

RECEIVED

JUN 05 2013

STATE OF IDAHO Department of Water Resources
DEPARTMENT OF WATER RESOURCESTransfer No. 78654**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.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ 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 changes to the place of use for water rights delivered through diversion P-12. This is a separate delivery system from the companion transfer for the remaining portions of these surface water rights.**

78654

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.

		<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☐	☐				to	
	☐				to	
	☐				to	
	☐				to	
	☐				to	
	☐				to	
	☐				to	
	☐				to	
	☐				to	

Total authorized under rights _____ cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed _____ 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 #
Y			SE	SW	1	14N	21E	Custer	Pahsimeroi River	P-12/A0011426
Y			SE	SW	1	14N	21E	Custer	Patterson Creek	rediversion
Y			SE	SW	1	14N	21E	Custer	Sulphur Creek	diversion
Y			SE	SW	1	14N	21E	Custer	unnamed stream	rediversion
Y			SE	SW	1	14N	21E	Custer	springs	rediversion

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	2		5.7	8.5	5.7	13	7.2											40.1
				GL2			GL3	GL4											
		3	4.6	23			30												57.6
			GL1	GL2			GL3												

Total Acres (for irrigation use) 97.7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

[illegible]

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

[illegible]

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: The major diversions (P-12 and BSC 5/6) are currently equipped with measuring devices, lockable controlling works, and fish screens. Measuring devices and lockable controlling works will be installed at the remaining points of diversion, if required in the future.

b. Who owns the property at the point(s) of diversion? _____
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____
The points of diversion were decreed in the SRBA and have been historically used by the applicant or his predecessor.

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 existing water rights. A companion transfer is filed concurrently proposing additional irrigation under existing water rights. No enlargement will occur.

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: _____

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.: 73-6

Current Owner: CIRCLE PI LLC

Priority Date: 1/20/1910

Origin: Water Right

Status: Active

Basis: Decreed

Source

PAHSIMEROI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

1.8 CFS

Annual Volume

Total Diversion

1.8 CFS

Location of Point(s) of Diversion

PAHSIMEROI RIVER

L3(NW1/4SW1/4)

Sec. 7, Twp 14N, Rge 22E B.M.

CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S1		SWNW	0.20	T14N R21E S1		NESW	0.60
T14N R21E S1		NWSW	28.00	T14N R21E S1		SWSW	39.00
T14N R21E S1		SESW	9.00	T14N R21E S2	Lot 2	NWNE	7.00
T14N R21E S2		SWNE	28.00	T14N R21E S2		SENE	16.00
T14N R21E S2	Lot 3	NENW	27.00	T14N R21E S2	Lot 4	NWNW	38.00
T14N R21E S2		SWNW	39.00	T14N R21E S2		SENE	37.00
T14N R21E S2		NESW	40.00	T14N R21E S2		NWSW	40.00
T14N R21E S2		NESE	39.00	T14N R21E S2		NWSE	40.00
T14N R21E S2		SWSE	19.00	T14N R21E S2		SESE	40.00
T14N R21E S3	Lot 1	NENE	36.00	T14N R21E S3	Lot 2	NWNE	29.00
T14N R21E S3	Lot 3	NENW	35.00	T14N R21E S11		NENE	21.00
T14N R21E S12		NENW	19.00	T14N R21E S12		NWNW	40.00
T14N R21E S12		SWNW	28.00	T14N R21E S12		SENE	29.00

Total Acres: 723.8

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 723.8 acres in a single irrigation season. Combined Right Nos.: 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-7025, 73-10037, and 73-10063.
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. K06 This right is limited to the irrigation of 90 acres within the place of use described above in a single irrigation season.
4. U42 Place of use does not include federal public lands.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 6/30/2010

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

Current Water Right No.: **73-10037**

Current Owner: CIRCLE PI LLC

Priority Date: 3/21/1905

Origin: Water Right

Status: Active

Basis: Decreed

Source

PAHSIMEROI RIVER
PATTERSON CREEK

Tributary

SALMON RIVER
PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion**Diversion Rate**

1.6 CFS

1.6 CFS

Annual Volume**Location of Point(s) of Diversion**

PAHSIMEROI RIVER

SE1/4SW1/4 Sec. 1, Twp 14N, Rge 21E B.M.

CUSTER County

PATTERSON CREEK

NE1/4NE1/4 Sec. 7, Twp 14N, Rge 22E B.M.

LEMHI County

PATTERSON CREEK

SE1/4NW1/4 Sec. 7, Twp 14N, Rge 22E B.M.
(Injection)

LEMHI County

PATTERSON CREEK

L3(NW1/4SW1/4) Sec. 7, Twp 14N, Rge 22E B.M.
(Rediversion)

CUSTER County

Place of Use**IRRIGATION Within CUSTER County**

T14N R21E S1		SWNW	0.20	T14N R21E S1		NESW	0.60
T14N R21E S1		NWSW	28.00	T14N R21E S1		SWSW	39.00
T14N R21E S1		SESW	9.00	T14N R21E S2	Lot 2	NWNE	7.00
T14N R21E S2		SWNE	28.00	T14N R21E S2		SENE	16.00
T14N R21E S2	Lot 3	NENW	27.00	T14N R21E S2	Lot 4	NWNW	38.00
T14N R21E S2		SWNW	39.00	T14N R21E S2		SENE	37.00
T14N R21E S2		NESW	40.00	T14N R21E S2		NWSW	40.00
T14N R21E S2		NESE	39.00	T14N R21E S2		NWSE	40.00
T14N R21E S2		SWSE	19.00	T14N R21E S2		SESE	40.00
T14N R21E S3	Lot 1	NENE	36.00	T14N R21E S3	Lot 2	NWNE	29.00
T14N R21E S3	Lot 3	NENW	35.00	T14N R21E S11		NENE	21.00
T14N R21E S12		NENW	19.00	T14N R21E S12		NWNW	40.00
T14N R21E S12		SWNW	28.00	T14N R21E S12		SENE	29.00

Total Acres: 723.8

Conditions of Approval:

1. 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.
2. E56 The rights listed below are limited to the irrigation of a combined total of 723.8 acres in a single irrigation season. Combined Right Nos.: 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-7025, 73-10037, and 73-10063.
3. K06 This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. B01 Source is also known as Little Spring Creek, Spring Creek or O Neal Creek.
6. P29 This right is a combination of old Right Nos 73-110A&B.
7. U42 Place of use does not include federal public lands.

Decreed Date: 6/30/2010

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

Current Water Right No.: 73-10063

Current Owner: CIRCLE PI LLC

Priority Date: 5/1/1906

Origin: Water Right

Status: Active

Basis: Decreed

Source

PATTERSON CREEK
UNNAMED STREAM

Tributary

PAHSIMEROI RIVER
PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

2 CFS

2 CFS

Annual Volume

Location of Point(s) of Diversion

PATTERSON CREEK

LEMHI County

PATTERSON CREEK

CUSTER County

UNNAMED STREAM

LEMHI County

PATTERSON CREEK

LEMHI County

UNNAMED STREAM

LEMHI County

UNNAMED STREAM

CUSTER County

SE1/4NW1/4 Sec. 7, Twp 14N, Rge 22E B.M.
(Injection)

L3(NW1/4SW1/4) Sec. 7, Twp 14N, Rge 22E B.M.
(Rediversion)

SE1/4NW1/4 Sec. 7, Twp 14N, Rge 22E B.M.
(Injection)

NE1/4NE1/4 Sec. 7, Twp 14N, Rge 22E B.M.

SW1/4NE1/4 Sec. 7, Twp 14N, Rge 22E B.M.

L3(NW1/4SW1/4) Sec. 7, Twp 14N, Rge 22E B.M.
(Rediversion)

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S1		SWNW	0.20	T14N R21E S1		NESW	0.60
T14N R21E S1		NWSW	28.00	T14N R21E S1		SWSW	39.00
T14N R21E S1		SESW	9.00	T14N R21E S2	Lot 2	NWNE	7.00
T14N R21E S2		SWNE	28.00	T14N R21E S2		SENE	16.00
T14N R21E S2	Lot 3	NENW	27.00	T14N R21E S2	Lot 4	NWNW	38.00
T14N R21E S2		SWNW	39.00	T14N R21E S2		SENW	37.00
T14N R21E S2		NESW	40.00	T14N R21E S2		NWSW	40.00
T14N R21E S2		NESE	39.00	T14N R21E S2		NWSE	40.00
T14N R21E S2		SWSE	19.00	T14N R21E S2		SESE	40.00
T14N R21E S3	Lot 1	NENE	36.00	T14N R21E S3	Lot 2	NWNE	29.00
T14N R21E S3	Lot 3	NENW	35.00	T14N R21E S11		NENE	21.00
T14N R21E S12		NENW	19.00	T14N R21E S12		NWNW	40.00
T14N R21E S12		SWNW	28.00	T14N R21E S12		SENW	29.00

Total Acres: 723.8

Conditions of Approval:

1. 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.
2. B01 Patterson Creek is also known as Big Spring Creek or O'Neal Creek.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. U42 Place of use does not include federal public lands.
5. P29 This right is a combination of old Right Nos 73-104 & 74-106.
6. E56 The rights listed below are limited to the irrigation of a combined total of 723.8 acres in a single irrigation season. Combined Right Nos.: 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-7025, 73-10037, and 73-10063.
7. K06 This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.

