

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

RECEIVED

OCT 2 2010

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) EAGLE VALLEY RANCH LLCPhone (208)756-1510Mailing address 446 BOHANNON CR RDEmail eaglevalley1@centurytel.net

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

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

- ☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ 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.

Michael G. Kossler
Signature of Applicant or Authorized Representative

Michael G. Kossler, Manager
Print Name and Title if applicable

10-21-10
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**. This transfer describes the current POU for all upper Bohannon Cr water rights on the ranch. It is proposed to abandon all the Bohannon Cr PODs except IDWR B-6. All other upper Bohannon water will be diverted at a new POD and conveyed by pipeline to existing pivots or conveyed by pipeline to some open ditches.

Transfer - 76901

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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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 ☒ ☐	74-176	8.4	Irrigation	3/15 to 11/15	Bohannon Cr
☒ ☐	74-177	1.9	Irrigation	3/15 to 11/15	Bohannon Cr
☒ ☐	74-184	0.5	Irrigation	3/15 to 11/15	Bohannon Cr
☒ ☐	74-182	1.1	Irrigation	3/15 to 11/15	Bohannon Cr
☒ ☐	74-175	1.1	Irrigation	3/15 to 11/15	Bohannon Cr
☒ ☐	74-183	0.4	Irrigation	3/15 to 11/15	Bohannon Cr
☒ ☐	74-377	2.8	Irrigation	3/15 to 11/15	Bohannon Cr
☒ ☐	74-181	1.4	Irrigation	3/15 to 11/15	Bohannon Cr
☐ ☐				to	

Total authorized under rights 17.6 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed 17.6 cubic feet per second and/or 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 #
X	2	NE	SW	SE	35	22N	23E	LEMHI	BOHANNON CR	
			SW	SW	2	21N	23E	LEMHI	BOHANNON CR	B-6 (IDWR)

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	
21N	23E	2	0	14.0	14.0	0	37.0	37.0	33.0	38.0	39.0	13.0	33.0	40	0	14.0	28.0	0	340.0
21N	23E	3	3.3	0	0	12.0	0	0	0	0	0	0	0	0	13.0	0	0	0.4	28.7
21N	23E	11	0	6.7	17.0	21.0	33.0	26.0	31.0	24.0	40	22.0	5.7	31.9	38.0	33.0	19.0	3.4	351.7
21N	23E	12	0	0	0	0	0	0	18.0	0.9	0	15.0	0	0	0	0	0	0	33.9
22N	23E	34	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7.0	7.0
22N	23E	35	0	0	0	0	0	0	0	0	0	0	27.0	15.0	0	0	0.5	0	42.5
21N	23E	14	0	0	0	0	0.2	0	0	0	0	0	0	0	0	0	0	0	0.2

Total Acres (for irrigation use) 803.7

804.9

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STATE OF IDAHO
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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: _____

- b. Who owns the property at the point(s) of diversion? EAGLE VALLEY RANCH LLC

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: _____

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: _____

- 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: Other water rights at same POD 74-7155 (a storage water right); Other water rights at same POU 74-771, 74-773, 74-774, 74-775, and 74-776 (PODs unchanged)

- 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: _____

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ACTION BY MEMBERS AND MANAGERS OF EAGLE VALLEY RANCH, LLC

The undersigned, who constitute all members and managers of **EAGLE VALLEY RANCH, LLC**, an Idaho limited liability company ("the Company"), take the following action by unanimous written consent as permitted by Idaho law and Article 7-8 of the Operating Agreement of the Company:

