

**Application for Transfer and
associated documents
have been re-numbered
due to new Workflow Transfer
database effective
December 2012**

See new transfer # 78296

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 13 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) 7-Springs Ranch Phone 208-645-2361
2. MAILING ADDRESS 2025 S Hwy 81 City Malta
State ID Zip 83342 Email pbars@atcnet.net

- ☒ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 43-370 43-369 A

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 3.32' cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
13S	35E	10		SE	NE	NW	Cassia	Sibley Creek	

* Note: only Sibley Creek Diversion will change
All others remain The same

Transfer No. 78043

6. 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:

Open Ditch To Pipe-Line To Holding Pond.
measuring Device & Gate at P.O.D. if necessary

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

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

Right of way To be Granted From BLM.

- c. 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(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. **MAP** - ☐ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Peter J. Grush Manager Peter J. Grush 7/13/12
Signature of applicant or authorized agent Print name and title if applicable Date

Signature of applicant or authorized agent Print name and title if applicable Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by P. SKINNER Date 7/13/2012
Fee paid \$740.00 Date 7/13/2012 Received by P. SKINNER Receipt # S032677
Preliminary review completed by _____ Date _____

7-SPRINGS RANCH, LLC**Business Entity Information**

Status:	Active	File Date:	9/14/2011
Type:	Domestic Limited-Liability Company	Entity Number:	E0513702011-1
Qualifying State:	NV	List of Officers Due:	9/30/2012
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20111595196	Business License Exp:	9/30/2012

Additional Information

Central Index Key:	
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Registered Agent Information

Name:	OSHINS & ASSOCIATES, LLC	Address 1:	1645 VILLAGE CENTER CIRCLE STE 170
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89134
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - Limited-Liability Corporation		
Jurisdiction:	NEVADA	Status:	Active

Financial Information

No Par Share Count:	0	Capital Amount:	\$ 0
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No stock records found for this company**Officers**☐ Include Inactive Officers**Manager - PETER J GRUSH**

Address 1:	1645 VILLAGE CENTER CIRCLE, STE 170	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89134	Country:	USA
Status:	Active	Email:	

Manager - SYLVIA T GRUSH

Address 1:	1645 VILLAGE CENTER CIRCLE, STE 170	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89134	Country:	USA
Status:	Active	Email:	

Actions\Amendments

Action Type:	Articles of Organization		
Document Number:	20110668297-62	# of Pages:	2

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-369A

WATER RIGHT NUMBER: 43-369A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	7-SPRINGS RANCH LLC 2025 S HWY 81 MALTA, ID 83342 (208)645-2361
Original Owner	NOEL B BOWCUT KEY RANCH 18 GRANADA PL BURLEY, ID 83318 (208)678-0080

Priority Date: 04/01/1894

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BLACKSMITH CREEK	CASSIA CREEK
MAHOGANY SPRINGS	BLACKSMITH CREEK
SIBLEY CREEK	BLACKSMITH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	2.120 CFS	
	<u>Total Diversion:</u>	2.120 CFS	

Location of Point(s) of Diversion

MAHOGANY SPRINGS CASSIA County	NW1/4SW1/4SE1/4	Sec. 10, Twp 13S, Rge 25E, B.M.
BLACKSMITH CREEK CASSIA County	NE1/4NE1/4NW1/4	Sec. 14, Twp 13S, Rge 25E, B.M.
MAHOGANY SPRINGS CASSIA County	NE1/4SW1/4SW1/4	Sec. 10, Twp 13S, Rge 25E, B.M.
BLACKSMITH CREEK CASSIA County	SW1/4NW1/4NE1/4	Sec. 11, Twp 13S, Rge 25E, B.M.
BLACKSMITH CREEK CASSIA County	NW1/4SW1/4SE1/4	Sec. 11, Twp 13S, Rge 25E, B.M.
SIBLEY CREEK CASSIA County	NW1/4SE1/4SW1/4	Sec. 11, Twp 13S, Rge 25E, B.M.
MAHOGANY SPRINGS CASSIA County	NW1/4SW1/4SW1/4	Sec. 10, Twp 13S, Rge 25E, B.M.

