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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 74032APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant V & R Farms Partnership Phone (208) 654-2054Post Office address 715 S 750 E, Burley, ID 83318

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To reflect the actual points of diversion in which
are appertunant to the below mentioned water rights

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|----------------|-------------------|--------------------|-------------------|------------------------------|
| <u>45-2723</u> | <u>07/11/1966</u> | <u>1.00/480</u> | <u>Irrigation</u> | <u>03/15</u> to <u>11/15</u> |
| <u>45-7246</u> | <u>08/15/1975</u> | <u>1.42/480</u> | <u>Irrigation</u> | <u>04/01</u> to <u>11/15</u> |
2. Total amount of water being transferred 2.40 cubic feet per second and/or 480 acre-feet per annum.
3. Source of water Ground Water tributary to _____
4. Point(s) of Diversion: See Attached Map

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	SW	NW	29	11S	24E	Cassia	
	SW	SW	NW	29	11S	24E	Cassia	

5. Lands irrigated or place of use: See Attached Map

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	24E	29									26	21	36	37					120

Total acres 120

6. General Information:

- a. Description of diversion system Two (2) existing wells and existing distribution system
- 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:

None

d. Remarks:

None

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____.

Page _____ of _____

Transfer No. _____

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

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 45-2723 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice☐ Warranty Deed☒ Other See Change ofOwnership Form and attached documents that accompany this transfer3. Source of water Ground Water tributary to _____4. Date of priority 07/11/1966

5. Water is used for the following purpose:

Amount 1.00/480 for Irrigation purposes from 03/15 to 11/15
(cfs/ac-ft)6. Total amount of water under right 1.00 cubic feet per second and/or 480 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	SW	NW	29	11S	24E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	24E	29									26	21	36	37					120

Total acres 1209. Describe any other water rights used for the same purpose as described above 45-7246

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 _____

APPLICATION FOR TRANSFER OF WATER RIGHT**PART 2****A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 45-7246 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice☐ Warranty Deed☒ Other See Change ofOwnership Form and attached documents that accompany this transfer3. Source of water Ground Water tributary to _____4. Date of priority 08/15/1975

5. Water is used for the following purpose:

Amount 1.42/480 for Irrigation purposes from 04/01 to 11/15
(cfs/ac-ft)6. Total amount of water under right 1.42 cubic feet per second and/or 480 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	SW	NW	29	11S	24E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	24E	29									26	21	36	37					120

Total acres 1209. Describe any other water rights used for the same purpose as described above 45-2723

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 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attached Map

B. CHANGES IN NATURE OF USE

- | 1. | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|------------------------------|------------------------|----------------------|
| | N/A | | | _____ to _____ |
| | | | | _____ to _____ |
2. Quantity and quality of return flows and location of discharge:
None
3. Describe the effects on other water uses resulting from the proposed change:
None

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.

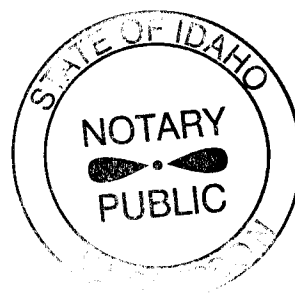
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 27th day of April, 2005.

[Signature]
(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires 11-18-2010



PART 3**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by J F Stanton Date 5-2-05

Protest filed by _____

Prelim. check by _____ Fee \$330⁰⁰ 5027637Receipted by J Date 5-4-05

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ Approval ☐ Denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____



V & R Farms Partnership (Water Rights 45-2723 & 45-7246)

Twp 11S, Rge 24E
NAIP 2004 Aerial Photo

Brockway Engineering, PLLC
DTN - 04-27-05

Points of Diversion

- ★ 45-2723
- ★ 45-7246

Places of Use

- 45-2723
- 45-7246

- PLS - quarter quarter
- PLS - Section



LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Von Gibby, c/o V & R Farms Partnership, hereby nominate and appoint Brockway Engineering (Daren T. Nelson) as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:

The water right transfer associated with water right 45-2723 and 45-7246 to update the appurtenant POD's listed on the water rights.

The water right transfer associated with water right 45-2723 and 45-7246 to convert 20.2 ac. to stockwater/commercial use

The water right transfer associated with water right 45-7694 to transfer 11.2 ac. to land that was dried up in the conversion of irrigated land to stockwater

in Cassia County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 2 day of May 2005.

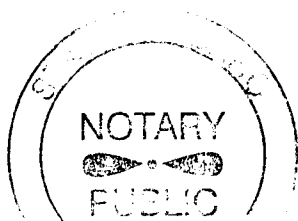
Von T. Gibby
Signature

State of Idaho)
County of Twin Falls) ss.