Decreed Date: 6/30/2010

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

Current Water Right No.: 73-2053

Current Owner: CIRCLE PI LLC
Priority Date: 10/4/1909
Origin: Water Right
Status: Active
Basis: Decreed

Source

SPRING

Tributary

PATTERSON CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.4 CFS

0.4 CFS

Annual Volume

Location of Point(s) of Diversion

SPRING

LEMHI County

NE1/4NE1/4 Sec. 7, Twp 14N, Rge 22E B.M.

SPRING

LEMHI County

L3(NW1/4SW1/4) Sec. 7, Twp 14N, Rge 22E B.M.
(Rediversion)

SPRING

LEMHI County

SE1/4NW1/4 Sec. 7, Twp 14N, Rge 22E B.M.
(Injection)

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S1	SWNW	0.20	T14N R21E S1	NESW	0.60
T14N R21E S1	NWSW	28.00	T14N R21E S1	SWSW	39.00
T14N R21E S1	SESW	9.40	T14N R21E S2	SWNE	27.00
T14N R21E S2	SENE	15.00	T14N R21E S2	NESE	38.00
T14N R21E S2	NWSE	26.00	T14N R21E S2	SWSE	17.00
T14N R21E S2	SESE	40.00	T14N R21E S11	NENE	18.00
T14N R21E S12	NENW	18.00	T14N R21E S12	NWNW	40.00
T14N R21E S12	SWNW	23.00	T14N R21E S12	SENW	9.60

Total Acres: 348.8

Conditions of Approval:

1. Right Nos. 73-6, 73-12, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-2015 and 73-2053 are limited to the irrigation of a combined total of 348.8 acres in a single irrigation season.
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. U42 Place of use does not include federal public lands.
4. 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.
5. K06 This right is limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.

Decreed Date: 8/6/2009

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

Current Water Right No.: 73-2037

Current Owner: CIRCLE PI LLC
Priority Date: 3/8/1908
Origin: Water Right
Status: Active
Basis: Decreed

Source

PAHSIMEROI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

1 CFS

1 CFS

Annual Volume

Location of Point(s) of Diversion

PAHSIMEROI RIVER

CUSTER County

L3(NW1/4SW1/4)

Sec. 7, Twp 14N, Rge 22E B.M.

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S1		SWNW	0.20	T14N R21E S1		NESW	0.60
T14N R21E S1		NWSW	28.00	T14N R21E S1		SWSW	39.00
T14N R21E S1		SESW	9.00	T14N R21E S2	Lot 2	NWNE	7.00
T14N R21E S2		SWNE	28.00	T14N R21E S2		SENE	16.00
T14N R21E S2	Lot 3	NENW	27.00	T14N R21E S2	Lot 4	NWNW	38.00
T14N R21E S2		SWNW	39.00	T14N R21E S2		SENW	37.00
T14N R21E S2		NESW	40.00	T14N R21E S2		NWSW	40.00
T14N R21E S2		NESE	39.00	T14N R21E S2		NWSE	40.00
T14N R21E S2		SWSE	19.00	T14N R21E S2		SESE	40.00
T14N R21E S3	Lot 1	NENE	36.00	T14N R21E S3	Lot 2	NWNE	29.00
T14N R21E S3	Lot 3	NENW	35.00	T14N R21E S11		NENE	21.00
T14N R21E S12		NENW	19.00	T14N R21E S12		NWNW	40.00
T14N R21E S12		SWNW	28.00	T14N R21E S12		SENW	29.00

Total Acres: 723.8

Conditions of Approval:

1. U42 Place of use does not include federal public lands.
2. E56 The rights listed below are limited to the irrigation of a combined total of 723.8 acres in a single irrigation season. Combined Right Nos.: 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-7025, 73-10037, and 73-10063.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. K06 This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.
5. 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: 6/30/2010

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

Current Water Right No.: 73-2015

Current Owner: CIRCLE PI LLC

Priority Date: 12/25/1904

Origin: Water Right

Status: Active

Basis: Decreed

Source

SULPHUR CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

STOCKWATER

01/01 to 12/31

0.02 CFS

IRRIGATION

04/01 to 10/31

2.2 CFS

Total Diversion

2.2 CFS

Location of Point(s) of Diversion

SULPHUR CREEK

SE1/4NE1/4

Sec. 12,

Twp 14N,

Rge 21E B.M.

CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S1		SWNW	0.20	T14N R21E S1		NESW	0.60
T14N R21E S1		NWSW	28.00	T14N R21E S1		SWSW	39.00
T14N R21E S1		SESW	9.00	T14N R21E S2	Lot 2	NWNE	7.00
T14N R21E S2		SWNE	28.00	T14N R21E S2		SENE	16.00
T14N R21E S2	Lot 3	NENW	27.00	T14N R21E S2	Lot 4	NWNW	38.00
T14N R21E S2		SWNW	39.00	T14N R21E S2		SENE	37.00
T14N R21E S2		NESW	40.00	T14N R21E S2		NWSW	40.00
T14N R21E S2		NESE	39.00	T14N R21E S2		NWSE	40.00
T14N R21E S2		SWSE	19.00	T14N R21E S2		SESE	40.00
T14N R21E S3	Lot 1	NENE	36.00	T14N R21E S3	Lot 2	NWNE	29.00
T14N R21E S3	Lot 3	NENW	35.00	T14N R21E S11		NENE	21.00
T14N R21E S12		NENW	19.00	T14N R21E S12		NWNW	40.00
T14N R21E S12		SWNW	28.00	T14N R21E S12		SENE	29.00

Total Acres: 723.8

Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1. N15 The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
2. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. U42 Place of use does not include federal public lands.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. E56 The rights listed below are limited to the irrigation of a combined total of 723.8 acres in a single irrigation season. Combined Right Nos.: 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-7025, 73-10037, and 73-10063.
7. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
8. K06 This right is limited to the irrigation of 106 acres within the place of use described above in a single irrigation season.
9. 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: 11/30/2010

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

Current Water Right No.: 73-115

Current Owner: CIRCLE PI LLC
Priority Date: 4/25/1904
Origin: Water Right
Status: Active
Basis: Decreed

Source

PATTERSON CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

From To

IRRIGATION

04/01 to 10/31

Total Diversion

Diversion Rate

2.8 CFS

2.8 CFS

Annual Volume

Location of Point(s) of Diversion

PATTERSON CREEK

NE1/4NE1/4

Sec. 7,

Twp 14N,

Rge 22E B.M.

LEMHI County

PATTERSON CREEK

L3(NW1/4SW1/4)

Sec. 7,

Twp 14N,

Rge 22E B.M.

CUSTER County

(Rediversion)

PATTERSON CREEK

SE1/4NW1/4

Sec. 7,

Twp 14N,

Rge 22E B.M.

LEMHI County

(Injection)

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S1		SWNW	0.20	T14N R21E S1		NESW	0.60
T14N R21E S1		NWSW	28.00	T14N R21E S1		SWSW	39.00
T14N R21E S1		SESW	9.00	T14N R21E S2	Lot 2	NWNE	7.00
T14N R21E S2		SWNE	28.00	T14N R21E S2		SENE	16.00
T14N R21E S2	Lot 3	NENW	27.00	T14N R21E S2	Lot 4	NWNW	38.00
T14N R21E S2		SWNW	39.00	T14N R21E S2		SENW	37.00
T14N R21E S2		NESW	40.00	T14N R21E S2		NWSW	40.00
T14N R21E S2		NESE	39.00	T14N R21E S2		NWSE	40.00
T14N R21E S2		SWSE	19.00	T14N R21E S2		SESE	40.00
T14N R21E S3	Lot 1	NENE	36.00	T14N R21E S3	Lot 2	NWNE	29.00
T14N R21E S3	Lot 3	NENW	35.00	T14N R21E S11		NENE	21.00
T14N R21E S12		NENW	19.00	T14N R21E S12		NWNW	40.00
T14N R21E S12		SWNW	28.00	T14N R21E S12		SENW	29.00

Total Acres: 723.8

Conditions of Approval:

1. K06 This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. B01 Source is also known as Little Spring Creek, Spring Creek or O Neal Creek.
4. E56 The rights listed below are limited to the irrigation of a combined total of 723.8 acres in a single irrigation season. Combined Right Nos.: 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-7025, 73-10037, and 73-10063.
5. 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.
6. U42 Place of use does not include federal public lands.

Decreed Date: 6/30/2010

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

Current Water Right No.: 73-114

Current Owner: CIRCLE PI LLC

Priority Date: 6/20/1908

Origin: Water Right

Status: Active

Basis: Decreed

Source

PATTERSON CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total DiversionDiversion Rate

1.6 CFS

1.6 CFS

Annual VolumeLocation of Point(s) of Diversion

PATTERSON CREEK

LEMHI County

NE1/4NE1/4

Sec. 7,

Twp 14N,

Rge 22E B.M.

PATTERSON CREEK

LEMHI County

SE1/4NW1/4

Sec. 7,

Twp 14N,

Rge 22E B.M.

(Injection)

PATTERSON CREEK

CUSTER County

L3(NW1/4SW1/4)

Sec. 7,

Twp 14N,

Rge 22E B.M.

(Rediversion)

Place of UseIRRIGATION Within CUSTER County

T14N R21E S1		SWNW	0.20	T14N R21E S1		NESW	0.60
T14N R21E S1		NWSW	28.00	T14N R21E S1		SWSW	39.00
T14N R21E S1		SESW	9.00	T14N R21E S2	Lot 2	NWNE	7.00
T14N R21E S2		SWNE	28.00	T14N R21E S2		SENE	16.00
T14N R21E S2	Lot 3	NENW	27.00	T14N R21E S2	Lot 4	NWNW	38.00
T14N R21E S2		SWNW	39.00	T14N R21E S2		SENW	37.00
T14N R21E S2		NESW	40.00	T14N R21E S2		NWSW	40.00
T14N R21E S2		NESE	39.00	T14N R21E S2		NWSE	40.00
T14N R21E S2		SWSE	19.00	T14N R21E S2		SESE	40.00
T14N R21E S3	Lot 1	NENE	36.00	T14N R21E S3	Lot 2	NWNE	29.00
T14N R21E S3	Lot 3	NENW	35.00	T14N R21E S11		NENE	21.00
T14N R21E S12		NENW	19.00	T14N R21E S12		NWNW	40.00
T14N R21E S12		SWNW	28.00	T14N R21E S12		SENW	29.00

Total Acres: 723.8

Conditions of Approval:

1. 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.
2. K06 This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
3. U42 Place of use does not include federal public lands.
4. E56 The rights listed below are limited to the irrigation of a combined total of 723.8 acres in a single irrigation season. Combined Right Nos.: 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-7025, 73-10037, and 73-10063.
5. B01 Source is also known as Big Spring Creek or O'Neal Creek.
6. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 6/30/2010

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

Current Water Right No.: 73-108

Current Owner: CIRCLE PI LLC

Priority Date: 11/28/1904

Origin: Water Right

Status: Active

Basis: Decreed

Source

SPRING

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

1.2 CFS

1.2 CFS

Annual Volume

Location of Point(s) of Diversion

SPRING

CUSTER County

SW1/4NE1/4

Sec. 7,

Twp 14N,

Rge 22E B.M.

SPRING

CUSTER County

L3(NW1/4SW1/4)

Sec. 7,

Twp 14N,

Rge 22E B.M.

(Rediversion)

SPRING

CUSTER County

SE1/4NW1/4

Sec. 7,

Twp 14N,

Rge 22E B.M.

(Injection)

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S1	SWNW	0.20	T14N R21E S1	NESW	0.60
T14N R21E S1	NWSW	28.00	T14N R21E S1	SWSW	39.00
T14N R21E S1	SESW	9.40	T14N R21E S2	SWNE	27.00
T14N R21E S2	SENE	15.00	T14N R21E S2	NESE	38.00
T14N R21E S2	NWSE	26.00	T14N R21E S2	SWSE	17.00
T14N R21E S2	SESE	40.00	T14N R21E S11	NENE	18.00
T14N R21E S12	NENW	18.00	T14N R21E S12	NWNW	40.00
T14N R21E S12	SWNW	23.00	T14N R21E S12	SENW	9.60

Total Acres: 348.8

Conditions of Approval:

1. 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.
2. K06 This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
3. Right Nos. 73-6, 73-12, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-2015 and 73-2053 are limited to the irrigation of a combined total of 348.8 acres in a single irrigation season.
4. 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.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. U42 Place of use does not include federal public lands.

Decreed Date: 8/6/2009

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

Current Water Right No.: 73-107

Current Owner: CIRCLE PI LLC

Priority Date: 5/1/1906

Origin: Water Right

Status: Active

Basis: Decreed

Source

PAHSIMEROI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

1.2 CFS

Annual VolumeTotal Diversion

1.2 CFS

Location of Point(s) of Diversion

PAHSIMEROI RIVER

L3(NW1/4SW1/4)

Sec. 7, Twp 14N, Rge 22E B.M.

CUSTER County

Place of UseIRRIGATION Within CUSTER County

T14N R21E S1		SWNW	0.20	T14N R21E S1		NESW	0.60
T14N R21E S1		NWSW	28.00	T14N R21E S1		SWSW	39.00
T14N R21E S1		SESW	9.00	T14N R21E S2	Lot 2	NWNE	7.00
T14N R21E S2		SWNE	28.00	T14N R21E S2		SENE	16.00
T14N R21E S2	Lot 3	NENW	27.00	T14N R21E S2	Lot 4	NWNW	38.00
T14N R21E S2		SWNW	39.00	T14N R21E S2		SENE	37.00
T14N R21E S2		NESW	40.00	T14N R21E S2		NWSW	40.00
T14N R21E S2		NESE	39.00	T14N R21E S2		NWSE	40.00
T14N R21E S2		SWSE	19.00	T14N R21E S2		SESE	40.00
T14N R21E S3	Lot 1	NENE	36.00	T14N R21E S3	Lot 2	NWNE	29.00
T14N R21E S3	Lot 3	NENW	35.00	T14N R21E S11		NENE	21.00
T14N R21E S12		NENW	19.00	T14N R21E S12		NWNW	40.00
T14N R21E S12		SWNW	28.00	T14N R21E S12		SENE	29.00

Total Acres: 723.8

Conditions of Approval:

1. 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.
2. K06 This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. U42 Place of use does not include federal public lands.
5. E56 The rights listed below are limited to the irrigation of a combined total of 723.8 acres in a single irrigation season. Combined Right Nos.: 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-7025, 73-10037, and 73-10063.

Decreed Date: 6/30/2010

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

Current Water Right No.: 73-105

Current Owner: CIRCLE P LLC

Priority Date: 11/30/1907

Origin: Water Right

Status: Active

Basis: Decreed

Source

PATTERSON CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total DiversionDiversion Rate

0.2 CFS

0.2 CFS

Annual VolumeLocation of Point(s) of Diversion

PATTERSON CREEK

LEMHI County

SE1/4NW1/4 Sec. 7, Twp 14N, Rge 22E B.M.
(Injection)

PATTERSON CREEK

CUSTER County

L3(NW1/4SW1/4) Sec. 7, Twp 14N, Rge 22E B.M.
(Rediversion)

PATTERSON CREEK

LEMHI County

NE1/4NE1/4 Sec. 7, Twp 14N, Rge 22E B.M.

Place of UseIRRIGATION Within CUSTER County

T14N R21E S1		SWNW	0.20	T14N R21E S1		NESW	0.60
T14N R21E S1		NWSW	28.00	T14N R21E S1		SWSW	39.00
T14N R21E S1		SESW	9.00	T14N R21E S2	Lot 2	NWNE	7.00
T14N R21E S2		SWNE	28.00	T14N R21E S2		SENE	16.00
T14N R21E S2	Lot 3	NENW	27.00	T14N R21E S2	Lot 4	NWNW	38.00
T14N R21E S2		SWNW	39.00	T14N R21E S2		SENE	37.00
T14N R21E S2		NESW	40.00	T14N R21E S2		NWSW	40.00
T14N R21E S2		NESE	39.00	T14N R21E S2		NWSE	40.00
T14N R21E S2		SWSE	19.00	T14N R21E S2		SESE	40.00
T14N R21E S3	Lot 1	NENE	36.00	T14N R21E S3	Lot 2	NWNE	29.00
T14N R21E S3	Lot 3	NENW	35.00	T14N R21E S11		NENE	21.00
T14N R21E S12		NENW	19.00	T14N R21E S12		NWNW	40.00
T14N R21E S12		SWNW	28.00	T14N R21E S12		SENE	29.00

Total Acres: 723.8

Conditions of Approval:

1. K06 This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
2. B01 Source is also known as Big Spring Creek or O'Neal Creek.
3. U42 Place of use does not include federal public lands.
4. 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.
5. E56 The rights listed below are limited to the irrigation of a combined total of 723.8 acres in a single irrigation season. Combined Right Nos.: 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-7025, 73-10037, and 73-10063.
6. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 6/30/2010

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

Current Water Right No.: 73-12

Current Owner: CIRCLE PI LLC

Priority Date: 4/28/1913

Origin: Water Right

Status: Active

Basis: Decreed

Source

PAHSIMEROI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

1.2 CFS

Annual VolumeTotal Diversion

1.2 CFS

Location of Point(s) of Diversion

PAHSIMEROI RIVER

L3(NW1/4SW1/4)

Sec. 7, Twp 14N, Rge 22E B.M.

CUSTER County

Place of UseIRRIGATION Within CUSTER County

T14N R21E S1		SWNW	0.20	T14N R21E S1		NESW	0.60
T14N R21E S1		NWSW	28.00	T14N R21E S1		SWSW	39.00
T14N R21E S1		SESW	9.00	T14N R21E S2	Lot 2	NWNE	7.00
T14N R21E S2		SWNE	28.00	T14N R21E S2		SENE	16.00
T14N R21E S2	Lot 3	NENW	27.00	T14N R21E S2	Lot 4	NWNW	38.00
T14N R21E S2		SWNW	39.00	T14N R21E S2		SENW	37.00
T14N R21E S2		NESW	40.00	T14N R21E S2		NWSW	40.00
T14N R21E S2		NESE	39.00	T14N R21E S2		NWSE	40.00
T14N R21E S2		SWSE	19.00	T14N R21E S2		SESE	40.00
T14N R21E S3	Lot 1	NENE	36.00	T14N R21E S3	Lot 2	NWNE	29.00
T14N R21E S3	Lot 3	NENW	35.00	T14N R21E S11		NENE	21.00
T14N R21E S12		NENW	19.00	T14N R21E S12		NWNW	40.00
T14N R21E S12		SWNW	28.00	T14N R21E S12		SENW	29.00

Total Acres: 723.8

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
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. E56 The rights listed below are limited to the irrigation of a combined total of 723.8 acres in a single irrigation season. Combined Right Nos.: 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-7025, 73-10037, and 73-10063.
4. U42 Place of use does not include federal public lands.
5. K06 This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.

