Form 1-222
12-90

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 71437

RECEIVED
AUG 07 2003
Department of Water Resources
Northern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Notch Butte Farms LLC Phone 208-644-1730

Post Office address P.O. Box 486 Jerome, ID 83338

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 Need to remove acres listed in POU which are within land owned by BLM. Acres to be removed are not irrigated under the new pivot arrangement. Remaining acres on BLM land under BLM right 37-20841 diverted from same POD.

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
37-20840	11/29/1960	4.02	Irrigation	4/15 to 10/31
				to
				to
				to

2. Total amount of water being transferred 4.02 cubic feet per second and/or 727.3 acre-feet per annum.

3. Source of water Groundwater tributary to n/a

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
2	NE	SW	NW	31	06S	17E	Lincoln	Well

5. 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	
06S	17E	30											11.2	38			35.0		84.2
06S	17E	31	35.9	38.5			36.9	12.4											123.7

WITHDRAWN
5/18/05

Printed 8/6/03 08:59

Total acres 207.9

Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system Deep well with pump to distribution system including pivots, hand lines, & wheel lines.

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:

See attached narrative. Transfer to comply with agreement with BLM.

d. Remarks:

See attached narrative.

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:

WITHDRAWN

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

_____

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Page _____ of _____

Transfer No._____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. 37-20840 Decreed to Notch Butte Farms, LLC

   in case of SRBA vs. _____

   dated _____ in _____ county of _____

   b. License No. _____ 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 _____

3. Source of water Groundwater tributary to n/a

4. Date of priority 11/29/1960

5. Water is used for the following purpose:

   Amount (cfs/ac-ft) 4.02 cfs for Irrigation purposes from 4/15 to 10/31

   Amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____

   Amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____

6. Total amount of water under right 4.02 cubic feet per second and/or 727.3 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
2	NE	SW	NW	31	06S	17E	Lincoln	Well

WITHDRAWN

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	
06S	17E	30											1.1	24			36	8.8	69.9
													L-4						
06S	17E	31	40	40			40	18											138

Total acres 207.9

9. Describe any other water rights used for the same purpose as described above WRt's using same POD 37-2532A 37-2804A, & 37-20841

Page _____ of _____ **PART 2** Transfer No._____

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 _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

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

2. Point(s) of Diversion:

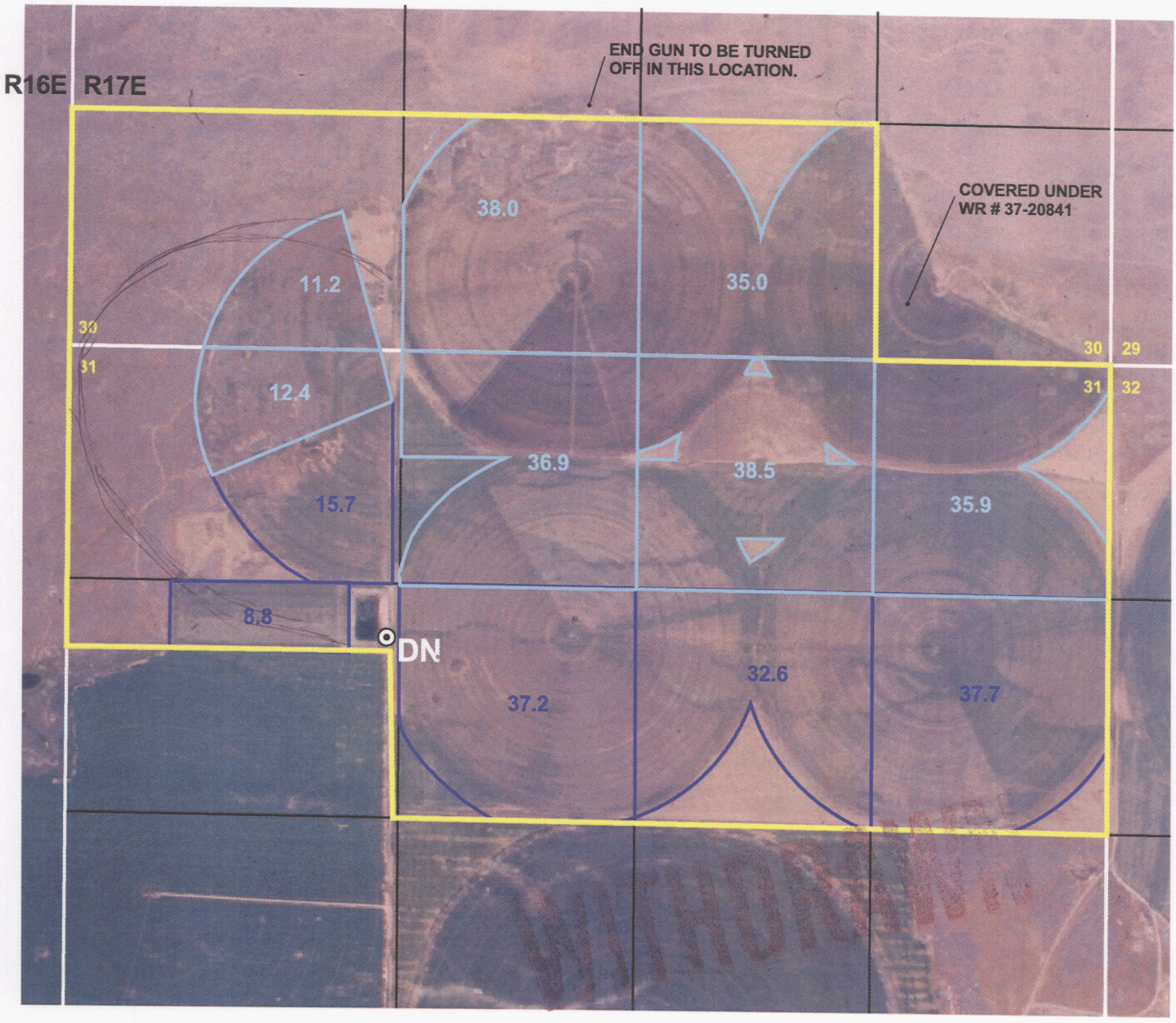
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

