

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No.

77965 78259
RECEIVED

**MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**

APR 24 2012

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. *all transfer*
 - ☒ * 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. 77965 78259
RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT **APR 24 2012**
PART 1

Name of Applicant(s) Jackie P. Post Phone 599-0400
Mailing address P.O. Box 298, Mountain Home, Id. 83647 Email CALZOLA@earthlink.net

- ☐ 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**.

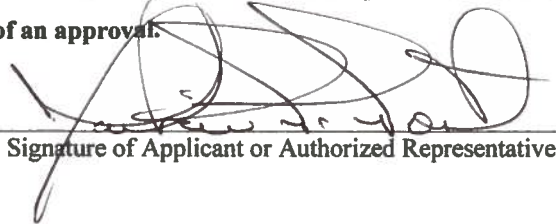
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Chris Alzola Phone 587-2789
Mailing address _____ Email CALZOLA@earthlink.net

- ☐ 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

Jackie P. Post
Print Name and Title if applicable

4-18-12
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**. Purchasing water right 2-10316 and changing place of use to my property for irrigation use. Propose PPU of 160 acres (right is for 80 acres)

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 ☒ ☐	<u>2-10316</u>	<u>1.600/320AF</u>	<u>Irrigation</u>	<u>3-15</u> to <u>11-15</u>	<u>Snake River / Columbia River</u>
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.600 cfs and/or 320 ac-ft

2. Total amount of water proposed to be transferred or changed 1.600 cubic feet per second and/or 320.0 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	
<u>6S</u>	<u>3E</u>	<u>3</u>						<u>40</u>	<u>40</u>			<u>40</u>	<u>40</u>						<u>160</u>

Total Acres (for irrigation use) 160

CA
4-24-12

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: Diversion is through Bybee Lateral Water

Uses canal. Measuring device will be installed through Bybee
Lateral when water district is formed.

- b. Who owns the property at the point(s) of diversion? Idaho Power / Bybee Lateral

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 - refer to attachment #

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:

Land has not been irrigated, water right has been
in the water bank since 7-9-1999

- 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:

All diversion system is for irrigation purpose.

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

Yes No

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

If yes, describe:

Total Acres (for irrigation use) _____

Transfer contains 8 pages and 4 attachments.
Received by MP Date 4-24-12 Prelim. Check by SC Date 3/12/13
Fee Paid 580.00 Date 4-24-12 Received by MP Receipt # W040113
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-10316

WATER RIGHT NUMBER: 2-10316

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MECHELLE DIRKS 24762 A & A RD GRAND VIEW, ID 83624 (208)834-3344
Current Owner	ROBERT G DIRKS 24762 A & A RD GRAND VIEW, ID 83624 (208)834-3344

Priority Date: 04/09/1970

Basis: Decreed

Status: Water Supply Bank Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.600 CFS	320.00 AF
	<u>Total Diversion:</u>	1.600 CFS	320.00 AF

Location of Point(s) of Diversion

SNAKE RIVER	L9 (SW1/4SE1/4SW1/4)	Sec. 34, Twp 05S, Rge 04E, B.M.
OWYHEE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06S	02E	12	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	80.0
			40.0	40.0			

Total Acres: 80

Conditions of Approval:

1. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early 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. F06 The following rights are diverted through point of diversion described above: 02-7059, 02-7060B, 02-7061, 02-7062, 02-7064, 02-7168A, 02-7168B, 02-7168C, 02-7237A, 02-7275, & 02-7279A, 2-10315, 2-10316, 2-10181.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 2-10316

4. P21 This right is a split from former right 02-7060A.
5. This right is a split from former right 2-10180 .

Remarks:

Comments:

Water Supply Bank:

Lessor Name:	
Lease Status:	Active
Lease Amount:	All
Rental Availability:	All
Date Received:	7/9/1999
Lease Begin Date:	7/9/1999
Expiration Date:	



O Point of Diversion

X Place of Use

Attachment 2a

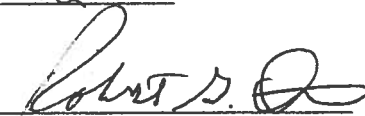
Water Right Sales Agreement

Robert G. Dirks and Mechelle Dirks agree to sell water right no. 2-10316 to Jackie P. Post. The point of diversion remains the same, the place of use will be as follows:

Township 6 South, Range 3 East, Boise Meridian, Owyhee County, Idaho
Section 3: Government Lot 4, Southwest Quarter of the Northwest Quarter, West Half of the Southwest Quarter.