Place of Use

IRRIGATION

Twp Rge Sec | NE | NW | SW | SE |

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-369A

				<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>		<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>		<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>		<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
13S	25E	11				9.7					3.3	16.0				34.0				5.7	3.3		72.0
13S	25E	14						38.0	27.0	40.0	34.0												139.0

Total Acres: 211

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. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 211 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHTS: 43-00368, 43-00369A, 43-00369B, 43-00370, 43-00417A, 43-00417B AND 43-07080.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 166 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHTS: 43-00369A ND 43-00370.
3. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.45 CFS.
COMBINED RIGHTS: 43-00368, 43-00369A, 43-00369B, 43-00370, 43-00417A, 43-00417B AND 43-07080.

Remarks:Comments:

1. TFAWCETT 4/1/1998 ADDRESS CHANGE
Comment: ADDRESS CHANGED PER REQUEST FROM CLAIMANT.
2. chahn 2/9/2012 OWNERSHIP CHANGE
Comment: Ownership change submitted 020/08/2012, Noel and Lois Bowcut to 7-Springs Ranch LLC.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-369A

Dates and Other Information:

Licensed Date:
Decreed Date: 9/16/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 43C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		166

Combined Water Rights: 43-370 , 43-369A

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.45		211

Combined Water Rights: 43-368 , 43-370 , 43-7080 , 43-417B , 43-369A ,
43-369B , 43-417A

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-370

WATER RIGHT NUMBER: 43-370

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	7-SPRINGS RANCH LLC 2025 S HWY 81 MALTA, ID 83342 (208)645-2361
Original Owner	NOEL B BOWCUT KEY RANCH 18 GRANADA PL BURLEY, ID 83318 (208)678-0080

Priority Date: 04/30/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BLACKSMITH CREEK	CASSIA CREEK
MAHOGANY SPRINGS	BLACKSMITH CREEK
SIBLEY CREEK	BLACKSMITH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion

BLACKSMITH CREEK	NE1/4NE1/4NW1/4	Sec. 14, Twp 13S, Rge 25E, B.M.
CASSIA County		
BLACKSMITH CREEK	NW1/4SW1/4SE1/4	Sec. 11, Twp 13S, Rge 25E, B.M.
CASSIA County		
MAHOGANY SPRINGS	NW1/4SW1/4SE1/4	Sec. 10, Twp 13S, Rge 25E, B.M.
CASSIA County		
MAHOGANY SPRINGS	NE1/4SW1/4SW1/4	Sec. 10, Twp 13S, Rge 25E, B.M.
CASSIA County		
MAHOGANY SPRINGS	NW1/4SW1/4SW1/4	Sec. 10, Twp 13S, Rge 25E, B.M.
CASSIA County		
BLACKSMITH CREEK	SW1/4NW1/4NE1/4	Sec. 11, Twp 13S, Rge 25E, B.M.
CASSIA County		
SIBLEY CREEK	NW1/4SE1/4SW1/4	Sec. 11, Twp 13S, Rge 25E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp Rge Sec	NE		NW		SW		SE	
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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-370

			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	25E	11			9.7				3.3	16.0			34.0			5.7	3.3		72.0
13S	25E	14					38.0	27.0	40.0	34.0									139.0

Total Acres: 211

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USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 166 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHTS: 43-00369A, AND 43-00370.
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. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.45 CFS.
COMBINED RIGHTS: 43-00368, 43-00369A, 43-00369B, 43-00370, 43-00417A, 43-00417B AND 43-07080.