Decreed Date: 6/30/2010

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: 73-6[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]

Total Acres (for irrigation use) 723.8
12.1 acres within a 723.8-acre permissible place of use

7 8 6 5 4

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

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.

Right Number: 73-12

[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]

Total Acres (for irrigation use) 723.8
8.1 acres within a 723.8-acre permissible place of use

7 8 6 5 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

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.

Right Number: 73-105

[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]

Total Acres (for irrigation use) 723.8
1.3 acres within a 723.8-acre permissible place of use

7 8 6 5 4

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

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.

Right Number: 73-107[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]

Total Acres (for irrigation use) 723.8
8.1 acres within a 723.8-acre permissible place of use

7 8 6 5 4

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

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.

Right Number: 73-108

[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]

Total Acres (for irrigation use) 723.8
8.1 acres within a 723.8-acre permissible place of use

7 8 6 5 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

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.

Right Number: 73-114

[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]

Total Acres (for irrigation use) 723.8
10.8 acres within a 723.8-acre permissible place of use

78654

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

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.

Right Number: 73-115

[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]

Total Acres (for irrigation use) 723.8
18.9 acres within a 723.8-acre permissible place of use

7 8 6 5 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

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.

Right Number: 73-2015[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]

Total Acres (for irrigation use) 723.8
14.3 acres within a 723.8-acre permissible place of use

7 8 6 5 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

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.

Right Number: 73-2037

[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]

Total Acres (for irrigation use) 723.8
6.7 acres within a 723.8-acre permissible place of use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

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.

Right Number: 73-2053

[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]

Total Acres (for irrigation use) 723.8
2.7 acres within a 723.8-acre permissible place of use

7 8 6 5 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

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.

Right Number: 73-10037

[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]

Total Acres (for irrigation use) 723.8
10.8 acres within a 723.8-acre permissible place of use

7 8 6 5 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

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.

Right Number: 73-10063

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

[illegible]

Total Acres (for irrigation use) 723.8
13.5 acres within a 723.8-acre permissible place of use

7 8 6 5 4

78654

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/>.

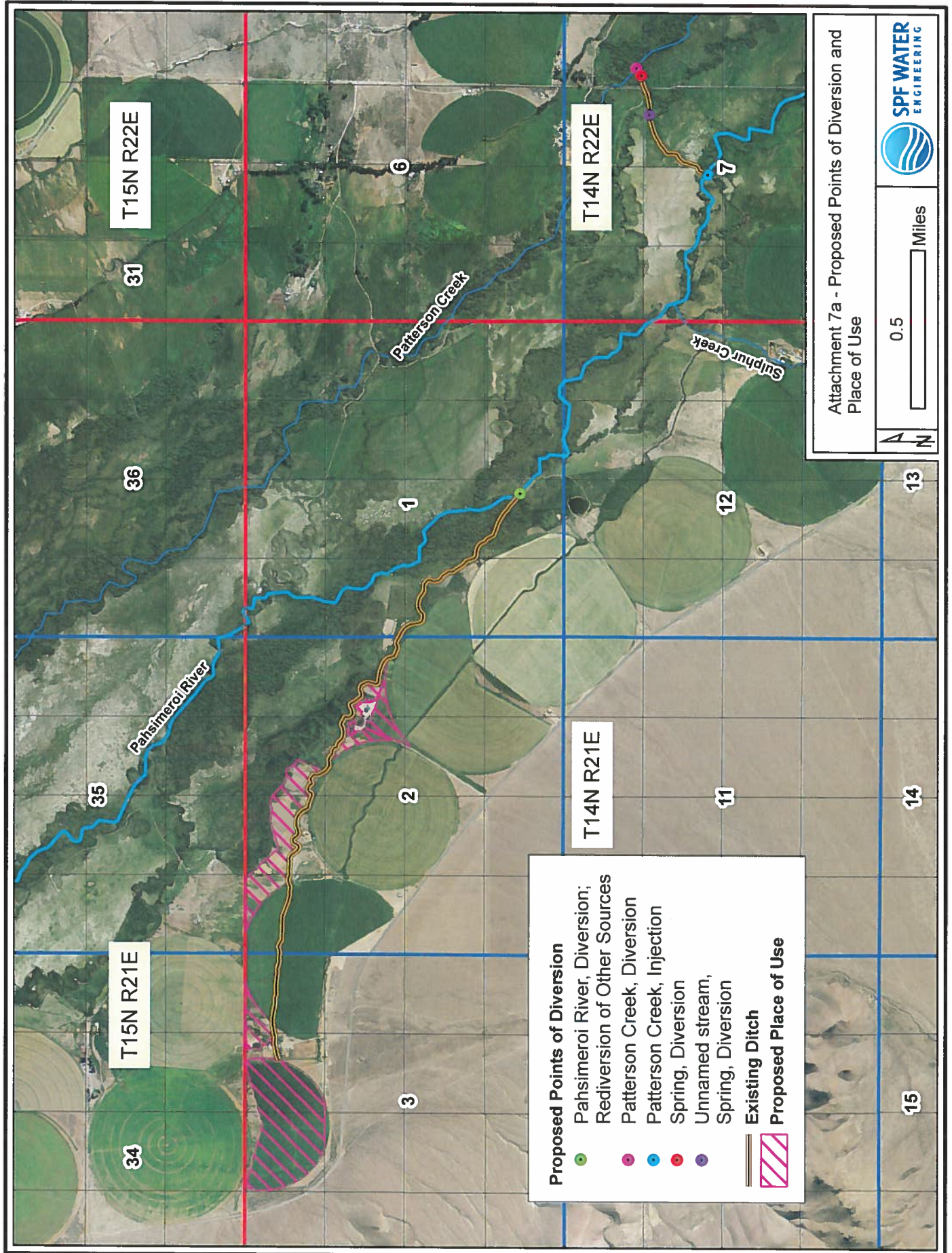
Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

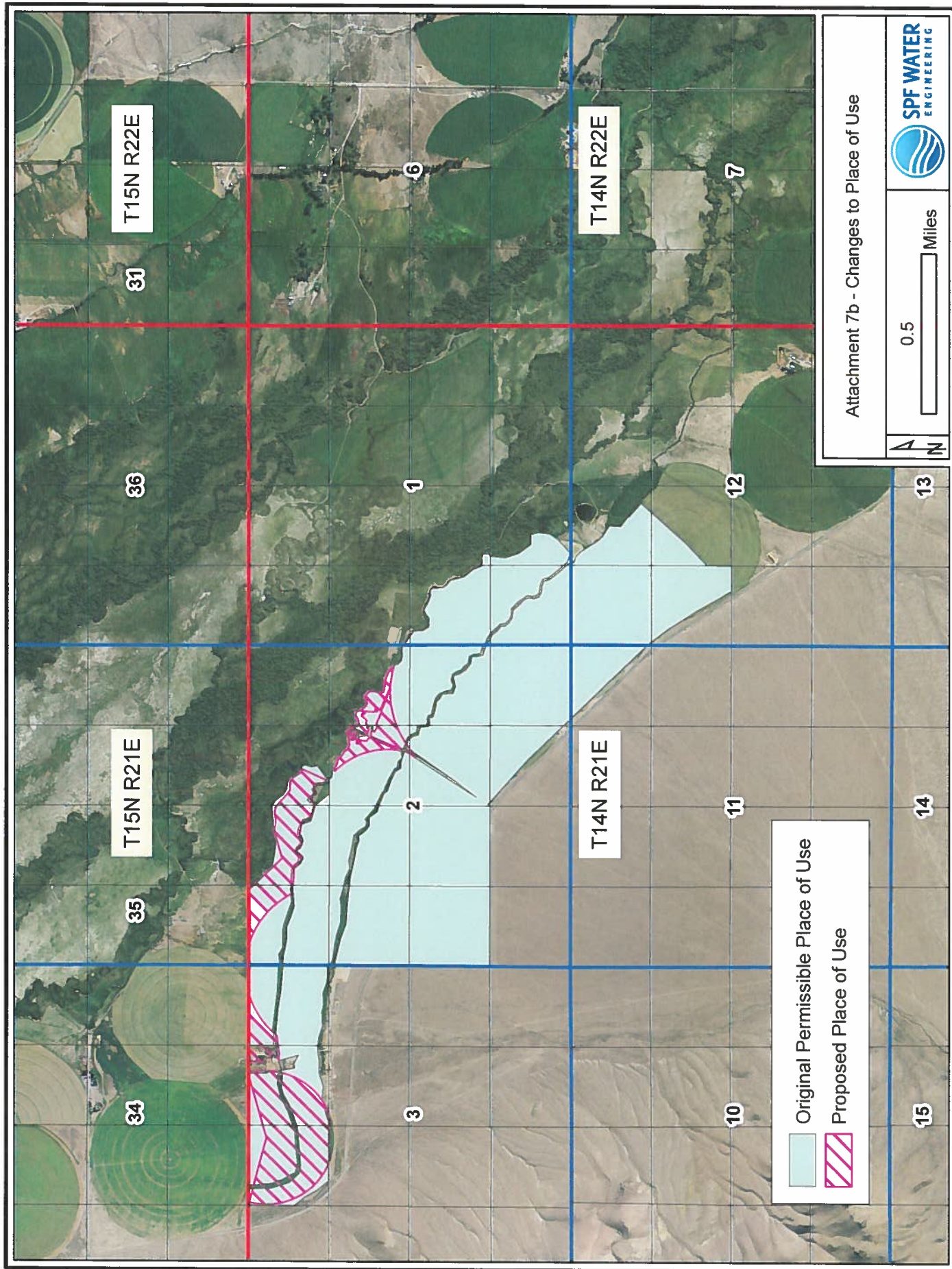
- | <u>Yes</u> | <u>N/A</u> | |
|-------------------------------------|--------------------------|---|
| ☒ | ☐ | * Means the item is <u>always required</u> and must be included with the application. |
| ☒ | ☐ | * Completed Application for Transfer of Water Right form, Part 1. |
| ☒ | ☐ | * Signature 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 for each water right 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> |

