

CEIVED

OCT 23 2012

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78269

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 <u>always required</u> 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 <u>for each water right</u> for which <u>only a portion</u> 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 <u>not</u> 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 I.) |
| ☐ | ☒ | #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 I.) |
| ☐ | ☒ | #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 I.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 RESOURCESTransfer No. 78269APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Snake River Dairies, LLC; Jerry L and/or Mary Louise Tlucek Phone 208-495-2034Mailing address 15188 S. Can-Ada Road, Melba, ID 83641 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**. This transfer does NOT change Water Right ownership.
- ☐ 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 RepresentativeName of Representative Dylan Lawrence, Moffatt Thomas Barrett Rock & Fields, Chtd Phone 208-345-2000Mailing address 101 S. Capitol Blvd., 10th Floor, Boise, ID 83701-0829 Email dbl@moffatt.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.

Jerry Lee Tlucek
Signature of Applicant or Authorized Representative

Jerry Lee Tlucek,
as individual and member of applicant
Print Name and Title if applicable

9/28/12
Date

Mary Louise Tlucek
Signature of Applicant or Authorized Representative

Mary Louise Tlucek,
as individual and member of applicant
Print Name and Title if applicable

9-28-12
Date

Water right 63-7270B is owned by Snake River Dairies LLC. Water right 63-7270A is owned by Jerry L and Mary Louise Tlucek. The Tluceks sign this application as individuals and as managers of Snake River Dairies LLC.

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**. This transfer proposes changing water rights 63-7270A and 63-7270B for use in an integrated irrigation system with a permissible place of use and including an additional existing well as a point of diversion.

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					
☒ ☐	63-7270A	0.02 / 9.4	Irrigation	4/1 to 11/15	Ground Water
☒ ☐	63-7270B	1.39 / 629.9	Irrigation	4/1 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.41 cfs and/or 639.3 ac-ft

2. Total amount of water proposed to be transferred or changed 1.41 cubic feet per second and/or 639.3 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 #
No			SE	SE	20	1S	1W	Ada	Ground Water	
No			NW	NW	29	1S	1W	Ada	Ground Water	

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	
1S	1W	20													40	25	26	40	131
		29	33	4															37

Total Acres (for irrigation use) 168 ppu
142.1 acres irrigation within a 168-acre permissible place of use.

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 irrigation wells, pipelines and a pressurized sprinkler irrigation system.
Flowmeters and lockable controlling works will be installed if required by IDWR.
- b. Who owns the property at the point(s) of diversion? Applicants
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: Pancheri holds an interest to the property where water right 63-7270A is appurtenant and provides approval of the proposed change. Water right 63-7270B is owned by Snake River Dairies LLC without any other lienholder.
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:
Applicant will be limited to irrigation of 142.1 acres within the 168-acre permissible place of use utilizing the water rights listed in this application.
- 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:
Application for permit no. 63-33639 proposes additional flow rate and volume to allow the full standard 0.02 cfs per acre appropriation of ground water on the 168-acre place of use from the same system described in this application. If necessary, the terms of 63-33639 can be adjusted at the time of permitting or licensing to reflect the results of this 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: _____
Water right 63-7270B is currently leased to, and rented from, the Water Supply Bank by the applicant for irrigation use as proposed on this application. This application simply seeks to make the current Water Supply Bank arrangement permanent. Upon approval of this transfer application, the applicant will request release of water right 63-7270B from the Water Supply Bank.

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 ¼ ¼ 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.:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains pages and attachments.

Received by RS Date 10-23-12 Prelim. Check by _____ Date _____

Fee Paid \$580- Date 10.23.12 Received by RS Receipt # W0401065

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

Page _____ of _____

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

Current Water Right No.: 63-7270A

Current Owner: MARY LOUISE TLUCEK
JERRY L TLUCEK
Priority Date: 10/7/1969
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/15	0.02 CFS	9.4 AF
	<u>Total Diversion</u>	0.02 CFS	9.4 AF

Location of Point(s) of Diversion

GROUND WATER
ADA County

SE1/4SE1/4 Sec. 20, Twp 01S, Rge 01W B.M.

