

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Shurtleff Ranches LTD Phone 208-523-5675

Post Office address 339 Hemlock Circle, Idaho Falls, Idaho 83401

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 Relocating and combining this diversion with the upstream diversion known as the Goetsche or Steve Weeks diversion will result in a more stable location both hydrologically and geologically speaking. The old diversion is structurally unsound, and the stream is wanting to cut a new channel around it. The new diversion will be fish friendly for passage and the outgoing ditch will be screened to prevent entrainment. Irrigation delivery and efficiency will be improved.

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

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>	
23-00063	06/15/1898	2.4 cfs	irrigation	4/01	to 11/01
23-00078	05/01/1895	1 cfs	irrigation	4/01	to 11/01
23-00080	06/01/1891	2.4 cfs	irrigation	4/01	to 11/01
23-00094	01/22/1916	17.6 cfs	irrigation	4/01	to 11/01
23-10858	06/01/1889	5.4 cfs	irrigation	04/15	10/31

2. Total amount of water being transferred 28.8 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Rainey Creek tributary to South Fork Snake River
4. Point(s) of Diversion: See attached Part II for detailed listing of place of use

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total Acres

73596

PART 1

6. General Information:

a. Description of diversion system Current diversion structure is unsound and structurally week. The stream is cutting a new channel around it. New location will be in a better place in-stream and will be more efficient and fish friendly.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X 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:
No change in the place of use

d. Remarks:

Combing this diversion with the one upstream makes sense economically because the ditches can be split at the diversion. Water can be delivered more effectively, reduced maintenance, out going water will be screened for fish, and diversion will provide upstream and downstream fish passage.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

73596

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 23-63 V1

WATER RIGHT NUMBER: 23-63 V1

Owner Type Name and Address
Current Owner SHURTLEFF RANCHES LTD PARTNERSHIP
399 HEMLOCK CIR
IDAHO FALLS, ID 83401
(208)523-5675

Priority Date: 06/15/1898

Basis: Decreed

Status: Active

Source Tributary
RAINEY CREEK SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	2.400 CFS	
	<u>Total Diversion:</u>	2.400 CFS	

Location of Point(s) of Diversion

RAINEY CREEK	SE1/4SE1/4SW1/4	Sec. 33, Twp 02N, Rge 44E, B.M.
BONNEVILLE County		
RAINEY CREEK	NW1/4SW1/4SE1/4	Sec. 33, Twp 02N, Rge 44E, B.M.
BONNEVILLE 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	
01N	44E	5							25.0										25.0
								L 4											
01N	44E	6	22.0	37.0	39.0	26.0	39.0			35.0	7.5				30.0	36.0			271.5
			L 1	L 2			L 3												
01N	44E	8	38.0	26.0	11.0	39.0													114.0
02N	44E	31								2.9	26.0	32.0	36.0			11.0			107.9
										L 3	L 4								

Total Acres: 518.4

Conditions of Approval:

1. E62 THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 23-00063, 23-00078, 23-00080, 23-10858, 23-04043 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

73596

Page 4 of 18

05/14/2007

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 23-63 V1

2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 518.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00063, 23-00078, 23-00080, 23-10858, 23-04043.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. 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.
7. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.4 CFS. COMBINED RIGHT NOS.: 23-00063, 23-00078, 23-00080, 23-10858, 23-04043.

Remarks:

17.6
28.0

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 01
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	1/5/2004 2:14:00 PM	aruberry			Active
POD	1/5/2004 2:14:19 PM	aruberry			Active
POD	1/5/2004 2:14:30 PM	aruberry			Active
POU	1/5/2004 2:16:41 PM	aruberry			Active
Use	1/5/2004 2:18:00 PM	aruberry			Active
Season	1/5/2004 2:18:49 PM	aruberry			Active
Source	1/5/2004 2:21:05 PM	aruberry			Active
Quantity	1/5/2004 2:21:06 PM	aruberry			Active

73596

73596

Page 58 18

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 23-78 V1

WATER RIGHT NUMBER: 23-78 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHURTLEFF RANCHES LTD PARTNERSHIP 399 HEMLOCK CIR IDAHO FALLS, ID 83401 (208)523-5675

