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JAN 05 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. ~~73334~~ 78355WATER RESOURCES
WESTERN REGIONMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

WITHDRAWN

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. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * 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.
- ☐ ☒ #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).
- ☐ ☒ #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/wrt_default.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.)
- ☐ ☒ #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: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 73834

WATER RESOURCES
WESTERN REGIONMINIMUM 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. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf . |
| ☒ | ☐ | * 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 1.) |
| ☐ | ☒ | #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. |
| ☐ | ☒ | #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). |
| ☐ | ☒ | #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/wrt_default.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.) |
| ☐ | ☒ | #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: _____ |

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Rev. 10/09

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WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 73834

Amended

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Orchard Ranch LLC

Phone (520) 424-3600

Mailing address P.O. Box 1260, Maricopa, AZ 85139

Email rkorr@msn.com

- ☐ 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 SPF Water Engineering c/o Roxanne Brown

Phone (208) 383-4140

Mailing address 300 E. Mallard Dr., Suite 350, Boise, ID 83706

Email rbrown@spfwater.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

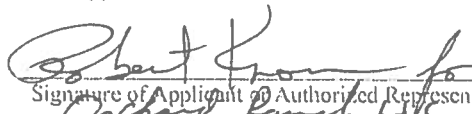
☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

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


Signature of Applicant or Authorized Representative
Orchard Ranch LLC

Robert Knorr, Managing Member 1-5-11
Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- 1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
- ☐ Change nature of use ☐ Change period of use ☐ Other

- 2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2. With this amended application, the applicant seeks to remove 0.4 acre of federal public land in the SWNE, S24, T1S, R3E from the proposed place of use and correct the associated map.

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 ☒ ☐	61-7263	2.4/660	irrigation	4/1 to 10/31	ground water
☒ ☐	61-7264A	10.74/2225	irrigation	3/15 to 11/15	ground water
☒ ☐	61-7264B	0.4/90	irrigation	3/15 to 11/15	ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 11.36 cfs and/or 2975 ac-ft

2. Total amount of water proposed to be transferred or changed 11.36 cubic feet per second and/or 2975 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 #
			NW	SE	14	1S	3E	Ada	ground water	
			NW	SE	13	1S	3E	Ada	ground water	
			NE	NW	29	1S	4E	Ada	ground water	
			SE	NW	19	1S	4E			

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	

See Attachment 1.4

Total Acres (for irrigation use) _____

ATTACHMENT 1.4
AMENDED APPLICATION FOR TRANSFER NO. 73834
DESCRIPTION OF PLACE OF USE

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	3E	9									18				40	38	3.8	26	125.8 ✓
		10			40						40	40	40	40		40	40	40	320.0 ✓
		11											40	40			40		120.0 ✓
		12									40			40	40	40	40	40	240.0 ✓
		13		40	40		37		40	34	34	40	40	40	40	40	34	40	499.0 ✓
		14	40	40	40	40	40	40	40	40	40	23		7	40	40	30	40	540.0 ✓
		15	40	40	17	37	33			.5									167.5 ✓
		23	13																13.0 ✓
		24	40	34		35	40								21	5			175.0 ✓
1S	4E	19	40	40	40	40	40	42 L 1	42 L 2	40									324.0 ✓
		20											40						40.0 ✓
		29			40		40	40	27	40									187.0 ✓

Total Acres (for irrigation use) 631 acres within a 2,751.3-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: Diversion will be from wells with pumps to mainlines and sprinkler irrigation.
Diversions will be estimated or measured as required by the Department.

- b. Who owns the property at the point(s) of diversion? applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: n/a

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: Land will no longer be irrigated.
- 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 water rights at the existing point of diversion and place of use are the subject of this transfer. Permit Application No. 63-32703 will deliver water to the same permissible place of use as this 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: _____

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) _____

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

Current Water Right No.: 61-7263

Current Owner: ORCHARD RANCH LLC
RODGER JOHNSON

Priority Date: 4/1/1976

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	2.4 CFS	660 AF
	Total Diversion	2.4 CFS	660 AF