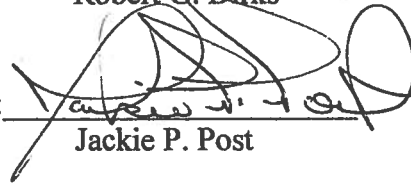
Date: 4-18-12

Seller Signature:


Robert G. Dirks


Mechelle Dirks

Buyer Signature:

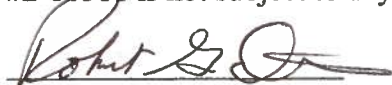

Jackie P. Post

Attachment # 26

April 18, 2012

Re: Question C of Application For Transfer Of Water Right

Robert G. Dirks and Mechelle Dirks do verify that water right
#2-10316 is not subject to any liens.


Robert G. Dirks


Mechelle Dirks

DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE

Recorded
Owyhee County
3-22-11
273951

THIS DEED, made by Jackie P. Post, as personal representative of the estate of Leslie John Post, also known as Leslie J. Post and Leslie Post, deceased, Grantor, to Jackie P. Post, Grantee, P.O. Box 298, Mountain Home, Idaho 83647.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. SP-04-02123, in Owyhee County, Idaho;

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Owyhee County, Idaho, that is described as follows:

Tract I:

Parcel 1:

In Township 6 South Range 3 East, Boise Meridian, Owyhee County, Idaho
Section 3: Government Lot 4, Southwest Quarter of the Northwest Quarter, West Half of the Southwest Quarter

Section 9: East Half of the Southeast Quarter, Southeast Quarter of the Northeast Quarter, Northeast Quarter of the Northeast Quarter

Section 10: West Half of the Southwest Quarter, Southwest Quarter of the Northwest Quarter, Northwest Quarter of the Northwest Quarter

Parcel 2:

In Township 5 South, Range 3 East, Boise Meridian, Owyhee County, Idaho
Section 34: Southwest Quarter of the Southwest Quarter

Parcel 3:

Lots 14 and 15 of Block of F of the GRAND VIEW Townsite as the same are numbered and designated on the official plat thereof on file and of record in the office of the County Recorder of Owyhee County, State of Idaho.

Tract II:

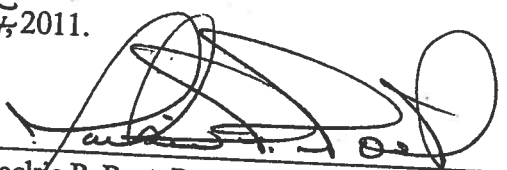
In Sections 23 and 24 of Township 5 South, Range 3 East, Boise Meridian, Owyhee County, Idaho:

That part and portion of the Southeast Quarter of the Southeast Quarter of Section

23, and that portion of the Southwest Quarter of the Southwest Quarter of Section
24, lying South of the Grand View Land and Irrigation Company Canal

with all appurtenances.

EXECUTED this 21 day of ^{March}~~January~~, 2011.

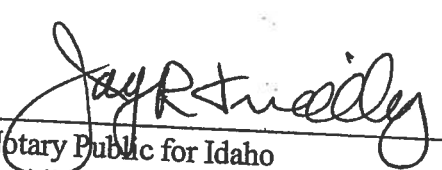

Jackie P. Post, Personal Representative of the
Estate of Leslie John Post, also known as
Leslie J. Post and Leslie Post, deceased.

STATE OF IDAHO)
 : ss
COUNTY OF ELMORE)

On this 21 day of ^{March}~~January~~, 2011, before me, the undersigned, a notary public in and for
said state, personally appeared, Jackie P. Post, known or identified to me to be the person whose
name is subscribed to the within instrument, as Personal Representative of the Estate of Leslie John
Post, also known as Leslie J. Post and Leslie Post, deceased, and acknowledged to me that he
executed the same as such Personal Representative.

