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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78432

FEB 14 2013

MINIMUM REQUIREMENTS CHECKLIST

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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. _____

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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

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, add and change selected point of diversion locations. All diversion rate limits and irrigated acre limits will remain. Applicant seeks changes to create increased irrigation efficiency and flexibility within the place of use.

Changes per map
consultant - 3/4/13 jc

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF A WATER RIGHT
Supplemental Page for Description of Rights after Transfer**

	<u>Right Number</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part					
☒ ☐	37-548	3.6 /	Irrigation	4/15 to 10/31	Democrat&Lambs/Croy&De
☒ ☐	37-549	3.11 /	Irrigation	4/15 to 10/31	Croy Creek/Big Wood River
☒ ☐	37-1222	0.40 /	Irrigation	4/15 to 10/31	Democrat Gulch/Croy Creek
☒ ☐	37-2142	1.5 /	Irrigation	4/15 to 10/31	Hot Springs Gulch/Croy Crk.
☒ ☐	37-4138	0.15 /	Irrigation	4/15 to 10/31	Hailey Hot Springs/Democrat
☒ ☐	37-8670	0.08 / 37.7	Wildlife	01/01 to 12/31	Hailey Hot Springs/Democrat
☐ ☐		0.07 / 37.5	Heating	01/01 to 12/31	Hailey Hot Springs/Democrat
☐ ☐		0.01 / 0.2	Recreation	01/01 to 12/31	Hailey Hot Springs/Democrat
☒ ☐	37-12396	/ 29.6	Irrigation Storage	01/01 to 12/31	Democrat&Lambs/Croy&De
☐ ☐		/ 647.5	Irrigation From Storage	01/01 to 12/31	Democrat&Lambs/Croy&De
☐ ☐		/ 29.6	Recreation Storage	01/01 to 12/31	Democrat&Lambs/Croy&De
☐ ☐		10.0 /	Diversion to Storage	01/01 to 12/31	Democrat&Lambs/Croy&De
☐ ☐		0.03 /	Stockwater	01/01 to 12/31	Democrat&Lambs/Croy&De
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
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Total authorized under rights 18.84 cfs and/or 744.4 ac-ft

**Insert this page into Part 1B of the Application for Transfer of a Water Right.

Point of Diversion/Place of Use Supplement

WATER RIGHT 37-548

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.
- Changes per map consultant
3/4/13 jc

[illegible]

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

WATER RIGHT 37-549

Attachment to: ☐ Application for Permit to Appropriate Water
☐ Application for Amendment of Permit

☒ Application for Transfer**
☐ Beneficial Use Field Report

☐ Adjudication Claim
☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
☒ Yes	02N	18E	18	5		SE	SE	BLAINE	CROY CREEK	NEW PUMP STN.
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

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.

*Changes per map + consultant
3/4/13 - jc*

TWP	RGE	SEC	NE				NW				SW				SE				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~~ 160.7

Point of Diversion/Place of Use Supplement

WATER RIGHT 37-1222

Attachment to: ☐ Application for Permit to appropriate Water
☐ Application for Amendment of Permit

☒ Application for Transfer**
☐ Beneficial Use Field Report

☐ Adjudication Claim
☐ 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.

Changes as per map &
consultant - 3/4/13 j.c.

[illegible]

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement
WATER RIGHT 37-2142

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):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
☐ Yes	02N	18E	18	4		SW	SW	BLAINE	HOT SPRINGS GULCH	
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

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.
- Changes as per map & consultant
3/4/13-jc*

TWP	RGE	SEC	NE				NW				SW				SE				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~~ 160.7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement
WATER RIGHT 37-4138

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):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
☐ Yes	02N	18E	18		NW	NW	SE	BLAINE	HAILEY HOT SPRINGS	INJECTION
☐ Yes	02N	18E	18		NW	NW	SE	BLAINE	DEMOCRAT GULCH CR.	
☐ Yes	02N	18E	18	5	NW	SE	SE	BLAINE	DEMOCRAT GULCH CR.	RE-DIVERSION
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

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.

*Changes as per map + consultant
3/4/13 - JC*

TWP	RGE	SEC	NE				NW				SW				SE				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 <i>160.7</i>

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement
WATER RIGHT 37-8670

Attachment to: ☐ Application for Permit to Appropriate Water
☐ Application for Amendment of Permit

☒ Application for Transfer**
☐ Beneficial Use Field Report

☐ Adjudication of Water Right
☐ Statutory Claim

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SOUTHERN REGION

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes	02N	18E	18		NW	NW	SE	BLAINE	HAILEY HOT SPRINGS	
☒ Yes	02N	18E	18		NW	NW	SE	BLAINE	HAILEY HOT SPRINGS	INJECTION
☒ Yes	02N	18E	18		NW	NW	SE	BLAINE	HAILEY HOT SPRINGS	RE-DIVERSION
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

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.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	18													W			W	
02N	18E	18													G				
02N	18E	18													R			R	

Ds = Diversion to Storage, Rs = Recreation Storage.