ATTACHMENT #7





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.

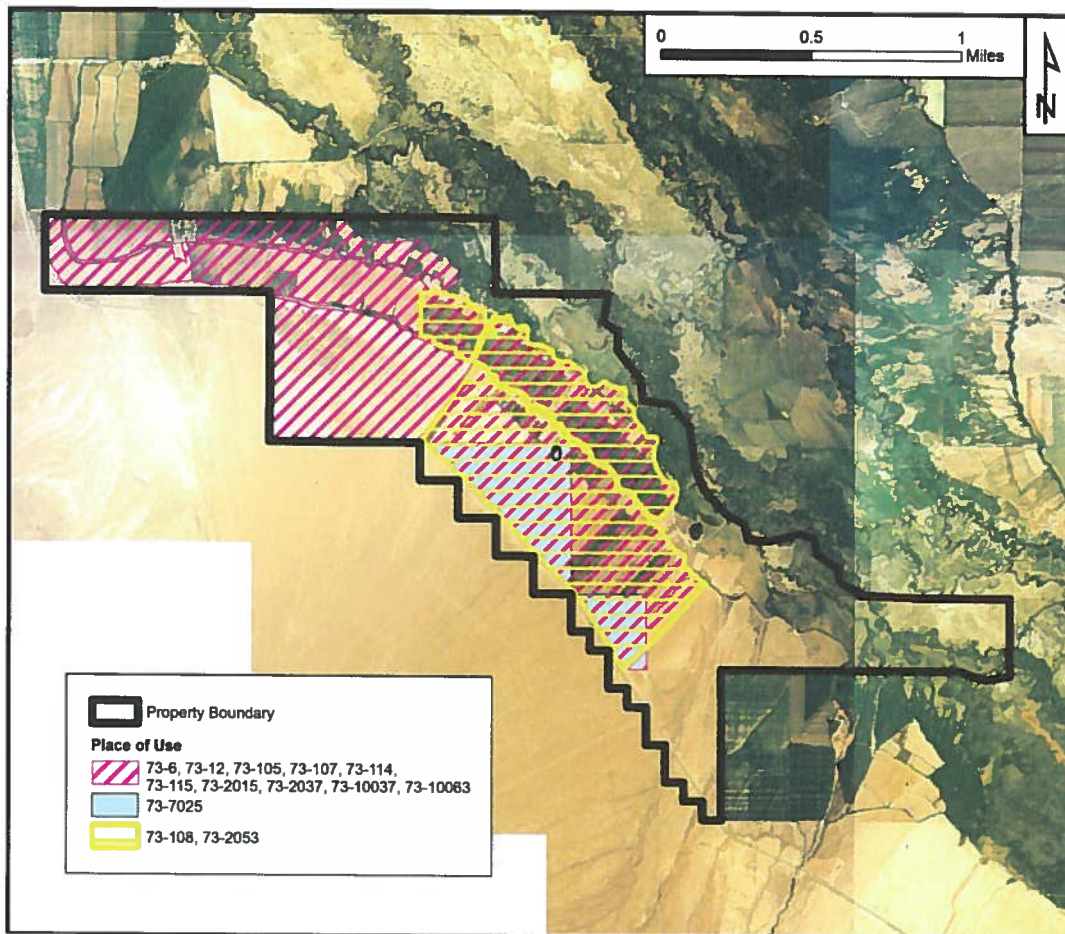


Figure 1. Water rights as decreed in the SRBA

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 (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).

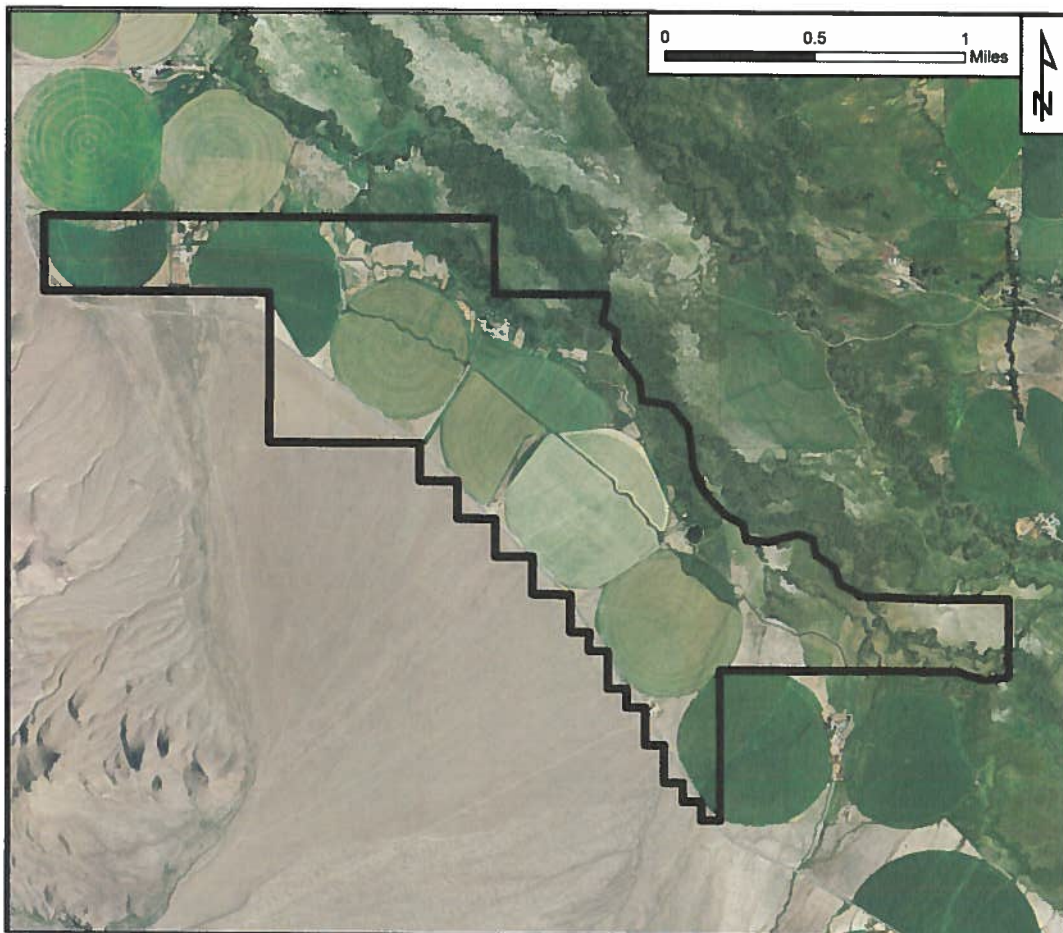


Figure 2. 2011 aerial photo showing pivots

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.

