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JUN 05 2013

Rev. 10/09

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78650

AMENDED**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) Circle Pi, LLC Phone (208) 876-4467Mailing address C/o Troy Olson, HC 62, Box 2295, May, ID 83253 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 Roxanne Brown, SPF Water Engineering LLC Phone (208) 383-4140Mailing address 300 E. Mallard Dr., Suite 350, Boise, ID 83706 Email rbrown@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.

Bent H. Yates
Signature of Applicant or Authorized RepresentativeBent H. Yates
Print Name and Title if applicable5/27/13
Date1
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**. Applicant proposes that water right 73-7025 be combined with a new ground water appropriation for irrigation of a combined total of 258.4 acres. The existing well will be used.

78650

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						
☒	☐	73-7025	2.12/318	irrigation	4/1 to 10/31	ground water
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 2.12 cfs and/or 318 ac-ft

2. Total amount of water proposed to be transferred or changed 2.12 cubic feet per second and/or 318 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	
14N	21E	1										6.5	40	6.9					53.4
		2													2.5			32	34.5
		11	19																19.0
		12		1.5	9.7		25	38	23	40	12	2.3							151.5

Total Acres (for irrigation use) 258.4

106.0 acres within the 258.4-acre place of use

78650

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: This is an existing well. The applicant agrees to accomodate the measuring device requirements of Water District 73.

- 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: No.

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: This application proposes a reconfiguring of an existing water right. A companion permit application is filed concurrently for additional irrigation from groundwater. Appurtenant surface water rights are proposed for mitigation of ground water use.
- 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: See attached copy of an Application for Permit for groundwater which addresses overlapping water rights.

- 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: _____

Total Acres (for irrigation use)

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

Current Water Right No.: 73-7025

Current Owner: CIRCLE PI LLC

Priority Date: 12/7/1973

Origin: Water Right

Status: Active

Basis:	Decreed
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Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.12 CFS	318 AF
	<u>Total Diversion</u>	2.12 CFS	318 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4 Sec. 12, Twp 14N, Rge 21E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S2	SWSE	20.00	T14N R21E S2	SESE	39.00
T14N R21E S11	NENE	20.00	T14N R21E S12	SWNW	27.00

Total Acres: 106

Conditions of Approval:

1. E55 Right Nos. 73-6, 73-12, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-2015, 73-2053 and 73-7025 are limited to the irrigation of a combined total of 352.8 acres in a single irrigation season.
2. U42 Place of use does not include federal public lands.
3. 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.

Decreed Date: 8/6/2009

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 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**.

- I. 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

Transfer contains _____ pages and _____ attachments.

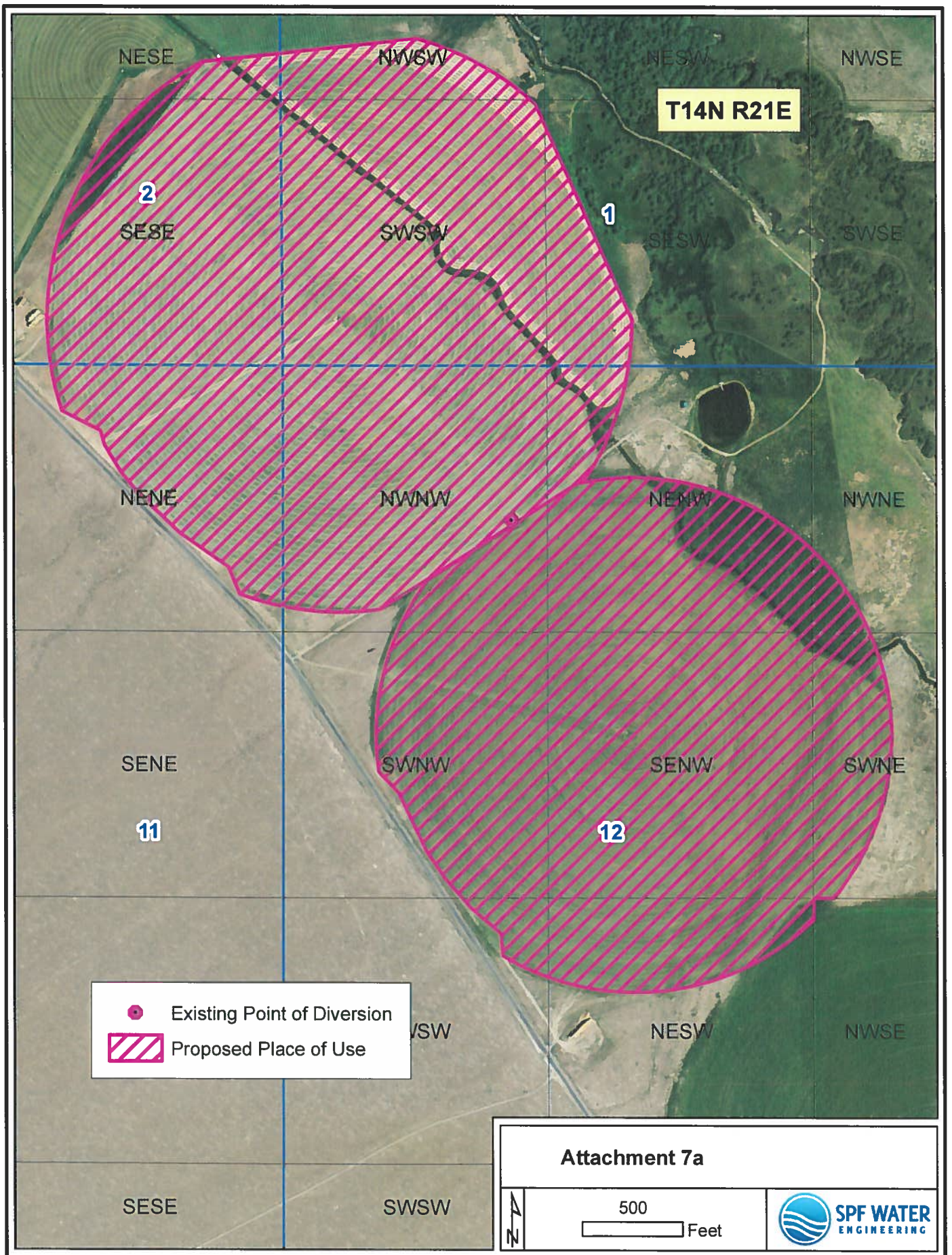
Received by _____ Date _____ Prelim. Check by _____ Date _____