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

WATER RIGHT 37-8670

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):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes	02N	18E	18		NW	NW	SE	BLAINE	HAILEY HOT SPRINGS	
☒ Yes	02N	18E	18			NW	SE	BLAINE	DEMOCRAT GULCH CR.	
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

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.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	18													W				
02N	18E	18													G				
02N	18E	18													R				

Ds = Diversion to Storage, Rs = Recreation Storage.

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

WATER RIGHT 37-12396

Attachment to: ☐ Application for Permit to Appropriate Water
☐ Application for Amendment of Permit

☒ Application for Transfer**
☐ Beneficial Use Field Report

☐ Adjudication of Water Claim
☐ Statutory Claim

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SOUTHERN REGION

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
☐ Yes	02N	18E	18		SW	NE	NW	BLAINE	LAMBS GULCH CREEK	
☐ Yes	02N	18E	18	2	NE	SW	NW	BLAINE	LAMBS GULCH CREEK	RE-DIVERSION
☐ Yes	02N	18E	18	2		SW	NW	BLAINE	LAMBS GULCH CREEK	INJECTION
☐ Yes	02N	18E	18	2		SW	NW	BLAINE	DEMOCRAT GULCH CR.	
☐ Yes	02N	18E	18	5		SE	SE	BLAINE	DEMOCRAT GULCH CR.	
☒ Yes	02N	18E	18			NW	SE	BLAINE	DEMOCRAT GULCH CR.	RE-DIVERSION
☒ Yes	02N	18E	18			NW	SE	BLAINE	LAMBS GULCH CREEK	RE-DIVERSION
☐ Yes										
☐ Yes										
☐ Yes										

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.

TWP	RGE	SEC	NE				NW				SW				SE				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							
02N	18E	18			S		S	S	S	S	S		S	S	S	S	S	S	
02N	18E	18						Rs	Rs						Rs			Rs	
02N	18E	18						Is	Is						Is			Is	
02N	18E	18					Ds	Ds	Ds										

Rs = RECREATION STORAGE, Is = IRRIGATION STORAGE, Ds = DIVERSION TO STORAGE.

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

WATER RIGHT 37-12396

Attachment to: ☐ Application for Permit to Appropriate Water
☐ Application for Amendment of Permit

☒ Application for Transfer**
☐ Beneficial Use Field Report

☐ Adjudication Claim
☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes	02N	18E	18		SW	NE	NW	BLAINE	LAMBS GULCH CREEK	
☐ Yes	02N	18E	18	2	NE	SW	NW	BLAINE	DEMOCRAT GULCH CR.	RE-DIVERSION
☐ Yes	02N	18E	18	2		SW	NW	BLAINE	DEMOCRAT GULCH CR.	INJECTION
☐ Yes	02N	18E	18	5		SW	NW	BLAINE	DEMOCRAT GULCH CR.	
☐ Yes	02N	18E	18	5		SE	SE	BLAINE	DEMOCRAT GULCH CR.	
☒ Yes	02N	18E	18			NW	SE	BLAINE	DEMOCRAT GULCH CR.	rediversion
☒ Yes	2N	18E	18			NW	SE	BLAINE	DEMOCRAT GULCH CR.	rediversion
☐ Yes										
☐ Yes										
☐ Yes										

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.

TWP	RGE	SEC	NE				NW				SW				SE				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							
02N	18E	18			S		S	S	S	S	S		S	S	S	S	S	S	
02N	18E	18							Rs	Rs					Rs			Rs	
02N	18E	18							Is	Is					Is			Is	
02N	18E	18							Ds	Ds	Ds								

Rs = RECREATION STORAGE, Is = IRRIGATION STORAGE, Ds = DIVERSION TO STORAGE.

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

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:
Select surface water points of diversion will be interconnected via buried and portable mainline.
- 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:
37-4440, 37-22250, 37-22251. See accompanying ground 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.: 37-548

Current Owner: SWEET POTATO RANCH LLC

Priority Date: 6/1/1880

Origin: Water Right

Status: Active

Basis: Decreed

Source

DEMOCRAT GULCH CREEK
LAMBS GULCH CREEK

Tributary

CROY CREEK
DEMOCRAT GULCH CREEK

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

3.6 CFS

3.6 CFS

Annual Volume

Location of Point(s) of Diversion

DEMOCRAT GULCH CREEK BLAINE County	L2(NE1/4SW1/4NW1/4)	Sec. 18,	Twp 02N,	Rge 18E B.M.
DEMOCRAT GULCH CREEK BLAINE County	NW1/4NW1/4SE1/4	Sec. 18,	Twp 02N,	Rge 18E B.M.
DEMOCRAT GULCH CREEK BLAINE County	NE1/4SW1/4SE1/4	Sec. 18,	Twp 02N,	Rge 18E B.M.
LAMBS GULCH CREEK BLAINE County	SW1/4NE1/4NW1/4	Sec. 18,	Twp 02N,	Rge 18E B.M.
DEMOCRAT GULCH CREEK BLAINE County	L5(NW1/4SE1/4SE1/4)	Sec. 18,	Twp 02N,	Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T02N R18E S17	Lot 3	SWNW	3.40	T02N R18E S17	Lot 4	SENW	22.00
T02N R18E S17		NESW	8.20	T02N R18E S17		NWSW	26.00
T02N R18E S17	Lot 1	SWSW	0.90	T02N R18E S18		SWNE	15.00
T02N R18E S18		NENW	1.10	T02N R18E S18		SENW	25.00
T02N R18E S18		NESW	0.40	T02N R18E S18		NESE	21.00
T02N R18E S18		NWSE	19.00	T02N R18E S18		SWSE	16.00
T02N R18E S18	Lot 5	SESE	22.00				

Total Acres: 180

Page 13 of 25

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 180 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, and 37-4440.
2. U42 Place of use does not include federal public lands.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
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.