Priority Date: 05/01/1895

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RAINEY CREEK	SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

RAINEY CREEK	NW1/4SW1/4SE1/4	Sec. 33, Twp 02N, Rge 44E, B.M.
BONNEVILLE County		
RAINEY CREEK	SE1/4SE1/4SW1/4	Sec. 33, Twp 02N, Rge 44E, B.M.
BONNEVILLE 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	
01N	44E	5						25.0											25.0
								L 4											
01N	44E	6	22.0	37.0	39.0	26.0	39.0			35.0	7.5				30.0	36.0			271.5
			L 1	L 2			L 3												
01N	44E	8	38.0	26.0	11.0	39.0													114.0
02N	44E	31								2.9	26.0	32.0	36.0			11.0			107.9
											L 3	L 4							

Total Acres: 518.4

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

73596

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 23-78 V1

2. E62 THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 23-00063, 23-00078, 23-00080, 23-10858, 23-04043 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.4 CFS. COMBINED RIGHT NOS.: 23-00063, 23-00078, 23-00080, 23-10858, 23-04043.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 518.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00063, 23-00078, 23-00080, 23-10858, 23-04043.

Remarks:

Comments:

SubCase:

SubCase Number: 23-78

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 12/7/2004

Attorney Assigned:

Adjudication Agent: Allen Ruberry

Basis of Claim: Decreed

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 23-80 V1

WATER RIGHT NUMBER: 23-80 V1

Owner Type Name and Address
Current Owner SHURTLEFF RANCHES LTD PARTNERSHIP
 399 HEMLOCK CIR
 IDAHO FALLS, ID 83401
 (208)523-5675

Priority Date: 06/01/1891
Basis: Decreed
Status: Active

Source Tributary
RAINEY CREEK SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	2.400 CFS	
	<u>Total Diversion:</u>	2.400 CFS	

Location of Point(s) of Diversion

RAINEY CREEK	NW1/4SW1/4SE1/4	Sec. 33, Twp 02N, Rge 44E, B.M.
BONNEVILLE County		
RAINEY CREEK	SE1/4SE1/4SW1/4	Sec. 33, Twp 02N, Rge 44E, B.M.
BONNEVILLE 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	
01N	44E	5						26.0											26.0
								L 4											
01N	44E	6	20.0	36.0			39.0												95.0
			L 1	L 2			L 3												
02N	44E	31									2.0	21.0	34.0	35.0			10.0		102.0
												L 1	L 2						

Total Acres: 223

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. E62 THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 23-00063, 23-00078, 23-00080, 23-10858, 23-04043 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 23-80 V1

3. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.4 CFS. COMBINED RIGHT NOS.: 23-00063, 23-00078, 23-00080, 23-10858, 23-04043.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 518.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00063, 23-00078, 23-00080, 23-10858, 23-04043.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Remarks:

Comments:

Water Supply Bank:

Page 1 9/8/18

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 23-94 V1

WATER RIGHT NUMBER: 23-94 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHURTLEFF RANCHES LTD PARTNERSHIP 399 HEMLOCK CIR IDAHO FALLS, ID 83401 (208)523-5675

Priority Date: 01/22/1916

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RAINEY CREEK	SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	17.600 CFS	
	<u>Total Diversion:</u>	17.600 CFS	

Location of Point(s) of Diversion

RAINEY CREEK	SE1/4SE1/4SW1/4	Sec. 33, Twp 02N, Rge 44E, B.M.
BONNEVILLE County		
RAINEY CREEK	NW1/4SW1/4SE1/4	Sec. 33, Twp 02N, Rge 44E, B.M.
BONNEVILLE 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	
01N	44E	5						25.0											25.0
								L 4											
01N	44E	6	22.0	37.0	39.0	26.0	39.0			35.0	7.5				30.0	36.0			271.5
			L 1	L 2			L 3												
01N	44E	8	38.0	26.0	11.0	39.0													114.0
02N	44E	31								2.9	26.0	32.0	36.0			11.0			107.9
											L 3	L 4							

Total Acres: 518.4

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.