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




Notary Public for Idaho
Residing at: Mountain Home, Idaho.
My commission expires: 5-29-2015

Boys.

Page 1 of 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT

This is to certify that: KENTON DIRKS
PO BOX 565
GRANDVIEW ID 83624
(208) 834-2034

COPY

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

	Water Right	Rented Rate	Annual Rented Volume	Total Rented Acres
	2-7062	1.40 CFS	350.0 AF	70.0 AC
COMBINED RENTAL TOTALS:		1.40 CFS	350.0 AF	70.0 AC

TERM OF RENTAL: March 1, 2012 to November 15, 2012

RENTAL FEE: \$4,900.00

Detailed water right specific limitations and conditions attached.

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Dated this 6 day of April, 20 12.

By: Kenton Dirks
(Print Name)

Kenton Dirks
(Signature)

(Title if on behalf of company or organization)

Having determined that this agreement satisfies the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 10th day of April, 20 12.

MVB

Monica Van Buren
for GARY SPACKMAN, Interim Director
Department of Water Resources

Page 2 of 2

WATER RIGHT NO. 2-7062 WATER SUPPLY BANK RENTAL AGREEMENT

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter: KENTON DIRKS
PO BOX 565
GRANDVIEW ID 83624
(208) 834-2034

Priority Date: 04/09/1970

Source: SNAKE RIVER **Tributary to:** COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.40 CFS	350.0 AF
	Total:		1.40 CFS	350.0 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

GROUND WATER L9 (SW¼SE¼SW¼) Sec. 34 Twp 05S Rge 04E OWYHEE County

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	03E	3		35.0 (Lot 4)	35.0														70

Total Acres: 70.0

CONDITIONS OF WATER USE

1. The use of water under this agreement shall be in accordance with the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the water supply bank shall not confirm the validity of the right or any elements of the water right, or use. It does not preclude the department application process including the notion of resumption of validity of this water right in any other
3. Use of water under this agreement shall be for the diversion of the water to renter's place of use and upon expiration of this agreement the diversion of the water shall revert to those authorized under the agreement and place of use of the water shall be available to rent from the bank.
4. This rental does not grant any right to the renter to perform the diversion works or conveyance works of another party.
5. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Should Be
NW not NE

Page 1 of 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

This is to certify that: JEREMY D BOECKNER
24655 A&A RD
GRANDVIEW ID 83624
(208) 834-2096

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

	Water Right	Rented Rate	Annual Rented Volume	Total Rented Acres
	2-7061	1.34 CFS	335.0 AF	67.0 AC
COMBINED RENTAL TOTALS:		1.34 CFS	335.0 AF	67.0 AC

TERM OF RENTAL: March 15, 2012 to November 15, 2012

RENTAL FEE: \$4,690.00

Detailed water right specific limitations and conditions attached.

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Dated this 7th day of March, 20 12

By: Jeremy Boeckner
(Print Name)

[Signature]
(Signature)

(Title if on behalf of company or organization)

Having determined that this agreement satisfies the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 9th day of March, 20 12.

[Signature]
for GARY SPACKMAN, Interim Director
Department of Water Resources

Page 2 of 2

WATER RIGHT NO. 2-7061 WATER SUPPLY BANK RENTAL AGREEMENT

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter:
JEREMY D BOECKNER
24655 A&A RD
GRANDVIEW ID 83624
(208) 834-2096

Priority Date: 04/09/1970

Source: SNAKE RIVER

Tributary to: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From To
03/15 to 11/15

Diversion Rate
1.34 CFS
Total: 1.34 CFS

Volume
335.0 AF
335.0 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

GROUND WATER L9 (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 34 Twp 05S Rge 04E

OWYHEE County

RENTER'S PLACE OF USE: IRRIGATION

Twsp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	03E	3																	
Total Acres: 67.0														33.5	33.5				67

CONDITIONS OF WATER USE

- The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
- Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
- Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
- This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
- Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
- Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
- Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
- Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
- Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
- The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT**

This is to certify that: **OWYHEE FARMING COMPANY LLC**
PO BOX 310
AMERICAN FALLS ID 83211