Decreed Date: 5/3/2011

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

Current Water Right No.: 37-549

Current Owner: SWEET POTATO RANCH LLC
Priority Date: 6/30/1882
Origin: Water Right
Status: Active
Basis: Decreed

Source

CROY CREEK

Tributary

BIG WOOD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

3.11 CFS

Annual Volume

Total Diversion

3.11 CFS

Location of Point(s) of Diversion

CROY CREEK

NE1/4SE1/4NW1/4

Sec. 19, Twp 02N, Rge 18E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T02N R18E S17	Lot 3	SWNW	2.90	T02N R18E S17	Lot 4	SENE	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		NESE	7.30
T02N R18E S18		SWSE	4.60	T02N R18E S18	Lot 5	SESE	21.00

Total Acres: 95.5

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 185 acres in a single irrigation season. Combined Right Nos.: 37-548, 37-549, 37-1222, 37-2142, 37-4138, and 37-4440.
4. U42 Place of use does not include federal public lands.
5. 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.

Decreed Date: 5/3/2011

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

Current Water Right No.: 37-1222

Current Owner: SWEET POTATO RANCH LLC

Priority Date: 6/9/1911

Origin: Water Right

Status: Active

Basis: Decreed

Source

DEMOCRAT GULCH

Tributary

CROY CREEK

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.4 CFS

Annual Volume

Total Diversion

0.4 CFS

Location of Point(s) of Diversion

DEMOCRAT GULCH

BLAINE County

L2(NE1/4SW1/4NW1/4)

Sec. 18, Twp 02N, Rge 18E B.M.

DEMOCRAT GULCH

BLAINE County

NE1/4SW1/4SE1/4

Sec. 18, Twp 02N, Rge 18E B.M.

DEMOCRAT GULCH

BLAINE County

L5(NW1/4SE1/4SE1/4)

Sec. 18, Twp 02N, Rge 18E B.M.

Place of Use

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. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
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. 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, and 37-4440.
5. K06 This right is limited to the irrigation of 108.9 acres within the place of use described above in a single irrigation season.
6. U42 Place of use does not include federal public lands.
7. 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.

Decreed Date: 5/3/2011

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

Current Water Right No.: 37-2142

Current Owner: SWEET POTATO RANCH LLC

Priority Date: 6/24/1909

Origin: Water Right

Status: Active

Basis: Decreed

Source

HOT SPRINGS GULCH

Tributary

CROY CREEK

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

1.5 CFS

1.5 CFS

Annual Volume

Location of Point(s) of Diversion

HOT SPRINGS GULCH

BLAINE County

L4(SW1/4SW1/4)

Sec. 18, Twp 02N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T02N R18E S17	Lot 3	SWNW	2.90	T02N R18E S17	Lot 4	SENE	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		NESE	7.30
T02N R18E S18		SWSE	4.60	T02N R18E S18	Lot 5	SESE	21.00

Total Acres: 95.5

Conditions of Approval:

1. U42 Place of use does not include federal public lands.
2. K06 This right is limited to the irrigation of 75 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. 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.
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. 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.

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Decreed Date: 5/3/2011

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

Current Water Right No.: 37-4138

Current Owner: SWEET POTATO RANCH LLC

Priority Date: 12/31/1948

Origin: Water Right

Status: Active

Basis: Decreed

Source

HAILEY HOT SPRINGS

Tributary

DEMOCRAT GULCH

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

0.15 CFS

0.15 CFS

Annual Volume

Location of Point(s) of Diversion

HAILEY HOT SPRINGS

BLAINE County

L5(NW1/4SE1/4SE1/4) Sec. 18, Twp 02N, Rge 18E B.M.
(Rediversion)

HAILEY HOT SPRINGS

BLAINE County

NW1/4NW1/4SE1/4 Sec. 18, Twp 02N, Rge 18E B.M.
(Injection)

HAILEY HOT SPRINGS

BLAINE County

NW1/4NW1/4SE1/4 Sec. 18, Twp 02N, Rge 18E B.M.
(Injection)

Place of Use

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. 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.
2. E51 Right Nos. 37-4138 and 37-4139 are limited to a total combined diversion rate of 0.15 cfs.
3. K06 This right is limited to the Irrigation of 65.4 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. 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. 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.