RESOLVED, that Michael Kossler, as ranch manager, shall hereafter serve in the capacity and hold the title of ranch manager on behalf of the Company. This resolution is given to evidence the authority granted for the limited purposes stated herein. This resolution shall not be construed as a general power of attorney but is limited to dealings with agencies of the U.S. or State of Idaho governments. In such capacity he shall have authority to negotiate and execute all contracts, documents and instruments on behalf of the Company and bind the Company in dealings with agencies of the United States or the State of Idaho with respect to the management and operation of the ranch owned by Eagle Valley Ranch, LLC in Lemhi County, Idaho. Such agencies shall include, but not be limited to, the United States Farm Service Agency, any other sub-agency of the U.S. Department of Agriculture or Bureau of Land Management, State of Idaho Department of Lands, Department of Water Resources, Department of Fish & Game or other federal or state agencies and shall apply to water rights, conservation or range management plans, set aside or program payment plans and conservation reserve plans or programs, but shall not include the ability to obligate the Company with respect to any loans or other lending documents.

RESOLVED, that any third party or governmental agency to whom a copy of this resolution is presented shall be entitled to rely thereon as evidence of the authority of Michael Kossler on behalf of the Company until such third party is presented with written documentation of the revocation of the authority granted herein.

Date: January 14, 2004



NIKOLAOS D. MONOYIOS
Member and Manager



VALERIE A. BRACKETT
Member and Manager

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IDAHO DEPARTMENT OF WATER RESOURCES
 Water Right Report

76901

2/15/2010

WATER RIGHT NO. 74-175

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EAGLE VALLEY RANCH LLC 446 BOHANNON CREEK RD SALMON, ID 83467 (208) 756-1733
Original Owner	SWAHLEN RANCH
Original Owner	MARIAN H SWAHLEN
Original Owner	WILLIAM B SWAHLEN 446 BOHANNON CREEK RD SALMON, ID 83467 (208)756-3438

Priority Date: 04/01/1874

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOHANNON CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	1.1 CFS	
Total Diversion			1.1 CFS	

Location of Point(s) of Diversion:

BOHANNON CREEK	NWNE Lt 2	Sec. 02	Township 21N	Range 23E	LEMHI County
BOHANNON CREEK	SENW	Sec. 02	Township 21N	Range 23E	LEMHI County

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BOHANNON CREEK	SWSW	ec. 02	Township 21N	Range 23E	LEMI County
BOHANNON CREEK	NENE	Sec. 10	Township 21N	Range 23E	LEMHI County
BOHANNON CREEK	SWNW	Sec. 11	Township 21N	Range 23E	LEMHI County
BOHANNON CREEK	SWSE Lt 2	Sec. 35	Township 22N	Range 23E	LEMHI County

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Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
21N	23E	11		SWSW	24		SESW	32						

Total Acres: 56

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.	E55	USE OF THIS RIGHT WITH RIGHT NO. 74-776 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 55.6 ACRES IN A SINGLE IRRIGATION SEASON.
3.	E64	This right authorizes the irrigation of 55.6 total acres.

Dates:

Licensed Date:

Decreed Date: 07/09/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 55.6

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

76901

2/15/2010

WATER RIGHT NO. 74-176

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EAGLE VALLEY RANCH LLC 446 BOHANNON CREEK RD SALMON, ID 83467 (208) 756-1733
Original Owner	SWAHLEN RANCH
Original Owner	WILLIAM B SWAHLEN 446 BOHANNON CREEK RD SALMON, ID 83467 (208)756-3438

Priority Date: 04/01/1869

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOHANNON CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	8.4 CFS	
Total Diversion			8.4 CFS	

Location of Point(s) of Diversion:

BOHANNON CREEK	NWNE Lt 2	Sec. 02	Township 21N	Range 23E	LEMHI County
BOHANNON CREEK	NENW	Sec. 02	Township 21N	Range 23E	LEMHI County
BOHANNON CREEK	SENW	Sec. 02	Township 21N	Range 23E	LEMHI County

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BOHANNON CREEK	SWSW	Sec. 02	Township 21N	Range 23E	LE	II County
BOHANNON CREEK	SWSE Lt 2	Sec. 35	Township 22N	Range 23E	LEMHI	County

76901

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
21N	23E	2		NESW	40		NWSW	17		SWSW	38		SESW	40
		11		NWSE	23		SWSE	26						
				NWNE	27		SWNE	26						
				NENW	39		NWNW	25		SWNW	24		SENW	37
				NESW	40		NWSW	15						

Total Acres: 417

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.	E55	USE OF THIS RIGHT WITH RIGHT NOS. 74-775, 74-771, 74-773, AND 74-774 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 416.5 ACRES IN A SINGLE IRRIGATION SEASON.
3.	E64	This right authorizes the irrigation of 416.5 total acres.