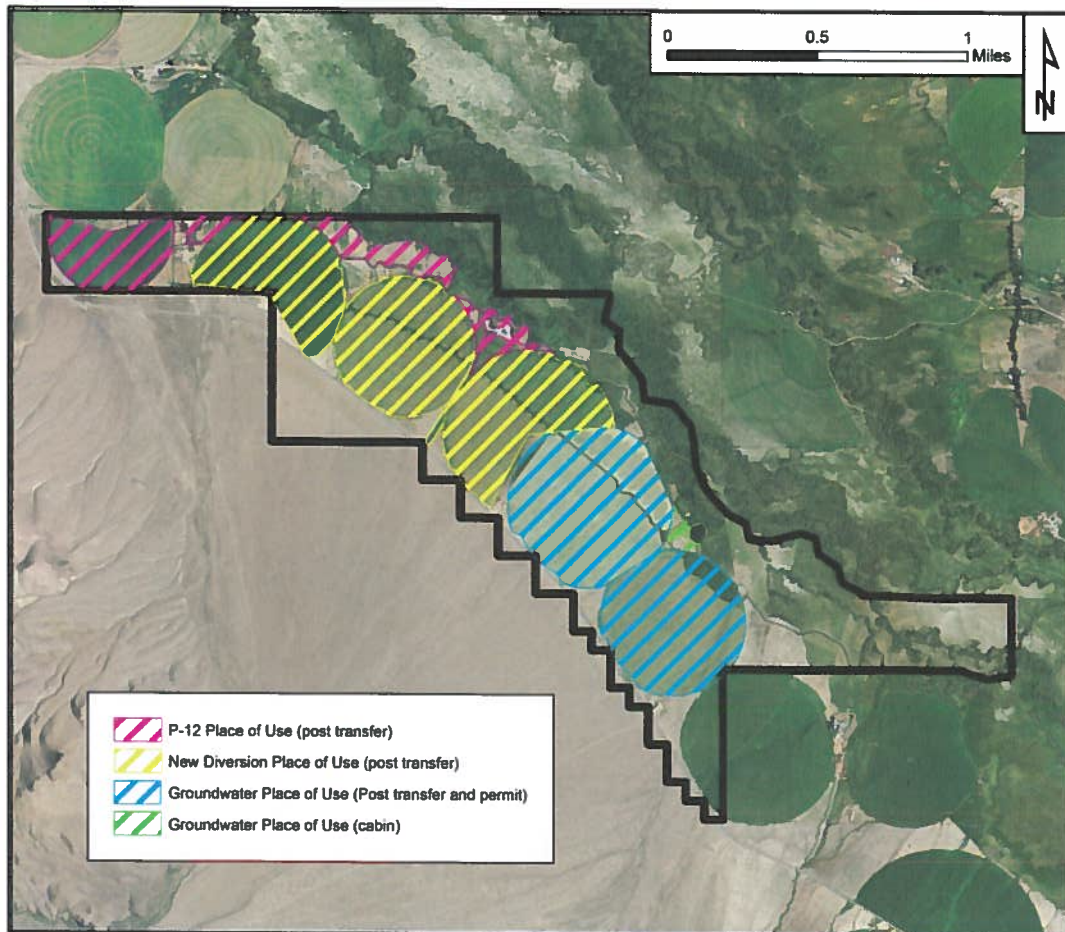


Figure 3. Proposed Place of Use

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

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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> |

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MAR 20 2013

Department of Water Resources
Eastern Region

Rev. 10/09

Page 1 of 9STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name 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.

BH Yates
Signature of Applicant or Authorized Representative

Ben H Yates
Print Name and Title if applicable

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 diversion from Patterson Creek and an unnamed stream, a point of injection into the Pahsimeroi River, and rediversion from the river at P-12. Direct diversion of the Pahsimeroi River is also proposed at P-12. The proposed place of use includes a partial pivot and several flood-irrigated fields.

78654

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 ☒ ☐	73-10037	1.60	irrigation	4/1 to 10/31	Pahsimeroi R./Patterson Cr.
☐ ☒	73-10063	0.35	irrigation	4/1 to 10/31	Patterson Cr./unnamed str.
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.60 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 1.95 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 #
			SE	SW	1	14N	21E	Custer	Pahsimeroi River	P-12/A0011426
			SE	SW	1	14N	21E	Custer	Patterson Creek, un. stream	P-12 (R)
			NE	NE	7	14N	22E	Custer	Patterson Creek	BSC 5/6
			SE	NW	7	14N	22E	Custer	Patterson Creek, un. stream	I
			SW	NE	7	14N	22E	Custer	unnamed stream	

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

I = injection R = redirection

- ☐ 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	2		5.7	8.5	5.7	13	7.2											40.1
				GL2			GL3	GL4											
		3	4.6	23			30												57.6
			GL1	GL2			GL3												

Total Acres (for irrigation use) 97.7

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: The proposed diversions (P-12 and BSC 5/6) are currently equipped with measuring devices, lockable controlling works, and fish screens. A measuring device and lockable controlling works will be installed at the point of diversion from the unnamed stream if required in the future.
- b. Who owns the property at the point(s) of diversion? The applicant owns the property at the points of injection/rediversion.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: P-12 and BSC 5/6 are historical points of diversion which were decreed in the SRBA for the two water rights that are the subject of this application.
- 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 existing water rights. A companion transfer is filed concurrently proposing additional irrigation under existing water rights. No enlargement will occur.
- 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: _____
- 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.: 73-10037

Current Owner: CIRCLE PI LLC

Priority Date: 3/21/1905

Origin: Water Right

Status: Active

Basis: Decreed

Source

PAHSIMEROI RIVER
PATTERSON CREEK

Tributary

SALMON RIVER
PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total DiversionDiversion Rate

1.6 CFS

1.6 CFS

Annual VolumeLocation of Point(s) of Diversion

PAHSIMEROI RIVER

SE1/4SW1/4

Sec. 1, Twp 14N, Rge 21E B.M.

CUSTER County

PATTERSON CREEK

NE1/4NE1/4

Sec. 7, Twp 14N, Rge 22E B.M.

LEMHI County

PATTERSON CREEK

SE1/4NW1/4

Sec. 7, Twp 14N, Rge 22E B.M.

LEMHI County

PATTERSON CREEK

L3(NW1/4SW1/4)

Sec. 7, Twp 14N, Rge 22E B.M.

CUSTER County

(Injection)

(Rediversion)

Place of UseIRRIGATION Within CUSTER County

T14N R21E S1		SWNW	0.20	T14N R21E S1		NESW	0.60
T14N R21E S1		NWSW	28.00	T14N R21E S1		SWSW	39.00
T14N R21E S1		SESW	9.00	T14N R21E S2	Lot 2	NWNE	7.00
T14N R21E S2		SWNE	28.00	T14N R21E S2		SENE	16.00
T14N R21E S2	Lot 3	NENW	27.00	T14N R21E S2	Lot 4	NWNW	38.00
T14N R21E S2		SWNW	39.00	T14N R21E S2		SENE	37.00
T14N R21E S2		NESW	40.00	T14N R21E S2		NWSW	40.00
T14N R21E S2		NESE	39.00	T14N R21E S2		NWSE	40.00
T14N R21E S2		SWSE	19.00	T14N R21E S2		SESE	40.00
T14N R21E S3	Lot 1	NENE	36.00	T14N R21E S3	Lot 2	NWNE	29.00
T14N R21E S3	Lot 3	NENW	35.00	T14N R21E S11		NENE	21.00
T14N R21E S12		NENW	19.00	T14N R21E S12		NWNW	40.00
T14N R21E S12		SWNW	28.00	T14N R21E S12		SENE	29.00

Total Acres: 723.8

Conditions of Approval:

1. 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.
2. E56 The rights listed below are limited to the irrigation of a combined total of 723.8 acres in a single irrigation season. Combined Right Nos.: 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-7025, 73-10037, and 73-10063.
3. K06 This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. B01 Source is also known as Little Spring Creek, Spring Creek or O Neal Creek.
6. P29 This right is a combination of old Right Nos 73-110A&B.
7. U42 Place of use does not include federal public lands.

Decreed Date: 6/30/2010

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

Current Water Right No.: 73-10063

Current Owner: CIRCLE PI LLC

Priority Date: 5/1/1906

Origin: Water Right

Status: Active

Basis: Decreed

Source

PATTERSON CREEK
UNNAMED STREAM

Tributary

PAHSIMEROI RIVER
PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

2 CFS

2 CFS

Annual Volume

Location of Point(s) of Diversion

PATTERSON CREEK

LEMHI County

PATTERSON CREEK

CUSTER County

UNNAMED STREAM

LEMHI County

PATTERSON CREEK

LEMHI County

UNNAMED STREAM

LEMHI County

UNNAMED STREAM

CUSTER County

SE1/4NW1/4 Sec. 7, Twp 14N, Rge 22E B.M.

(Injection)

L3(NW1/4SW1/4) Sec. 7, Twp 14N, Rge 22E B.M.

(Rediversion)

SE1/4NW1/4 Sec. 7, Twp 14N, Rge 22E B.M.

(Injection)

NE1/4NE1/4 Sec. 7, Twp 14N, Rge 22E B.M.

SW1/4NE1/4 Sec. 7, Twp 14N, Rge 22E B.M.

L3(NW1/4SW1/4) Sec. 7, Twp 14N, Rge 22E B.M.

(Rediversion)

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S1		SWNW	0.20	T14N R21E S1		NESW	0.60
T14N R21E S1		NWSW	28.00	T14N R21E S1		SWSW	39.00
T14N R21E S1		SESW	9.00	T14N R21E S2	Lot 2	NWNE	7.00
T14N R21E S2		SWNE	28.00	T14N R21E S2		SENE	16.00
T14N R21E S2	Lot 3	NENW	27.00	T14N R21E S2	Lot 4	NWNW	38.00
T14N R21E S2		SWNW	39.00	T14N R21E S2		SENW	37.00
T14N R21E S2		NESW	40.00	T14N R21E S2		NWSW	40.00
T14N R21E S2		NESE	39.00	T14N R21E S2		NWSE	40.00
T14N R21E S2		SWSE	19.00	T14N R21E S2		SESE	40.00
T14N R21E S3	Lot 1	NENE	36.00	T14N R21E S3	Lot 2	NWNE	29.00
T14N R21E S3	Lot 3	NENW	35.00	T14N R21E S11		NENE	21.00
T14N R21E S12		NENW	19.00	T14N R21E S12		NWNW	40.00
T14N R21E S12		SWNW	28.00	T14N R21E S12		SENW	29.00

Total Acres: 723.8

Conditions of Approval:

1. 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.
2. B01 Patterson Creek is also known as Big Spring Creek or O'Neal Creek.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. U42 Place of use does not include federal public lands.
5. P29 This right is a combination of old Right Nos 73-104 & 74-106.
6. E56 The rights listed below are limited to the irrigation of a combined total of 723.8 acres in a single irrigation season. Combined Right Nos.: 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-2053, 73-7025, 73-10037, and 73-10063.
7. K06 This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.