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right	Rented Rate	Annual Rented Volume	Total Rented Acres
2-2261D	0.43 CFS	108.5 AF	21.7 AC
2-7064	6.36 CFS	1590.0 AF	318.0 AC
2-7237A	5.90 CFS	1475.0 AF	295.0 AC
2-10181	3.20 CFS	640.0 AF	160.0 AC
2-10189	2.83 CFS	473.6 AF	141.5 AC
2-10316	1.60 CFS	320.0 AF	80.0 AC
2-10434	5.00 CFS	1000.0 AF	250.0 AC
2-10450	7.92 CFS	1584.0 AF	396.0 AC

**COMBINED
RENTAL TOTALS:** **33.24 CFS 7191.1 AF 1662.2 AC**

TERM OF RENTAL: March 15, 2012 to October 31, 2012
March 15, 2013 to October 31, 2013
March 15, 2014 to October 31, 2014
March 15, 2015 to October 31, 2015
March 15, 2016 to October 31, 2016

RENTAL FEE: \$100,675.40

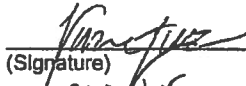
The fee for rental of the above-described water is \$100,675.40 per year. An annual payment shall be received by the Department prior to March 15 each year for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date.

Detailed water right specific limitations and conditions attached.

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Dated this 25 day of January, 20 12.

By: Lance Funk
(Print Name)


(Signature)
member
(Title if on behalf of company or organization)

Having determined that this agreement satisfies the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 8th day of February, 20 12.


GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 2-10316
WATER SUPPLY BANK RENTAL AGREEMENT

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter: OWYHEE FARMING COMPANY LLC
 PO BOX 310
 AMERICAN FALLS ID 83211

Priority Date: 04/09/1970

Source: SNAKE RIVER **Tributary to:** COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	1.60 CFS	320.0 AF
	Total:		1.60 CFS	320.0 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

SNAKE RIVER SE¼SE¼ Sec. 4 Twp 06S Rge 08E OWYHEE County

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	08E	4										31.2	31.8	32.6			29.8		125.4
		5			0.6		0.6	29.7	38.5	25.6	34.5	26.5	7.4	11.1	30.9	32.4	31.5	30.2	299.5
		6	23.1			30									0.8				53.9
		7			18.5	27.7				6.3	13.7			16.3	18.9	32.6	27.8	24.2	186.0
		8	15.1		20.5	18.3	25.8	22.7	35.7	31.3		16.9	12.5	33.6	2.3	32	32.7	2.2	301.6
		10						5.1	37.7	15.2	18.2	39.1	38.3	13					166.6
		15					13.5	38.3	37.6	13.1	14.4	38	39.3	15.4					209.6
		17	13.9	34.4	7.5	13.5	12.6	3.6	1.2	30.6	35.4	35.1	31	31.3	8.3	10.6	35.7	14.9	319.6

Total Acres: 1662.2

Acre Limit within Place of Use described: 80.0

CONDITIONS OF WATER USE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, March 14, 2013 1:58 PM
To: JENNIFER@OWYHEEAVALANCHE.COM
Subject: Legal Ad
Attachments: Owyhee Cover Letter.docx; Owyhee Combined Legal Ad.docx
Categories: Legal Ad Confirmed

Jennifer Stutheit,

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 14, 2013

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application for Permit No. 57-11807
Application for Transfer No. 78259

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

57-11807

SHENK LIVESTOCK

3993 MARKET RD

HOMEDALE, ID 83628

Point of Diversion SESW S14 T03N R05W OWYHEE County Source UNNAMED DRAIN Tributary JUMP CREEK

Use: IRRIGATION 03/01 to 11/15 1.02 CFS

Total Diversion: 1.02 CFS

Date Filed: 5/9/2012

Place Of Use: IRRIGATION

T03N R05W S14 NESW

Total Acres: 17

This application proposes an excess diversion rate of 0.06 cfs per acre based on analysis provided by consultant for applicant.

PROPOSED CHANGE OF WATER RIGHT(S)

Jackie P. Post of P.O.Box 298, Mountain Home, ID 83647 filed Application No. **78259** to transfer one water right with a 1970 priority date from the Snake River totaling 1.6 cfs. The purpose of the transfer is to create a 160-acre permissible place of use on lands owned by the applicant.