73594

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 23-94 V1

2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 518.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00063, 23-00078, 23-00080, 23-00094, 23-10858, 23-04043.

Remarks:

Comments:

SubCase:

SubCase Number: 23-94

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 12/7/2004

Attorney Assigned:

Adjudication Agent: Allen Ruberry

Basis of Claim: Decreed

Water Supply Bank:

73594

05/14/2007

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 23-10858 V1

WATER RIGHT NUMBER: 23-10858 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHURTLEFF RANCHES LTD PARTNERSHIP 399 HEMLOCK CIR IDAHO FALLS, ID 83401 (208)523-5675

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RAINEY CREEK	SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	5.400 CFS	
	<u>Total Diversion:</u>	5.400 CFS	

Location of Point(s) of Diversion

RAINEY CREEK	NW1/4SW1/4SE1/4	Sec. 33, Twp 02N, Rge 44E, B.M.
BONNEVILLE County		
RAINEY CREEK	SE1/4SE1/4SW1/4	Sec. 33, Twp 02N, Rge 44E, B.M.
BONNEVILLE 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	
01N	44E	5						25.0											25.0
								L 4											
01N	44E	6	22.0	37.0	39.0	26.0	39.0			35.0	7.5				30.0	36.0			271.5
			L 1	L 2			L 3												
01N	44E	8	38.0	26.0	11.0	39.0													114.0
02N	44E	31								2.9	26.0	32.0	36.0			11.0			107.9
										L 3	L 4								

Total Acres: 518.4

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.

73596

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 23-10858 V1

2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 270.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. E62 THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 23-00063, 23-00078, 23-00080, 23-10858, 23-04043 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
5. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 518.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00063, 23-00078, 23-00080, 23-10858, 23-04043.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.4 CFS. COMBINED RIGHT NOS.:23-00063, 23-00078, 23-00080, 23-10858, 23-04043.

Remarks:

Comments:

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 01
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	1/5/2004 11:27:20 AM	aruberry			Active
POD	1/5/2004 11:27:34 AM	aruberry			Active
POU	1/5/2004 11:40:25 AM	aruberry			Active
Use	1/5/2004 11:49:37 AM	aruberry			Active
Season	1/5/2004 11:59:28 AM	aruberry			Active
Source	1/5/2004 12:06:26 PM	aruberry			Active
Quantity	1/5/2004 12:06:27 PM	aruberry			Active
Summary			01/05/2004	aruberry	Active