Decreed Date: 6/30/2010

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

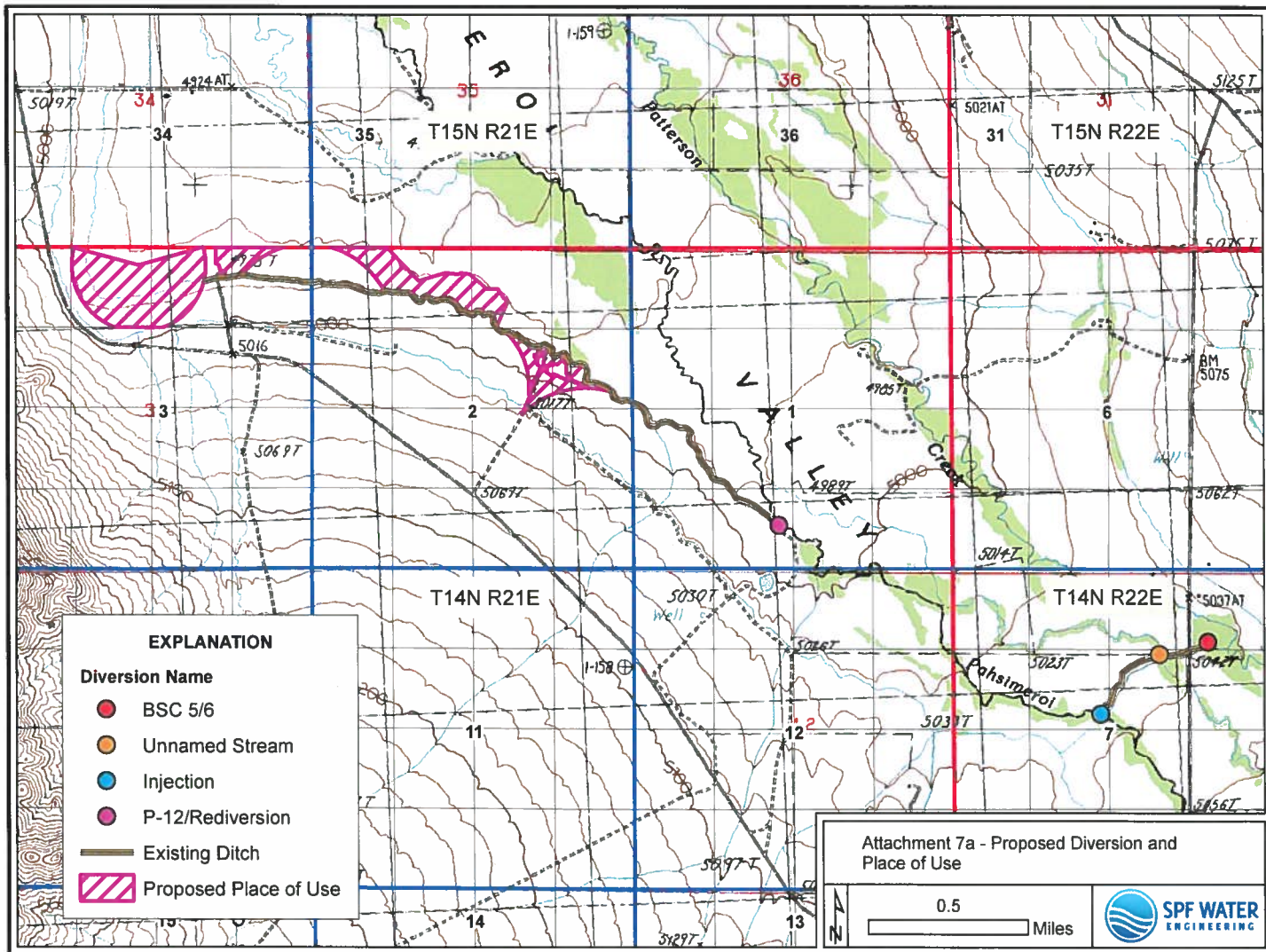
For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

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

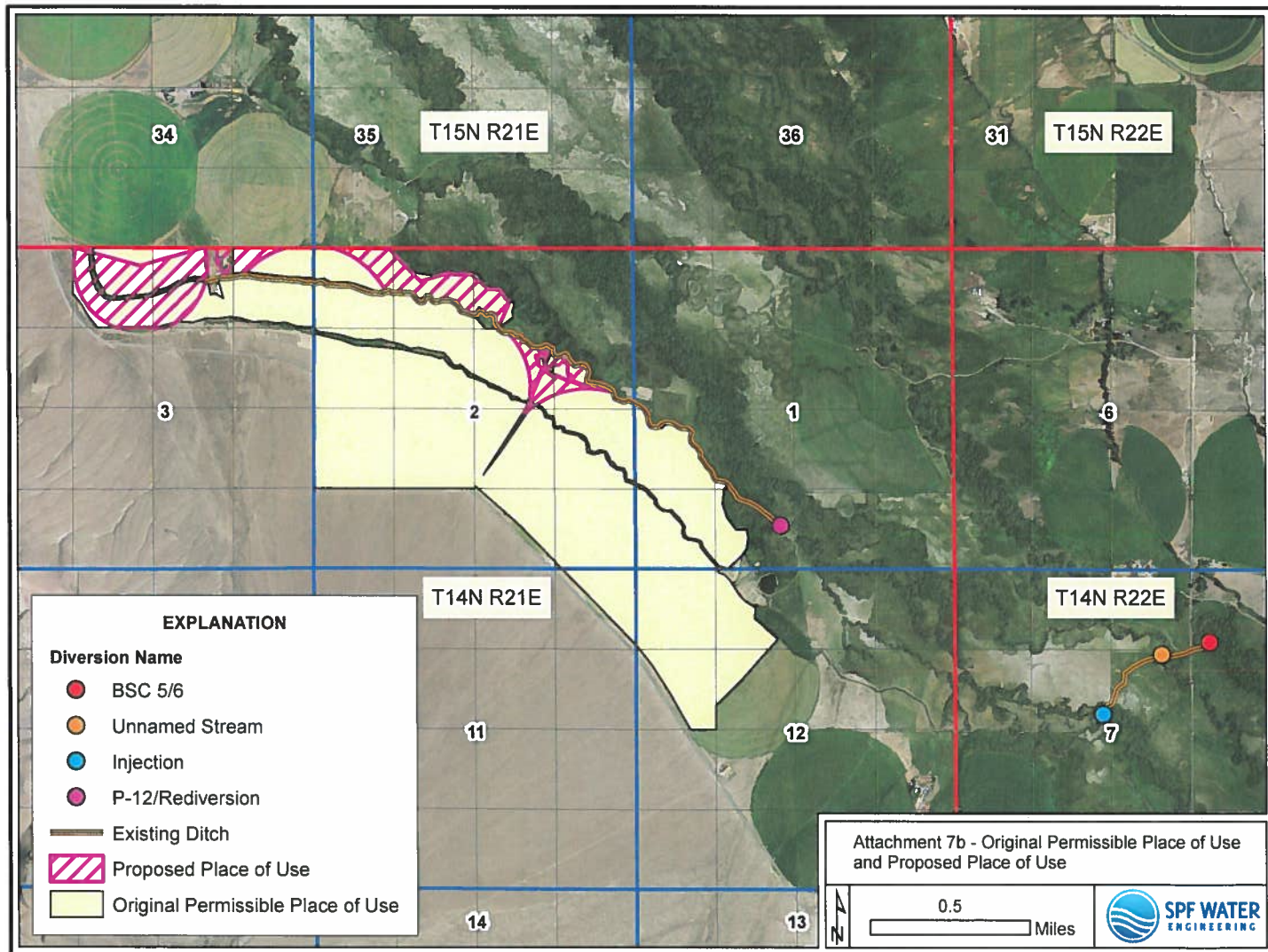
[illegible][illegible]

7 8 6 5 4

ATTACHMENT #7



78654



ATTACHMENT #9

78654

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.