Dates:

Licensed Date:

Decreed Date: 07/09/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 416.5

<http://www.idwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=74&SequenceNum...> 2/15/2010

76901

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-177

WATER RIGHT NUMBER: 74-177

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM B SWAHLEN 446 BOHANNON CREEK RD SALMON, ID 83467
Current Owner	EAGLE VALLEY RANCH LLC 446 BOHANNON CREEK RD SALMON, ID 83467 (208) 756-1733
Original Owner	SWAHLEN RANCH 446 BOHANNON CREEK RD SALMON, ID 83467 (208)756-3438

Priority Date: 04/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOHANNON CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.900 CFS	
	<u>Total Diversion:</u>	1.900 CFS	

Location of Point(s) of Diversion

BOHANNON CREEK	1- L2 (NW1/4NE1/4)	Sec. 2, Twp 21N, Rge 23E, B.M.
LEMHI County		
BOHANNON CREEK	1- L2 (NW1/4NE1/4)	Sec. 2, Twp 21N, Rge 23E, B.M.
LEMHI County		
BOHANNON CREEK	8- L3 (NE1/4NW1/4)	Sec. 2, Twp 21N, Rge 23E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	23E	2					17.0	40.0	31.0	29.0									117.0
							L 3	L 4											

Total Acres: 117

Conditions of Approval:

1. E64 This right authorizes the irrigation of 116.8 total acres.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-182

WATER RIGHT NUMBER: 74-182

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM B SWAHLEN 446 BOHANNON CREEK RD SALMON, ID 83467
Current Owner	EAGLE VALLEY RANCH LLC 446 BOHANNON CREEK RD SALMON, ID 83467 (208) 756-1733
Original Owner	SWAHLEN RANCH 446 BOHANNON CREEK RD SALMON, ID 83467 (208) 756-3438

Priority Date: 04/01/1913

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOHANNON CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.100 CFS	
	<u>Total Diversion:</u>	1.100 CFS	

Location of Point(s) of Diversion

BOHANNON CREEK	L2 (SW1/4SE1/4)	Sec. 35, Twp 22N, Rge 23E, B.M.
LEMHI County		
BOHANNON CREEK	L2 (NW1/4NW1/4NE1/4)	Sec. 2, Twp 21N, Rge 23E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	23E	3	4.0			10.0									8.0				22.0
			L 1																

Total Acres: 22

Conditions of Approval:

1. E64 This right authorizes the irrigation of 22.2 total acres.
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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-184

WATER RIGHT NUMBER: 74-184

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM B SWAHLEN 446 BOHANNON CREEK RD SALMON, ID 83467
Current Owner	EAGLE VALLEY RANCH LLC 446 BOHANNON CREEK RD SALMON, ID 83467 (208) 756-1733
Original Owner	SWAHLEN RANCH 446 BOHANNON CREEK RD SALMON, ID 83467 (208) 756-3438

Priority Date: 07/11/1912

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOHANNON CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

BOHANNON CREEK	L2 (SW1/4SE1/4)	Sec. 35, Twp 22N, Rge 23E, B.M.
LEMHI County		
BOHANNON CREEK	L2 (NW1/4NE1/4)	Sec. 2, Twp 21N, Rge 23E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	23E	2		10.0	22.0														32.0
				L 2															