Location of Point(s) of Diversion

GROUND WATER	L4(SW1/4NW1/4NW1/4)	Sec. 6, Twp 03S, Rge 05E B.M.
ELMORE County		
GROUND WATER	L3(SE1/4SE1/4SW1/4)	Sec. 31, Twp 02S, Rge 05E B.M.
ELMORE County		
GROUND WATER	NW1/4NE1/4	Sec. 31, Twp 02S, Rge 05E B.M.
ELMORE County		

Place of UseIRRIGATION Within ELMORE County

T02S R05E S31	NENE	39.00	T02S R05E S31	SENE	40.00
T02S R05E S31	NESW	40.00	T02S R05E S31	NWSW	40.00
T02S R05E S31	Lot 4 SWSW	39.00	T02S R05E S31	Lot 3 SESW	33.00
T02S R05E S31	NESE	40.00	T02S R05E S31	NWSE	40.00
T02S R05E S31	Lot 2 SWSE	35.00	T02S R05E S31	Lot 1 SESE	42.00
T02S R05E S32	NWNW	39.00	T02S R05E S32	SWNW	39.00
T03S R05E S6	Lot 3 NENW	39.00	T03S R05E S6	Lot 4 NWNW	43.00
T03S R05E S6	Lot 5 SWNW	45.00	T03S R05E S6	SENW	38.00

Total Acres: 631

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Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. WB4 The total instantaneous diversion of water from all points of diversion under Transfer 68468 shall not exceed 11.36 cfs, nor total combined annual volume of 2975.0 af.
3. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. X27 This right is limited to the irrigation of 165.0 acres within the place of use described above in a single irrigation season.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-25-2000.
7. X35 Right 61-7263 when combined with Rights 61-7247B, 61-7264A and 61-7264B shall not exceed a total diversion rate of 11.36 cfs.
8. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. 01Q After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
10. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion.
11. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Decreed Date: 10/26/2000

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

Current Water Right No.: 61-7264A

Current Owner: ORCHARD RANCH LLC
RODGER JOHNSON

Priority Date: 6/10/1976

Origin: Water Right

Status: Active

Basis: Decreed

Source**Tributary**

GROUND WATER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	03/15	to 11/15	9.47 CFS	2007 AF
STOCKWATER	01/01	to 12/31	1.27 CFS	218 AF
COMMERCIAL	01/01	to 12/31	1.27 CFS	218 AF
	Total Diversion		10.74 CFS	2225 AF

Location of Point(s) of Diversion

GROUND WATER	L4(SW1/4NW1/4NW1/4)	Sec. 6,	Twp 03S,	Rge 05E B.M.
ELMORE County				
GROUND WATER	L3(SE1/4SE1/4SW1/4)	Sec. 31,	Twp 02S,	Rge 05E B.M.
ELMORE County				
GROUND WATER	NW1/4NE1/4	Sec. 31,	Twp 02S,	Rge 05E B.M.
ELMORE County				

Place of Use

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IRRIGATION Within ELMORE County

T02S R05E S31		NENE	39.00	T02S R05E S31		SENE	40.00
T02S R05E S31		NESW	40.00	T02S R05E S31		NWSW	40.00
T02S R05E S31	Lot 4	SWSW	39.00	T02S R05E S31	Lot 3	SESW	33.00
T02S R05E S31		NESE	40.00	T02S R05E S31		NWSE	40.00
T02S R05E S31	Lot 2	SWSE	35.00	T02S R05E S31	Lot 1	SESE	42.00
T02S R05E S32		NWNW	39.00	T02S R05E S32		SWNW	39.00
T03S R05E S6	Lot 3	NENW	39.00	T03S R05E S6	Lot 4	NWNW	43.00
T03S R05E S6	Lot 5	SWNW	45.00	T03S R05E S6		SENW	38.00