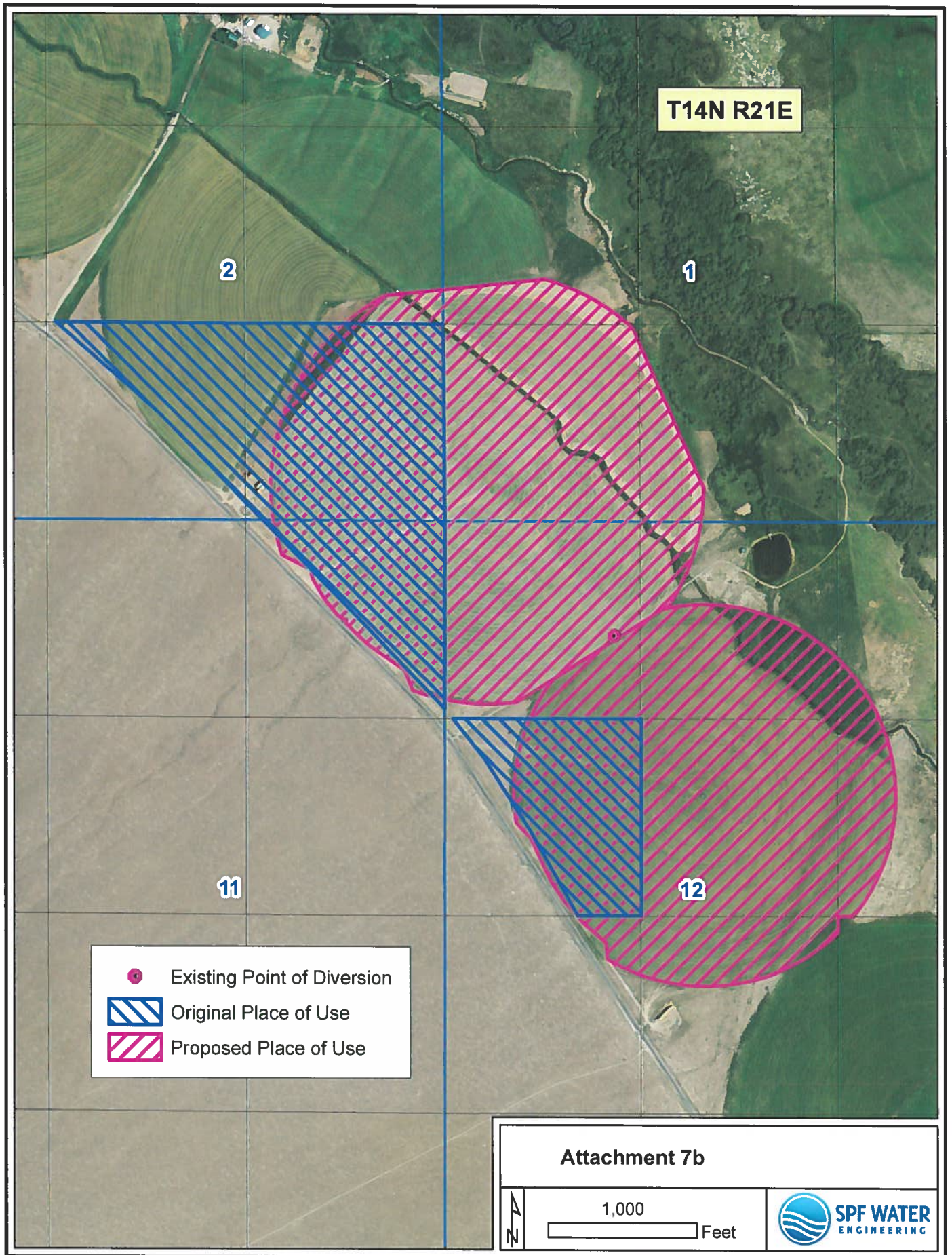
Fee Paid \$ 660.00 Date 3/25/2013 Received by D/ue Receipt # E038523

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

78650

ATTACHMENT #7





ATTACHMENT #9

Attachment A – Mitigation Plan

Background

Water right 73-7025 was developed by a prior owner of this property as part of a Desert Land Entry (DLE) transaction with the federal government. Two triangle-shaped parcels were developed, and a water right license was issued in 1989 for irrigation of 106 acres. The authorized diversion rate is 2.12 cfs.

A claim to water right 73-7025 was submitted in the Snake River Basin adjudication in 1990, and a partial decree was entered by the court in 2009. The partial decree describes the right as licensed in 1989. The decree also notes as a condition of the place of use that water right 73-7025 overlaps water right nos. 73-6, 73-12, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-2015, and 73-2053. The sources of the overlapping rights are surface water from the Pahsimeroi River, Patterson Creek, Sulphur Creek, springs, and an unnamed stream. The overlapping rights have been delivered in a combined delivery system for many years.

Several state and federal agencies have an interest in surface water flows in the various streams that are the source of supply for the overlapping water rights (most notably Sulphur Creek and the Pahsimeroi River). These agencies are actively working in the Pahsimeroi Valley to increase flows in the subject streams to protect and enhance habitat for threatened and/or endangered-species fish. To further this goal, Circle Pi wishes to use ground water on 263.5 acres which were previously irrigated primarily with a surface water supply.

Proposal

Circle Pi proposes developing two new groundwater rights to irrigate 263.5 acres: one right for 258.4 acres using the existing well for 73-7025, and one right for 5.1 acres using an existing domestic well. An *Application for Transfer* for water right 73-7025 will be filed concurrently to describe the 258.4-acre combined place of use.

Circle Pi recognizes the interconnection of groundwater and surface water in the Pahsimeroi Valley, and proposes that portions of water right nos. 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-10037, 73-10063, 73-2053 be dedicated to mitigation of groundwater use under water right 73-7025 and the proposed permits, and be left undiverted from the various sources for the groundwater rights described above. An *Application for Transfer* for the surface water rights will be filed concurrently with the groundwater-right applications. The surface-water transfer application will describe the proposed mitigation use.

Water Right Analysis Before/After Proposed Transfers

Background and Existing Conditions

At the time the water rights were claimed in the Snake River Basin adjudication (SRBA) for the Circle Pi Ranch, irrigation practice consisted of diversion from springs and streams (including Patterson Creek, Sulphur Creek, and the Pahsimeroi River) and gravity flood irrigation on several fields. Water from the various sources was combined in an interconnected system of diversions and re-diversions and used in combination to irrigate more than 700 acres. A small ground water right (73-7025) provided additional water to 106 acres within the combined place of use. The decreed place of use, including the overlaps, is shown below in Figure 1.

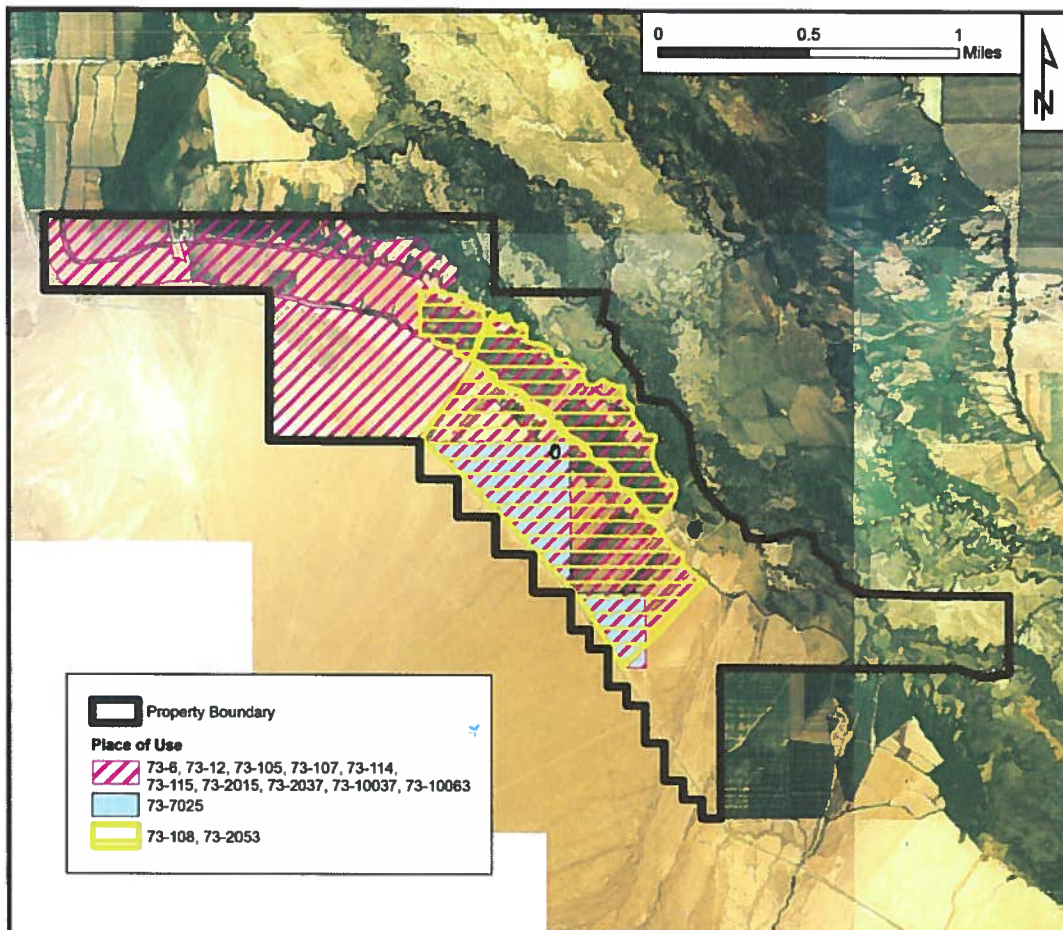


Figure 1. Water rights as decreed in the SRBA

The water rights were recommended and subsequently decreed in either 2009 or 2010 within a 723.8-acre place of use, although the water rights totaled 962 acres when considered separately (see Table 1 on the following page.)

Table 1. Water Rights as Decreed in the SRBA

Water Right No.	Priority Date	Source	Diversion Rate (cfs)	Place of Use (acres)	Diversion Rate (cfs/acre)	PPU
73-6	1/20/1910	Pahsimeroi River	1.80	90.0	0.02	723.8
73-12	4/28/1913	Pahsimeroi River	1.20	60.0	0.02	
73-105	11/30/1907	Patterson Creek	0.20	10.0	0.02	
73-107	5/1/1906	Pahsimeroi River	1.20	60.0	0.02	
73-114	6/20/1908	Patterson Creek	1.60	80.0	0.02	
73-115	4/25/1904	Patterson Creek	2.80	140.0	0.02	
73-2015	12/25/1904	Sulphur Creek	2.20	106.0	0.02	
73-2037	3/8/1908	Pahsimeroi River	1.00	50.0	0.02	
73-10037	3/21/1905	Pahsimeroi River	1.60	80.0	0.02	
		Patterson Creek				
73-10063	5/1/1906	Patterson Creek	2.00	100.0	0.02	
		unnamed stream				
Decreed Stream TOTAL			15.60		0.02	723.8
73-108	11/28/1904	spring	1.20	60.0	0.02	348.8
73-2053	10/4/1909	spring	0.40	20.0	0.02	
Decreed Spring TOTAL			1.60		0.02	348.8
73-7025	12/7/1973	ground water	2.12	106.0	0.02	
Decreed Ground Water TOTAL			2.12		0.02	106.0

As irrigation practices changed in the Pahsimeroi Valley, the transfer applicant (or his predecessor) installed several pivots and abandoned the use of flood irrigation on most of the place of use. The general location of the current place of use is shown on the following page (Figure 2).