Decreed Date: 5/3/2011

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

Current Water Right No.: 37-8670

Current Owner: SWEET POTATO RANCH LLC

Priority Date: 8/13/1990

Origin: Water Right

Status: Active

Basis: License

Source

HAILEY HOT SPRINGS

Tributary

DEMOCRAT GULCH CREEK

<u>Beneficial Use</u>	<u>From To</u>
WILDLIFE	01/01 to 12/31
HEATING	01/01 to 12/31
RECREATION	01/01 to 12/31
	<u>Total Diversion</u>

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.08 CFS	37.7 AF
0.07 CFS	37.5 AF
0.01 CFS	0.2 AF
0.08 CFS	37.7 AF

Location of Point(s) of Diversion

HAILEY HOT SPRINGS
BLAINE County

NW1/4NW1/4SE1/4 Sec. 18, Twp 02N, Rge 18E B.M.

Place of Use

WILDLIFE Within BLAINE County

T02N R18E S18 NESE

HEATING Within BLAINE County

T02N R18E S18 NESE

RECREATION Within BLAINE County

T02N R18E S18 NESE

Conditions of Approval:

1. X10 Low temperature geothermal water diverted under this right shall not be used for wildlife purposes unless it is first used for heating and recreation purposes.
2. 027 Use of water under this right shall be non-consumptive.
3. 09D Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.

Licensed Date: 2/4/2008

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

Current Water Right No.: 37-12396

Current Owner: SWEET POTATO RANCH LLC

Priority Date: 8/23/1957

Origin: Water Right

Status: Active

Basis: Decreed

Source

DEMOCRAT GULCH CREEK
LAMBS GULCH CREEK

Tributary

CROY CREEK
DEMOCRAT GULCH CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	01/01 to 12/31	10 CFS	
IRRIGATION STORAGE	01/01 to 12/31		29.6 AF
RECREATION STORAGE	01/01 to 12/31		29.6 AF
IRRIGATION FROM STORAGE	04/15 to 10/31		647.5 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	
	<u>Total Diversion</u>	10 CFS	647.5 AF

Location of Point(s) of Diversion

DEMOCRAT GULCH CREEK BLAINE County	L2(N E 1/4 SW 1/4 NW 1/4)	Sec. 18, Twp 02N, Rge 18E B.M.
LAMBS GULCH CREEK BLAINE County	SW 1/4 NE 1/4 NW 1/4	Sec. 18, Twp 02N, Rge 18E B.M.
LAMBS GULCH CREEK BLAINE County	L2(N E 1/4 SW 1/4 NW 1/4) (Rediversion)	Sec. 18, Twp 02N, Rge 18E B.M.
LAMBS GULCH CREEK BLAINE County	L2(SW 1/4 SW 1/4 NW 1/4) (Injection)	Sec. 18, Twp 02N, Rge 18E B.M.
DEMOCRAT GULCH CREEK BLAINE County	L5(N E 1/4 SE 1/4 SE 1/4)	Sec. 18, Twp 02N, Rge 18E B.M.

Place of Use

RECREATION STORAGE Within BLAINE County

T02N R18E S18	Lot 1	NWNW	T02N R18E S18	Lot 2	SWNW
T02N R18E S18		NESE	T02N R18E S18	Lot 5	SESE

IRRIGATION FROM STORAGE 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

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			

Place of Use: DIVERSION TO STORAGE same as RECREATION STORAGE

Place of Use: IRRIGATION STORAGE same as RECREATION STORAGE

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. U42 Place of use does not include federal public lands.
3. 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.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. The 10 cfs flow rate represents diversion from the west channel of Lambs Gulch to the upper reservoir located in T02N, R18E W1/2 NW1/4 located on Democrat Gulch.
6. The point of diversion described as T02N R18E S18 SWNENW is located on the west channel of Lambs Gulch.
7. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Decreed Date: 5/3/2011

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.:

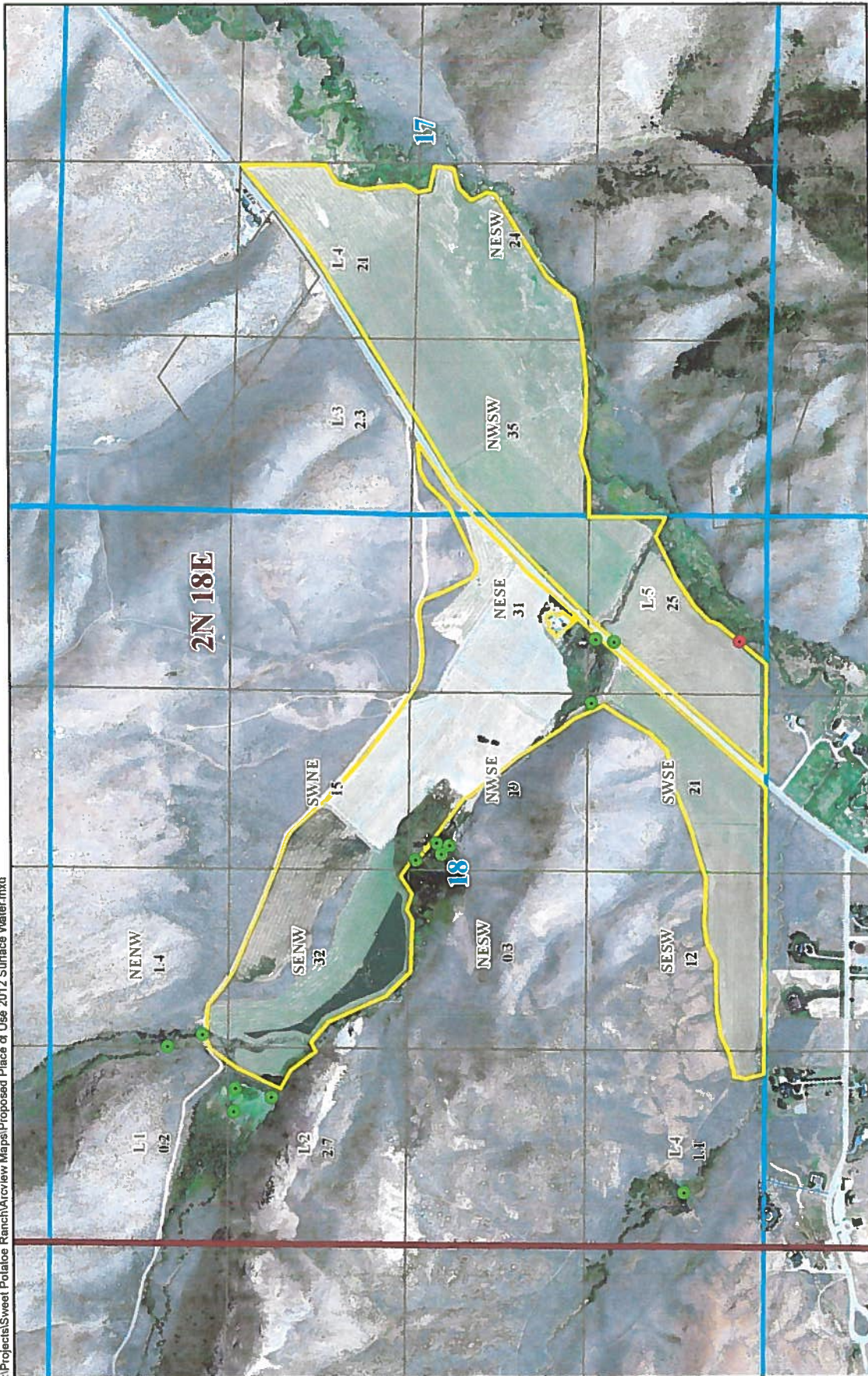
FOR DEPARTMENT USE ONLY

Transfer contains 25 pages and _____ attachments.

