-41285-441-442

Dear Kevin,

Please be advised, Northwest Farm Credit Services is willing to release water for the above referenced customer.

If you have any questions, please feel free to contact me.

Thank you,

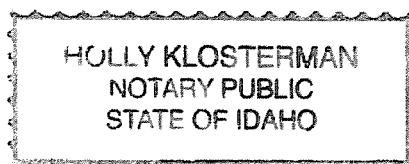
Sincerely,

Casi Porter
Northwest Farm Credit Services
208-468-1600

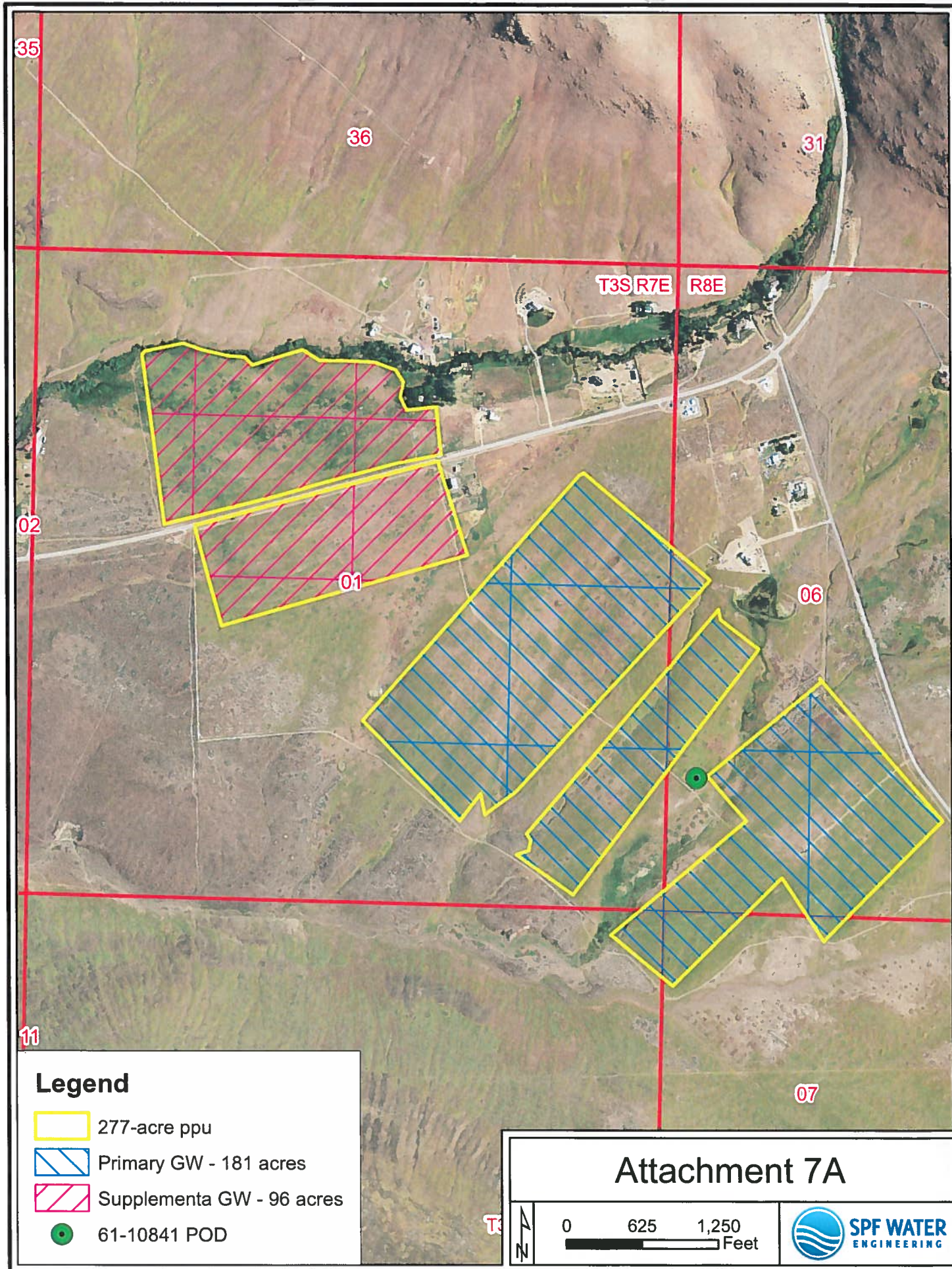
STATE of IDAHO)
) ss.
County of Canyon)

On the 19th day of April 2013, before me personally appeared Casi Porter known to me to be an authorized agent of Northwest Farm Credit Services, FLCA that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that he was authorized to execute said instrument.