Place of Use

IRRIGATION Within ADA County

T01S R01W S29 NWNE 2.10
Total Acres: 2.1

Conditions of Approval:

1. P21 This right is a split from former right 63-7270.
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. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. S39 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 APRIL 1 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.

Decreed Date: 4/11/2007

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

Current Water Right No.: 63-7270B

Current Owner: SNAKE RIVER DAIRIES LLC
 Priority Date: 10/7/1969
 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	04/01 to 11/15	1.39 CFS	629.9 AF
	<u>Total Diversion</u>	1.39 CFS	629.9 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4 Sec. 20, Twp 01S, Rge 01W B.M.
 ADA County

Place of Use

IRRIGATION Within ADA County

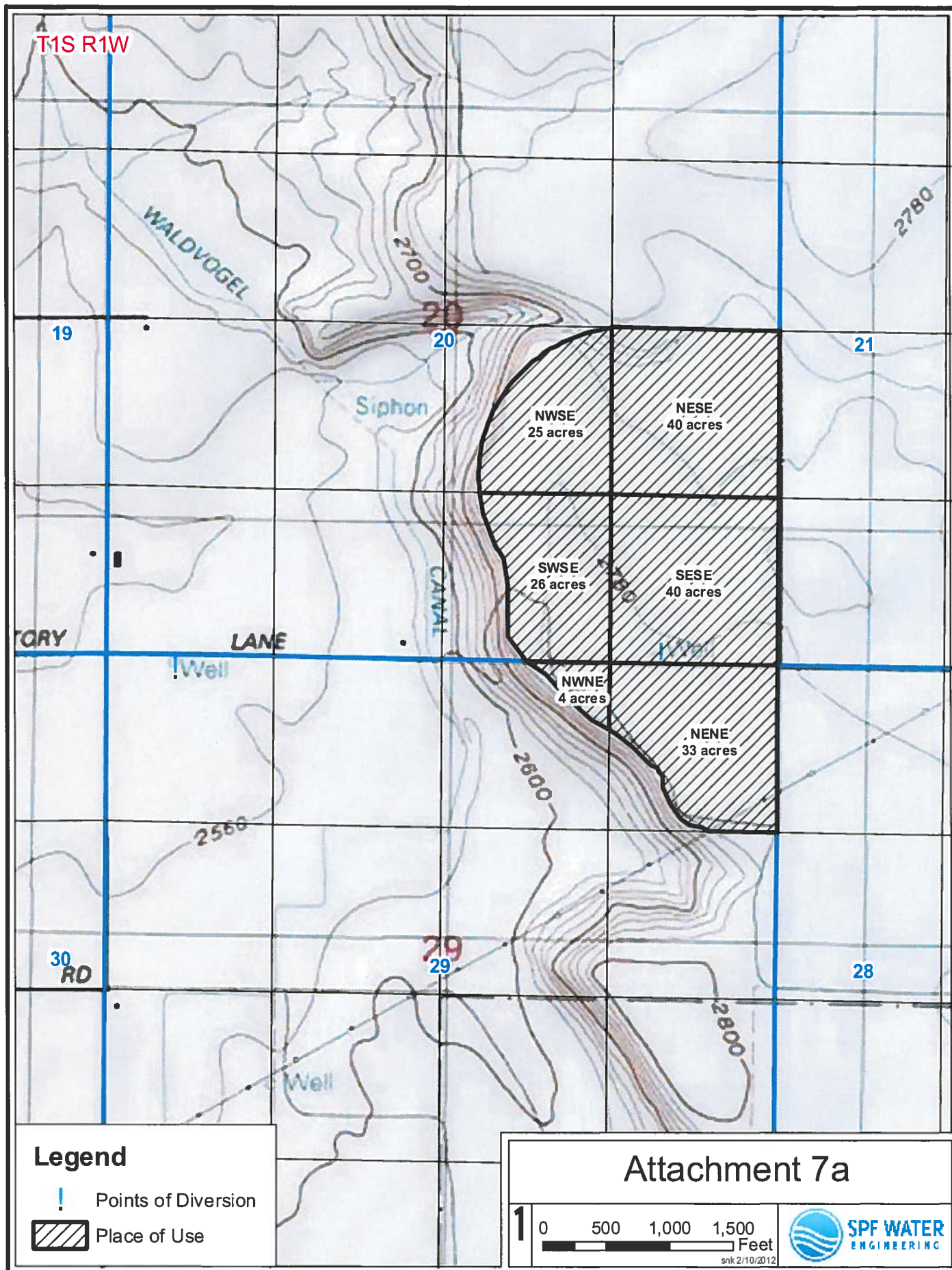
T01S R01W S20	NESE	38.00	T01S R01W S20	NWSE	10.00
T01S R01W S20	SWSE	22.00	T01S R01W S20	SESE	40.00
T01S R01W S29	NENE	30.00			

