

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1RECEIVED
MAR 09 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION
75454Name of Applicant Idaho Ranch LLC Phone (949) 675-1590Mailing 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.

Signature of Applicant or Authorized Representative

James P. Speck, attorney-in-fact

Print Name and Title if applicable

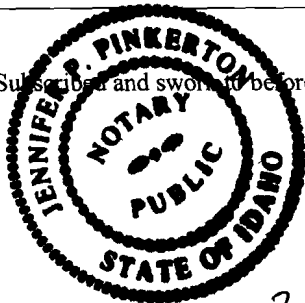
- ☒ If signed by an authorized representative, attach Power of Attorney or documentation providing authority to sign on the applicant's behalf. Also attach documentation providing authority for others – consultants, attorneys or representatives – to act on the applicant's behalf. Label these documents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

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

Subscribed and sworn to before me this

6

day of

March, 20 09

Jennifer P. Pinkerton
(Notary Public)

My commission expires

2/9/15

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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

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. <u>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
				to	Slough) trib. to Malad River
37-21734	0.02 cfs	Irrigation	April 15	to October 31	Big Wood River (Broadford
				to	Slough) trib. to Malad River
37-21735	0.24 cfs	Irrigation	April 15	to October 31	Big Wood River (Broadford
				to	Slough) trib. to Malad River
37-21736	0.06 cfs	Irrigation	April 15	to October 31	Big Wood River (Broadford
				to	Slough) trib. to Malad River
				to	
Total <u>0.40 cfs</u> cfs and/or _____ ac-ft					

2. Total amount of water being transferred or changed 0.40 cfs cubic feet per second and/or _____ 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

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

- 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: _____

None

- 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

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A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1 B.1. of the application, attach a Proof Report (obtained from Department) or Details Report (obtained from website @ <http://www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp>) Label it **Part 2A.**

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.

Right Number: _____

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

[illegible]

3. 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

STATE OF IDAHO
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APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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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.**

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:

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and 3 attachments.
 Received by X Date 3/9/09 Prelim. Check by X Date 3/9/09
 Fee Paid 250.00 Date 3/9/09 Received by X Receipt # 5030726
 Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

**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

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

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

IRRIGATION

04/15 to 10/31

Diversion Rate

0.08 CFS

Annual Volume

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

[illegible]

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

Diversion Rate

Annual Volume

0.02 CFS
0.02 CFS

Total Diversion

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

BIG WOOD RIVER

Tributary

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

[illegible]

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

BIG WOOD RIVER

Tributary

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

[illegible]

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.

BROADFORD

ROAD

ATTACHMENT 7A, SHT. 1 OF 4

40' ACCESS ESMT.