73596



State of Idaho
Department of Water Resources
Eastern Region

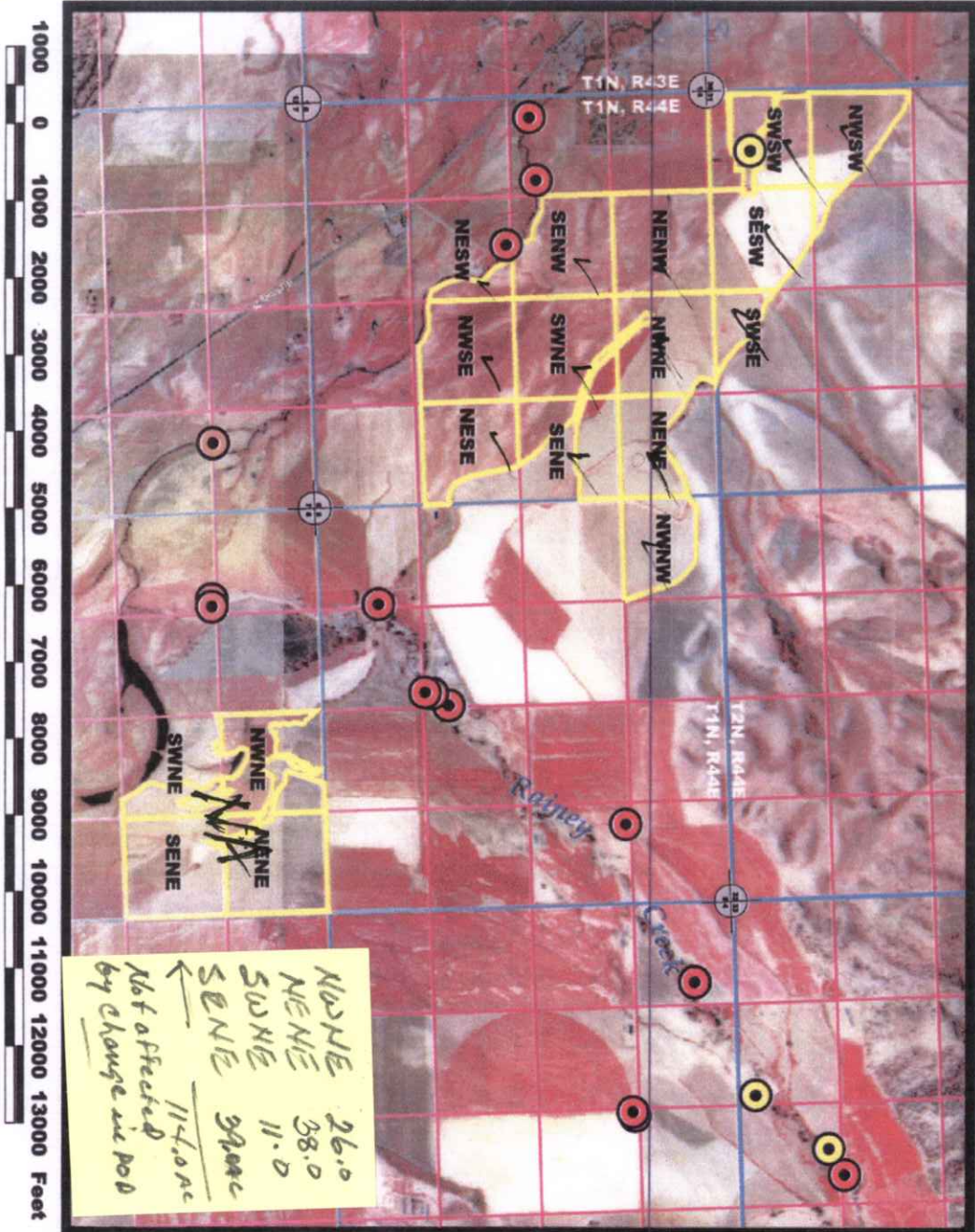


Water Right(s):
23-00063, 23-00078,
23-00080, 23-00094,
23-04043, 23-10858.

Place of Use: (parts of)

