

RECEIVED
FEB 14 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78433

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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Sweet Potato Ranch, LLC C/O: Joe Clark, Aviation Partners Phone 800-946-4538

Mailing address 7299 Perimeter Road South, Seattle, WA 98108 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.

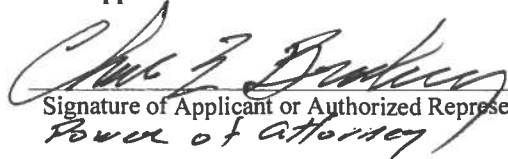
☐ No Representative

Name of Representative Charles E Brockway, Brockway Engineering PLLC Phone 208-736-8543

Mailing address 2016 Washington St. North, Suite #4 Twin Falls, ID 83301 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.


Signature of Applicant or Authorized Representative
Power of Attorney

Sweet Potato Ranch, LLC
Joseph Clark
Print Name and Title if applicable

2/14/2013
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 seeks to create permissible place of use on property. All diversion rate limits and irrigated acre limits will remain. Applicant seeks changes to create increased irrigation efficiency and flexibility within the

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 ☒ ☐	37-4440	0.47 / 186.1	Irrigation	4/15 to 10/31	Ground Water / NA
☒ ☐		0.03 /	Stockwater	01/01 to 12/31	Ground Water / NA
☒ ☐		/ 5.0	Recreation Storage	01/01 to 12/31	Ground Water / NA
☒ ☐	37-22250	0.68 / 119.0	Irrigation	4/01 to 10/31	Ground Water / NA
☒ ☐	37-22251	1.82 / 318.5	Irrigation	4/01 to 10/31	Ground Water / NA
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.97 cfs and/or 623.6 ac-ft

2. Total amount of water proposed to be transferred or changed 2.97 cubic feet per second and/or 623.6 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	
02N	18E	17							2.3	21	34	35							92.3
02N	18E	18			15		1.4	0.2	2.7	32	0.3		1.1	12	31	19	21	25	141.7
02N	18E	17							S	S	S	S							160.7 jc
02N	18E	18			S		S	S	S	S	S		S	S	S,RS	S	S	S,RS	

RS = Recreation Storage.

Total Acres (for irrigation use) 234.0

*Total irrigated acres from all sources are limited within proposed PPU to 198.5 acres.

253.0
changes per
map & consultant
3/4/13 jc

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: _____
Ground water points of diversion will be interconnected via buried and portable mainline, measuring devices will be installed per guidance set forth and required by the Upper Wood Rivers Water Measurement District.

- b. Who owns the property at the point(s) of diversion? Applicant.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
N/A.

- 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: N/A.

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:
None, total irrigated acre limit to remain the same.

- 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:
37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-8670, 37-12396. See accompanying surface water right transfer application.

- 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.: 37-4440

Current Owner: SWEET POTATO RANCH LLC
Priority Date: 12/31/1950
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.03 CFS	5 AF
RECREATION STORAGE	01/01 to 12/31		186.1 AF
IRRIGATION	04/15 to 10/31	0.47 CFS	191.1 AF
	<u>Total Diversion</u>	0.47 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4SE1/4	Sec. 18, Twp 02N, Rge 18E B.M.
BLAINE County		
GROUND WATER	NW1/4NW1/4SE1/4	Sec. 18, Twp 02N, Rge 18E B.M.
BLAINE County		
GROUND WATER	NW1/4NW1/4SE1/4	Sec. 18, Twp 02N, Rge 18E B.M.
BLAINE County		
GROUND WATER	L5(NW1/4SE1/4SE1/4)	Sec. 18, Twp 02N, Rge 18E B.M.
BLAINE County		
GROUND WATER	NW1/4NW1/4SE1/4	Sec. 18, Twp 02N, Rge 18E B.M.
BLAINE County		

Place of Use

STOCKWATER Within BLAINE County

T02N R18E S17	Lot 3	SWNW	T02N R18E S17	Lot 4	SENW
T02N R18E S17		NESW	T02N R18E S17		NWSW
T02N R18E S17	Lot 1	SWSW	T02N R18E S18		SWNE
T02N R18E S18		NENW	T02N R18E S18		SENW
T02N R18E S18		NESW	T02N R18E S18		NESE
T02N R18E S18		NWSE	T02N R18E S18		SWSE
T02N R18E S18	Lot 5	SESE			

RECREATION STORAGE Within BLAINE County

T02N R18E S18	NESE	T02N R18E S18	Lot 5	SESE
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IRRIGATION Within BLAINE County