On this 02nd Day of May, 2005, before me, a Notary Public in and for said County and State, personally appeared Von Gibby, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

S
E
A
L



[Signature]
Notary Public
In and for said State and County

November 18, 2010
My Commission Expires

Supporting Narrative

V & R Farms Partnership Transfers

To Whom It May Concern:

V & R Farms Partnership is submitting three transfers. The goal of these three transfers is to update the current irrigation system and to convert 22.2 ac of irrigation water right 45-2723 and 45-7246 to stockwater/commercial uses. Von Gibby, the owner of V & R Farms Partnership, owns these water rights and the associated quitclaim deeds are being submitted for water rights that are currently not under the name of V& R Farms Partnership. Transfer #1 should be processed independently of the other two transfers, but Transfers #2 and #3 should be processed concurrently and are described in more detail as follows:

Transfer #1

This proposed water right transfer is proposing that two stacked rights (45-2723 and 45-7246) are updated by listing all POD's appurtenant to the corresponding distribution system. Currently water right 45-2723 and 45-7246 list two (2) separate points of diversion (POD's); however, in reality these POD's are interconnected and should be listed on both water rights. This transfer should be processed independently of the two other transfers described in this narrative.

Transfer #2

Transfer 2 then seeks to convert irrigated acreage (22.2 acres) under water rights 45-2723 and 45-7246 to stockwater/commercial uses. The 22.3 acres of irrigated land will no longer be irrigated with these water rights (45-2723 and 45-7246), and will be located in the corners of the southwest quarter of section 29, Township 11S, Range 24E. The owner installed a pivot in this quarter in the spring of 2005 and, pursuant the approval of these transfers, will no longer irrigate the corners of this pivot with these water rights.

V & R Farms Partnership is requesting this conversion due to the proposed expansion of their stock facility located in the western half of section 27, Township 11S, Range 24E. The proposed facility needs this water right to provide for the expansion of 4,000 head of beef cattle and a sprinkler system, for cooling. Currently V & R Farms Partnership owns another stockwater right (45-131512) that services approximately 1000 head of cattle, with a diversion rate of 0.03 cfs and a maximum volume of 13,000 gallons/day (gpd). A value of 12 gpd/head was used to estimate that 53.77 acre-feet annually (afa) / 0.07 cfs of water would be required to support 4000 head of cattle (see Water Use Spreadsheet). In addition, 6.63 afa / 0.06 cfs of water would be required to cool the cattle during the hot summer months. Thus, during the peak times of consumption the facility would require

60.4 afa / 0.13 cfs of water. This conversion of the 22.2 ac. of irrigated acreage to stockwater/commercial use is based on the consumptive value of alfalfa (2.72 acre-feet/acre) at the Burley weather station (Allen and Brockway, 1983). According to the owner, this field has a rotation of alfalfa approximately every ten years (1985, 1995, & 2006). See attached FSA documentation to verify these claims.

The proposed feedlots that this new water right will service are currently located on 15 acres of property that is being irrigated with water right 45-7964. The owner will dry up these feedlots in Transfer #3 and transfer this acreage back to corners of the pivot that was transferred for this conversion to stockwater. The owner did not convert the acreage now irrigated with 45-7694 since it is a more junior right than water rights 45-2723 and 45-7246. The owner wanted to convert the more senior water right to stockwater to provide a buffer, for the more economical stockwater use, from any upcoming mitigation or curtailments of junior groundwater rights.

This transfer will also be updating the POU associated with water right 45-13512. The current POU listed for this right is incorrect and this transfer will be correcting this error.

Transfer #3

Transfer #3 then proposes to dry up 11.2 ac of 45-7694 in order to replenish some of the acreage used in the stockwater conversion. This land was currently irrigated with 45-2723 and 45-7246 in the corners of the southwest quarter of section 29, Township 11S, Range 24E. This transfer also proposes to create a PPU in Township 11S, Range 24E, Section 29 in order to facilitate the flexibility of the irrigation of the corners of the pivot. If these Transfers #2 and #3 are approved the owner will then try to negotiate a deal with the Burley Irrigation District to irrigate the remaining eleven (11) acres of this land with shares of water that he owns from the Burley Irrigation District.

If you have any questions concerning this narrative or either of these transfers, please do not hesitate to contact our office. Thank you for your time and thorough review of these transfers.

Sincerely,

A handwritten signature in black ink, appearing to read 'D-T Nelson', followed by a long horizontal line.

Daren T. Nelson, Hydrologist