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

Fee Paid \$1940.00 Date 2/15/2013 Received by J. Cooper Receipt # 5633050

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

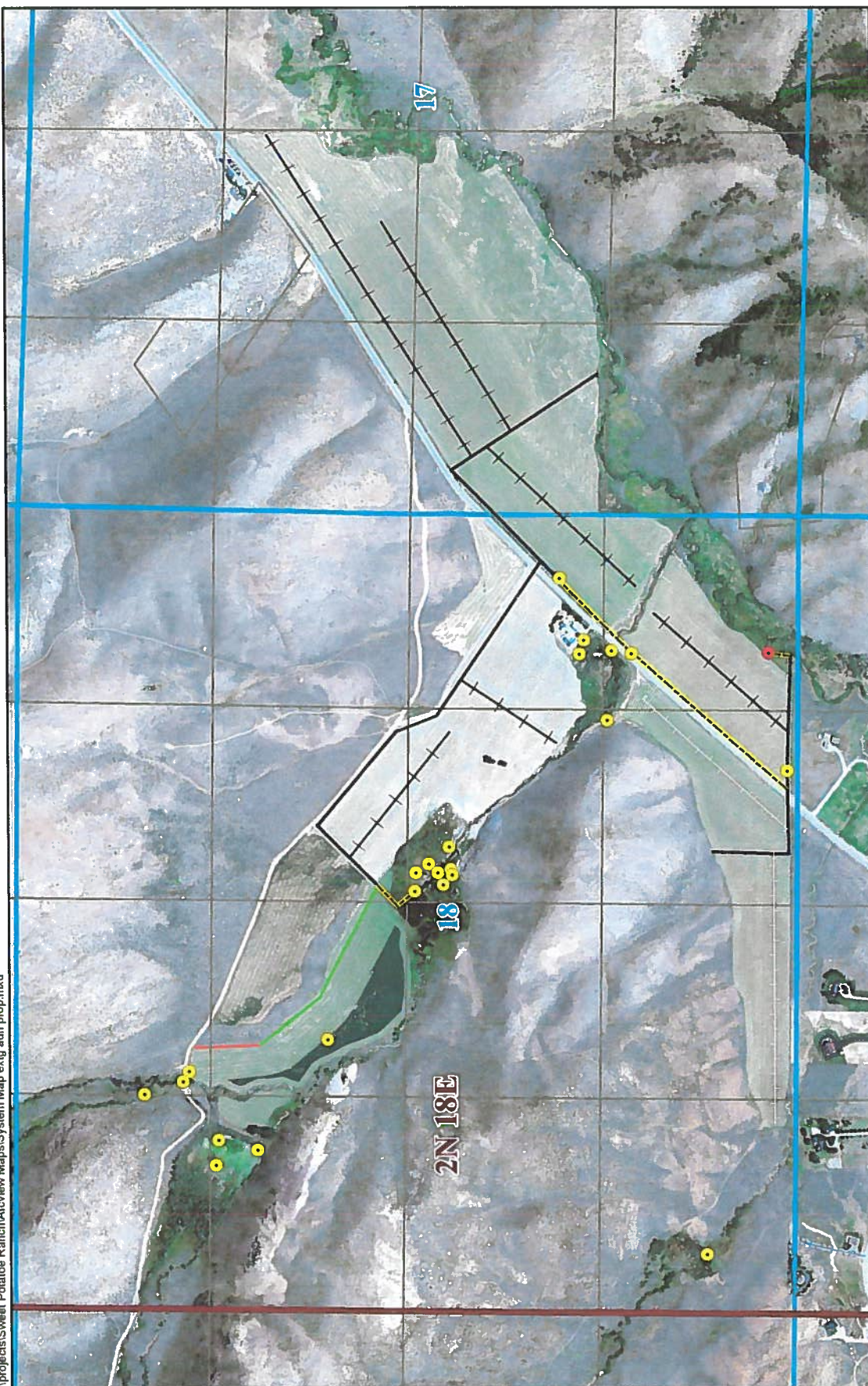


0 405 810 1,620 Feet

- LEGEND**
- Existing PODs
 - Proposed POD
 - Proposed Place of Use=243 Ac.
 - Township
 - Sections
 - Landesc

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

BROCKWAY ENGINEERING, PLLC.
ALR - JAN. 22, 2013

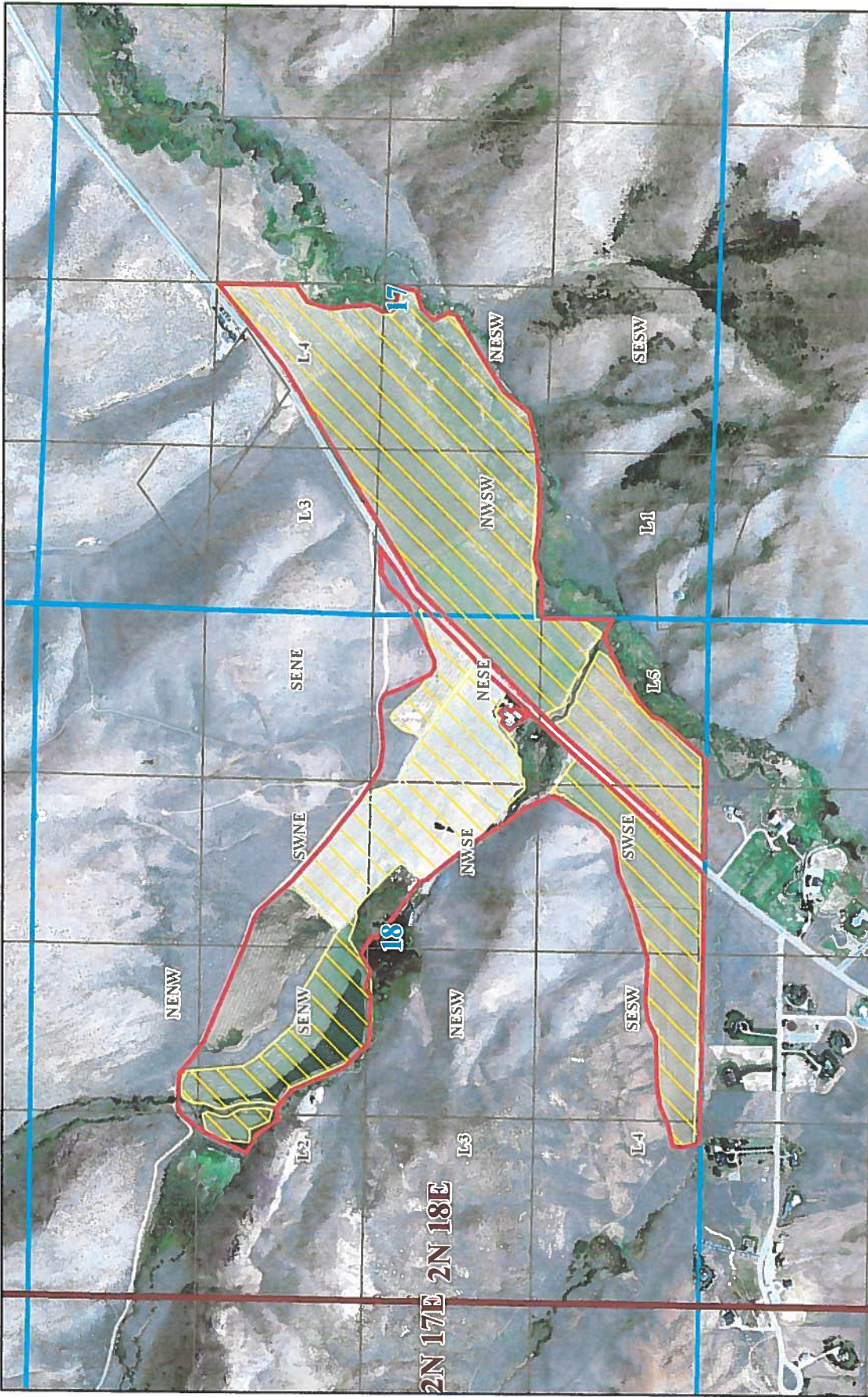


Existing Pipes
 4" 6" 8" HL WL
 Sections
 ladesc
 Proposed PODs
 Existing PODs
 Proposed_Piping