Holly Klosterman
Notary Public for the State of Idaho
Residing at Meridian Idaho
My commission expires December 15, 2013



Attachment 3



Attachment 4

T4S R5E

2011 Photo

24

19

20

27

30

25

30

29

31

31

31

31

Legend



Proposed PODs



Proposed PPU



Initial Irrigation

Attachment 7B



0 625 1,250 Feet



SPF WATER
ENGINEERING

Attachment 5

Attachment 9: Purpose of Transfer

Surface water rights 61-269 and 61-275 and ground water right 61-10841 were decreed for irrigation use within a common 277-acre permissible place of use also known as the Percy Farm. Based on historical data, it appears the water rights are mostly combined rather than stacked. The water right owners wish to transfer only the amount of ground water used for irrigation of acres that have not historically received surface water, to lands owned by Idaho Water Company. The following information supports primary ground water use on 181 acres and provides the Department assurance that enlargement will not occur as a result of the transfer application:

1. The original ground water application and Department licensing exam does not mention surface water use.
2. Transfer 3944 involving parent ground water right 61-7069 was approved in 1992, allowing the transfer of 7 acres of ground water to be used for primary irrigation elsewhere. Interestingly, the acres retired and moved were located close to the creek in an area that would definitely be considered supplemental to surface water.
3. The water rights are conditioned with combined use language, but not restricted by specific supplemental use language.
4. The attached USDA aerial photo taken of the property in 1969 shows that approximately 96 acres were being irrigated within the 277-acre ppu. This indicates the original extent of surface water use because the ground water irrigation well was not drilled until 1970.

Based on the above information, development of ground water was *intended* to supplement the 96 acres shown in the photo and provide primary irrigation water to the remaining 181 acres. The original place of use described for surface water decrees 61-269 and 61-270 support this notion since their irrigation areas were described fairly close to the creek in the original decree.

All 277 acres under ground water right 61-10841 are currently in the Idaho Water Supply Bank (Bank). Upon transfer approval, the Percy's will deed the "primary" ground water to the transfer applicant and subsequently release 181 acres from the Bank. A Notice of Change in Water Right Ownership will then be filed by the transfer applicant for their deeded portion released from the Bank.

With the 96 acres of "supplemental" ground water remaining in the Bank, ground water will not be used anytime during the irrigation season on the Percy Farm; irrigation will only occur when surface water is available.

5-10-69 DLG-7KK-183A

Attachment 62,

5-10-69 DLG-7KK-183A

Attachment 16

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, August 01, 2013 12:06 PM
To: 'SSWENSON@MOUNTAINHOMENEWS.COM'
Subject: Elmore Legal Ad
Attachments: Elmore Cover Letter.docx; Elmore Legal Ad.docx

Good Afternoon Stacy Swenson,

Please see the attached ad for publication on 8/7/2013 & 8/14/2013.

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

August 1, 2013

LEGAL NOTICE DEPARTMENT
MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME, ID 83647-1330

RE: Transfer No. 78560

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 8/26/2013. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

PROPOSED CHANGE OF WATER RIGHT

Idaho Water Company LLC, c/o Del Kohtz, 1135 Valley Rd. South, Eden, ID, 83325, has filed Application No. **78560** to transfer a portion of one water right with a 1970 priority date from a ground water source totaling 3.01 cfs. The purpose of the transfer is to change the point of diversion and place of use of a right that has been enrolled in the Water Supply Bank for the last 10 years. The transfer proposes to split the right, and provide 3.01 cfs of water for an irrigation use 1.5 miles south of Grandview Road, east side of Perimeter Rd. and west side of Nielsen Rd. for an irrigation use from 2 existing wells. The unchanged portion of the right will remain on land near the intersection of Sun Valley Highway and Hot Springs Road south of Rattlesnake Creek.