**T1N, R44E Secs. 5, 6, & 8
T2N, R44E Sec. 31**

Point(s) of Diversion:
T2N, R44E Sec. 33
SESESW, NWSWSE,
Sec. 31 SESWSW



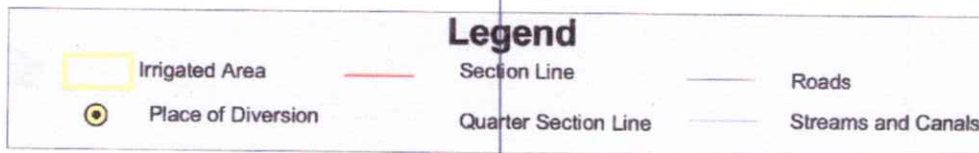
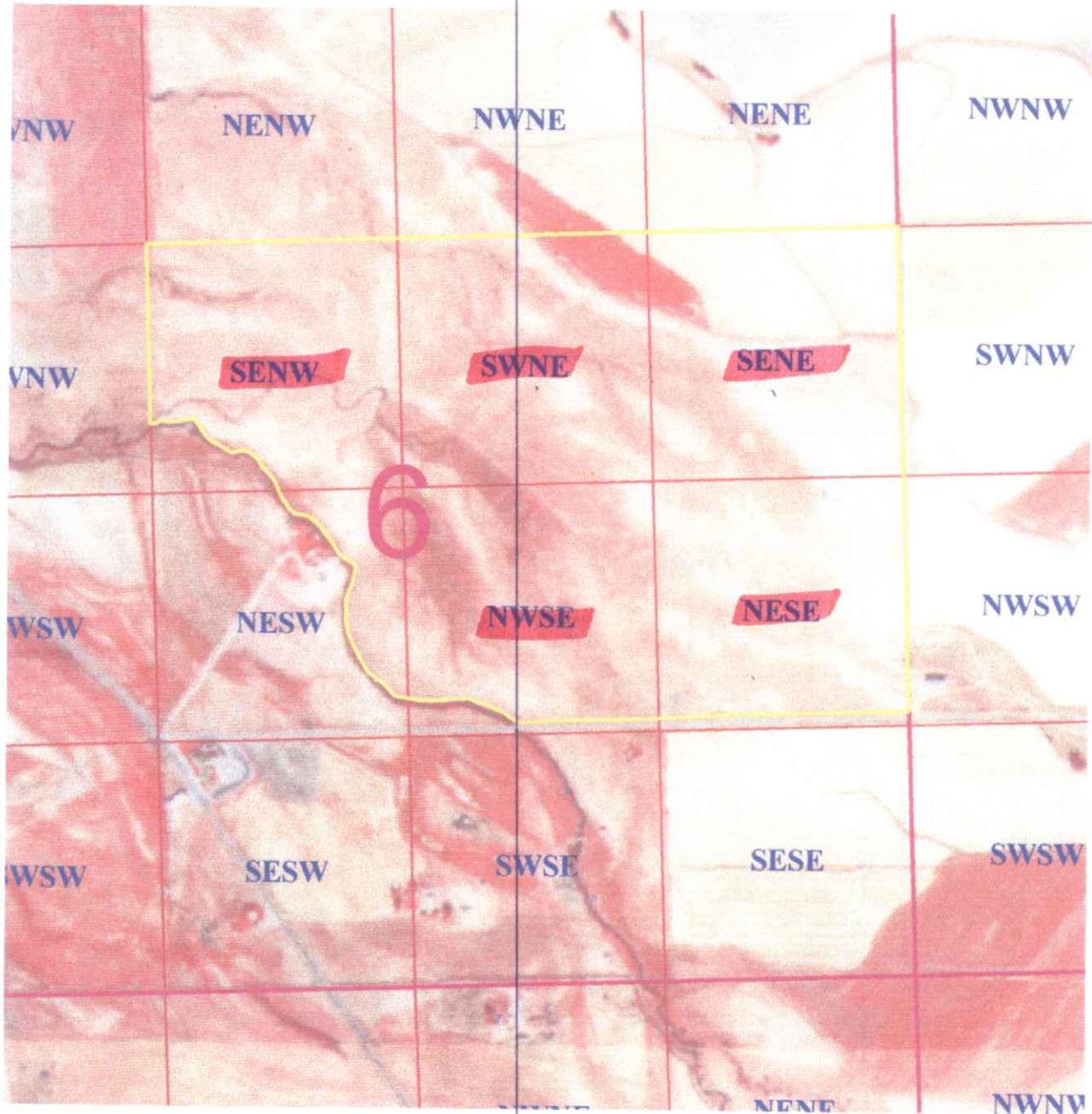
LEGEND

- | Point of Diversion | SESE | Section | Quarter-Quarter |
|--------------------|------|---------|-----------------|
| | | | |