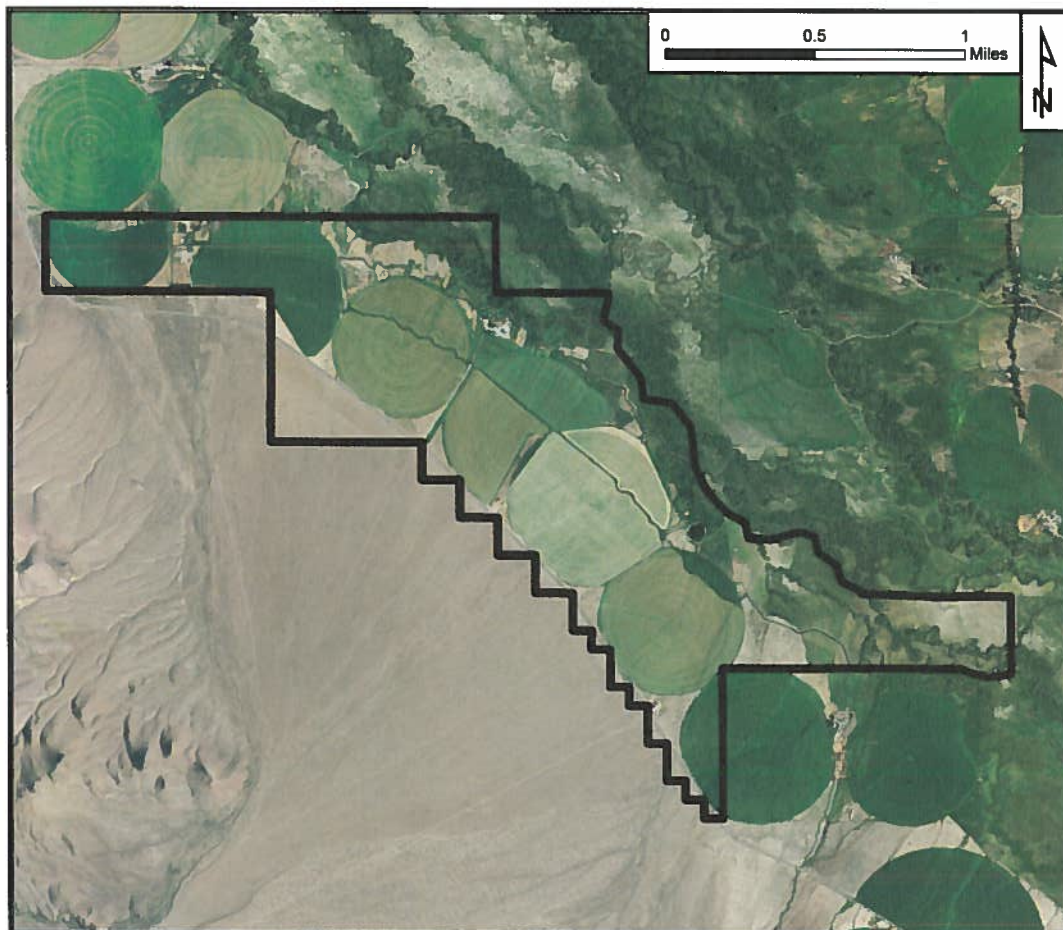


Figure 2. 2011 aerial photo showing pivots

Conditions after Proposed Transfers

The applicant is in the process of reconfiguring his irrigation delivery system, and is filing for permits and transfers to accomplish the following:

1. At the request of IDFG, eliminate the fish screen needed at the P-13 diversion by installing a new pump station as described by one of the transfers;
2. Increase overall efficiency by eliminating the surface water delivery for two pivots on the east side of the ranch, substituting the use of ground water in the pivots by permit and transfer;
3. Describe a separate irrigation distribution system on the west side of the ranch from the P-12 diversion.

The applicant is aware that no enlargement of water right use will be allowed by IDWR. Every effort has been made to propose transfer and permit applications which will not enlarge the rights. The new places of use are shown in Figure 3.

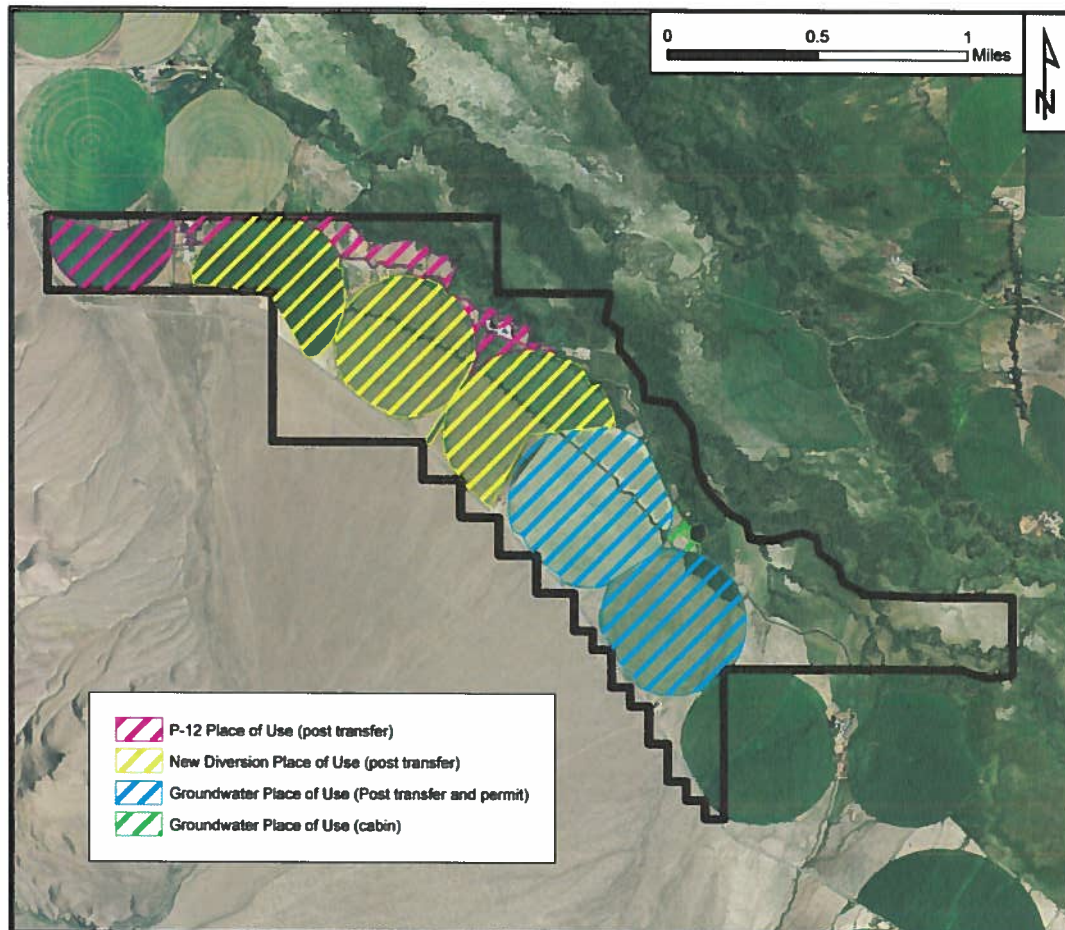


Figure 3. Proposed Place of Use

Before the proposed changes, there were a total of 723.8 acres (the PPU) which could be irrigated using a combination of all the water rights on Circle Pi Ranch. Water right 73-7025 authorized the irrigation of 106 acres within the PPU using ground water.

After the proposed changes, there will be a total of 723.8 acres used; either for irrigation, for mitigation, or placed in the Idaho Water Supply Bank (IWSB) as summarized below:

1. 97.7 acres will be irrigated using surface water from diversion P-12;
2. 303.6 acres will be irrigated using surface water from the new point of diversion from the Pahsimeroi River (replacing P-13);
3. 263.5 acres will be irrigated using ground water. Of this, 106 acres will be used from water right 73-7025 (the entire right), 157.5 acres will be covered by a new permit application for pivot irrigation and 5.1 acres will be covered by a new permit application for irrigation around an existing home. Groundwater use will be mitigated by non-diversion of surface water rights;
4. 59 acres will be placed in the IWSB to be rented by other users, or for future use by Circle Pi.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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.