Total Acres: 32

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. E64 This right authorizes the irrigation of 31.4 total acres.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 74-183

WATER RIGHT NUMBER: 74-183

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SWAHLEN RANCH 446 BOHANNON CREEK RD SALMON, ID 83467 (208)756-3438
Original Owner	WILLIAM B SWAHLEN 446 BOHANNON CREEK RD SALMON, ID 83467
Current Owner	EAGLE VALLEY RANCH LLC 446 BOHANNON CREEK RD SALMON, ID 83467 (208) 756-1733

Priority Date: 04/01/1874

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOHANNON CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

BOHANNON CREEK	L2 (NW1/4NE1/4)	Sec. 2, Twp 21N, Rge 23E, B.M.
LEMHI County		
BOHANNON CREEK	L3 (NE1/4NW1/4)	Sec. 2, Twp 21N, Rge 23E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	23E	11				22.0										36.0	30.0	22.0	110.0

Total Acres: 110

Conditions of Approval:

1. E64 This right authorizes the irrigation of 110.7 total acres.
2. E55 USE OF THIS RIGHT WITH RIGHT NO. 74-377 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 110.7 ACRES IN A SINGLE IRRIGATION SEASON.

01/19/2006

76901

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-181

NAME AND ADDRESS: EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON ID 83467

SOURCE: BOHANNON CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.400 CFS

PRIORITY DATE: 05/05/1912

POINT OF
DIVERSION: T22N R23E S35 NESWSE Lot 2 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	1.400 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

SESE T22N R23E S34 Lot 1 14.00 **SWSE** T22N R23E S35 Lot 2 5.00

T22N R23E S35 Lot 3 13.00 **SWSW** T22N R23E S35 Lot 4 20.00

52 ACRES TOTAL

SESW This right authorizes the irrigation of 51.7 total acres.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-377

WATER RIGHT NUMBER: 74-377

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM B SWAHLEN 446 BOHANNON CREEK RD SALMON, ID 83467
Current Owner	EAGLE VALLEY RANCH LLC 446 BOHANNON CREEK RD SALMON, ID 83467 (208) 756-1733
Original Owner	SWAHLEN RANCH 446 BOHANNON CREEK RD SALMON, ID 83467 (208) 756-3438

Priority Date: 07/10/1912

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOHANNON CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15	to 11/15	2.800 CFS	
	<u>Total Diversion:</u>		2.800 CFS	

Location of Point(s) of Diversion

BOHANNON CREEK	L3 (NE1/4NW1/4)	Sec. 2, Twp 21N, Rge 23E, B.M.
LEMHI County		
BOHANNON CREEK	L2 (NW1/4NE1/4)	Sec. 2, Twp 21N, Rge 23E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	23E	11				22.0										37.0	30.0	22.0	111.0