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 8/26/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/8/2013 and 8/15/2013



SPF WATER
ENGINEERING

April 23, 2013

RECEIVED
APR 24 2013
WATER RESOURCES
WESTERN REGION

Steve Lester
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer

Dear Steve,

Enclosed on behalf of Idaho Water Company, LLC, is an *Application for Transfer* seeking authorization to transfer the primary ground water portion of water right 61-10841 to new acres. The water right is currently in the Idaho Water Supply Bank. Upon transfer approval, the water right owners will request the primary water be released from the Bank and deed it to the transfer applicants, at which time a Notice of Change in Water Right Ownership will be filed. Please see Transfer Attachment 9 for further details.

Check No. 1972 for \$740 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Idaho Water Company, LLC

Enclosures: Transfer Application
Check No. 1972

SPF file number: 951.0020

MEMORANDUM

TO: Transfer No. 78560
FROM: Kay Walker *Kay*
DATE: July 11, 2013
RE: Evaluation of Application

This transfer proposes to move a portion of Rt. 61-10841 to a new place of use that is to be irrigated from two existing wells.

The site is located approximately 1.5 miles south of Grandview Road on the east side of Perimeter Road and west side of Nielsen Road.

Contact person for the applicant is Lori Graves of SPF Water Engineering, 300 East Mallard Dr., Suite 350, Boise, ID, 83706, phone number 383-4140.

Summary of Information Submitted

Authority to File:

The transfer applicant is the owner of the proposed place of use of the water right. The owners of Water Right 61-10841 have signed a consent agreement to sell a portion of the right to transfer applicant if the transfer is approved. A change in ownership of the portion of Rt. 61-10841 will be submitted upon transfer approval. There is a lien on the property that the water right is appurtenant to and the lien holders have written that they are willing to release water to the property owners.

Water Right Validity:

Right presumed to be valid. Right was decreed in 2000 and subsequently accepted into Idaho Water Supply Bank in 2003 and has remained there. Upon final action on transfer application, water will be removed from water supply bank for use on fields under proposed place of use.

Injury to Other Water Rights:

No injury should occur. This right has been enrolled in water supply bank and not used at current place of use for the last 10 years. The right has historically been located and used within the Mountain Home Ground Water Management Area (MHGWMA) and the proposed place of use is also within this area.

Enlargement of Use:

No enlargement of this right should occur if proper conditions are applied to the rights upon finalization of the transfer.

Local Public Interest:

It is within the local public interest to allow right holders to sell their water rights and for the new owners to be allowed to transfer the rights to property that needs water.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Data entry affected the correct record which is the partial decree issued and migrated into water right data base. The partial decree was issued 10/26/2000 and the right was entered into the water supply bank on 3/28/2003 and has been enrolled since.

Overlapping rights at existing point of diversion are Rts. 61-7069E and the remainder of Rt. 61-10841. Since the diversion rate for Rt. 61-7069E, Rattlesnake Creek rights, and the remainder of 61-10841 are less than the conditions on decree required we have removed overlap conditions from the Rt. 61-10841. We also did not include any associated rights (from Rattlesnake Creek) in this application since they had no limiting conditions on them. Overlapping rights at proposed points of diversion are none. Rt. 61-12290 shows up at the point of diversion in Lot 6 (NWSW), Sec. 19 but that is the number that will be used for the portion of 61-10841 that is to be moved to the new points of diversion and place of use under this proposal.

Overlapping rights at proposed place of use are none. Overlapping rights at existing place of use is the remainder of Rt. 61-10841 and Rts. 61-269 and 61-275 from Rattlesnake Creek which have been declared as not used on the same lands as the land being transferred.

Water Bank issues include the enrollment of this right in the bank since 2003. The right holders have declared they will remove the transferred portion of this right from the water bank upon final action on the proposed transfer.

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.