- | <u>Yes</u> <u>N/A</u> | |
|-------------------------------------|--|
| ☒ | * 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 Part 2A report describing each water right in the transfer as currently recorded. |
| ☐ | ☒ Complete and attach an Application for Transfer Part 2B <u>for each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application. Part 2B forms are available on the 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 <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 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.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: <u>Water right analysis before/after transfer; "Attachment A" mitigation plan</u> |

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MAR 20 2013

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Circle Pi, LLC Phone (208) 876-4467Mailing address C/o Troy Olson, HC 62, Box 2295, May, ID 83253 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.
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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 Roxanne Brown, SPF Water Engineering LLC Phone (208) 383-4140Mailing address 300 E. Mallard Dr., Suite 350, Boise, ID 83706 Email rbrown@spfwater.com

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B H Yates
Signature of Applicant or Authorized Representative

Ben H Yates
Print Name and Title if applicable

3/15/13
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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 proposes that water right 73-7025 be combined with a new ground water appropriation for irrigation of a combined total of 258.4 acres. The existing well will be used.

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DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
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☐ ☐				to	
☐ ☐				to	
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☐ ☐				to	
☐ ☐				to	
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Total authorized under rights 2.12 cfs and/or 318 ac-ft

2. Total amount of water proposed to be transferred or changed 2.12 cubic feet per second and/or 318 acre-feet per annum.

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- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
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Label it **Attachment #5**.

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

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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	
14N	21E	1										6.5	40	6.9					53.4
		2													2.5			32	34.5
		11	19																19.0
		12		1.5	9.7		25	38	23	40	12	2.3							151.5

Total Acres (for irrigation use) 258.4

106.0 acres within the 258.4-acre place of use

78650

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: This is an existing well. The applicant agrees to accomodate the measuring device requirements of Water District 73.

- 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: No.

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: This application proposes a reconfiguring of an existing water right. A companion permit application is filed concurrently for additional irrigation from groundwater. Appurtenant surface water rights are proposed for mitigation of ground water use.

- 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: See attached copy of an Application for Permit for groundwater which addresses overlapping water rights.

- 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.: 73-7025

Current Owner: CIRCLE P LLC
Priority Date: 12/7/1973
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	04/01 to 10/31	2.12 CFS	318 AF
	<u>Total Diversion</u>	2.12 CFS	318 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4 Sec. 12, Twp 14N, Rge 21E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S2	SWSE	20.00	T14N R21E S2	SESE	39.00
T14N R21E S11	NENE	20.00	T14N R21E S12	SWNW	27.00
Total Acres: 106					

Conditions of Approval:

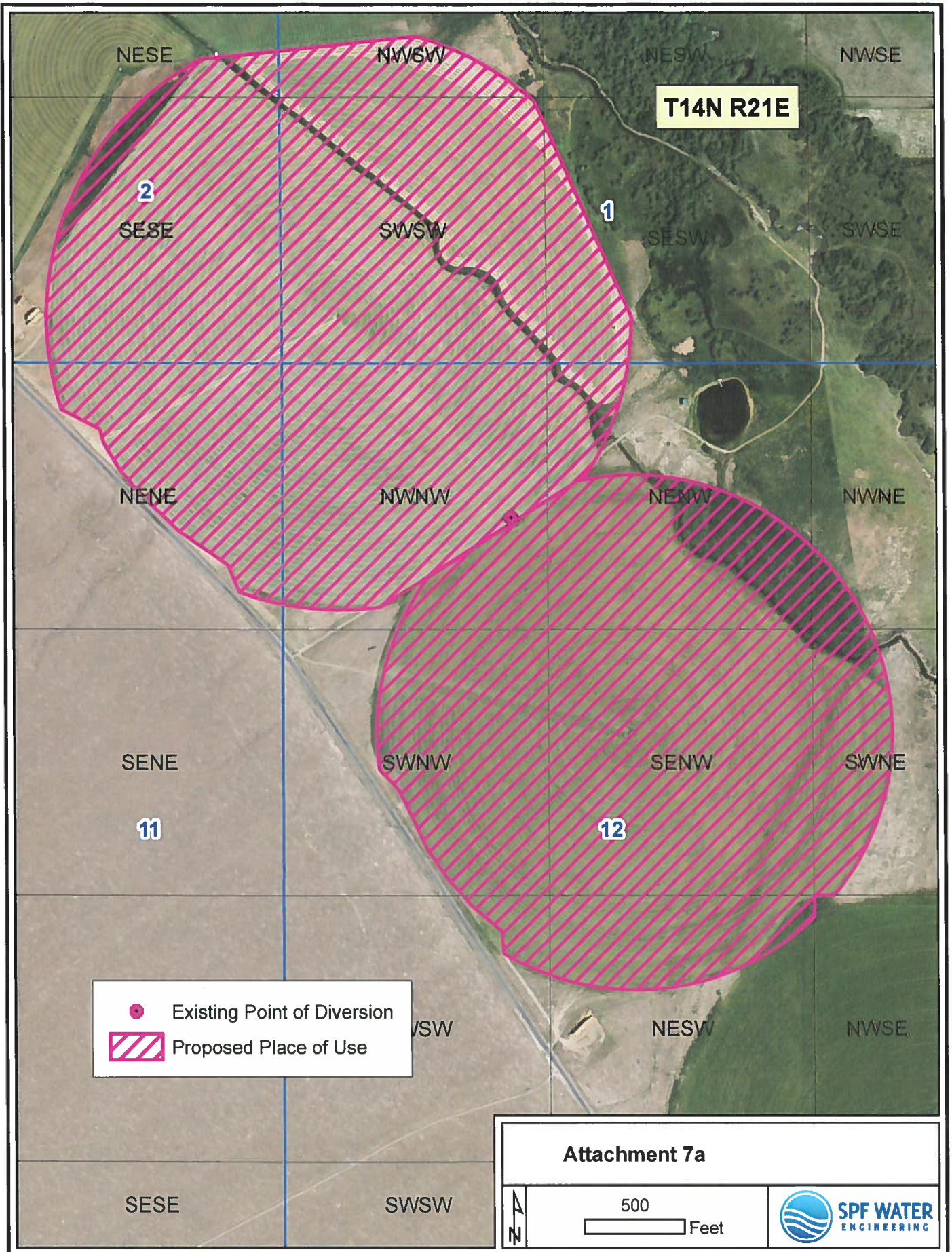
1. E55 Right Nos. 73-6, 73-12, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-2015, 73-2053 and 73-7025 are limited to the irrigation of a combined total of 352.8 acres in a single irrigation season.
2. U42 Place of use does not include federal public lands.
3. C18 This partial decree is subject to such 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.