Total Acres: 140

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. 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 April 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 11, 2007.

Decreed Date: 4/11/2007



T1SR1W

2011 NAIP Photo

19

20

21

NWSE
25 acres

NESE
40 acres

SWSE
26 acres

SESE
40 acres

NWNE
4 acres

NENE
33 acres

30

29

28

Legend



Points of Diversion



Place of Use

Attachment 7b

1

0 500 1,000 1,500 Feet

snk 2/10/2012



SPF WATER
ENGINEERING

T1SR1W

2011 NAIP Photo

19

20

21

30

29

28

Legend

 Proposed Place of Use

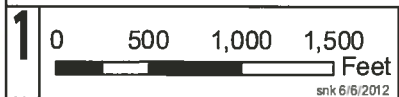
 Existing Place of Use

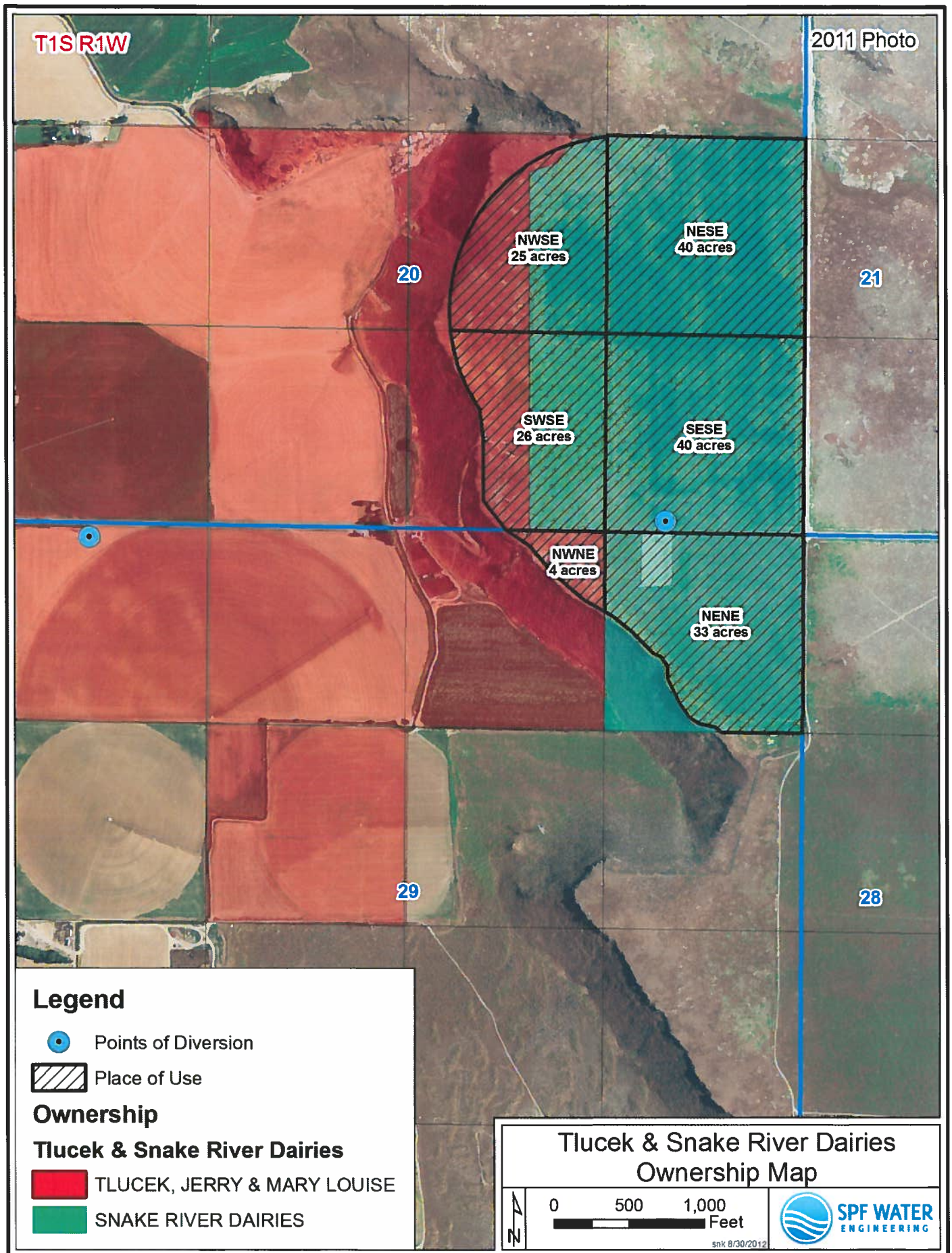
Water Right

 63-7270A

 63-7270B

Attachment 7b





Laura Ellen Pancheri
4700 N. Can-Ada Road
Star, Idaho 83669

RECEIVED

OCT 23 2012

WATER RESOURCES
WESTERN REGION

Oct 18, 2012
(Month) (Day)

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Approval of Proposed Transfer

Dear Sir or Madam:

I currently own a mortgage interest in the land owned by Jerry Lee Tlucek and Mary Louise Tlucek in the NWNE of Section 29, Township 1 South, Range 1 West, Boise Meridian, Ada County, Idaho (the "Property"). I understand that the Tluceks own water right 63-7270A (the "Water Right"), and that this Water Right is appurtenant to the Property. I also understand that this water right allows for the irrigation of up to 2.1 acres from a well located within the SESE of Section 20.

The Tluceks are proposing to change the Water Right by filing a water right transfer application. I understand that this application would change the Water Right in two ways. First, I understand that the Tluceks propose to add an additional well as an authorized point of diversion for the Water Right. Second, I understand that the Tluceks propose to change the place of use of the Water Right by making it part of a larger "permissible place of use" that also includes adjacent land to the north, northeast, and east of the Property.