WITHDRAWN

3. 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	

Total acres _____



DAVIS NORTH PROPERTY
WATER RIGHT TRANSFER
FSA Aerial Photo 1990

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Irrigated acres under WR # 37-2804A& 37-2532A = 132 AC.

Notch Butte Property Boundary

(WHITE) Section lines

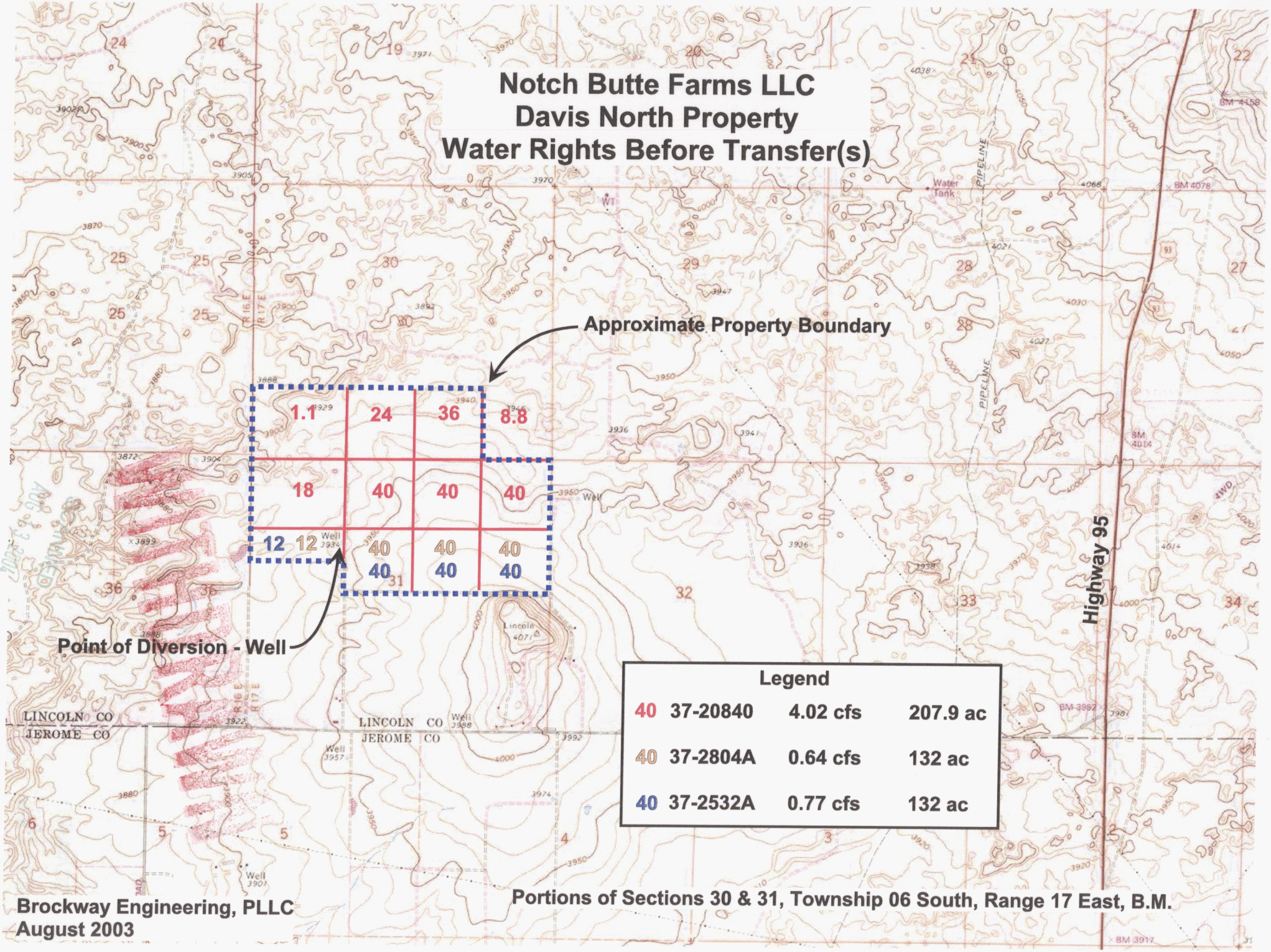
Land to be irrigated under 37-20840 = 207.9 AC.

