

RECEIVED

MAR 12 2013

1 of 5

Department of Water Resources
EAST IDAHO
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) McFarland Livestock Co. Inc. c/o Tex J. Kauer Phone (208) 768-2711Mailing address P.O. Box 50, Lemhi, ID 83465 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

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

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ 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.

Tex J. Kauer, pres
Signature of Applicant or Authorized Representative

Tex J. Kauer, Pres. March 13, 2013
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**. The purpose is to increase efficiency by converting from flood irrigation to pivot sprinkler irrigation.

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 ☒ ☐	74-11		irrigation	3/15 to 11/15	Hawley Creek
☒ ☐	74-12		irrigation	3/15 to 11/15	Hawley Creek
☒ ☐	74-16		irrigation	3/15 to 11/15	Hawley Creek
☒ ☐	74-29		irrigation	3/15 to 11/15	Hawley Creek
☒ ☐	74-30		irrigation	3/15 to 11/15	Hawley Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 15.7 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 15.7 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

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

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

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	27E	10															11.0	27.8	38.8
15N	27E	11							27.6	8.4	0.8	31.8	9.7						78.3
15N	27E	14						27.7	23.0	11.8	37.7	38.7	13.0	12.3					164.2
15N	27E	15	40	30.8	15.8	33.2									35.4	35.7	25	24.5	240.4

Total Acres (for irrigation use) 521.7

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 new ditch headworks will have a fish screen provided by Idaho Department of Fish & Game and a lockable, controllable pipeline intake. The new sprinkler irrigation will have a flow meter.

- b. Who owns the property at the point(s) of diversion? Bureau of Land Management

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
The existing delivery ditch has a pre-FLPMA right-of-way.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
This transfer will change the footprint of the POU to accommodate a pivot irrigation system.

- 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:
There are no other water rights associated with the POU.

- 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

Water Right Report 74-11

WATER RIGHT NUMBER: 74-11

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MC FARLAND LIVESTOCK CO INC C/O TEX J KAUER PO BOX 50 LEMHI, ID 83465 (208)768-2711
Original Owner	MAYBELLE ELLSWORTH PO BOX 27 LEADORE, ID 83464 (208)768-2664
Original Owner	SCOTT L WHITWORTH PO BOX 147 MAY, ID 83253 (208)876-4226
Original Owner	LYNN HARRINGTON HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Original Owner	JOHN E PHIPPS PO BOX 3048 TALLAHASSEE, FL 82303 (904)893-1226
Original Owner	DIXIE L WHITWORTH PO BOX 134 MAY, ID 83253 (208)876-4432
Original Owner	JAMES ELLSWORTH PO BOX 27 LEADORE, ID 83464
Original Owner	FREDRICK C HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Attorney	ROBERT L HARRIS HOLDEN KIDWELL HAHN & CRAPO PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620

Priority Date: 03/27/1911

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HAWLEY CREEK	EIGHTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-11

HAWLEY CREEK
LEMHI County

NW1/4SW1/4NE1/4

Sec. 2, Twp 15N, Rge 27E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	27E	10															17.0	38.0	55.0
15N	27E	11											21.0						21.0
15N	27E	14																6.8	198.4
15N	27E	15	39.0	31.0	15.0	32.0									37.0	39.1	27.2	27.0	247.3

Total Acres: 521.7

Conditions of Approval:

1. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
2. F06 The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.
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.
4. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. E55 USE OF THIS RIGHT WITH RIGHT NO. 74-12 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 77.3 ACRES IN A SINGLE IRRIGATION SEASON.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. X35 Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.
8. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
9. 029 Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-12

WATER RIGHT NUMBER: 74-12

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MC FARLAND LIVESTOCK CO INC C/O TEX J KAUER PO BOX 50 LEMHI, ID 83465 (208)768-2711
Original Owner	JAMES ELLSWORTH PO BOX 27 LEADORE, ID 83464
Original Owner	LYNN HARRINGTON HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Original Owner	SCOTT L WHITWORTH PO BOX 147 MAY, ID 83253 (208)876-4226
Original Owner	MAYBELLE ELLSWORTH PO BOX 27 LEADORE, ID 83464 (208)768-2664
Original Owner	JOHN E PHIPPS PO BOX 3048 TALLAHASSEE, FL 82303 (904)893-1226
Original Owner	DIXIE L WHITWORTH PO BOX 134 MAY, ID 83253 (208)876-4432
Original Owner	FREDRICK C HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Attorney	ROBERT L HARRIS HOLDEN KIDWELL HAHN & CRAPO PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620

Priority Date: 10/16/1908

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HAWLEY CREEK	EIGHTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-12