Remarks:Comments:

1. KCHRISTE 7/14/1995 COPIED FROM REMARKS
Comment: CLAIM AMENDED TO CORRECT THE PLACE OF USE TO ALL IRRIGATED ACRES. KKC ** SECOND AMENDMENT MADE TO CORRECT THE P/U. ACRES ADDED TO GROUND IN SECTION 11.KKC **
2. TFAWCETT 4/1/1998 ADDRESS CHANGE
Comment: ADDRESS CHANGED PER REQUEST FROM CLAIMANT.
3. chahn 2/9/2012 OWNERSHIP CHANGE
Comment: Ownership change submitted 020/08/2012, Noel and Lois Bowcut to 7-Springs Ranch LLC.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-370

Dates and Other Information:

Licensed Date:
 Decreed Date: 9/16/2002
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 43C
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

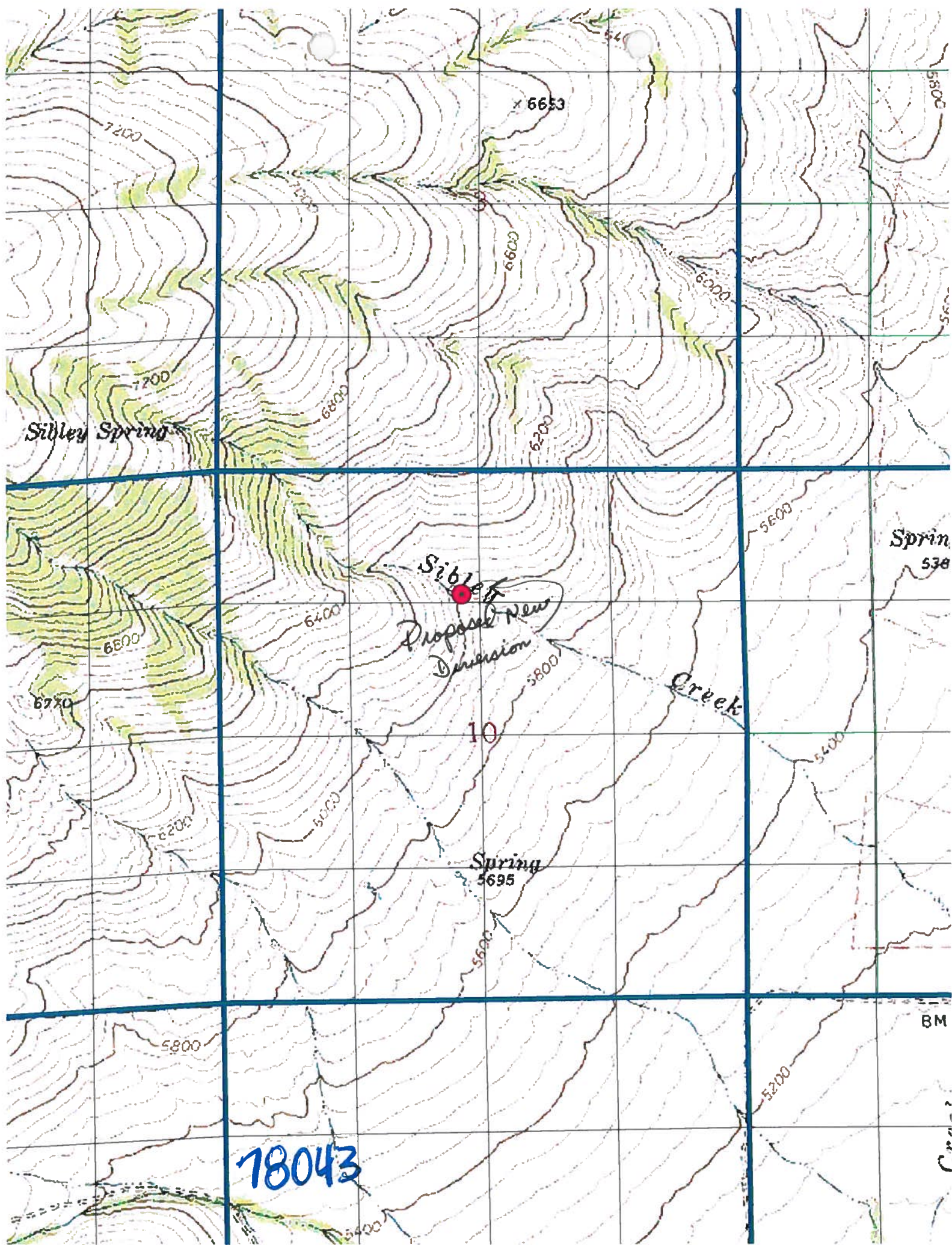
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		166