SWEET POTATO RANCH, LLC IRRIGATION SYSTEM MAP NAIP 2011 AERIAL

Feet
 0 500 1,000 2,000

F:\projects\Sweet Potatoe Ranch\Arcview Maps\Irrigation POU in PPU 2013.mxd



0 500 1,000 2,000 Feet

SWEET POTATO RANCH, PLLC **PROPOSED IRRIGATION IN PPU 2013** **NAIP 2011 AERIAL**

LEGEND

-  Proposed Place of Use
-  Proposed Irrigation 198.5_Ac
-  township
-  Sections
-  ladesec

BROCKWAY ENGINEERING, PLLC.
ALR - JAN. 22, 2013

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Joseph Clark, Member of Sweet Potato Ranch, LLC, hereby nominate and appoint Charles E. Brockway as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transactions before the Idaho Department of Water Resources, described as follows:

All water rights transactions involving water rights owned by Sweet Potato Ranch, LLC.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 23 day of JAN. 2013.

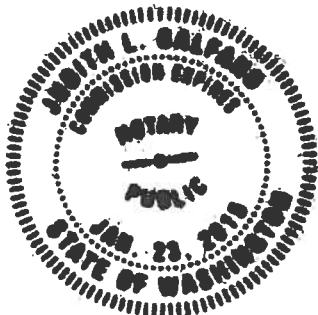
Signature

State of WA)
County of KING) ss.

On this 23RD Day of JAN., 2013, before me, a Notary Public in and for said County and State, personally appeared JOSEPH CLARK, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

S
E
A
L



Notary Public JUDITH L. GALFANO
In and for said State and County

JAN. 23, 2015
My Commission Expires



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

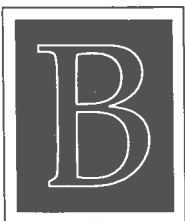
TRANSFER NO(S). 78432 & 78433

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 rediversion 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

March 27th, 2013

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

RECEIVED
MAR 27 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RE: Sweet Potato Ranch, LLC: Surface Water Right Transfer Application
Amendments- 37-12396 and 37-8670.

Dear Jeff,

Enclosed are two amended water right supplement pages for 37-8670 and 37-12396, meant to supersede those originally submitted to IDWR on February 14th 2013. Each amended supplement intends to clarify and describe the decreed and proposed points of diversion and place of use associated with these two water rights as discussed earlier this morning in conversations with yourself, Corey Skinner of IDWR and Zach Latham of Brockway Engineering.

Please copy our office and Brockway Engineering on all correspondence regarding the applicants' 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,

Charles. E. Brockway, Ph.D., P.E.

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

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

Enclosures: (2) Amended Water Right Transfer Supplement Pages

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Cooper, Jeff

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Monday, March 11, 2013 8:49 AM
To: Cooper, Jeff
Subject: RE: Combined Limits on Sweet Potato Ranch

Jeff-

After reviewing the individual water right volumes listed below, I would agree that these numbers are correct per water right (surface water total combined volume limitation may differ, if any). Please let me know if you need anything else regarding these two water right transfer applications, thanks again for your time.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-308-0739
f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Cooper, Jeff [mailto:Jeff.Cooper@idwr.idaho.gov]
Sent: Friday, March 08, 2013 10:00 AM
To: Zach Latham
Subject: RE: Combined Limits on Sweet Potato Ranch

I swear we went over this, but my notes are too sketchy. The flow works out, no problem. Here's what I get for volume:

T78432 (Surface rights)
37-12396: 647.5 AF
37-8670: 37.7 AF
Total: 685.2 AF

It shouldn't matter since we based the fee on the flow rate (18.84 CFS: \$1940), but I want to have it correct on the data entry.

T75433 (Groundwater Rights)
37-4440: 191.10 AF (you have 186.10 which is only the irrigation)
37-22250: 119 AF
37-22251: 318.5 AF
Total: 628.6 AF (You have 623.6, but that is from the discrepancy with 37-4440)

We did base the fee off the AF in this case, but the difference between your numbers and my numbers are the same fee (\$980). However, I would like to have this correct on the data entry. Can you just let me know if you agree with these numbers? I don't want to make any changes you don't agree with.

-Jeff C

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]

Sent: Friday, March 08, 2013 8:15 AM

To: Cooper, Jeff

Subject: RE: Combined Limits on Sweet Potato Ranch

I think I just went down the line and added all the volumes up, not sure if that's a limit or not. It was more for calculating what the filing fee would be for the transfer if anything. Let me know your thoughts.