Water Right Claim Number 23-00063
Township, 1N44E

05/30/2001



SPATIAL
DYNAMICS

73594

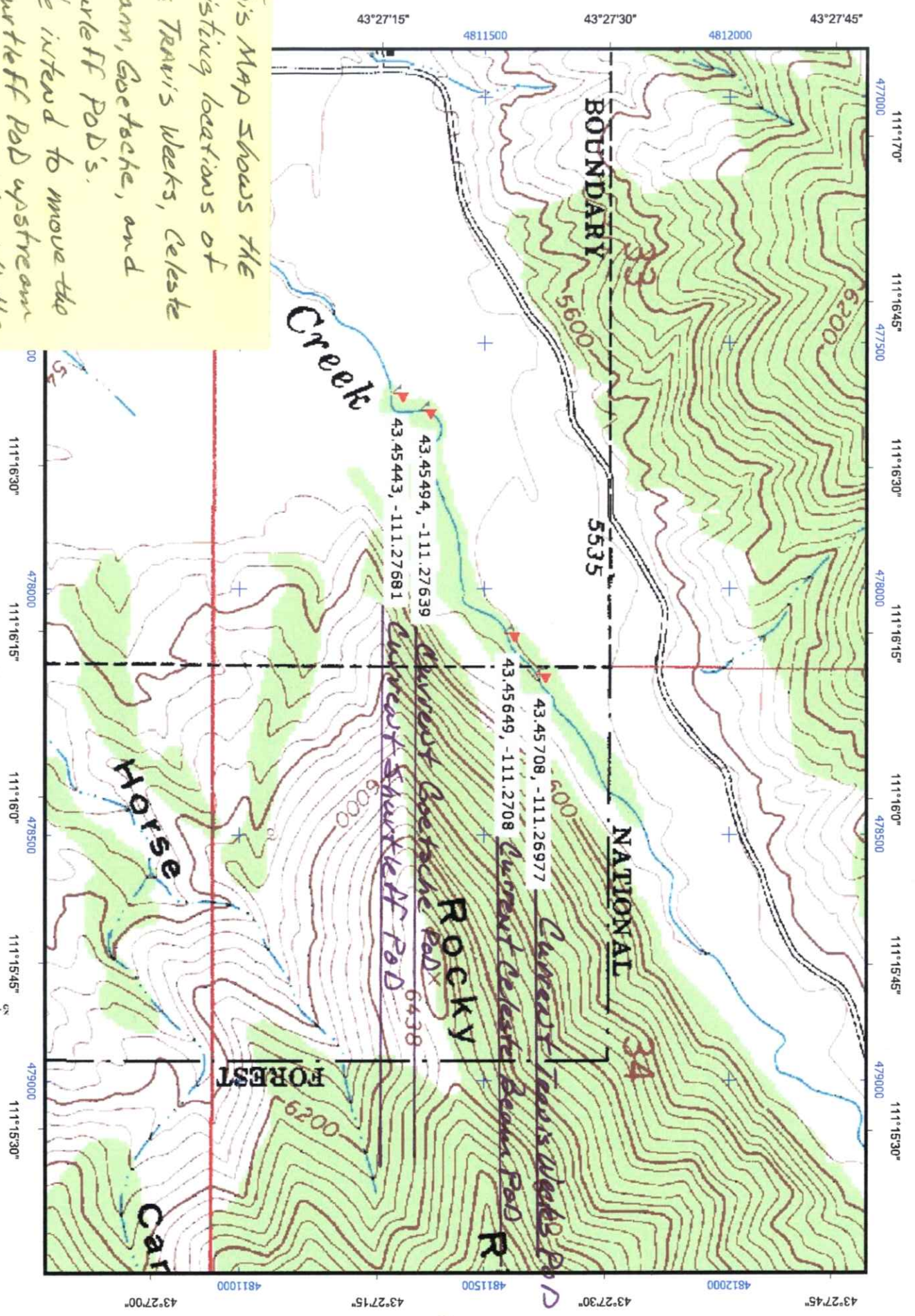
U-5



702

73596

This Map Shows the existing locations of the Travis weeks, Celeste Bann, Goetsche, and Shurtliff POD's. We intend to move the Shurtliff POD upstream and combine it with the Bann Goetsche, and move the Bann POD upstream and combine with the Travis weeks POD.



1:10000 Scale
0 200 400 600 800 1000 Feet
0 100 200 300 Meters
Universal Transverse Mercator (UTM) Projection Zone 12
North American Datum of 1983 (NAD83)
UTM Grid shown in Blue

Magnetic declination at center of map on February 5, 2007
1° 0' 15" W

73596

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use

No change in use _____ to _____

_____ to _____
2. Quantity and quality of return flows and location of discharge: There will be no changes in the quantity and quality of discharge. It should be noted that this transfer of POD is only for the North Side diversion or the the upper Shurtleff diversion #5 and the corresponding water that comes off that diversion.
3. Describe effects on other water uses resulting from the proposed change:

The proposed change to move the Shurtleff diversion upstream and combine it with what historically was known as the Goettche or Steve Weeks diversion will provide increased water delivery efficiency, provide upstream fish passage, and all water coming off the new diversion will be screened to prevent fish entrainment.