T02N R18E S17	Lot 3	SWNW	2.90	T02N R18E S17	Lot 4	SENW	23.00
T02N R18E S17		NESW	8.60	T02N R18E S17		NWSW	27.00
T02N R18E S17	Lot 1	SWSW	1.10	T02N R18E S18		SWNE	15.00
T02N R18E S18		NENW	1.20	T02N R18E S18		SENW	27.00
T02N R18E S18		NESW	1.20	T02N R18E S18		NESE	21.00
T02N R18E S18		NWSE	18.00	T02N R18E S18		SWSE	17.00
T02N R18E S18	Lot 5	SESE	22.00				

Total Acres: 185

Conditions of Approval:

1. K06 This right is limited to the irrigation of 65.4 acres within the place of use described above in a single irrigation season.
2. E56 The rights listed below are limited to the irrigation of a combined total of 185 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, and 37-4440.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. The rights listed below are limited to 3.50 af per acre for irrigation purposes in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440 and 37-12396.
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: 5/3/2011

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

Current Water Right No.: 37-22250

Current Owner: SWEET POTATO RANCH LLC

Priority Date: 8/3/1990

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.68 CFS	119 AF
	<u>Total Diversion</u>	0.68 CFS	119 AF

Location of Point(s) of Diversion

GROUND WATER	SE 1/4SW 1/4SE 1/4	Sec. 18,	Twp 02N,	Rge 18E B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T02N R18E S18	SWSE	16.00	T02N R18E S18	Lot 5	SESE	18.00
Total Acres: 34						

Conditions of Approval:

1. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. The volume of water diverted in connection with this right shall not exceed the amount needed to supplement the appurtenant surface water rights for the irrigation of 34 acres, up to a maximum of 119 AF of ground water.
4. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
5. X35 Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, and 37-22250 when combined shall not exceed the total combined diversion rate and number of acres decreed in the SRBA for rights 37-548, 37-549, 37-1222, 37-2142 and 37-4440. Currently rights 37-548, 37-549, 37-1222, 37-2142 and 37-4440 are recommended by the Department for decree with a combined total diversion rate of 9.81 cfs and a combined irrigation limit of 180 acres.
6. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

Licensed Date: 6/18/2008

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

Current Water Right No.: 37-22251

Current Owner: SWEET POTATO RANCH LLC

Priority Date: 8/3/1990

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.82 CFS	318.5 AF
	<u>Total Diversion</u>	1.82 CFS	318.5 AF

Location of Point(s) of Diversion

GROUND WATER
BLAINE County

SE1/4NE1/4SE1/4 Sec. 18, Twp 02N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T02N R18E S17	Lot 3	SWNW	2.40	T02N R18E S17	Lot 4	SENE	22.00
T02N R18E S17		NESW	24.00	T02N R18E S17		NWSW	34.00
T02N R18E S18		SWNE	14.00	T02N R18E S18		NENW	0.70
T02N R18E S18	Lot 2	SWNW	1.70	T02N R18E S18		SENE	27.00
T02N R18E S18		NESW	0.40	T02N R18E S18		NESE	19.00
T02N R18E S18		NWSE	14.00	T02N R18E S18	Lot 5	SESE	5.30

Total Acres: 164.5

Conditions of Approval:

1. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
2. The volume of water diverted in connection with this right shall not exceed the amount needed to supplement the appurtenant surface water rights for the irrigation of 91 acres, up to a maximum of 318.5 AF of ground water.
3. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-22250 and 37-22251 when combined shall not exceed the irrigation of 198.5 acres.
5. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. X35 Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-22250 and 37-22251 when combined shall not exceed the total combined diversion rate decreed in the SRBA for rights 37-548, 37-549, 37-1222, 37-2142 and 37-4440. Currently rights 37-548, 37-549, 37-1222, 37-2142 and 37-4440 are recommended by the Department for decree with a total combined diversion rate of 9.81 cfs.
7. X27 This right is limited to the irrigation of 91 acres within the place of use described above in a single irrigation season.

Licensed Date: 6/18/2008

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:

- [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)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

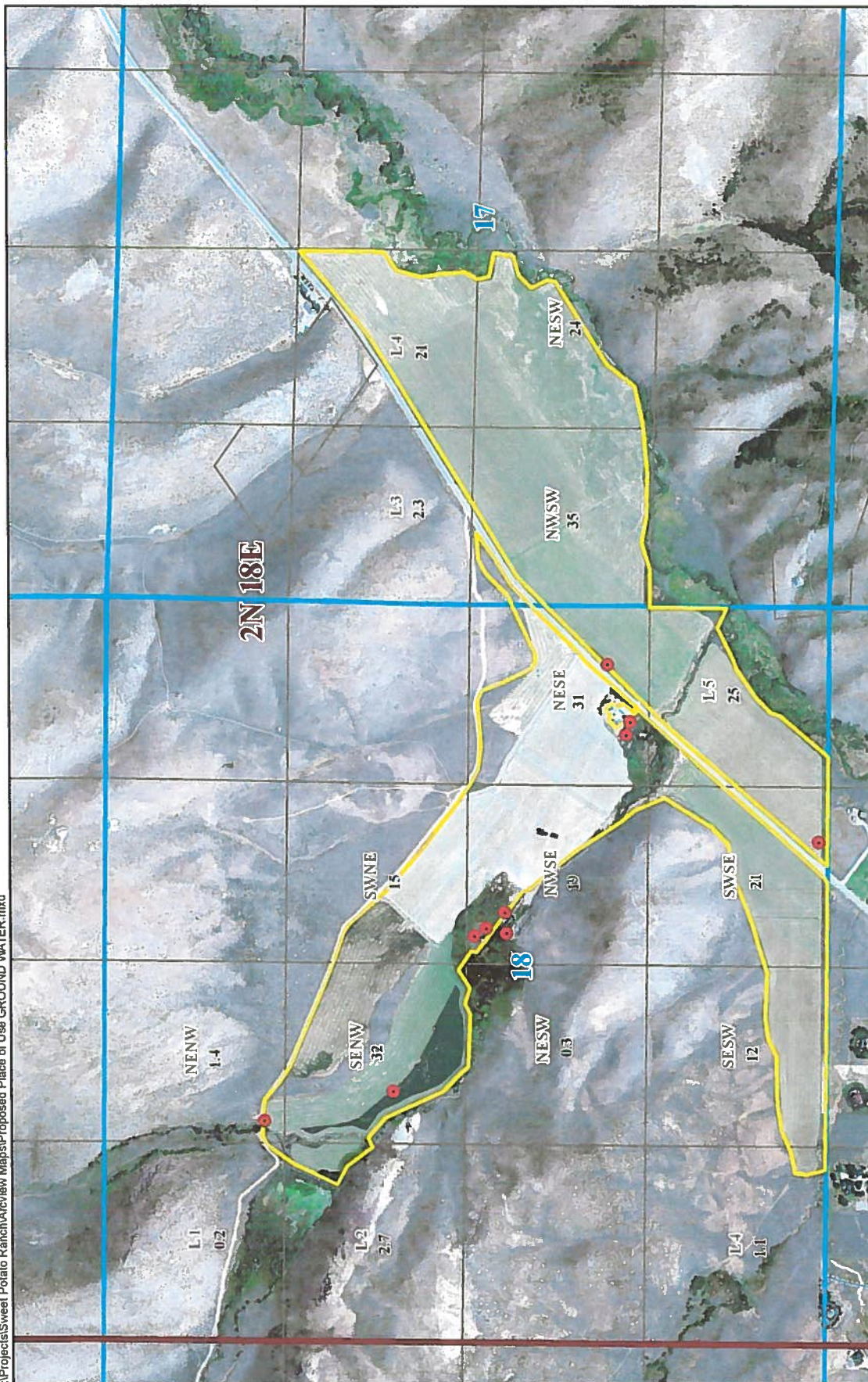
FOR DEPARTMENT USE ONLY

Transfer contains 11 pages and _____ attachments.

Received by J. Cooper Date 2/15/2013 Prelim. Check by _____ Date _____

Fee Paid 980.00 Date 2/15/2013 Received by J. Cooper Receipt # 5033050

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



0 500 1,000 2,000 Feet

SWEET POTATO RANCH, LLC PROPOSED PPU GROUND WATER NAIP 2011 AERIAL

LEGEND

- Existing Points of Diversion
- Proposed Place of Use=243 Ac.
- Hydroship
- Sections
- Adasc



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 29, 2013

SWEET POTATO RANCH LLC
C/O JOE CLARK, AVIATION PARTNERS
7299 PERIMETER RD S
SEATTLE, WA 98108

RE: Transfer No. 78432
Water Right No(s). 37-1222, 37-12396, 37-2142, 37-4138, 37-548, 37-549, 37-8670

RE: Transfer No. 78433
Water Right No(s). 37-22250, 37-22251, 37-4440

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS on 4/3/2013 and 4/10/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**April 22, 2013**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc:

BROCKWAY ENGINEERING PLLC
C/O ZACH LATHAM
2016 N WASHINGTON ST STE 4
TWIN FALLS, ID 83301



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 29, 2013

KEVIN LAKEY
WATER DISTRICT #37
107 W 1ST
SHOSHONE, ID 83352

RE: Transfer No. 78432
Water Right No(s). 37-1222, 37-12396, 37-2142, 37-4138, 37-548, 37-549, 37-8670

RE: Transfer No. 78433
Water Right No(s). 37-22250, 37-22251, 37-4440

RE: Transfer No. 78485
Water Right No(s). 37-4325

Dear Mr. Lakey:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 28, 2013 4:53 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mountain Express Cover Letter.docx; Idaho Mountain Express Ad.docx

Attached please find (1) legal notice being submitted for publication on April 3rd & 10th, 2013. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

March 28, 2013

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Application For Permit No.(s): 37-22815

RE: Transfer No. 78432
Water Right No(s): 37-1222, 37-12396, 37-2142, 37-4138, 37-548, 37-549, 37-8670

RE: Transfer No. 78433
Water Right No(s): 37-22250, 37-22251, 37-4440

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before April 22, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-22815

BLAINE COUNTY SCHOOL DISTRICT #61

118 W BULLION ST

HAILEY, ID 83333

Point of Diversion SENE S13 T04N R17E BLAINE County Source GROUND WATER Tributary

Use: HEATING 01/01 to 12/31 1.2 CFS

Use: COOLING 01/01 to 12/31 1.2 CFS

Total Diversion: 1.2 CFS

Date Filed: 3/19/2013

Place Of Use: HEATING & COOLING

T04N R17E S13 SWNE SENE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

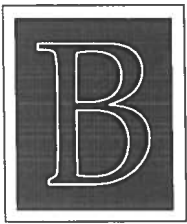
TRANSFER NO(S). 78432 & 78433

SWEET POTATO RANCH LLC, C/O JOE CLARK, AVIATION PARTNERS, 7299 PERIMETER RD S, SEATTLE, WA 98108; has filed Application No. 78432 for changes to the following water rights within BLAINE County(s): Right No(s). 37-1222, 37-12396, 37-2142, 37-4138, 37-548, 37-549, 37-8670 AND Application No. 78433 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22250, 37-22251, 37-4440. The purpose of the transfer is to change a portion of the above rights as follows: Applications for transfer 78432 & 78433 propose to change the place of use (POU) for the irrigation portions of surface and groundwater rights (9.08 CFS, 198.5 Acres) appurtenant to property located approximately 1.1 to 2.3 mi. W & 0.6 to 1.4 mi. S of Hailey. Applications propose to create a 253-acre permissible place of use (PPU) by including ground adjacent to the authorized POU. Upon approval, rights will be limited to 198.5 acres of irrigation annually, currently authorized under the rights, within the 253-acre PPU. Application 78432 also proposes to add an existing point of diversion (POD) on Democrat Gulch Creek, located approximately 2.0 mi. W & 0.9 mi. S of Hailey, as an authorized POD for Democrat Gulch irrigation rights 37-1222 & 37-12396. Application 78432 also proposes adding a point of injection and redirection to describe this additional Democrat Gulch Creek POD for wildlife, recreation, and heating purposes associated with right 37-8670 (0.08 CFS, Hailey Hot Springs). This application also proposes to change the POD for right 37-549 (3.11 CFS, Croy Creek), currently located approximately 2.1 mi. W & 1.8 mi. S of Hailey, to a new POD located downstream approximately 1.7 mi. W & 1.4 mi. S of Hailey.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before April 22, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on April 3rd & 10th, 2013



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
FEB 14 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

February 14th, 2013

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RE: Sweet Potato Ranch, LLC: Surface and Ground Water Right Transfer Applications.

Dear Allen,

Enclosed are two water right transfer applications in the name of Sweet Potato Ranch, LLC, one involving ground water rights and the other involving surface water rights on newly acquired property west of Hailey, ID. Sweet Potato Ranch, LLC seeks to create a permissible place of use (PPU) in which, irrigation will be limited to amounts listed on existing irrigation water rights as no new appropriation is sought. Sweet Potato Ranch, LLC also seeks to add a point of diversion on Croy Creek in association with water right 37-549 and an additional point of diversion on Democrat Gulch Creek to be used by other surface water rights named in the application.

Creation of a PPU on the property and the addition of points of diversion on Croy Creek and Democrat Gulch Creek will greatly increase the efficiency of the water delivery system on the property. Due to the significant cost associated with development of the PPU and associated points of diversion, we request that the applicant be allowed five years to complete the changes proposed in both water right transfer applications. A limited power of attorney is also enclosed authorizing Chuck Brockway Sr. to sign the application and make changes should they be necessary as determined by IDWR.

Please copy our office and Brockway Engineering on all correspondence regarding these water right transfer applications. Also included is a check for \$2920.00 to cover the cost of the water right transfer applications. Don't hesitate to give me a call should you have any further questions or comments. Thanks for your time and assistance on this matter.

Regards,

Zach Latham, M.S., Hydrologist.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

308-0739
19410

Enclosures: (2) Water Right Transfer Applications and Associated Maps
(1) Limited Power of Attorney
(4) Associated Maps
(1) Brockway Engineering Check # 11251

Cc: Sweet Potato Ranch, LLC c/o: Mr. Joe Clark
Jim Speck