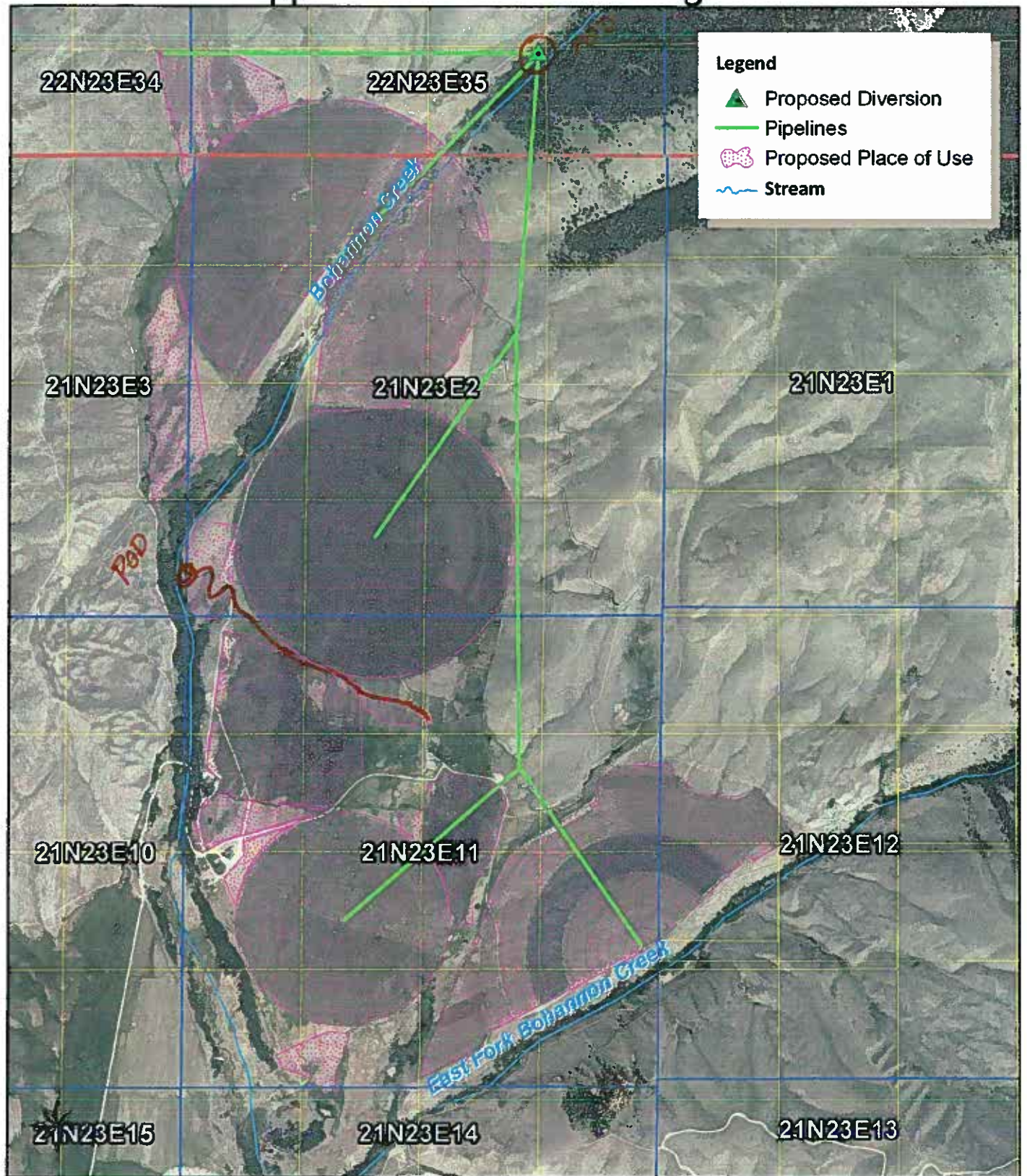
Total Acres: 111

Conditions of Approval:

1. E55 USE OF THIS RIGHT WITH RIGHT NO. 74-183 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 110.7 ACRES IN A SINGLE IRRIGATION SEASON.

Eagle Valley Ranch Upper Bohannon Creek Irrigation

76901



76901

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76901

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

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

Yes N/A

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. 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: _____

76901



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

January 26, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON, ID 83467

RE: Transfer No. 76901
Water Right No(s). 74-175, 74-177, 74-176, 74-181, 74-182, 74-183, 74-184, 74-377

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 RECORDER-HERALD, IDAHO STATESMAN, LEWISTON TRIBUNE, POST-REGISTER, TIMES NEWS on February 3 and 10, 2011. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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.

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

Sincerely,

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 26, 2011

JERRY ELZINGA
WATER DISTRICT 74c
700 MONROE
SALMON, ID 83467

RE: Application for Transfer 76901
Water Right Number(s) 74-176 , 74-177, 74-184, 74-175, 74-182, 74-181, 74-183,
and 74-377

Dear Watermaster:

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.