Zach Latham

Hydrologist

Brockway Engineering, P.L.L.C.

2016 Washington Street North, Suite 4

Twin Falls, ID 83301

t. 208-736-8543

c.208-308-0739

f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Cooper, Jeff [<mailto:Jeff.Cooper@idwr.idaho.gov>]

Sent: Friday, March 08, 2013 8:00 AM

To: Zach Latham

Subject: RE: Combined Limits on Sweet Potato Ranch

I swear we discussed this, but I am having difficulty figuring out where the transfer volume of 744.4 AFA comes from. I don't foresee any other questions on the horizon.

-Jeff C.

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]

Sent: Thursday, March 07, 2013 4:03 PM

To: Cooper, Jeff

Subject: RE: Combined Limits on Sweet Potato Ranch

Jeff-

Based on our telephone conversation, I agree the total discharge limitation on 37-22050 and 37-22051 should be 9.08 cfs when combined with 37-548, 37-549, 37-1222, 37-2142, and 37-4440, as the total discharge established by SRBA decrees of water rights 37-548, 37-549, 37-1222, 37-2142, and 37-4440 appears to be 9.08 cfs. I also understand that limits with these five rights and 37-22051 with regards to acreage still stands at 198.5 total acres. Please give me a call with any other concerns you may have in the application generation process, thanks again.

Zach Latham

Hydrologist

Brockway Engineering, P.L.L.C.

2016 Washington Street North, Suite 4

Twin Falls, ID 83301

t. 208-736-8543

c.208-308-0739

f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Cooper, Jeff [<mailto:Jeff.Cooper@idwr.idaho.gov>]

Sent: Thursday, March 07, 2013 11:00 AM

To: Zach Latham

Subject: Combined Limits on Sweet Potato Ranch

Just finishing up some of the data entry on those transfers and it looks like the condition on 37-22250 & 37-22251 limit the flow to that established by rights 37-548, 37-549, 37-1222, 37-2142, and 37-4440. Apparently, according to the conditions, when the license was issued in 2008, the recommendations for those rights had a total of 9.81 CFS. When I add up the flow rates for those rights now, it looks like it is 9.08 CFS. I haven't dug deep enough to see where the difference was, but I wanted to make sure you agreed with my total before I proceeded. So let me know what you think.

-Jeff C.

Jeffrey S. Cooper, Sr. Water Resource Agent

IDWR Southern Region

1341 Fillmore St., Suite 200, Twin Falls, ID 83301

Ph: (208) 736-3033 Fax: (208) 736-3037

e-mail: jeff.cooper@idwr.idaho.gov

Cooper, Jeff

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Monday, March 04, 2013 11:26 AM
To: Cooper, Jeff
Subject: Sweet Potato Ranch, LLC- 2 shapefiles: POU, Proposed Irrigation
Attachments: Irrigation_POU_198.5_Ac.dbf; Irrigation_POU_198.5_Ac.sbn; Irrigation_POU_198.5_Ac.sbx; Irrigation_POU_198.5_Ac.shp; Irrigation_POU_198.5_Ac.shx; Proposed Place of Use.dbf; Proposed Place of Use.sbn; Proposed Place of Use.sbx; Proposed Place of Use.shp; Proposed Place of Use.shx; Proposed Place of Use.prj; Irrigation_POU_198.5_Ac.prj

Jeff-

On behalf of Sweet Potato Ranch LLC, please see the attached ArcMap files showing the 1). Proposed PPU for both surface and ground water (same proposed PPU) and 2). Proposed 2013 Irrigated Acres within proposed PPU. Give me a call with comments or questions, thanks.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-308-0739
f. 208-736-8506
zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

FILED EFFECTIVE

2012 NOV -7 AM 10:17

(Instructions on back of application)

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Sweet Potato Ranch, LLC

2. The complete street and mailing addresses of the initial designated office:

7299 Perimeter Rd. S.

(Street Address)

Seattle, Washington, 98108

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

Mark Brown

(Name)

131 W. 4th St., Ketchum, ID 83340

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name

Address

S. B. Joseph Clark

7299 Perimeter Rd. S., Seattle, WA 98108

5. Mailing address for future correspondence (annual report notices):

7299 Perimeter Rd. S., Seattle, WA 98108

6. Future effective date of filing (optional): N/A

Signature of a manager, member or authorized person.

Signature

Typed Name: S. B. Joseph Clark, Member/Manager

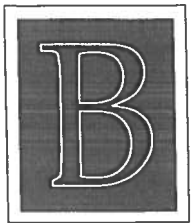
Signature

Typed Name: _____

Secretary of State use only

IDAHO SECRETARY OF STATE
11/07/2012 05:00
CK: 10849 CT: 276015 BH: 1346700
1 @ 100.00 = 100.00 ORGAN LLC # 2
1 @ 20.00 = 20.00 EXPEDITE C # 3

W118803



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.

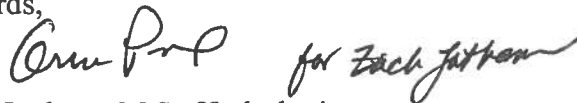
Dear Allen,

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