Combined Water Rights: 43-370 , 43-369A

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.45		211

Combined Water Rights: 43-368 , 43-370 , 43-7080 , 43-417B , 43-369A ,
43-369B , 43-417A

Water Supply Bank:





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 20, 2012

ROGER D MUSSER
WATER DISTRICT #43C
917 PARK LN
POCATELLO, ID 83201

RE: Transfer No. 78043
Water Right No(s): 43-369A & 43-370

Dear Mr. Musser:

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

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

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 19, 2012

7-SPRINGS RANCH LLC
2025 S HWY 81
MALTA, ID 83342

RE: Transfer No. 78043
Water Right No(s). 43-370, 43-369A

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 7/26/2012 and 8/2/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**August 13, 2012**).

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 19, 2012 4:48 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on July 26th & Aug. 2nd, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

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

July 19, 2012

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 78043
Water Right No(s): 43-370, 43-369A

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 August 13, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78043**

7-SPRINGS RANCH LLC, 2025 S HWY 81, MALTA, ID 83342 has filed Application No. 78043 for changes to the following water rights within CASSIA County(s): Right No(s). 43-370, 43-369A; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp . The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion location for two irrigation water rights that allow for the diversion of up to 3.32 cfs from Sibley Creek to a new location approximately one mile upstream. The proposed new diversion point is located within the NENW of Section 10, Township 13 South, Range 25 East, approximately 7.0 miles south and 3.0 miles east of Albion. Water diverted from the new point of diversion will be used to provide irrigation water for a farm located along the west side of Highway 77, approximately 7.0 - 8.3 miles south and 3.5 - 4.2 miles east of Albion.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before August 13, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on July 26th & August 2nd, 2012

MEMORANDUM

Date: July 18, 2012
To: Transfer 78043 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the point of diversion location for two irrigation water rights (43-369A and 43-370) that allow for the diversion of up to 3.32 cfs from Sibley Creek to a new location approximately one mile upstream. Note that these same two rights also allow for the diversion of water from additional diversions and sources. The proposed new diversion point is located within the NENW of Section 10, Township 13 South, Range 25 East, approximately 7.0 miles south and 3.0 miles east of Albion. Water diverted from the new point of diversion will be used to provide irrigation water for a farm located along the west side of Highway 77, approximately 7.0 – 8.3 miles south and 3.5 – 4.2 miles east of Albion. The rights involved with the transfer are within the jurisdiction of water district 43C (Cassia Creek).

- **Authority to File:** The applicant (7-Springs Ranch LLC) is listed as the current owner of both of the rights being transferred.
- **Water Right Validity:** The rights involved with the transfer were decreed in the SRBA in September of 2002. Review of aerial photography supports the recent use of the water rights involved with the transfer. Possible forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:** No negative issues anticipated. The only other right on Sibley Creek is a BLM instream stockwater right, 43-11027. Proposed point of diversion is located within the same reach, but livestock should still have access to water (in stream and ditch). Application will be subject to public notice and protest.
- **Enlargement of Use:** No issues anticipated if appropriate conditions are implemented.
- **Local Public Interest:** No negative issues anticipated. Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:** No negative issues anticipated. Application will be subject to public notice and protest. Proposed use is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.