

RECEIVED

NOV 20 2012

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

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

- Yes N/A * Means the item is 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: _____

RECEIVED

NOV 20 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78260

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

WATER RESOURCES
WESTERN REGION

Name of Applicant(s) Basin and Range Resource Co., LLC

Phone (775) 885-5000

Mailing address 3480 GS Richards Blvd., Ste 101 Carson City, NV 89703

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 Dana L. Hofstetter

Phone (208) 424-7800

Mailing address 608 W. Franklin St., Boise, ID 83702

Email dana@idahowaterlaw.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative

Dorothy Timinau-Palmer 11/15/12

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. To create a permissible place of use**.

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 ☒ ☐	63-07867	6.0 / 1350.0	IRRIGATION	4/1 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.0 cfs and/or 1350 ac-ft

2. Total amount of water proposed to be transferred or changed 6.0 cubic feet per second and/or 1350 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	
6N	4W	28			40	40				40	40			40	40	40	40		320

Total Acres (for irrigation use) 300 in 320 PPU

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:

Two existing wells, one booster pump, a pipeline system to distribute water to entire farm via pivots, and hand lines. In-line flow meters are in place to ensure that the authorized amount of water is being pumped.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: No.

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The farm will have the flexibility to irrigate on any field on the property which will improve farm management. The number of irrigated acres will be limited to the as decreed amount.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☒ | ☐ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

Currently a portion being 19.1 acres of water right 63-7867 is banked for the 2012 irrigation season. The lease will expire December 31, 2012.

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 6 pages and 2 attachments.

Received by RS Date 11-20-12 Prelim. Check by SC Date 3/7/13

Fee Paid 980- Date 11-20-12 Received by RS Receipt # W040725

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

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

Current Water Right No.: 63-7867

Current Owner: BASIN AND RANGE RESOURCE COMPANY LLC

Priority Date: 9/13/1973

Origin: Water Right

Status: ~~Water Supply Bank~~ **Active**

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	6 CFS	1350 AF
	Total Diversion	6 CFS	1350 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4SW1/4	Sec. 28,	Twp 06N,	Rge 04W B.M.
PAYETTE County				
GROUND WATER	SW1/4SE1/4	Sec. 28,	Twp 06N,	Rge 04W B.M.
PAYETTE County				