Decreed Date: 8/6/2009

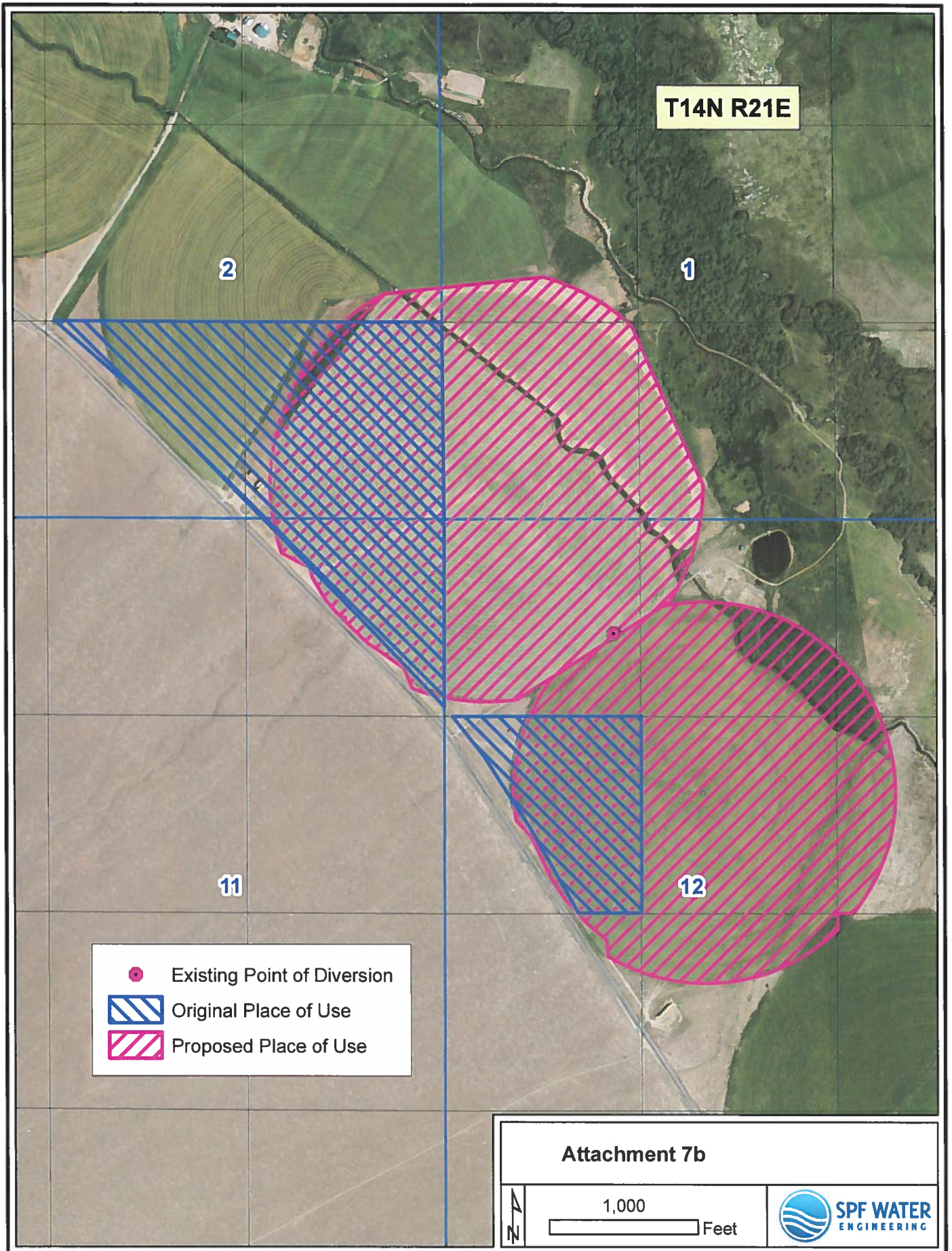
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ATTACHMENT #7



78650



ATTACHMENT #9

Water Right Analysis Before/After Proposed Transfers

Background and Existing Conditions

At the time the water rights were claimed in the Snake River Basin adjudication (SRBA) for the Circle Pi Ranch, irrigation practice consisted of diversion from springs and streams (including Patterson Creek, Sulphur Creek, and the Pahsimeroi River) and gravity flood irrigation on several fields. Water from the various sources was combined in an interconnected system of diversions and re-diversions and used in combination to irrigate more than 700 acres. A small ground water right (73-7025) provided additional water to 106 acres within the combined place of use. The decreed place of use, including the overlaps, is shown below in Figure 1.

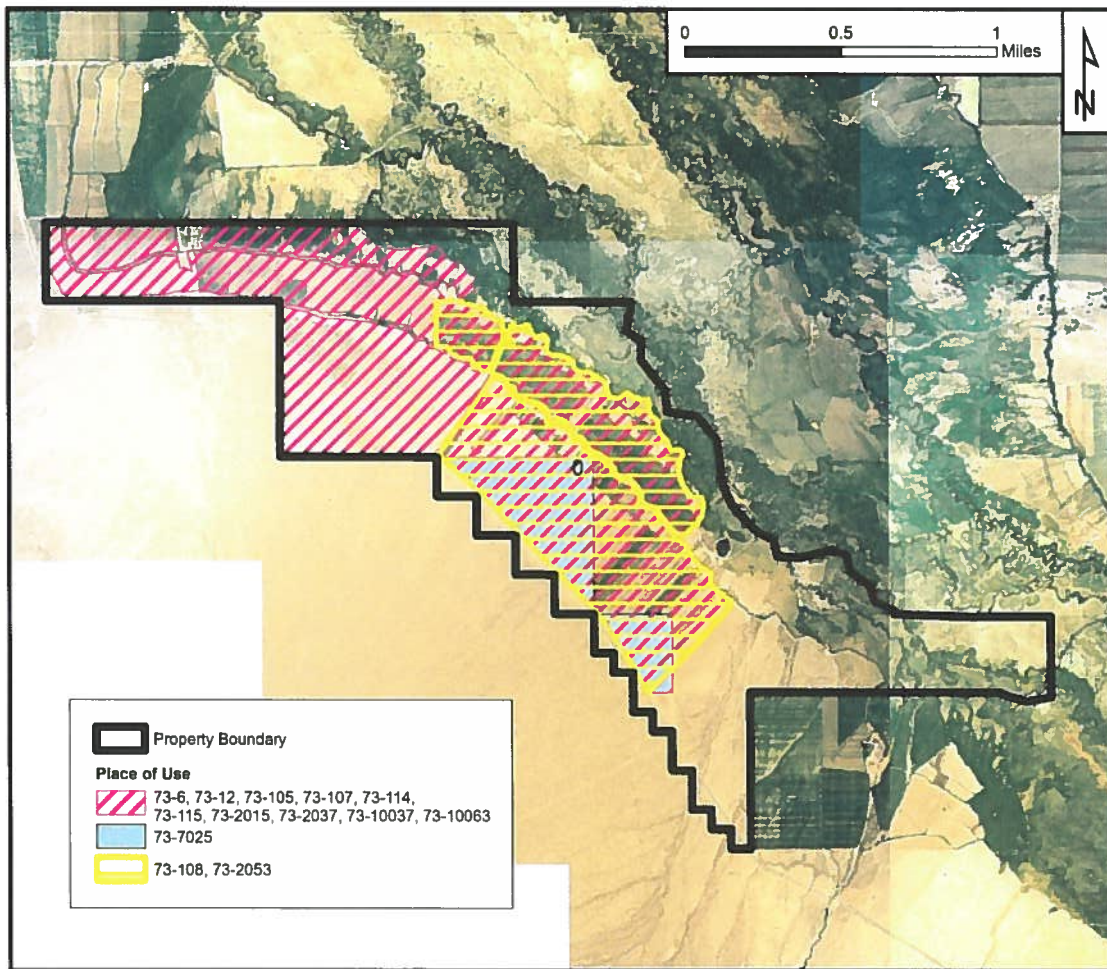


Figure 1. Water rights as decreed in the SRBA

The water rights were recommended and subsequently decreed in either 2009 or 2010 within a 723.8-acre place of use, although the water rights totaled 962 acres when considered separately (see Table 1 on the following page.)

Table 1. Water Rights as Decreed in the SRBA

Water Right No.	Priority Date	Source	Diversion Rate (cfs)	Place of Use (acres)	Diversion Rate (cfs/acre)	PPU
73-6	1/20/1910	Pahsimeroi River	1.80	90.0	0.02	723.8
73-12	4/28/1913	Pahsimeroi River	1.20	60.0	0.02	
73-105	11/30/1907	Patterson Creek	0.20	10.0	0.02	
73-107	5/1/1906	Pahsimeroi River	1.20	60.0	0.02	
73-114	6/20/1908	Patterson Creek	1.60	80.0	0.02	
73-115	4/25/1904	Patterson Creek	2.80	140.0	0.02	
73-2015	12/25/1904	Sulphur Creek	2.20	106.0	0.02	
73-2037	3/8/1908	Pahsimeroi River	1.00	50.0	0.02	
73-10037	3/21/1905	Pahsimeroi River	1.60	80.0	0.02	
		Patterson Creek				
73-10063	5/1/1906	Patterson Creek	2.00	100.0	0.02	
		unnamed stream				
Decreed Stream TOTAL			15.60		0.02	723.8
73-108	11/28/1904	spring	1.20	60.0	0.02	348.8
73-2053	10/4/1909	spring	0.40	20.0	0.02	
Decreed Spring TOTAL			1.60		0.02	348.8
73-7025	12/7/1973	ground water	2.12	106.0	0.02	
Decreed Ground Water TOTAL			2.12		0.02	106.0

As irrigation practices changed in the Pahsimeroi Valley, the transfer applicant installed several pivots and abandoned the use of flood irrigation on most of the place of use. The current place of use is shown on the following page (Figure 2).

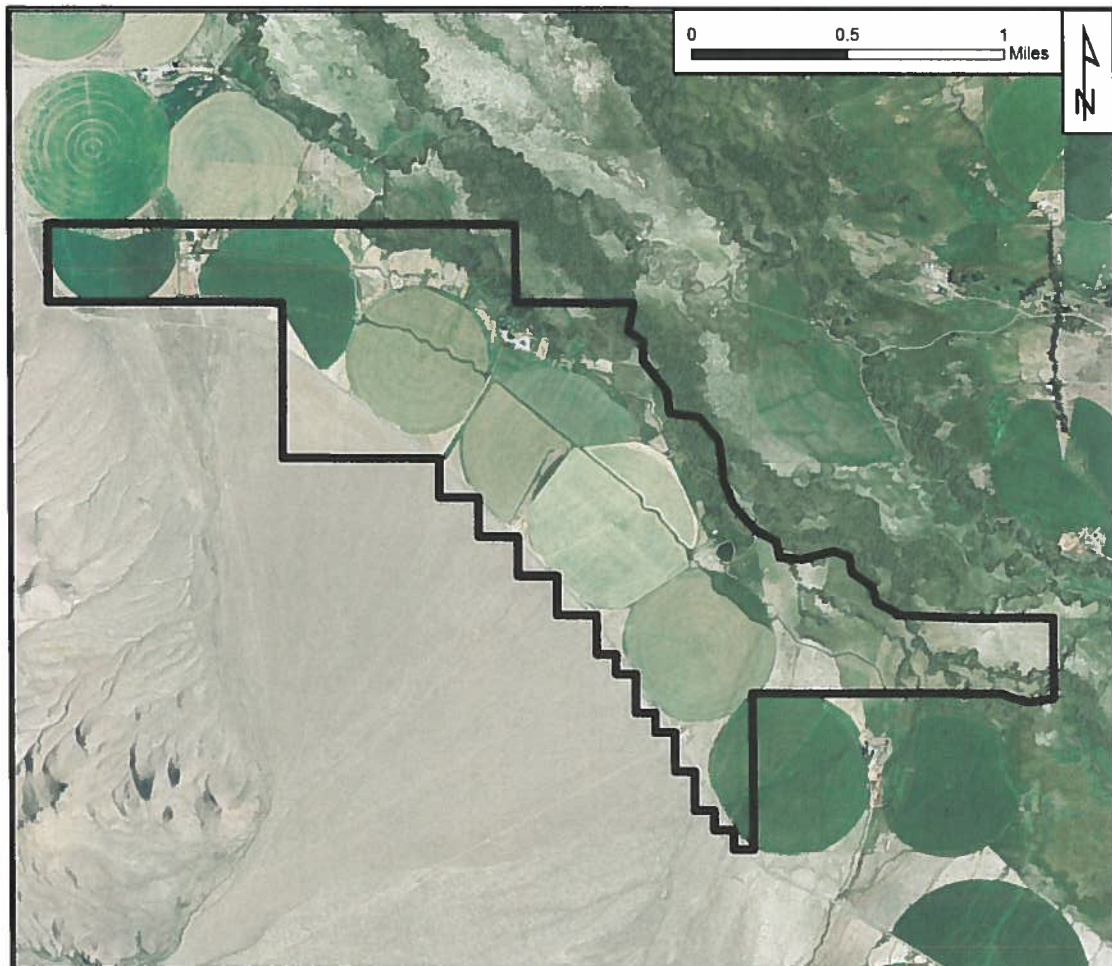


Figure 2. 2011 aerial photo showing pivots

Conditions after Proposed Transfers

The applicant is in the process of reconfiguring his irrigation delivery system, and is filing for permits and transfers to accomplish the following:

1. At the request of IDFG, eliminate the fish screen needed at P-13 by installing a new pump station as described by one of the transfers;
2. Increase overall efficiency by eliminating the surface water delivery for two pivots on the east side of the ranch, substituting the use of ground water in the pivots by permit and transfer;
3. Ease water right administration by designating two water rights to be delivered from P-12, rather than small pieces of all twelve surface water rights.

The applicant is aware that no enlargement of water right use will be allowed by IDWR. Every effort has been made to propose transfer and permit applications which will not enlarge the rights. The new place of use is shown in Figure 3.

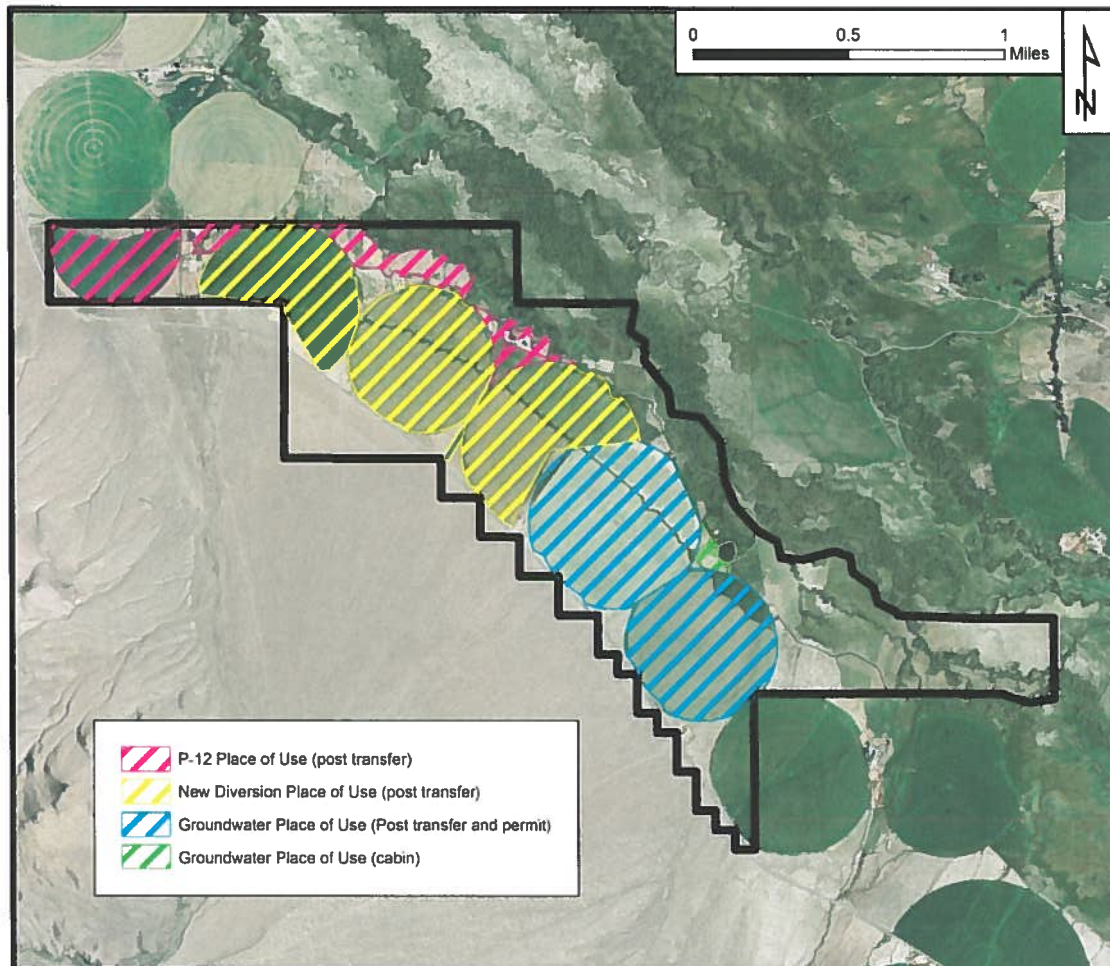


Figure 3. Proposed Place of Use

Before the proposed changes, there were a total of 723.8 acres (the PPU) which could be irrigated using a combination of all the water rights on Circle Pi Ranch. Water right 73-7025 authorized the irrigation of 106 acres within the PPU using ground water. Water right 73-10037 authorized the irrigation of 80 acres within the PPU using water from Patterson Creek and the Pahsimeroi River. Water right 73-10063 authorized the irrigation of 100 acres within the PPU using water from Patterson Creek and an unnamed stream delivered in the same ditch.

After the proposed changes, there will be a total of 723.8 acres used; either for irrigation, for mitigation, or placed in the Idaho Water Supply Bank (IWSB) as summarized below:

1. 97.7 acres will be irrigated using 80.0 acres from water right 73-10037 (the entire water right), and an additional 17.7 acres from water right 73-10063;
2. 303.6 acres will be irrigated using surface water from the remaining portion of water right 73-10063 in combination with all other surface water rights (excluding 73-10037);
3. 263.5 acres will be irrigated using ground water. Of this, 106 acres will be used from water right 73-7025 (the entire right), and 157.5 acres will be covered by a new permit application and mitigated by non-diversion of surface water rights;
4. 59 acres will remain in the IWSB, to be rented by other users, or for future use by Circle Pi.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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 <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 Part 2A report describing each water right in the transfer as currently recorded. |
| ☐ | ☒ | Complete and attach an Application for Transfer Part 2B <u>for each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application. Part 2B forms are available on the 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 <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 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.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: <u>Water right analysis before/after transfer.</u> |