Water will continue to be diverted at the original point of diversion and the right shall be limited to the irrigation of 80 acres in a single irrigation season. The general location of the place of use is the south side of 20 Mile Rd. approximately ¾ mile west of Shoofly Rd.

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

MEMORANDUM

TO: Transfer No. 78259
FROM: Sharla
DATE: March 7, 2013
RE: Evaluation of Application

The transfer proposes to create a 160-acre permissible place of use on lands owned by the applicant. Water will continue to be diverted from the recorded point of diversion and the right will be limited to the irrigation of 80 acres in a single irrigation season. The place of use is the south side of 20 Mile Rd. approximately $\frac{3}{4}$ mile west of Shoofly Rd.

Contact person for the applicant is Chris Alzola.

Summary of Information Submitted

Authority to File: Water Right Sales Agreement was filed with transfer application from current owners of record to the applicant.

Water Right Validity: Right presumed to be valid because the partial decree was issued within the past five year period (decreed in 2009).

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement will occur. All parameters of the right remain the same.

Local Public Interest: Irrigation of crops is considered to be within 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.

Additional Information/Analysis

Watermaster comments will be requested.

The right proposed for use under this transfer is under contract in the Water Supply Bank. The lessee is aware of this "sales agreement" made between the Dirks' and Jackie Post; behind-the-scenes arrangements are already in place for the use of this right. Therefore, we are proceeding with the processing of the transfer application.

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.

STATE OF IDAHO
WATER RESOURCE BOARD

WATER SUPPLY BANK
REQUEST TO RELEASE OR LEASE TERM EXTENSION FORM

This form is a statement that the lessor requests a change in the status of a Water Supply Bank ("Bank") lease for the water right identified below. A water right will remain in the Bank for the accepted lease period unless released earlier by the Water Resource Board or until the lessor submits a request in writing to the Department of Water Resources to release the right from the Bank. If a water right is currently rented, the portion of the right being rented must remain in the Bank for the duration of the rental agreement.

Water Right No: 2-10316 Telephone No: 834-3344
Name(s) of Lessor: Robert G. Dirks and Mechelle Dirks
Mailing Address: 24762 A x A Rd.
City: Grand View State: ID. Zip: 83624

REQUEST TO RELEASE A WATER RIGHT FROM THE BANK:

Requested Release Date: 4-18-12

Release all or part of the leased portion of the water right: All ☒ Part ☐

*If releasing only part of the leased portion, please attach a clear description of the portion to remain in the Bank.

The lessor requests that the above water right be released from the Bank on the date referenced above.

Robert G. Dirks
Signature of Lessor

Robert G. Dirks Owner
Printed Name and Title*

4-18-12
Date

Mechelle Dirks
Signature of Lessor

Mechelle Dirks - owner
Printed Name and Title*

4-18-12
Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

REQUEST TO EXTEND THE TERM OF LEASE:

Current Expiration Date: _____

Requested Expiration Date: _____

If extending the lease term for only part of the leased portion, attach a clear description of the portion to remain in the Bank.

Extend lease term for all or part of the leased portion of the water right: All ☐ Part ☐

* All lease extension request forms must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.

For Department use: Receipt No. _____

The lessor requests that the above water right remain in the Bank through the date referenced above.

Signature of Lessor

Printed Name and Title*

Date

Signature of Lessor

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

-Received 04/24/12 with transfer Application - 11.1.1.1 P 1

Transfer Application Memorandum

From: J. Westra

Date: 05/21/12

RE: Release of water bank lease and transfer application processing Water Right #02-10316

Western Region received the attached application for transfer. The applicant is requesting the right be released from a water bank lease agreement and moved to the location proposed in the transfer- Dirks is selling the water right to Post.

Water Bank

The parties had spoken with Monica V. prior to her leave. She indicated there were other water rights in the water bank that could replace 02-10316 removal. I recently discussed the proposal with Nick Van Dyke (Monica's sit in) and he confirmed this would be possible. We could move forward with the transfer process.

The contact representative for the parties is Chris Alzola @ 587-2789 in Mtn Home. Her e-mail is listed on page 2 of the application.