HAWLEY CREEK
LEMHI County

NW1/4SW1/4NE1/4

Sec. 2, Twp 15N, Rge 27E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	27E	10															17.0	38.0	55.0
15N	27E	11										21.0							21.0
15N	27E	14					35.0	24.0	16.0	19.6	38.0	23.0	36.0				6.8		198.4
15N	27E	15	39.0	31.0	15.0	32.0									37.0	39.1	27.2	27.0	247.3

Total Acres: 521.7

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 74-11 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 77.3 ACRES IN A SINGLE IRRIGATION SEASON.
4. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
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. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. X35 Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.
8. 029 Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
9. F06 The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-16

WATER RIGHT NUMBER: 74-16

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN E PHIPPS PO BOX 3048 TALLAHASSEE, FL 82303 (904)893-1226
Original Owner	FREDRICK C HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Original Owner	LYNN HARRINGTON HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Current Owner	MC FARLAND LIVESTOCK CO INC C/O TEX J KAUER PO BOX 50 LEMHI, ID 83465 (208)768-2711
Original Owner	JAMES ALLSWORTH PO BOX 27 LEADORE, ID 83464
Original Owner	DIXIE L WHITWORTH PO BOX 134 MAY, ID 83253 (208)876-4432
Original Owner	SCOTT L WHITWORTH PO BOX 147 MAY, ID 83253 (208)876-4226
Original Owner	MAYBELLE ELLSWORTH PO BOX 27 LEADORE, ID 83464 (208)768-2664
Attorney	ROBERT L HARRIS HOLDEN KIDWELL HAHN & CRAPO PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620

Priority Date: 04/13/1911

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HAWLEY CREEK	EIGHTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	6.400 CFS	
	<u>Total Diversion:</u>	6.400 CFS	

Location of Point(s) of Diversion

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-16

HAWLEY CREEK
LEMHI County

NW1/4SW1/4NE1/4

Sec. 2, Twp 15N, Rge 27E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	27E	10															17.0	38.0	55.0
15N	27E	11										21.0							21.0
15N	27E	14					35.0	24.0	16.0	19.6	38.0	23.0	36.0				6.8		198.4
15N	27E	15	39.0	31.0	15.0	32.0									37.0	39.1	27.2	27.0	247.3

Total Acres: 521.7

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. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. 029 Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
4. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. X27 This right is limited to the irrigation of 324 acres within the place of use described above in a single irrigation season.
6. F06 The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
9. X35 Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-29

WATER RIGHT NUMBER: 74-29

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN E PHIPPS PO BOX 3048 TALLAHASSEE, FL 82303 (904)893-1226
Current Owner	MC FARLAND LIVESTOCK CO INC C/O TEX J KAUER PO BOX 50 LEMHI, ID 83465 (208)768-2711
Original Owner	SCOTT L WHITWORTH PO BOX 147 MAY, ID 83253 (208)876-4226
Original Owner	LYNN HARRINGTON HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Original Owner	FREDRICK C HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Original Owner	DIXIE L WHITWORTH PO BOX 134 MAY, ID 83253 (208)876-4432
Original Owner	MAYBELLE ELLSWORTH PO BOX 27 LEADORE, ID 83464 (208)768-2664
Original Owner	JAMES ELLSWORTH PO BOX 27 LEADORE, ID 83464
Attorney	ROBERT L HARRIS HOLDEN KIDWELL HAHN & CRAPO PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620

Priority Date: 04/01/1881

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HAWLEY CREEK	EIGHTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-29

HAWLEY CREEK
LEMHI County

NW1/4SW1/4NE1/4

Sec. 2, Twp 15N, Rge 27E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	27E	10															17.0	38.0	55.0
15N	27E	11										21.0							21.0
15N	27E	14						35.0	24.0	16.0	19.6	38.0	23.0	36.0			6.8		198.4
15N	27E	15	39.0	31.0	15.0	32.0									37.0	39.1	27.2	27.0	247.3

Total Acres: 521.7

Conditions of Approval:

1. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
3. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. 029 Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
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. F06 The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. E55 USE OF THIS RIGHT WITH RIGHT NO. 74-30 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 120.4 ACRES IN A SINGLE IRRIGATION SEASON.
9. X35 Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-30

WATER RIGHT NUMBER: 74-30

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JAMES ELLSWORTH PO BOX 27 LEADORE, ID 83464
Original Owner	FREDRICK C HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Original Owner	JOHN E PHIPPS PO BOX 3048 TALLAHASSEE, FL 82303 (904)893-1226
Original Owner	LYNN HARRINGTON HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Current Owner	MC FARLAND LIVESTOCK CO INC C/O TEX J KAUER PO BOX 50 LEMHI, ID 83465 (208)768-2711
Original Owner	SCOTT L WHITWORTH PO BOX 147 MAY, ID 83253 (208)876-4226
Original Owner	MAYBELLE ELLSWORTH PO BOX 27 LEADORE, ID 83464 (208)768-2664
Original Owner	DIXIE L WHITWORTH PO BOX 134 MAY, ID 83253 (208)876-4432
Attorney	ROBERT L HARRIS HOLDEN KIDWELL HAHN & CRAPO PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620