Total Acres: 537

STOCKWATER Within ELMORE County

T02S R05E S31		NWNE		T02S R05E S31		SWNE	
---------------	--	------	--	---------------	--	------	--

COMMERCIAL Within ELMORE County

T02S R05E S31		NENE		T02S R05E S31		NWNE	
T02S R05E S31		SWNE		T02S R05E S31		SENE	
T02S R05E S31		NESW		T02S R05E S31		NWSW	
T02S R05E S31	Lot 4	SWSW		T02S R05E S31	Lot 3	SESW	
T02S R05E S31		NESE		T02S R05E S31		NWSE	
T02S R05E S31	Lot 2	SWSE		T02S R05E S31	Lot 1	SESE	
T02S R05E S32		NWNW		T02S R05E S32		SWNW	
T03S R05E S6	Lot 3	NENW		T03S R05E S6	Lot 4	NWNW	
T03S R05E S6	Lot 5	SWNW		T03S R05E S6		SENW	

Page 10 of 13**Conditions of Approval:**

1. 106 Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
2. WD8 The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
3. 01Q After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Commercial use is for a dairy located within W1/2NE, S31, T02S, R05E.
6. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. WB4 The total instantaneous diversion of water from all points of diversion under Transfer 68468 shall not exceed 11.36 cfs, nor total combined annual volume of 2975.0 af.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. X27 This right is limited to the irrigation of 446.0 acres within the place of use described above in a single irrigation season.
12. X35 Right 61-7263 when combined with Rights 61-7247B, 61-7264A and 61-7264B shall not exceed a total diversion rate of 11.36 cfs.
13. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 10/26/2000

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

Current Water Right No.: 61-7264B

Current Owner: ORCHARD RANCH LLC
RODGER JOHNSON

Priority Date: 6/10/1976

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	3/15 to 11/15	0.4 CFS	90 AF
	Total Diversion	0.4 CFS	90 AF

Location of Point(s) of Diversion

GROUND WATER	L3(SE1/4SE1/4SW1/4)	Sec. 31, Twp 02S, Rge 05E B.M.
ELMORE County		
GROUND WATER	L4(SW1/4NW1/4NW1/4)	Sec. 6, Twp 03S, Rge 05E B.M.
ELMORE County		
GROUND WATER	NW1/4NE1/4	Sec. 31, Twp 02S, Rge 05E B.M.
ELMORE County		

Place of UseIRRIGATION Within ELMORE County

T02S R05E S31	NENE	39.00	T02S R05E S31	SENE	40.00
T02S R05E S31	NESW	40.00	T02S R05E S31	NWSW	40.00
T02S R05E S31	Lot 4 SWSW	39.00	T02S R05E S31	Lot 3 SESW	33.00
T02S R05E S31	NESE	40.00	T02S R05E S31	NWSE	40.00
T02S R05E S31	Lot 2 SWSE	35.00	T02S R05E S31	Lot 1 SESE	42.00
T02S R05E S32	NWNW	39.00	T02S R05E S32	SWNW	39.00
T03S R05E S6	Lot 3 NENW	39.00	T03S R05E S6	Lot 4 NWNW	43.00
T03S R05E S6	Lot 5 SWNW	45.00	T03S R05E S6	SENW	38.00

Total Acres: 631

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Conditions of Approval:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 61-07247B, 61-07263 & 61-7264A.
2. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL MEASURE THE DIVERSION OR SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT.
3. C15 ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER 68468 SHALL NOT EXCEED 11.36 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 2975.0 AF.
7. PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT HOLDER SHALL PROVIDE A MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.

Decreed Date: 8/15/2002

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**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

+ checklist pg (not numbered)