Place of Use

IRRIGATION Within PAYETTE County

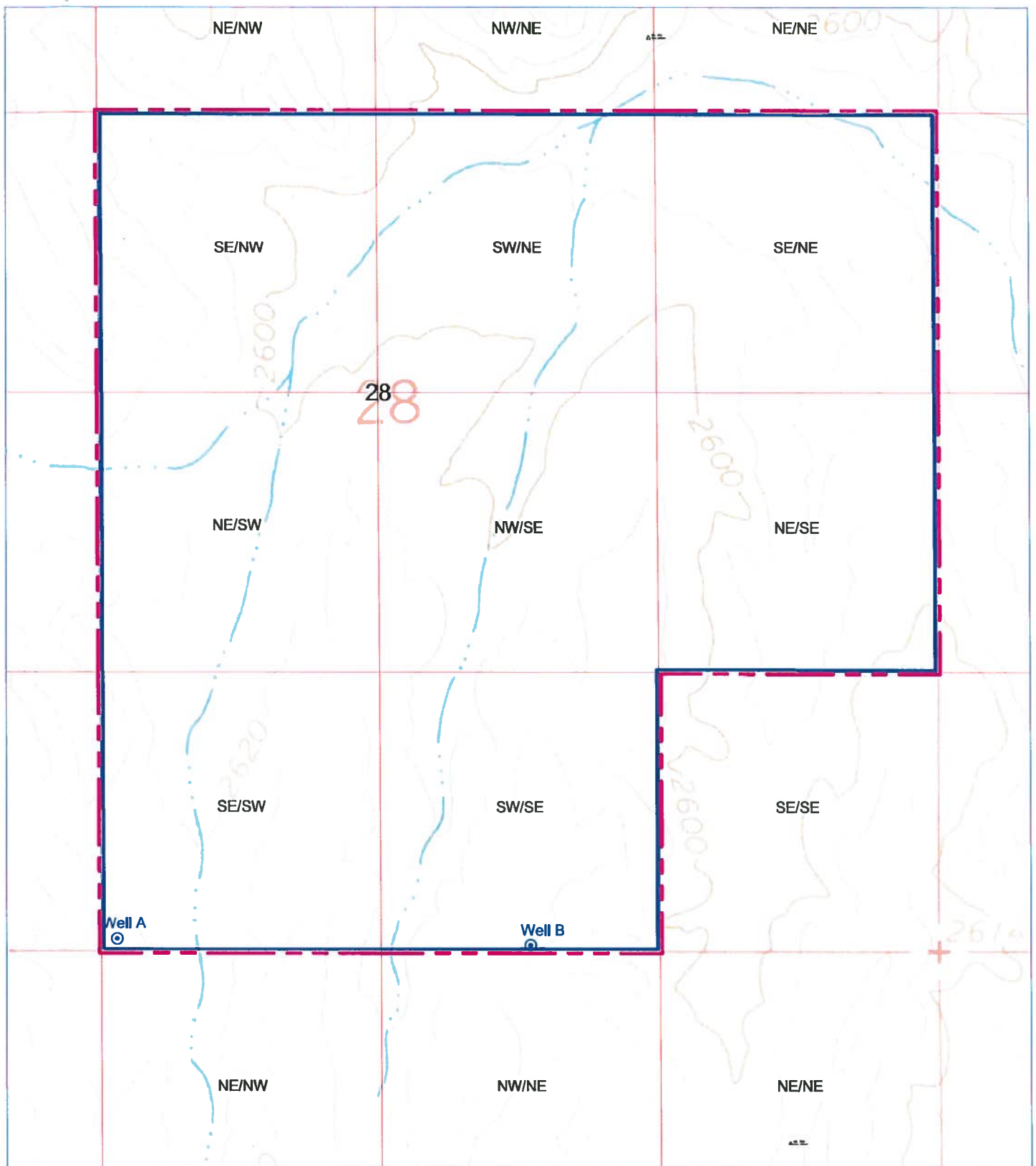
T06N R04W S28	SWNE	40.00	T06N R04W S28	SENE	40.00
T06N R04W S28	SENW	20.00	T06N R04W S28	NESW	40.00
T06N R04W S28	SESW	40.00	T06N R04W S28	NESE	40.00
T06N R04W S28	NWSE	40.00	T06N R04W S28	SWSE	40.00

Total Acres: 300

Conditions of Approval:

1. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
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. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Decreed Date: 3/24/2009



Legend

- Wells
- Permissible Place of Use
- Basin & Range Property Line

ATTACHMENT #7a - 63-7876

Basin & Range Resource
Company, LLC

PPU and PODs

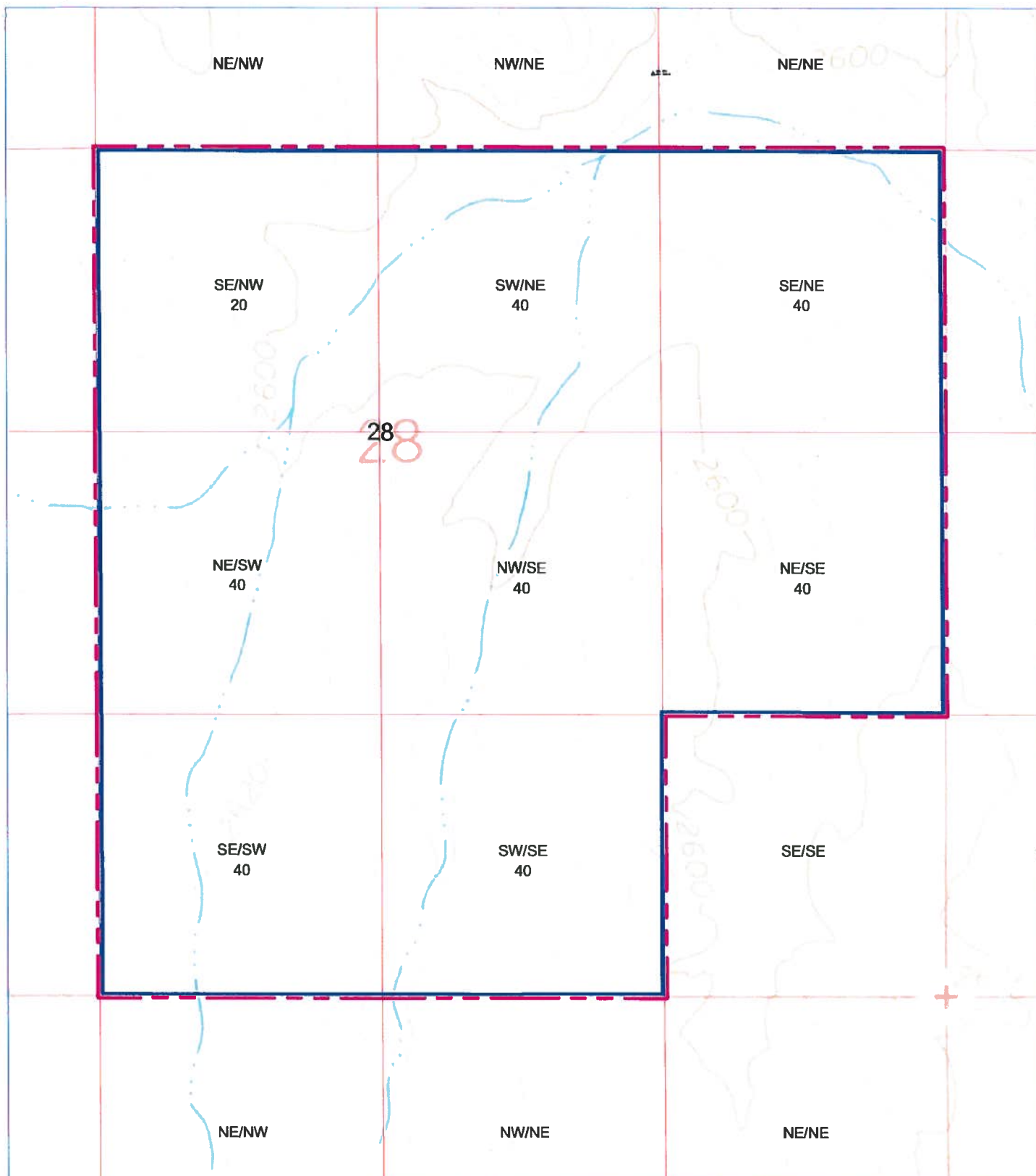
Date: 10/2/2012

0' 300' 600'



Township 6 North, Range 4 West
Section 28, Payette County, Idaho

USGS 7.5 Minute Series Parma Quadrangle
1965 - Photoinspected 1975



Legend

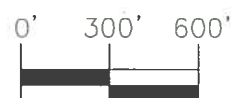
NW/SE Quarter Quarter
40 Existing POU Acres

 Permissible Place of Use
 Basin & Range Property Line

ATTACHMENT #7b - 63-7876
 Basin & Range Resource
 Company, LLC

Changes to Place of Use

Date: 10/2/2012



Township 6 North, Range 4 West
 Section 28, Payette County, Idaho

USGS 7.5 Minute Series Parma Quadrangle
 1965 - Photoinspected 1975

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, March 13, 2013 4:58 PM
To: LISAALLISON@QWESTOFFICE.NET
Subject: Legal Ad
Attachments: Payette Cover Letter.docx; Payette Combined Ad.docx

Categories: Legal Ad Confirmed

Lisa Allison,

Please see the attached ad for publication on 3/20/2013 & 3/27/2013.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant I
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

March 13, 2013

LEGAL NOTICE DEPARTMENT
INDEPENDENT ENTERPRISE
124 S MAIN
PAYETTE, ID 83661

RE: Application for Permit No. 65-23528
Application for Transfer No's: 78260 & 78276

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 4/8/2013. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

65-23528

PRAIRIE WIND RANCH LLC

5025 CAMPSTOOL RD

CHEYENNE, WY 82007

Point of Diversion SENE S12 T09N R03W PAYETTE County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 1 CFS