TAX LOT 6467

TAX LOT 6460

NEW PT. DIVERSION ATTACHMENT 7A, SHT 2 OF 4

NEW 3" SUPPLY LINE

NW 1/4, NE 1/4, SEC. 35

T2N, R18E, B.M., BLAINE CO., IDAHO

EXISTING PUMP FACILITY

LOBEL PROPERTY

FORMER TAX LOT 7930

NEW TAX LOT

PARCEL 1A

19.41 ACRES ±

N 00°15'21" E 891.25' TO C SLOUGH

FEMA FLOOD ELEV. = 5167

FEMA FLOOD ELEV. = 5168

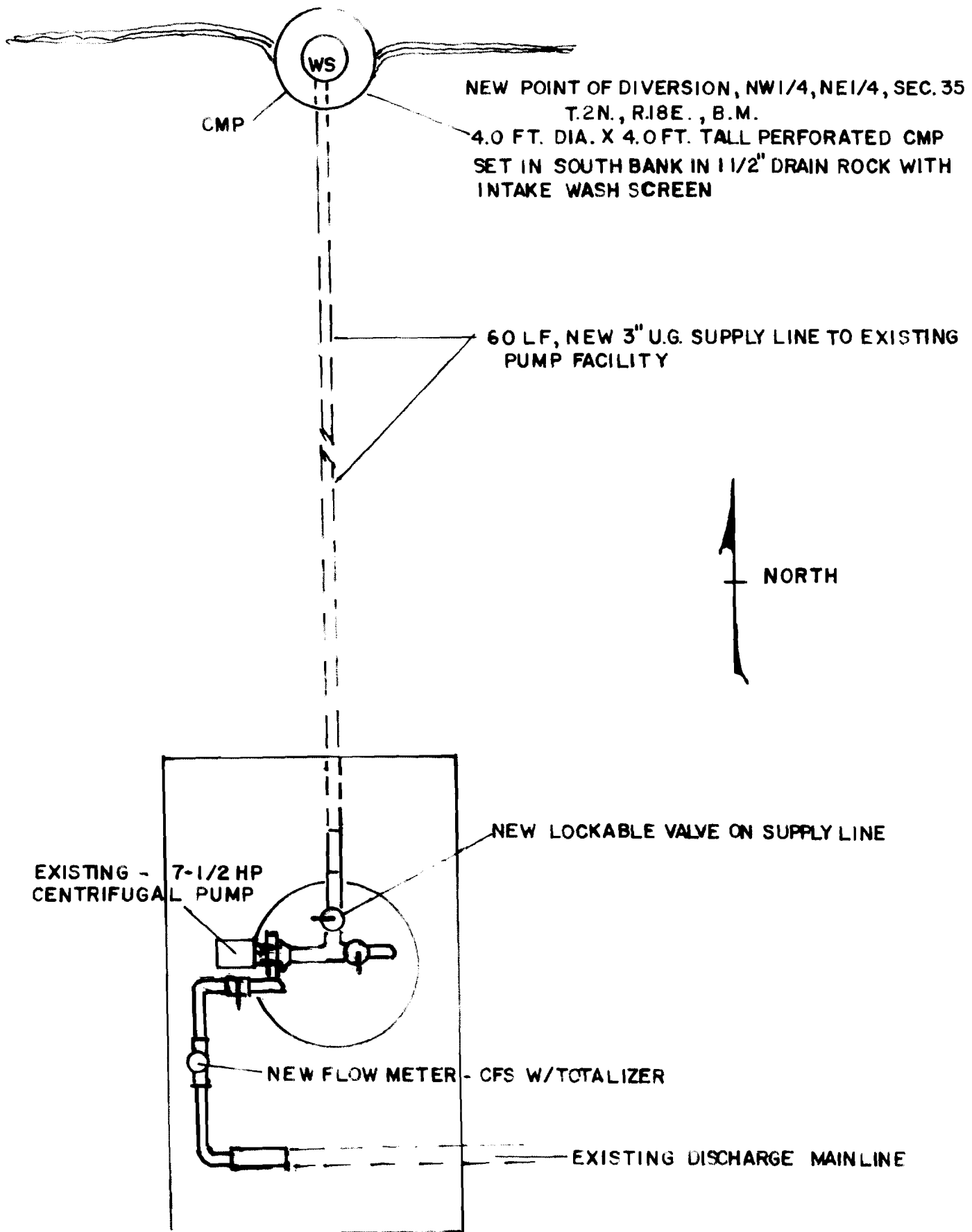
FEMA FLOOD ELEV. = 5169

L15
5162

N 89°34'07" E

709.00'

BROADFORD SLOUGH



**SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)**

IDAHO RANCH, LLC, an Idaho limited liability company, designates and appoints JAMES P. SPECK, of Ketchum, Idaho, as Grantor's attorney in fact and agent (subsequently called "Agent") to act in Grantor's name and for Grantor's benefit for the specific purposes stated herein only. Grantor grants to its Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as Grantor might or could do if personally present and fully competent, hereby ratifying and confirming all that Grantor's Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. Grantor's agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that Grantor now has or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or Grantor's Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

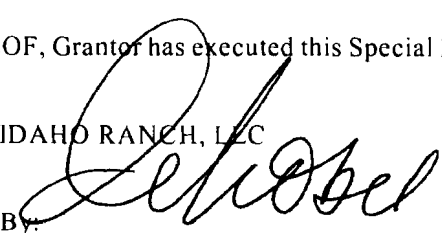
4. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to Grantor's Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to Grantor's Agent shall incur any liability to Grantor as a result of permitting the Agent to exercise any power.

5. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

6. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, Grantor has executed this Special Power of Attorney this _____ day of January, 2009.

IDAHO RANCH, LLC

By: 

Edward J. Lobel, Managing Member

ACKNOWLEDGMENT

State of California
County of ORANGE } ss.

On January 5th, 2009 before me, GAIL E. DITTMAN,
Notary Public, personally appeared EDWARD LOBEL, who
proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~
is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~
executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~
signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the
person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Gail E. Dittman
Signature

OPTIONAL INFORMATION

Date of Document 01/05/2009

Thumbprint of Signer

Type or Title of Document Special P.O.A. (Water Rights)

Number of Pages in Document 1

Document in a Foreign Language _____

Type of Satisfactory Evidence:

- ☒ Personally Known with Paper Identification
☐ Paper Identification
☐ Credible Witness(es)

Capacity of Signer:

- ☐ Trustee
☒ Power of Attorney
☐ CEO / CFO / COO
☐ President / Vice-President / Secretary / Treasurer
☐ Other: _____

☐ Check here if
no thumbprint
or fingerprint
is available.

Other Information: _____



FEBRUARY 16, 2009

RE: PART 1, PARAGRAPH 5a., DETAILED DESCRIPTION OF NEW POINT OF DIVERSION AND RELATED INFRASTRUCTURE.

THE NEW POINT OF DIVERSION WILL BE CONSTRUCTED BY PLACEMENT OF A 48 INCH DIAMETER PERFORATED CORRUGATED PIPE(CMP) IN THE SOUTH BANK AREA OF THE BROADFORD SLOUGH IN THE NW1/4 OF THE NE1/4, T2N, R18E, B.M., BLAINE COUNTY, IDAHO. THE CMP POINT OF DIVERSION STRUCTURE WILL BE INSTALLED WITH WASH SCREEN ASSEMBLY CONNECTED TO A NEW 3 INCH SUPPLY LINE, APPROXIMATELY 60 LF, IN LENGTH AND TIED INTO AN EXISTING PUMP STATION FACILITY LOCATED SOUTH OF THE NEW POINT OF DIVERSION. THE PUMP STATION FACILITY WILL BE RECONFIGURED WITH A LOCKABLE VALVE ON THE INCOMING 3" SUPPLY LINE FROM THE POINT OF DIVERSION AND INSTALLATION OF A NEW FLOW METER ASSEMBLY ON THE PUMP DISCHARGE SIDE OF THE STATION FOR MEASUREMENT OF USE IN CUBIC FEET SECOND FLOW WITH TOTALIZER REGISTER. THE EXISTING PUMP IS SINGLE PHASE, 7 1/2 HP, BERKELEY CENTRIFUGAL PUMP.

SEE PART 3, A, ATTACHMENT 7a., SHEETS 1-4 FOR DETAILED DRAWINGS AND INFORMATION.

B.C. PORTER & ASSOCIATES

P.O. BOX 1334
HAILEY, IDAHO 83333

Phone: (208) 788-2336/720-1175 c

Fax: (208) 788-2336

No. W 26498		Due no later than October 31, 2008 Annual Report Form		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080		1. Mailing Address - Correct in this box, if applicable IDAHO RANCH, LLC EDWARD J LOBEL 2296 CHANNEL RD NEWPORT BEACH, CA 92661-1513 USA		CORPORATION SERVICE COMPANY 1401 SHORELINE DR STE 2 BOISE, ID 83702	
NO FILING FEE IF RECEIVED BY DUE DATE				3. New Registered Agent Signature	
4. Limited Liability Companies: Enter Names and Addresses of Members.					
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
MGR	EDWARD LOBEL	2296 CHANNEL RD.	NEWPORT BEACH	CA	92661
MEMBER ELISE LOBEL		SAME ADDRESS AS EDWARD			
5. Organized Under the Laws of: IDAHO W 26498		6. Signature 		Date 8/15/08	
		Name (Typed or Printed) EDWARD LOBEL		Title MGR.	

Issued 08/06/2008

Do Not Tape or Staple

200810005158