Priority Date: 08/01/1883

Basis: Decreed

Status: Active

Source

HAWLEY CREEK

Tributary

EIGHTEENMILE CREEK

Beneficial Use

IRRIGATION

From _____ To _____

03/15 to 11/15

Diversion Rate

5.000 CFS

Annual VolumeTotal Diversion:

5.000 CFS

Location of Point(s) of Diversion

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-30

HAWLEY CREEK
LEMHI County

NW1/4SW1/4NE1/4

Sec. 2, Twp 15N, Rge 27E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	27E	10															17.0	38.0	55.0
15N	27E	11										21.0							21.0
15N	27E	14					35.0	24.0	16.0	19.6	38.0	23.0	36.0				6.8		198.4
15N	27E	15	39.0	31.0	15.0	32.0									37.0	39.1	27.2	27.0	247.3

Total Acres: 521.7

Conditions of Approval:

1. F06 The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.
2. 029 Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
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.
4. E55 USE OF THIS RIGHT WITH RIGHT NO. 74-29 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 120.4 ACRES IN A SINGLE IRRIGATION SEASON.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
6. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. X35 Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not exceed the irrigation of 521.7 acres.
8. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:

APPLICATION FOR TRANSPORTATION AND
UTILITY SYSTEMS AND FACILITIES
ON FEDERAL LANDS

FORM APPROVED
OMB Control Number: 0596-0082
Expiration Date: 10/31/2012

FOR AGENCY USE ONLY

Application Number

Date Filed

3. Telephone (area code)

Applicant

Authorized Agent

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

1. Name and address of applicant (include zip code)

McFarland Livestock Co. Inc.
P.O. Box 50
32 Maiers Lane
Lemhi, ID 83465

2. Name, title, and address of authorized agent*
(different from item 1 (include zip code))

Tex Kauen, President
P.O. Box 50
32 Maiers Lane
Lemhi, ID 83465

4. As applicant are you? (check one)

- a. ☐ Individual
b. ☒ Corporation*
c. ☐ Partnership/Association*
d. ☐ State Government/State Agency
e. ☐ Local Government
f. ☐ Federal Agency

* If checked, complete supplemental page

5. Specify what application is for: (check one)

- a. ☒ New authorization
b. ☐ Renewing existing authorization No.
c. ☐ Amend existing authorization No.
d. ☐ Assign existing authorization No.
e. ☐ Existing use for which no authorization has been received *
f. ☐ Other*

* If checked, provide details under item 7

6. If an individual, or partnership are you a citizen(s) of the United States? ☐ Yes ☐ No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (Length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (Attach additional sheets, if additional space is needed.)

8. Attach a map covering area and show location of project proposal

9. State or Local government approval: ☐ Attached ☐ Applied for ☒ Not Required

10. Nonreturnable application fee: ☐ Attached ☐ Not required

11. Does project cross international boundary or affect international waterways? ☐ Yes ☒ No (if "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

I am technically and financially capable to construct, operate, maintain and terminate system for which authorization is being requested.

13a. Describe other reasonable alternative and modes considered.

Following the roadway was a possibility.

b. Why were these alternatives not selected?

Best Alternative due to less disturbance.

c. Give explanation as to why it is necessary to cross Federal Lands.

^{It is}
Not feasible to divert from any other location

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

Idaho Fish & Game, Salmon Office is applying for a right-of-way for the fish screen associated with this project.

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

Habitation restoration for endangered fish. (a) cost of proposal is \$775,000
(b) No alternative available. (c) Agricultural efficiency and public benefit is increased stream flow.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

Population is minimal. All social and economic aspects are positive.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

a - No effect on air quality b - Visual impact is c. Surface water quantity increases, No effect on ground water. New pipeline diversion point of diversion on stream is moved upstream 300 ft. structure with fish screen.
d. existing noise levels - No effect.
f. Land surface during construction will follow Best Management Practices.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

a - The goal of the project is to increase water quantity instream which will positively influence aquatic life and riparian habitats.
b - No effect

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

Any hazardous material used in construction will be used according to Best Management Practices.

20. Name all the Department(s)/Agency(ies) where this application is being filed.

Salmon BLM Office

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

John J. Kauer, Pres.

Date

December 31, 2012

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

1/8/2013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78495

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

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

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

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

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

78495