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 during regional review. 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.

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

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, January 26, 2011 11:54 AM
To: 'klewis@lmtribune.com'
Subject: Legal ad for your paper

Contacts: Lewiston Morning Tribune

January 26, 2011

Legal Notice Department
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

RE: Legal Ad

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 February 22, 2011. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant
Department of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161
208-525-7177 – fax
sharla.cox @idwr.idaho.gov

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 76901

EAGLE VALLEY RANCH LLC, 446 BOHANNON CREEK RD, SALMON, ID 83467 has filed Application No. 76901 for changes to the following water rights within LEMHI County(s): Right No(s). 74-175, 74-177, 74-176, 74-181, 74-182, 74-183, 74-184, 74-377; 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:

The applicant proposes to change the point of diversion and to change the place of use. The points of diversion are in Lot 2 NESWSE Sec 35 T22N R23E and the SWSW Sec 2 T21N R23E for 17.6 cfs. The place of use is within Sec 2, 3, 11, 12 and 14 T21N R23E and Sec 34 and 35 T22N R23E for 804.9 acres.

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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before February 22, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on February 3 and 10, 2011

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, January 26, 2011 11:53 AM
To: 'rhlegals@salmoninternet.com'
Subject: Legal ad for your paper

Contacts: Recorder Herald



Recorder
Herald.doc

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, January 26, 2011 11:51 AM
To: 'legals@magicvalley.com'
Subject: Legal ad for your paper

Contacts: Times News



Times News
E-Mail.doc

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, January 26, 2011 11:50 AM
To: 'Post Register (legalnotices@postregister.com)'
Subject: Legal ad for your paper

Contacts: Post Register



Post Register
E-Mail.doc

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, January 26, 2011 11:48 AM
To: 'legals@idahostatesman.com'
Subject: Legal ad for your paper

Contacts: Idaho Statesman



Idaho Statesman
1.RTF

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

January 26, 2011

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

RE: Transfer No. 76901,
Water Right No(s). 74-175, 74-177, 74-176, 74-181, 74-182, 74-183, 74-184, 74-377

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 2/22/2011. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

January 26, 2011

LEGAL NOTICE DEPARTMENT
LEWISTON TRIBUNE
505 C ST PO BOX 957
LEWISTON, ID 83501

RE: Transfer No. 76901,
Water Right No(s). 74-175, 74-177, 74-176, 74-181, 74-182, 74-183, 74-184, 74-377

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 2/22/2011. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

January 26, 2011

LEGAL NOTICE DEPARTMENT
POST-REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

RE: Transfer No. 76901,
Water Right No(s). 74-175, 74-177, 74-176, 74-181, 74-182, 74-183, 74-184, 74-377

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 2/22/2011. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

January 26, 2011

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

RE: Transfer No. 76901,
Water Right No(s). 74-175, 74-177, 74-176, 74-181, 74-182, 74-183, 74-184, 74-377

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 2/22/2011. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 76901

EAGLE VALLEY RANCH LLC, 446 BOHANNON CREEK RD, SALMON, ID 83467 has filed Application No. 76901 for changes to the following water rights within LEMHI County(s): Right No(s). 74-175, 74-177, 74-176, 74-181, 74-182, 74-183, 74-184, 74-377; 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:

The applicant proposes to change the point of diversion and to change the place of use. The points of diversion are in Lot 2 NESWSE Sec 35 T22N R23E and the SWSW Sec 2 T21N R23E for 17.6 cfs. The place of use is within Sec 2, 3, 11, 12, 14 T21N R23E and Sec 34 and 35 T22N R23E for 804.9 acres.