Total Diversion: 1 CFS

Date Filed: 9/26/2012

Place Of Use: IRRIGATION

T09N R02W S6 L7(SWSW)

T09N R02W S7 L1(NWNW)

T09N R03W S1 NESE SESE

T09N R03W S12 NENE

Total Acres: 51

PROPOSED CHANGE OF WATER RIGHT(S)

Basin & Range Resource Co., LLC of 3480 GS Richards Blvd., Suite 101, Carson City, NV 89703 filed Application Nos. **78260** and **78276** to transfer two water rights with 1973 and 1974 priority dates from ground water totaling 8.4 cfs. The purpose of the transfers is to create permissible places of use on lands owned by the applicant. Transfer 78260 creates a 320 acre permissible place of use where 300 acres can be irrigated in a single irrigation season and Transfer 78276 creates a 218 acre permissible place of use where 120 acres can be irrigated in a single irrigation season. The points of diversion under both rights remain the same. The general location of the places of use is approximately 3 miles southwest of the Black Canyon Interchange on I-84.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; 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, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 4/8/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 3/20/2013 and 3/27/2013

BASIN AND RANGE RESOURCE COMPANY, LLC.

3480 GS Richards Blvd., Suite 101 • Carson City, NV 89703 • Tel 775.885.5000 • Fax 775-885-5005

November 19, 2012

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705 – 5082

Re: Application for Transfer of Water Rights Nos. 63-7867, 63-31418

To whom it may concern,

Attached are two applications for transfer of water rights and two copies, the transfer is to change the permissible place of use for water rights 63-7867 and 63-31418. Please stamp and return the copies in receipt of receiving the applications in the self addressed envelope included.

There is one check in the amount of \$1,640.00 with fees for water transfer applications, fees of \$980.00 are for application transfer of water rights 63-07867. A fee in the amount of \$660.00 is for the application 63-31418.

Thank you,



LeAnn Brandt
Water Rights Specialist

MEMORANDUM

TO: Transfer Nos. 78260 and 78276

FROM: Sharla

DATE: March 7, 2013

RE: Evaluation of Applications

The transfers propose creation of permissible places of use on lands owned by the applicant. Transfer 78260 creates a 320-acre permissible place of use where 300 acres can be irrigated in a single irrigation season and Transfer 78276 creates a 218 acres permissible place of use where 120 acres can be irrigated in a single irrigation season. The points of diversion under both rights will remain as recorded. The general location of the places of use is approximately 3 miles southwest of the Black Canyon Interchange on I-84.

Contact person for the applicant is attorney Dana Hofstetter.

Summary of Information Submitted

Authority to File: Applicant is owner of record and is therefore authorized to file the transfers.

Water Right Validity: Rights presumed to be valid because the partial decrees were issued within the past five year period (2009 and 2010).

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement will occur; diversion rate and volume and number of acres irrigated per season will remain as authorized by the rights.

Local Public Interest: Irrigation is considered to be in the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Data entry affected the correct records. Partial decrees were issued and migrated to wr records.

Dialog with Monica VanBussum at the S.O. confirms that no Water Supply Bank contracts are in play for either of the rights identified in the transfers.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 N/A since new wells are not proposed.

PROPOSED CHANGE OF WATER RIGHT(S)

Basin & Range Resource Co., LLC of 3480 GS Richards Blvd., Suite 101, Carson City, NV 89703 filed Application Nos. 78260 and 78276 to transfer two water rights with 1973 and 1974 priority dates from ground water totaling 8.4 cfs. The purpose of the transfers is to create permissible places of use on lands owned by the applicant. Transfer 78260 creates a 320 acre permissible place of use where 300 acres can be irrigated in a single irrigation season and Transfer 78276 creates a 218 acre permissible place of use where 120 acres can be irrigated in a single irrigation season. The points of diversion under both rights remain the same. The general location of the places of use is approximately 3 miles southwest of the Black Canyon Interchange on I-84.

For additional information concerning the property location, please contact Western Region office at 208-334-2190 or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before <date>. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on <dates>