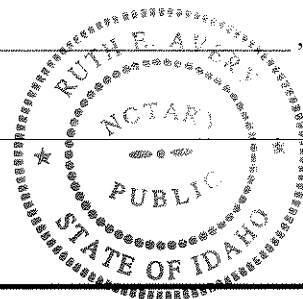
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

Dan K. Shurtleff
(Signature of Applicant)

Subscribed and sworn to before me this 24th day of April, 20 07.

Ruth E. Avery
(Notary Public)



My commission expires 8-7-2007
Residing at Idaho Falls, ID.

FOR DEPARTMENT USE ONLY

Transfer contains 18 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by DC Fee \$1190 E032887

Received by _____ Date _____

Published in Post Register 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 _____

73596

Narrative

Rainey Creek Description and Background

Yellowstone Cutthroat Trout (YCT)

YCT are currently not a listed species under the federal Endangered Species Act; but continue to be reconsidered for listing. Cutthroat trout populations have been drastically reduced from their historical numbers. The last known large populations of YCT are now located in the South Fork Snake drainage, Yellowstone Lake, and Yellowstone River.

The Rainey Creek project seeks to restore a continuous migration corridor between the headwaters and the lower stream reaches including access to the main-stem South Fork Snake River. The limiting factors are numerous, and we are working with a variety of organizations and agencies to address specific concerns. There are nine irrigation diversion structures that are being modified or consolidated to provide adequate fish passage up and downstream. After the passage issues are addressed, all diversion points will be screened to prevent fish entrainment. We will also be developing creative ways to improve irrigation efficiency for area landowners so they may use their water in a more efficient manner. Through increased gains in efficiency, and a reduction in water loss in the channelized area, instream flows will be improved for fish. Finally, we will be working with the various private landowners to install, where needed, riparian fencing, appropriate bank stabilization measures, and revegetation to restore severely overgrazed areas. Funding has been obtained from the Natural Resource Conservation Service (NRCS) to start renovating two irrigation diversions for improved fish passage in 2007. Our plan is to continue this work, primarily with NRCS funding, over the next three years with completion by 2009.

Location and Significance

Rainey Creek is one of the largest watersheds leading into the South Fork Snake River (USDA 1994) and has been recognized since 1957 as having the greatest potential for habitat improvement [to benefit the Yellowstone cutthroat trout fishery] in the Idaho portion of the South Fork (IDF&G). Rainey Creek is a mountain stream at the headwaters, with numerous springs in the lower reaches. It is located near Swan Valley, Idaho. Once it reaches the valley floor it flows westward through private lands in Swan Valley to eventually merge with the South Fork Snake River. Rainey Creek has experienced some recent transformations as historical ranching and farming families either retire or are forced from the land because of economic constraints. Restoring and protecting a natural channel should be done now before increased housing developments further restrict options.

Rainey Creek is one of four big tributaries that feed the South Fork Snake from the north out of the Big Hole Mountains. The other three are Pine Creek, Palisades Creek, and Big Burns Creek. Collectively, these tributaries are

responsible for most of the tributary habitat and spawning recruitment for YCT in the South Fork Snake River Basin. In discussions with Idaho Department of Fish and Game (IDFG) and Caribou-Targhee National Forest (CTNF), Rainey Creek, if restored, has the potential to replace Burns Creek as the number one spawning tributary to the South Fork Snake River.

The CTNF has done an outstanding job of restoring headwater habitat in the Rainey Creek drainage. Unfortunately South Fork Snake River fluvial cutthroat have only limited access during high flow years to this headwater habitat because of irrigation diversion structures that restrict passage and because of water loss to the substrate in the channelized area. The likelihood of long-term survivability of Yellowstone Cutthroat in the South Fork Snake River system will be greatly improved when Rainey Creek is restored to a naturally functioning condition.