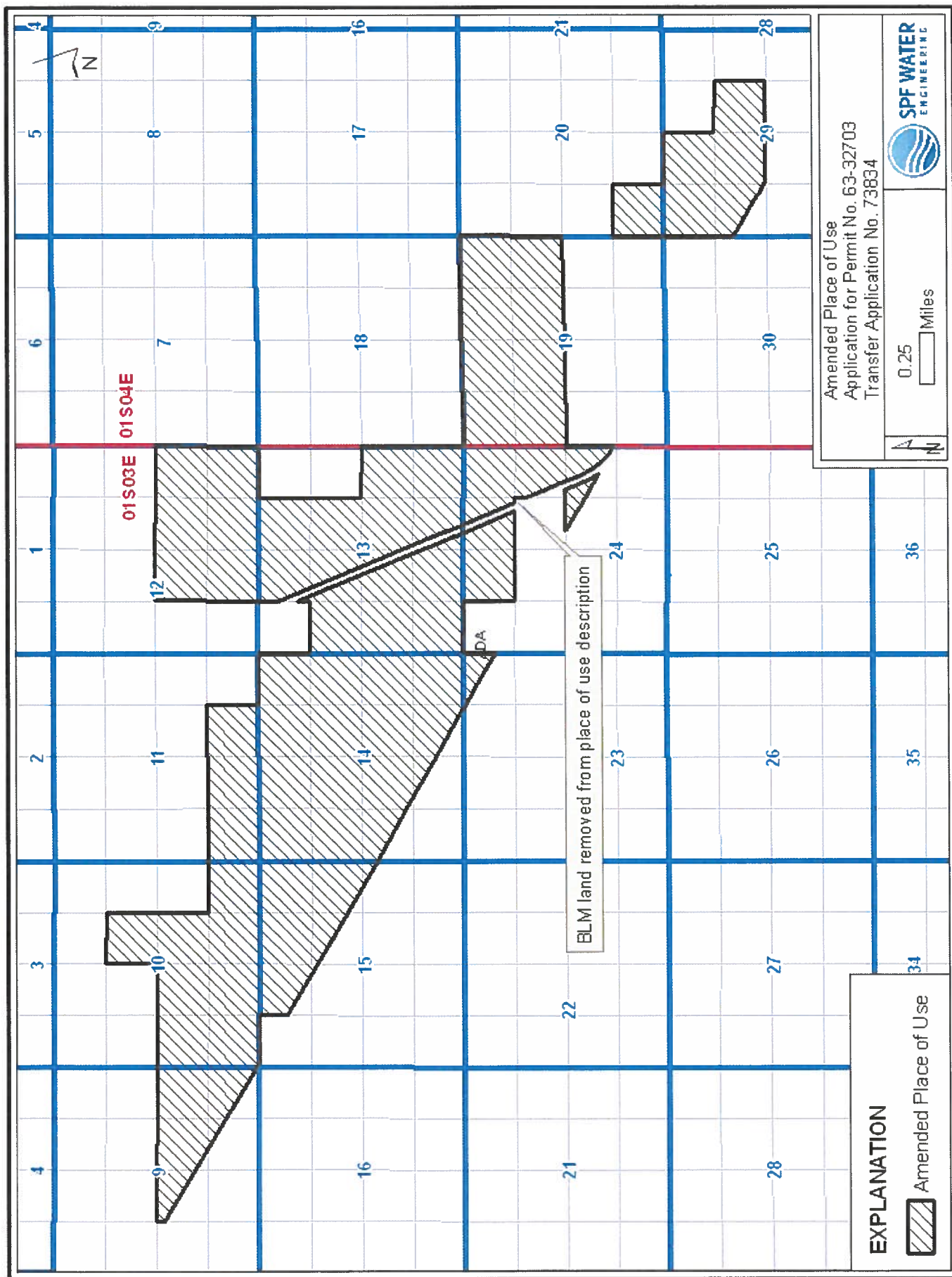
Transfer contains 13 pages and 3 attachments.

