

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 75454**RECEIVED****APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST****MAY 01 2009**DEPT. OF WATER RESOURCES
SOUTHERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for the Department. Incomplete applications will be returned. The instructions, fee schedule and water right proof report or details report for Part 2A of the transfer application 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. * Means the item is always

Yes N/A required and must be included with application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Notarized signature of applicant(s) or applicant's authorized representative on first page of transfer application form. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Proof Report (obtained from Department) or Details Report (obtained on website) 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.
- ☒ * 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. (See last page of the 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 Department 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/water/rights>.
- ☐ ☐ #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.b.)
- ☒ * #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: Answer to Part 1, No. 5(a) - description of the diversion system

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
MAY 11 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant Idaho Ranch LLC Phone (949) 675-1590
Mailing address 2296 Channel Rd., Newport Beach, CA 92661 Email coastal_eddy@yahoo.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 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**.

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.

James P. Speck
Signature of Applicant or Authorized Representative

James P. Speck, attorney-in-fact
Print Name and Title if applicable

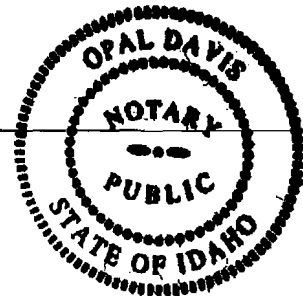
- ☒ If signed by an authorized representative, attach Power of Attorney or documentation providing authority to sign on the applicant's behalf. Also attach documentation providing authority for others – consultants, attorneys or representatives – to act on the applicant's behalf. Label these documents **Attachment #4**.

Representative's name and mailing address James P. Speck, SPECK & AANESTAD, P.C., PO Box 987, Ketchum, ID 83340
Phone 208-726-4421 Email jlm@speckandaanestad.com

Subscribed and sworn to before me this 1st day of May, 20 09

Opal Davis
(Notary Public)

My commission expires 6/20/13



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**. Point of diversion will be moved "downstream" in Broadford Slough from its current location at the Wrencher 39 Headgate approximately 1,400 feet to a new pumping station to more efficiently deliver the water to the lands currently irrigated.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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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.

<u>1. Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
37-21733	0.08 cfs	Irrigation	April 15 to October 31	Big Wood River (Broadford Slough) trib, to Malad River
37-21734	0.02 cfs	Irrigation	April 15 to October 31	Big Wood River (Broadford Slough) trib. to Malad River
37-21735	0.24 cfs	Irrigation	April 15 to October 31	Big Wood River (Broadford Slough) trib. to Malad River
37-21736	0.06 cfs	Irrigation	April 15 to October 31	Big Wood River (Broadford Slough) trib. to Malad River
37-8896	.40cfs/290AF	aesthetics	January 1 to Dec. 31	Big Wood R (Broadford SI)
Total 0.40 cfs cfs and/or 290.0 ac-ft				

2. Total amount of water being transferred or changed 0.40 cfs cubic feet per second and/or 290.0 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ 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	NE	35	2N	18E	Blaine	Big Wood River (Broadford Slough)	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	18E	35		2.7	17.3														20
2N	18E	35								A									

Total Acres (for irrigation use) 20

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: See Attachment 9. A two (2) inch buried mainline will deliver water from the existing three (3) inch buried mainline near the Southwest corner of Parcel 1 directly to the existing ditch where it enters the pond on Tax Lot 6333, the place of use for 37-8896.

- b. 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.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A

- d. 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: 2 ground water rights (37-8058 & 37-8143) are tied into and use the same irrigation delivery system as 37-21733, 37-2-734, 37-21735 & 37-21736) and are supplemental irrigation rights for the same 20 acres irrigated by those rights.

- e. 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 waer under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

Total Acres

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

Current Water Right No.: 37-21733

Priority Date: 5/2/1884
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

Source	Tributary
BIG WOOD RIVER	MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	0.08 CFS	
	Total Diversion	0.08 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER NE1/4NW1/4 Sec. 35, Twp 02N, Rge 18E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

			NE				NW				SW				SE					
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
02N	18E	35																	14	

Total Acres: 14

Conditions of Approval:

1. E55 Right Nos. 37-21733 and 37-21735 are limited to the irrigation of a combined total of 14 acres in a single irrigation season.

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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-21734

Priority Date: 5/2/1884

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

From	To
------	----

IRRIGATION	04/15 to 10/31
	Total Diversion

Diversion Rate

Annual Volume

0.02 CFS
0.02 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

NE1/4NW1/4

Sec. 35, Twp 02N, Rge 18E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

[illegible]

Total Acres: 6

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. This right is a split from former right 37-578C.
3. 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.
4. E55 Right Nos. 37-21734 and 37-21736 are limited to the irrigation of a combined total of 6 acres in a single irrigation season.

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

Current Water Right No.: 37-21735

Priority Date: 8/15/1902
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

Source	Tributary
BIG WOOD RIVER	MALAD RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/15	to 10/31	0.24 CFS	
	Total Diversion		0.24 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER NE1/4NW1/4 Sec. 35, Twp 02N, Rge 18E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

			NE				NW				SW				SE					
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
02N	18E	35																	14	

Total Acres: 14

Conditions of Approval:

1. E55 Right Nos. 37-21733 and 37-21735 are limited to the irrigation of a combined total of 14 acres in a single irrigation season.

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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-21736

Priority Date: 8/15/1902
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

Source	Tributary
BIG WOOD RIVER	MALAD RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31		0.06 CFS	
	Total Diversion		0.06 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER NE1/4NW1/4 Sec. 35, Twp 02N, Rge 18E B.M.
BLAINE County

Place of Use

IRRIGATION Within BLAINE County

			NE				NW				SW				SE					
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
02N	18E	35		2.7	3.3														6	

Total Acres: 6

Conditions of Approval:

1. E55 Right Nos. 37-21734 and 37-21736 are limited to the irrigation of a combined total of 6 acres in a single irrigation season.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. This right is a split from former right 37-688C.

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

Current Water Right No. 37-8896

Priority Date: 07/16/1999

Origin: Water Right

Basis: License

Status: Active

Source: BIG WOOD RIVER**Tributary to:** MALAD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
AESTHETIC	01/01 12/31	0.40 CFS	290.0 AFA	
Total Diversion		0.40 CFS	290.0 AFA	

Source and Point(s) of Diversion:

BIG WOOD RIVER SENENW 02N 18E 35 BLAINE

(Rediversion)

BIG WOOD RIVER SWSENW 02N 18E 22 BLAINE

(Injection)

PLACE OF USE: AESTHETIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	35								X									

Conditions/Remarks:

1. Rights 37-00578C, 37-00688C and 37-08896 when combined shall not exceed a total diversion rate of 0.40 cfs and a total annual maximum diversion volume of 290.0 af at the field headgate.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. If Rights 37-00578C and 37-00688C are sold, transferred, leased, or moved to any other place of use after the date of this approval, the right holder shall not divert water under this right without an approved transfer pursuant to Section 42-222, Idaho Code, or other written approval of the Department if a transfer is not required.
5. This right is injected into the Broadford Slough and rediverted from the Slough through the Wrencher #39 headgate.

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

Current Water Right No. 37-8896

6. Water shall not be diverted under this right when flows in the Big Wood River are below established minimum stream flows.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.

Documentation of Ownership of the Current Place of Use

N/A

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A (This is an Associated Right.)

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO