

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Last Ranch LLC Phone 208-644-1803
 Mailing Address 136 Bridon Way, Jerome, ID 83338 Email ambrose@northrim.net
c/o Rocky Mountain Environmental Associates, Inc. kmoore@rockymountainenvironmental.com
482 Constitution, Ste 303, Idaho Falls ID 83402 (208) 524-2353 Fax 208) 524-1795

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 the reason for the proposed changes: Applicant proposes to excavate 4 lined ponds on the current place of use

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount Nature of Use Period of Use

34-7076	10/16/1974	0.17 cfs	Diversion to Storage	1/01 to 12/31
		18.0 AF	Irrigation Storage	4/01 to 11/01
		18.0 AF	Irrigation from Storage	4/01 to 11/01
		18.0 AF	Recreation Storage	1/01 to 12/31
		18.0 AF	Stockwater Storage	1/01 to 12/31
		1.39 cfs	Irrigation	4/01 to 11/01

2. Total amount of water being transferred 0.17 cubic feet per second and/or 18.0 acre-feet per annum.

3. Source of water Ground Water tributary to NA

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for Diversion
	SE	NE	NE	23	6N	25E	CUSTER	
	SW	SE	SE	23	6N	25E	CUSTER	
	NE	NW	NE	25	6N	25E	CUSTER	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6N	25E	23	10			12									20			25	67
			RS			RS									RS				
		24						7	36	2	18	40	40	32					175
		25	32.5	29	35	30	40	32	28	40	40	31							337.5

Total Acres 579.5



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6. General Information:

- a. Description of diversion system: Well to pump to pipeline to ponds
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☐ Yes ☒ No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: 8.5 acres of irrigated ground will be dried up.
- d. Remarks: Applicant proposes to change the nature of use of 8.5 acres of this water right for fill and maintenance due to evaporation of 4 proposed lined ponds. Since the ground water is secondary to the surface water, equal acres of each are being transferred. However, the ground water will be used only when the surface water is unavailable. A companion transfer will change the nature of use for surface water for the fill and maintenance of the ponds. Changes to associated water rights (34-136, 34-282A, 34-594, 34-598, 34-599, 34-2312, 34-10885, and 34-7076) will be necessary upon approval of this transfer.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Right No. _____
 And said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20__

 for the Director



WATER RIGHT NO. 34-7076

Owner Type Name and Address

Current Owner LAST RANCH LLC
136 BRIDON WAY
JEROME, ID 83338

Priority Date: 10/16/1974

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 11/01 1.56 CFS 273 AFA

Total Diversion 1.56 CFS

Location of Point(s) of Diversion:

GROUND WATER SENENE Sec. 23 Township 06N Range 25E CUSTER County

GROUND WATER SWSESE Sec. 23 Township 06N Range 25E CUSTER County

GROUND WATER NENWNE Sec. 25 Township 06N Range 25E CUSTER County

Place of Use Legal Description: IRRIGATION CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	25E	23		NENE	10		SENE	12						
				NESE	20		SESE	25						
		24		NWNW	7		SWNW	36		SENE	2			
				NESW	18		NWSW	40		SWSW	40		SESE	34
				SWSE	1									
		25		NENE	38		NWNE	29		SWNE	35		SENE	30
				NENW	40		NWNW	32		SWNW	28		SENE	40
				NESW	40		NWSW	31						

Total Acres: 588

Acre Limit: 78

Conditions of Approval:

X27 This right is limited to the irrigation of 78 acres within the place of use described above in a single irrigation season.

X35 Rights 34-136, 34-282A, 34-498, 34-594, 34-598, 34-599, 34-826B, 34-7076, 34-10885 and 34-2312 when combined shall not exceed a total diversion rate of 14.52 cfs and the irrigation of 588 acres.



- R05 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. 34.
- 131 Prior to the diversion and use of water under Transfer approval 72642, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
- R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
- 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
- R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- 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.
- 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. Describe any other water rights used for the same purpose as described above: Surface water: 34-136, 34-282A, 34-594, 34-598, 34-599, 34-826B; Ground water: 34-2312, 34-10885
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe ____

PART 3

Transfer No. _____

B. CHANGES IN NATURE OF USE

1. New Nature of Use	Amount (cfs/af-ac)	Hours/days/year	Period of use
<u>Diversion to Storage</u>	<u>0.17 cfs</u>	<u>24/365/yr</u>	<u>1/01 to 12/31</u>
<u>Irrigation Storage</u>	<u>18.0 ac-ft</u>	<u>24/215/yr</u>	<u>4/01 to 11/01</u>
<u>Irrigation from Storage</u>	<u>18.0 ac-ft</u>	<u>24/215/yr</u>	<u>4/01 to 11/01</u>
<u>Recreation Storage</u>	<u>18.0 ac-ft</u>	<u>24/365/yr</u>	<u>1/01 to 12/31</u>
<u>Stockwater Storage</u>	<u>18.0 ac-ft</u>	<u>24/365/yr</u>	<u>1/01 to 12/31</u>

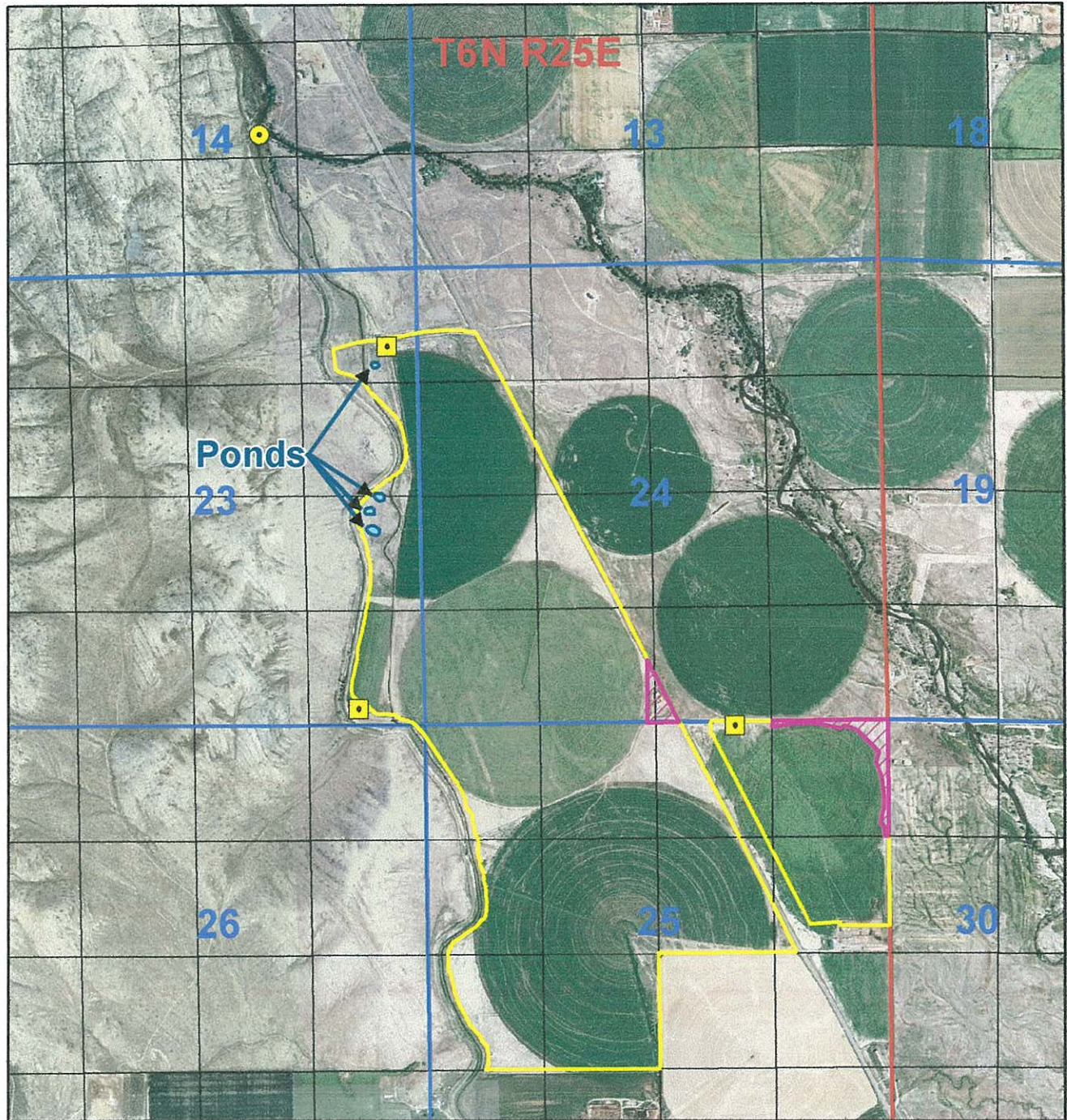
2. Quantity and quality of return flows and location of discharge: No water will return to the aquifer since the ponds are lined.

3. Describe effects on other water uses resulting from the proposed change: Applicant is not exceeding water right usage, and therefore there should be no affect on other water uses.

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Application for Transfer Last Ranch LLC

75 00 6



2006 NAIP Photography

Legend

- GW Point of Diversion
- SW Point of Diversion
- Ponds
- Acres to Dry Up
- Place of Use
- Township and Range
- Section
- QQ



75 00 6

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



(Signature of Applicant)

Managing Partner
Robert S. Shillington

Print Name (and title, if applicable)

(Signature of Applicant)

Print Name (and title, if applicable)

Subscribed and sworn to before me this 16th day of July, 20 08.



(Notary Public)

My Commission Expires:

4-12-2013

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and _____ attachments
Received by _____ Date _____ Protest filed by _____
Prelim check by _____ Fee _____
Received by BML Date 8-1-08 E034297
Published in Challis Messenger Copies of protest forwarded by _____
Pub. Dates _____ Hearing held by _____ Date _____
Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
_____ received _____ By _____
Copy of transfer sent to lien holder _____



**Application for Transfer
Mitigation Plan
Last Ranch LLC**

Applicant proposes to excavate four lined ponds on the existing place of use covered under surface water rights 34-136, 34-282A, 34-594, 34-598, 34-599, 34-826B, and ground water rights 34-2312, 34-10885, and 34-7076. The ponds have a total surface area of 2.9 acres and a total volume of approximately 11.7 AF.

In order to fill the ponds, it is proposed to transfer 5.5 acres of surface water right 34-826B, chosen due to its senior priority date. Using the historical consumptive use of alfalfa hay-less frequent cuttings, 2.13 AF/acre based on data collected from the Mackay Ranger Station (See attached Pond Consumptive Use Calculations), it was calculated that 5.5 acres would provide the required volume of 11.7 AF to fill the ponds. The original 5.5 acres of irrigated ground will be dried up.

Throughout the year, the ponds will lose a total of 6.3 AF to evaporation. To compensate for those losses, it is proposed to transfer a portion of surface water right 34-826B. Evaporative losses of 6.3 AF are equivalent to the historical volume of water used on 3 acres of ground.

Therefore a total of 8.5 acres of ground will be transferred.

5.5 acres pond fill + 3.0 acres evaporation = 8.5 acres total

Because the ground water is supplementary to the surface water, it is necessary to dry up the same number of acres. Therefore, 8.5 acres of irrigated ground under water right 34-7076 will be transferred; these will overlap the same acres transferred under the surface water right. The ground water will serve as a secondary source of water if perchance the surface water is not available. The water right 34-7076 was chosen out of the ground water rights due to its junior priority date.

Because both of these rights are a part of a permissible place of use, it is noted that the place of use must be decrease as a whole by 8.5 acres. The transfer reflects an overall decrease in the place of use. The two rights being transferred will also require a decrease to the acre limit. Water right 34-826B was formerly limited to 20 acres; post-transfer right should show a limit of 11.5 acres. Water right 34-7076 was formerly limited to 78 acres; post-transfer right should show a limit of 69.5 acres. Also, all of the following associated rights will require a change to the place of use: 34-136, 34-282A, 34-594, 34-598, 34-599, 34-2312, and 34-10885.

Pond Calculations

Climate Station: Mackay Ranger Station, Idaho 105462

Project Name: Last Ranch LLC

Pond Consumptive Use Calculations

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Annual FWW Evaporation (inches)	35	35	35	35	35	35	35	35	35	35	35	35	35
Monthly Distribution (%) #1	1	2	4	7	12	15	19	16	11	6	4	3	100
Monthly FWS Evaporation (in/mo)	0.35	0.7	1.4	2.45	4.2	5.25	6.65	5.6	3.85	2.1	1.4	1.05	35
Avg. Total Precipitation (in/mo) #2	0.77	0.6	0.61	0.7	1.07	1.33	0.93	0.79	0.67	0.59	0.58	0.79	9.44
Pond Loss [(Evap.) - (Precip.in.)] #3	0	0.1	0.79	1.75	3.13	3.92	5.72	4.81	3.18	1.51	0.82	0.26	25.99
Pond Surface Area (acres)	2.9	2.9	2.9	2.9	2.9	2.9	2.9	2.9	2.9	2.9	2.9	2.9	2.9
Total Pond Loss (ac-in)	0.0	0.3	2.3	5.1	9.1	11.4	16.6	13.9	9.2	4.4	2.4	0.8	75.4
Total Pond Loss (ac-ft)	0.0	0.0	0.2	0.4	0.8	0.9	1.4	1.2	0.8	0.4	0.2	0.1	6.3 #7

Irrigation Consumption Crop

Alfalfa-less freq cuttings (mm/yr)	649	# 4 = {Precipitation Deficit Growing Season, Site & Crop Specific (mm)}											
Mean Irr. Requirement (ac-in/ac/season) =	25.6	# 5 = {(Precipitation Deficit (#4)) + (25.4) = ac-in/ac/season}											
Mean Irr. Requirement (ac-ft/ac/season) =	2.13	# 6 = {(Precipitation Deficit (#5)) + (12) = ac-ft/ac/season}											
Acres to dry up for pond use =	2.95 rounded = 3.0	# 8 = {(Pond Loss Total (#7)) + (Mean Irrig. Req (#6))}											

Summary

Original Surface Water Right 34-826B	Diversion Rate (cfs)		Place of Use (acres)		cfs per acre	AF per acre (#6)
	0.4		20		0.020	2.13
	Pond Surface Area (acres)		Acres Equivalent to Evaporation Use (#8)		cfs required	AF (#7) Required
Amount of Water Needed For Evaporation	2.9		3.0		0.060	6.3
	Pond Depth (ft)		Pond Volume (AF)		Acres Equivalent to Pond Fill	cfs required
	10		11.70		5.5	0.110
Amount of Water Needed for Pond Fill	For Evaporation		For Pond Fill		Sum	Rounded Totals
	cfs		0.06		0.17	0.17
	AF		6.3		17.98	18.0
Total Water Needed for Transfer	acres		3.00		5.50	8.50

- #1 - Molnau, Myron, Kpordze, Kojo C.S., and Craine, Katherine L., 1992. Monthly shallow pond evaporation in Idaho. ASAE paper PNW 92-111.
- #2 - Data collected from the Western Regional Climate Summary, Monthly Climate Summary @ <http://www.wrcc.dri.edu/summary/climsmsid.html> -See attached:
- #3 - Note: for months where precipitation exceeds evaporation, the resultant pond loss is set to zero
- #4, 5 & 6 - <http://www.kimberly.uidaho.edu/ETIdaho/> Precipitation Deficit values used synonymously w/mean irrigation requirement. Values from Allen, Richard G. & Clarence W. Robison, 2006 (Revised 2007). Evapotranspiration & Consumptive Irrigation Water Requirements - Idaho. Research Technical Completion Report, Kimberly Research & Extension Center, University of Idaho, Moscow, ID.



No. W 14064 Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080		Due no later than January 31, 2008 Annual Report Form 1. Filing Address - Correct in this box, if applicable LAST RANCH, LLC 136 BRIDON WAY JEROME, ID 83338		2. Registered Agent and Office NO PO BOX ROBERT SHILLINGTON 136 BRIDON WAY JEROME, ID 83338	
NO FILING FEE IF RECEIVED BY DUE DATE		3. New Registered Agent Signature			
4. Limited Liability Companies: Enter Names and Addresses of Managers.					
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Managing Partner	Robert Shillington	136 Bridon Way	Jerome	ID	83338
Partner	Ron Ambrose	136 Bridon Way	Jerome	ID	83338
Partner	Mike Tremblay	136 Bridon Way	Jerome	ID	83338
Partner	John Lezamiz	136 Bridon Way	Jerome	ID	83338
5. Organized Under the Laws of: IDAHO W 14064		6. Signature <i>Ron Ambrose</i> Date 11-03-07 (Typed or Printed Name) <u>Ron Ambrose</u> Title <u>Partner</u>			

ISSUED 11/01/2007

Do Not Tape or Staple

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