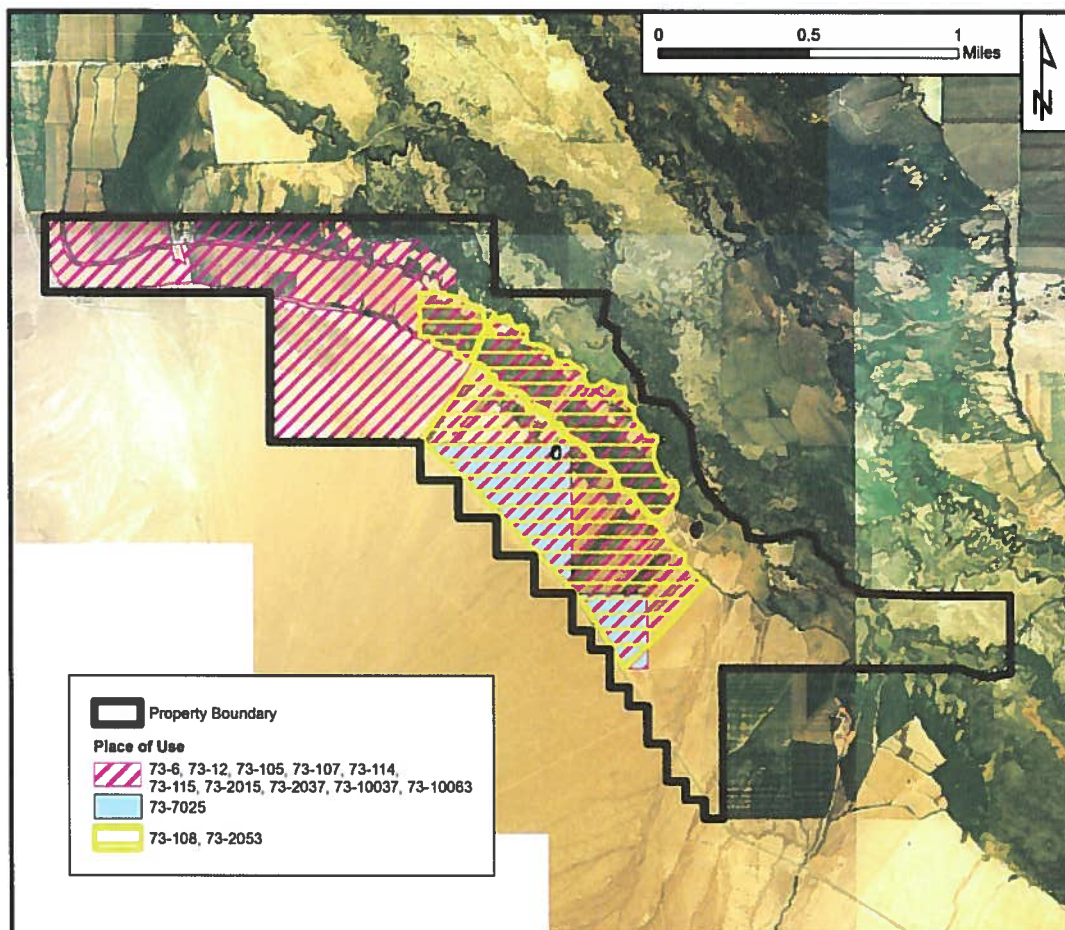


Figure 1. Water rights as decreed in the SRBA

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).

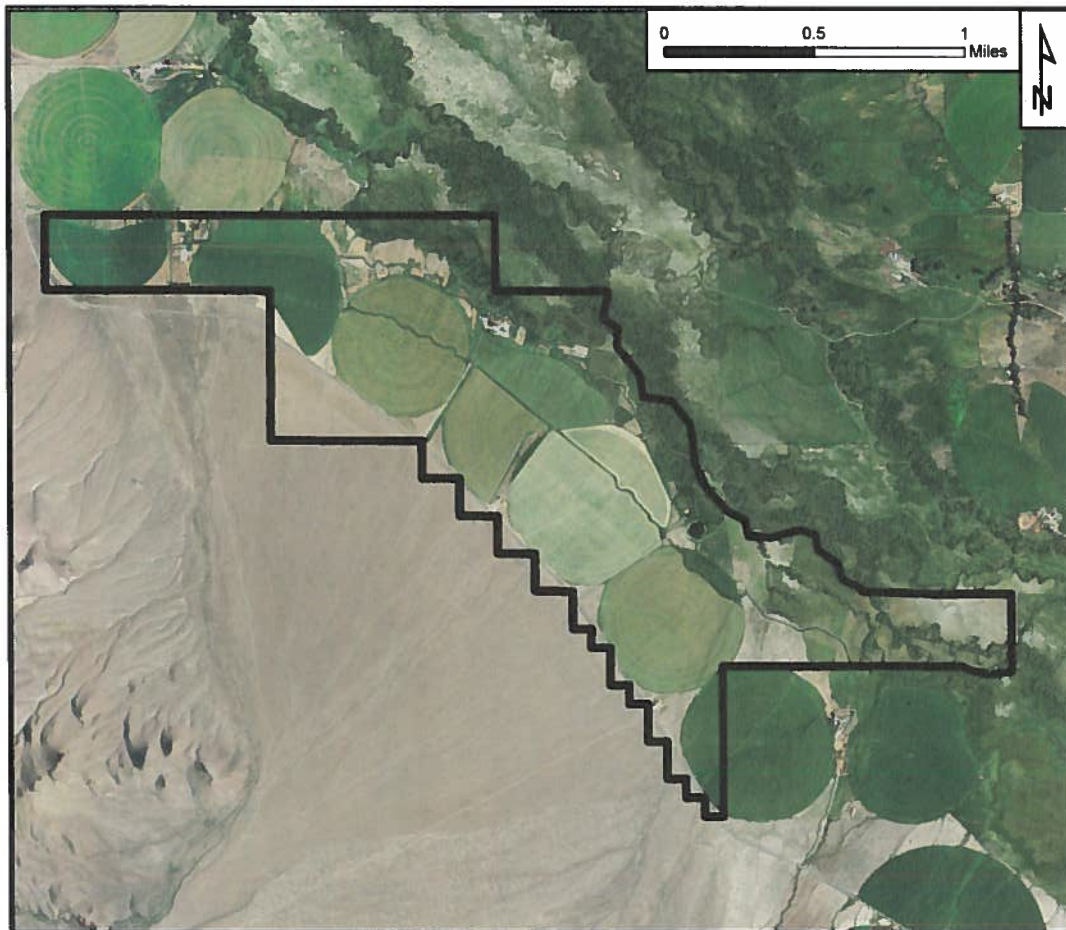


Figure 2. 2011 aerial photo showing pivots

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.

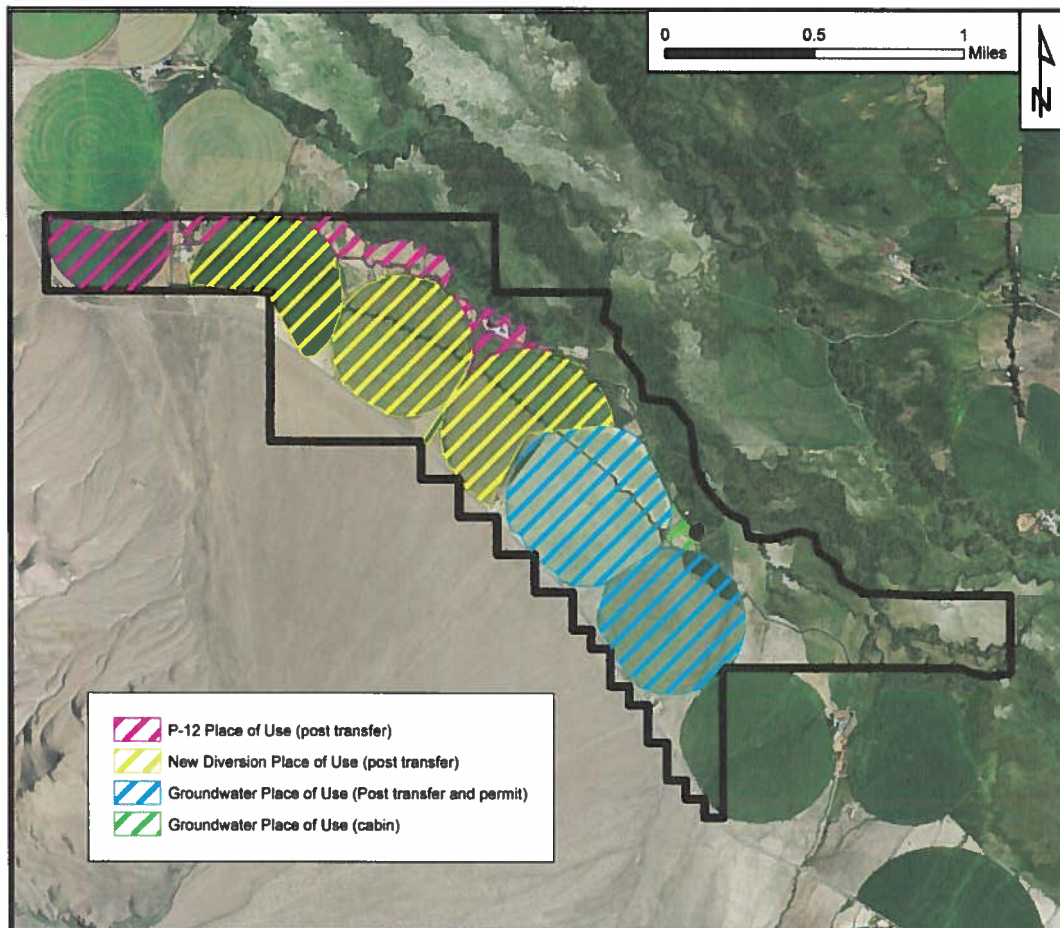


Figure 3. Proposed Place of Use

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.