Received by SB Date 1.5.2011 Prelim. Check by SL Date 2/7/2011

* Fee Paid \$690 Date 6/21/07 Received by P. J. V. Receipt # C084392

Add'l Fee Paid	Date	Received by	Receipt #
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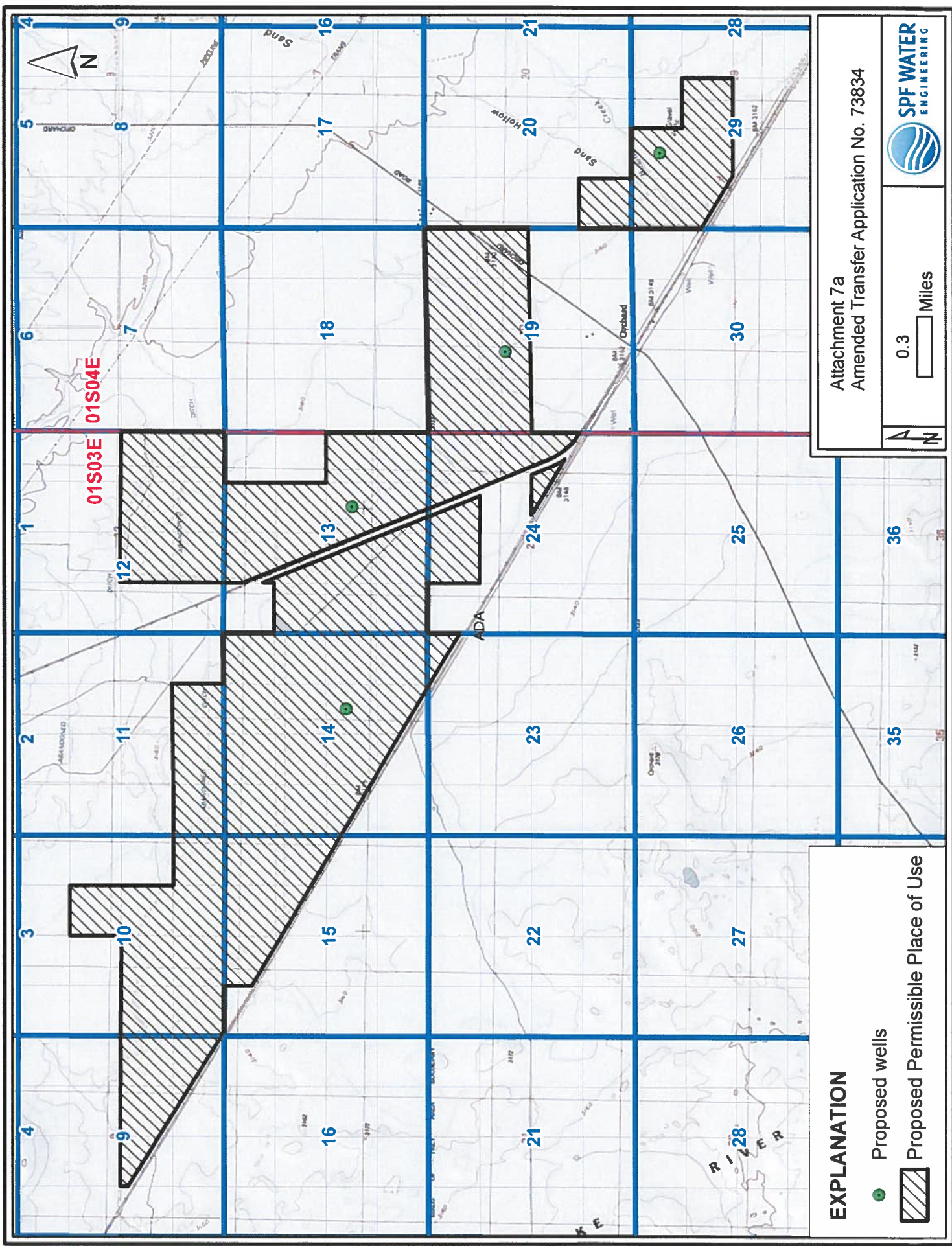
* per original Appl.



See Attached info from
1st Amended Appl.

ATTACHMENT
7A (1)

X-fer: 73834



EXPLANATION

● Proposed wells

▨ Proposed Permissible Place of Use

Attachment 7a
Amended Transfer Application No. 73834

0.3 Miles



ATTACHMENT 7A(2)

X-fer: 73834

No. W 87178	Due no later than Sep 30, 2010 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. ORCHARD RANCH, LLC ROBERT KNORR PO BOX 1260 MARICOPA AZ 85239 USA		JEFFREY W PUSCH 101 S CAPITOL BLVD STE 500 BOISE ID 83702			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	RODGER JOHNSON	PO BOX 114	WALHALLA	ND	USA	58282
MANAGER	ROBERT KNORR	PO BOX 1260	MARICOPA	AZ	USA	85239
5. Organized Under the Laws of: AZ W 87178		6. Annual Report must be signed.* Signature: Jeffrey W. Pusch Name (type or print): Jeffrey W. Pusch Date: 08/12/2010 Title: Attorney				
Processed 08/12/2010		* Electronically provided signatures are accepted as original signatures.				

ATTACHMENT 9

X-fer: 73834