I hereby agree to and approve of these proposed changes to the Water Right.

Very truly yours,



Laura Ellen Pancheri

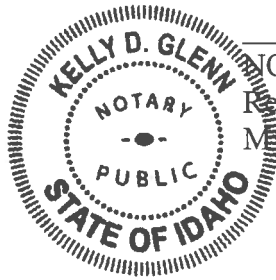
Idaho Department of Water Resources

Oct 18, 2012
Page 2

STATE OF IDAHO)
) ss.
County of Canyon)

On this 18th day of October, 2012, before me, a Notary Public in and for said state, personally appeared **LAURA ELLEN PANCHERI**, known or identified to me (or proved to me on the oath of Laura Ellen Pancheri, to be the person whose name is subscribed to the within instrument, and who acknowledged to me that she 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.



Kelly D. Glenn
NOTARY PUBLIC FOR IDAHO
Residing at Kuna ID
My Commission Expires 10-9-15



SPF WATER
ENGINEERING

Scott King, P.E.

Supervising Engineer

Phone (208) 383-4140

Fax (208) 383-4156

sking@spfwater.com

SPF Water Engineering, LLC

300 E. Mallard Drive, Suite 350 Boise, ID 83706

Snake River Dairies
Merry Thueck
Mary Louise Thueck

CD-R/1X-52X

100MB 80mm



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

January 31, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JOHN WORMAN
PO BOX 734
CALDWELL ID 83606

Re: Application No. 78269

Dear Interested Party:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicants if you have concerns about the application.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee for each application protested must be received in this office by February 25, 2013. A copy of the protest must also be sent to the applicants.

Please contact this office at (208)334-2190 if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov.