Project Statement of Work

Trout Unlimited working collaboratively with the Rainey Creek Landowners and the National Resource Conservation Service (NRCS) are working to consolidate and combine the four upper diversion points on Rainey Creek into two new points of diversion and eliminate two old out dated and structurally unsound diversions, provide fish passage, and screen outgoing irrigation water in the process. The intent is to relocate the Shurtleff diversion upstream and combine it with what has been historically known as the Goettsche diversion. We will also relocate and combine the Celeste Beam diversion upstream with the Travis Weeks or Ivan Weeks diversion. The respective ditches can be split at the new points of diversion. This process will provide a new fish friendly structure that will pass fish both upstream and downstream and the out going irrigation water will be screened prior to the ditch split to eliminate fish loss do to ditch entrainment. The new combined POD's will be designed with longevity and take into account proper location and stream site hydrology. The new structures will be easy to maintain and will be designed remain in place over time. Further the new structures will be designed to improve irrigation efficiency and delivery. Combining the four diversions into two makes sense economically; the passage process and goal will be achieved much faster, and will be a win win situation for all involved.



APPLICATION FOR REGISTRATION OF FOREIGN LIMITED LIABILITY COMPANY

(Instructions on back of application)

FILED EFFECTIVE

1. The name of the limited liability company is:
Shurtleff Ranches, LLC
2. If the name of the limited liability company is not permissible or is not available in Idaho, the name the foreign limited liability company will use in Idaho is:

3. The jurisdiction under whose laws the limited liability company is organized is: Wyoming
and the date of its formation was: November 12, 2005
4. The name and address of the registered agent in Idaho is:
Billy Keith Shurtleff
5. The address of the limited liability company's office in the jurisdiction under whose laws it is organized is:
CT Corporation System, 1720 Corey Avenue, Cheyenne, Wyoming 82001
6. The address of the limited liability company's principal office, if other than the address in #5 above, is:
399 Hemlock Circle, Idaho Falls, Idaho 83401
7. The address to which correspondence should be addressed is:
399 Hemlock Circle, Idaho Falls, Idaho 83401
8. Signature of a manager, if any, or a member if there are no managers.

Signature

Typed Name

Billy Keith Shurtleff

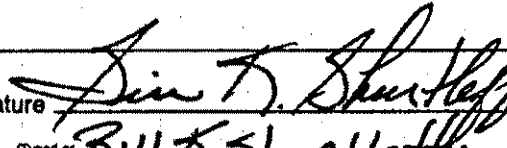
Manager ☒ Member ☒

Secretary of State use only

g:\corp\forms\LLC form\app\formreg\llcform6
Revised 09/2002
Web Form

IDAH0 SECRETARY OF STATE
09/22/2005 05:00
CK: none CT: 113824 BH: 913015
1 @ 100.00 = 100.00 REGFORLLC # 2

W43077

No. W 43077	no later than September 30, 2007 Annual Report Form		Registered Agent and Office NO PO BOX												
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address - Correct in this box, if applicable		CT CORPORATION SYSTEM 300 N 6TH ST BOISE, ID 83702 3. New Registered Agent Signature												
	SHURTLEFF RANCHES, LLC BILLY KEITH SHURTLEFF 399 HEMLOCK CIR IDAHO FALLS, ID 83401														
4. Limited Liability Companies: Enter Names and Addresses of Managers. <table border="1"> <thead> <tr> <th>Office held</th> <th>Name</th> <th>Street or P.O. Address</th> <th>City</th> <th>State</th> <th>Zip</th> </tr> </thead> <tbody> <tr> <td>AIC</td> <td>Bill K. Shurtleff</td> <td>399 Hemlock Cir</td> <td>Idaho Falls</td> <td>ID.</td> <td>83401</td> </tr> </tbody> </table>				Office held	Name	Street or P.O. Address	City	State	Zip	AIC	Bill K. Shurtleff	399 Hemlock Cir	Idaho Falls	ID.	83401
Office held	Name	Street or P.O. Address	City	State	Zip										
AIC	Bill K. Shurtleff	399 Hemlock Cir	Idaho Falls	ID.	83401										
5. Organized Under the Laws of: WYOMING W 43077		6.  Signature _____ Date <u>7-13-07</u> Name (Typed or Printed) <u>Bill K. Shurtleff</u> Title <u>AIC.</u>													

Issued 07/02/2007

Do Not Tape or Staple

200709006529

178596