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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before February 22, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on February 3 and 10, 2011

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 76901

EAGLE VALLEY RANCH LLC, 446 BOHANNON CREEK RD. SALMON, ID 83467 has filed Application No. 76901 for changes to the following water rights within LEMHI County(s): Right No(s). 74-175, 74-177, 74-176, 74-181, 74-182, 74-183, 74-184, 74-377; 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:

The applicant proposes to change the point of diversion and to change the place of use. The points of diversion are in Lot 2 NESWSE Sec 35 T22N R23E and the SWSW Sec 2 T21N R23E for 17.6 cfs. The place of use is within Sec 2, 3, 11, 12, 14 T21N R23E and Sec 34 and 35 T22N R23E for 804.9 acres.

TRANSFER NO. 74597

BEVERLY KIRKHAM HEINZ, 5529 COTTONWOOD CLUB DR, SALT LAKE CITY, UT 84117 has filed Application No. 74597 for changes to the following water rights within LEMHI County(s): Right No(s). 74-265, 74-979, 74-980, 74-2319; 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:

The applicant proposes to add a points of diversion. The points of diversion are in the NWSW, NESW, NESW and SESW Sec 33 T18N R23E and NESWNE Sec 4 T17N R23E for 2.87 cfs. The place of use remains the same in Sec 4 T17N R23E for 108 acres.

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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before February 22, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on February 3 and 10, 2011

Bob Loucks
260 Withington Cr Rd
Salmon, ID 83467
(208)756-3032

Blake Jordan
IDWR
Eastern Region
Idaho Falls, ID 83402-1718

RECEIVED
OCT 25 2010
Department of Water Resources
Eastern Region

Dear Mr. Jordan,

I have been working with Mike Kossler and Nikos Monoyios on this Bohannon Cr transfer. The intent of the transfer is twofold: 1) remove the POD and a permitted ditch (whose permit is expired and reissuance is objected to by NMFS and USFWS) from BLM lands; and remove most PODs from Bohannon Cr to support fish passage.

Perhaps I should clarify a couple of other points that you mentioned. The spring water rights are within the proposed common POU for the transferred water rights. They are used for both flood irrigation and stockwater. We do not want to change these water rights. The POU has always been overlapping with other water rights. The POD is the spring. We are happy to pay the transfer fee (all rights total 1.0 cfs).

The less than 1 acre of BLM irrigated in Sec. 12 is pivot end gun overlap outside the fence. I am unsure whether the existing pivot can be configured to shut off the end gun at the fence. The property in question was part of some patented mining claims formerly owned by the ranch but exchanged with BLM.

The Wimpey Cr water (74-15740) is being transferred to a lower Bohannon Cr POU (where it has been used for many years). One of the things we are trying to do is transfer water rights to the current POU. Since this ranch owns most of upper Bohannon Cr, it is unlikely that there will be any objections, as they are simply moving water around on their own ranch.

S/Bob Loucks



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 12, 2010

EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON, ID 83467

RE: Application for Transfer

Dear Applicant(s):

The Department of Water Resources has received your application for transfer. Preliminary review of the application indicates that it is incomplete and cannot be accepted for processing. We are returning your application to allow you to complete the necessary items. The required information is described below.

The Minimum Requirement Checklist was not provided. The checklist is part of the transfer application and needs to be completed and submitted as part of the transfer application.

Some of the proposed water rights to be transferred are overlapped with water rights from a spring source and Wimpey Creek. It appears that these water rights need to be added to the transfer and be part of the proposed place of use change. If the Wimpy Creek and Spring water rights are added as part of the transfer, then an additional filing fee will be required.

The proposed new place of use map you submitted shows approx. 1 acre of land irrigated in the SENW of 21N, 23E, Sec. 12. According to Lemhi County taxlot data this land is owned by the BLM. Do you have a land use agreement with the BLM? According to Item 1.4(Place of use) the SENW of 21N, 23E, Sec. 12 is not part of the proposed new place of use. Please clarify what your intentions are with this land owned by the BLM.

We encourage you to contact this office to go over your transfer application in more detail.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Blake Jordan', is written over a horizontal line.

Blake Jordan
Sr. Water Resource Agent