Sincerely,

Rachel Sommer
Administrative Assistant
Western Regional Office

Enclosure

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, January 31, 2013 8:51 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Legal Ads
Attachments: Ada Cover Letter.docx; Ada Combined Ad.docx

Janice,

Please see the attached ad for publication on 2/7/13 & 2/14/13.

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

January 30, 2013

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit No's: 63-33415 & 63-33707
Application for Transfer No's: 78266, 78267 & 78269
Application for Extension of Time No. 63-146

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 2/25/2013. 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:

63-33415

D YAMAMOTO DEVELOPMENT LLC

PO BOX 64

KUNA, ID 83634

Points of Diversion SWSW S5 T01N R01E ADA County Source GROUND WATER

Points of Diversion SESE S5 T01N R01E ADA County Source GROUND WATER

Points of Diversion NWSW S5 T01N R01E ADA County Source GROUND WATER

Points of Diversion SESW S5 T01N R01E ADA County Source GROUND WATER

Points of Diversion NENW S8 T01N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 2.98 CFS

Total Diversion: 2.98 CFS

Date Filed: 8/19/2010

Place Of Use: IRRIGATION

T01N R01E S5 SWNE NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE

T01N R01E S8 NENW NWNW SWNW SENW

Total Acres: 640

Water bearing zone to be appropriated is from 250 to 400 feet.

63-33707

CHARLES MADENFORD FAMILY TRUST

3605 N POLLARD LN

STAR, ID 83669

Point of Diversion NWSW S33 T05N R01W ADA County Source GROUND WATER

Use: AESTHETIC STORAGE

01/01 to 12/31 26 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.25 CFS

Use: RECREATION STORAGE 01/01 to 12/31 26 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 26 AF

Total Diversion: 0.25 CFS 26 AF

Date Filed: 10/19/2012

Place Of Use: AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE

T05N R01W S33 NWSW

Water bearing zone to be appropriated is from 91 to 188 feet.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

New Union Ditch Company of PO Box 31, Eagle, ID, 83616, filed an Application proposing an Extension of Time to Avoid Forfeiture for Water Right No. **63-146** with an 1865 priority from the Boise River totaling 13.76 cfs. The application proposes to cover approximately 5.76 cfs. The balance of the right was last used in 2012. The right serves property located within the boundaries of New Union Ditch Company generally located in the Eagle area. The applicant requests the extension of time due to rapid urbanization of lands within their boundaries. The company does not want to lose any of Rt. 63-146 due to non-use.

PROPOSED CHANGE OF WATER RIGHTS

Jerry L. & Mary Louise Tlucek and Snake River Dairies LLC of 15188 S. Can-Ada Rd., Melba, ID 83641 filed Application No. **78269** to transfer two water rights with 1969 priority dates from ground water totaling 1.41 cfs. The purpose of the transfer is to create a permissible place of use and identify the two existing wells which are to be used for irrigation. Water will be used at the current place of use approximately 1.5 miles north of the Snake River and 1.5 miles east of the Ada & Canyon county lines.

Meridian Joint School District #2, Operations & Maintenance of 1303 E Central Dr., Meridian, ID, 83642 has filed Application Nos. **78266** and **78267** to transfer portions of one water right with a 1969 priority date from ground water totaling 0.80 cfs. The purpose of Transfer 78266 is to move 3 acres of supplemental irrigation water from Rt. 63-31763, appurtenant to Education Campus Subdivision, to Meridian Middle School Campus for supplemental irrigation. The purpose of Transfer 78267 is to move 2.5 acres of supplemental irrigation water from Rt. 63-31763 to Meridian Academy Campus for supplemental irrigation.

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, proposed transfer &/or extension, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp using the above referenced water right no. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of these applications 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 2/25/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 2/7/2013 and 2/14/2013

PROPOSED CHANGE OF WATER RIGHT(S)

Jerry L. & Mary Louise Tluczek and Snake River Dairies LLC of 15188 S. Can-Ada Rd., Melba, ID 83641 filed Application No. 78269 to transfer two water rights with 1969 priority dates from ground water totaling 1.41 cfs. The purpose of the transfer is to create a permissible place of use and identify the two existing wells which are to be used for irrigation. Water will be used at the current place of use approximately 1.5 miles north of the Snake River and 1.5 miles east of the Ada & Canyon county lines.

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>

MEMORANDUM

TO: Transfer No. 78269
FROM: Sharla
DATE: January 29, 2013
RE: Evaluation of Application

The transfer proposes a permissible place of use under two ground water rights. The transfer also adds a point of diversion to both rights and changes the existing description of the well under 63-7270B. The site is located approximately 1.5 miles north of the Snake River and 1.5 miles east of the Ada and Canyon County lines.

Contact person for the applicant is attorney Dylan Lawrence of Moffatt Thomas, Barrett, Rock & Fields.

Summary of Information Submitted

Authority to File: Applicants are the right owners of record and are therefore authorized to file the transfer application.

Water Right Validity: Right presumed to be valid because the partial decree was issued in 2007 and 2009 and 2011 aerial photography confirm irrigation of the place of use.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement will occur. The rights will still be limited to a combined irrigation of 142.1 acres within the new permissible place of use; all other elements of the rights are also unchanged.

Local Public Interest: Idaho is known as an agricultural state; irrigation is 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.

A comment letter will be sent to John Worman because of a past complaint between the Tlucek and Worman.

Data entry affected the correct records. Both rights were decreed in 2007 and were previously migrated to the water right database.

Overlapping rights exist at the PODs; remark F06 will be used in the approval. No limitations exist with the overlaps. POU overlaps require no special conditions.

Water Right 63-7270B is currently leased to, and rented from, the Water Supply Bank. The transfer application seeks to make the current WSB arrangement permanent. Applicant has indicated that upon approval of the transfer, they will request release of this right from the WSB. The approval cover letter will include WSB info and an email will be sent to Monica VanBussum at the State Office.

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.

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
David B. Lincoln
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns
Michael E. Thomas
Patricia M. Olsson

Christine E. Nicholas
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Kimberly D. Evans Ross
Jon A. Stenquist
Mark C. Peterson
Tyler J. Anderson
Andrew J. Waldera
Dylan B. Lawrence

C. Edward Cather III
Benjamin C. Ritchie
Noah G. Hillen
Matthew J. McGee
Mindy M. Willman
Andrea J. Rosholt
Jetta Hatch Mathews

Robert E. Bakes, *of counsel*
Norman M. Semanko, *of counsel*

Willis C. Moffatt, 1907-1980
Eugene C. Thomas, 1931-2010
John W. Barrett, 1931-2011
Kirk R. Helvie, 1956-2003

RECEIVED

OCT 23 2012

WATER RESOURCES
WESTERN REGION

Boise
Idaho Falls
Pocatello

Mailing Address
PO Box 829
Boise ID 83701-0829

Physical Address
US Bank Plaza
101 S Capitol Blvd 10th Fl
Boise ID 83702-7710

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

October 23, 2012
via Hand Delivery

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Transfer
Water Right Nos. 63-7270A, 63-7270B
Snake River Dairies, LLC; Jerry and Mary Lou Tlucek
MTBR&F File No. 22-377.0

Dear Sir or Madam:

Please find the enclosed documents:

- An original, signed Application for Transfer of Water Right, involving water right numbers 63-7270A and 63-7270B, which includes supporting maps and water right documentation.
- A check made payable to IDWR in the amount of \$580.
- An original, signed and notarized statement by the security interest holder approving of the transfer.
- A CD containing the GIS shapefiles.

Please process these materials at your earliest convenience. Please also note that as described in Part 1.B.5.c, Ms. Laura Ellen Pancheri owns a mortgage interest only in a small portion of the affected place of use, in the NWNE of Section 29, Township 1 South, Range 1 West. The rest of the place of use is not subject to the mortgage interest.

Idaho Department of Water Resources
October 23, 2012
Page 2

Thank you for your attention to this matter.

Very truly yours,



Dylan B. Lawrence

DBL/kdp

Enclosures (4)

cc: Jerry and Mary Lou Tlucek (w/copy of application)
Scott King (w/copy of application)