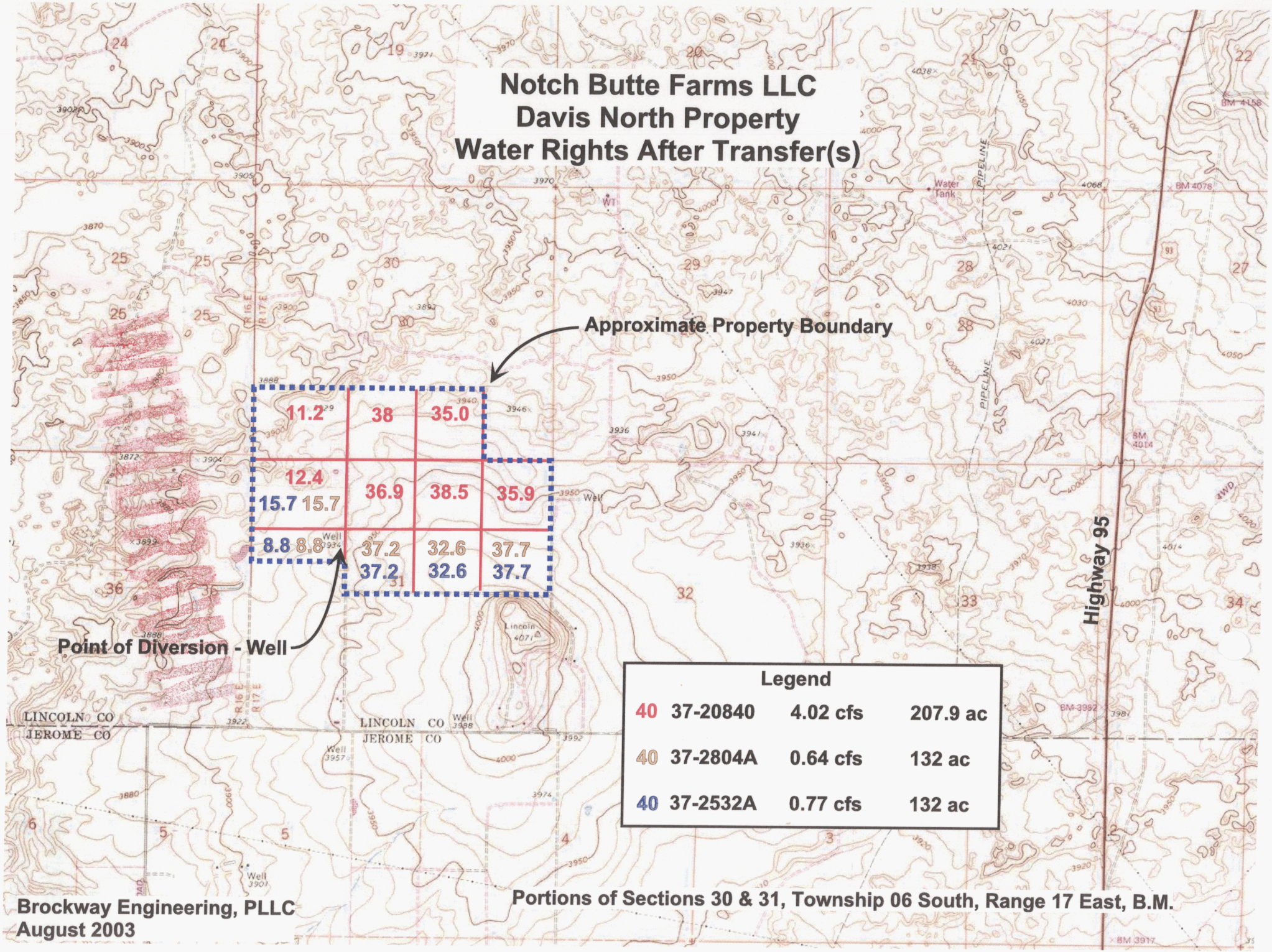
POD - Well

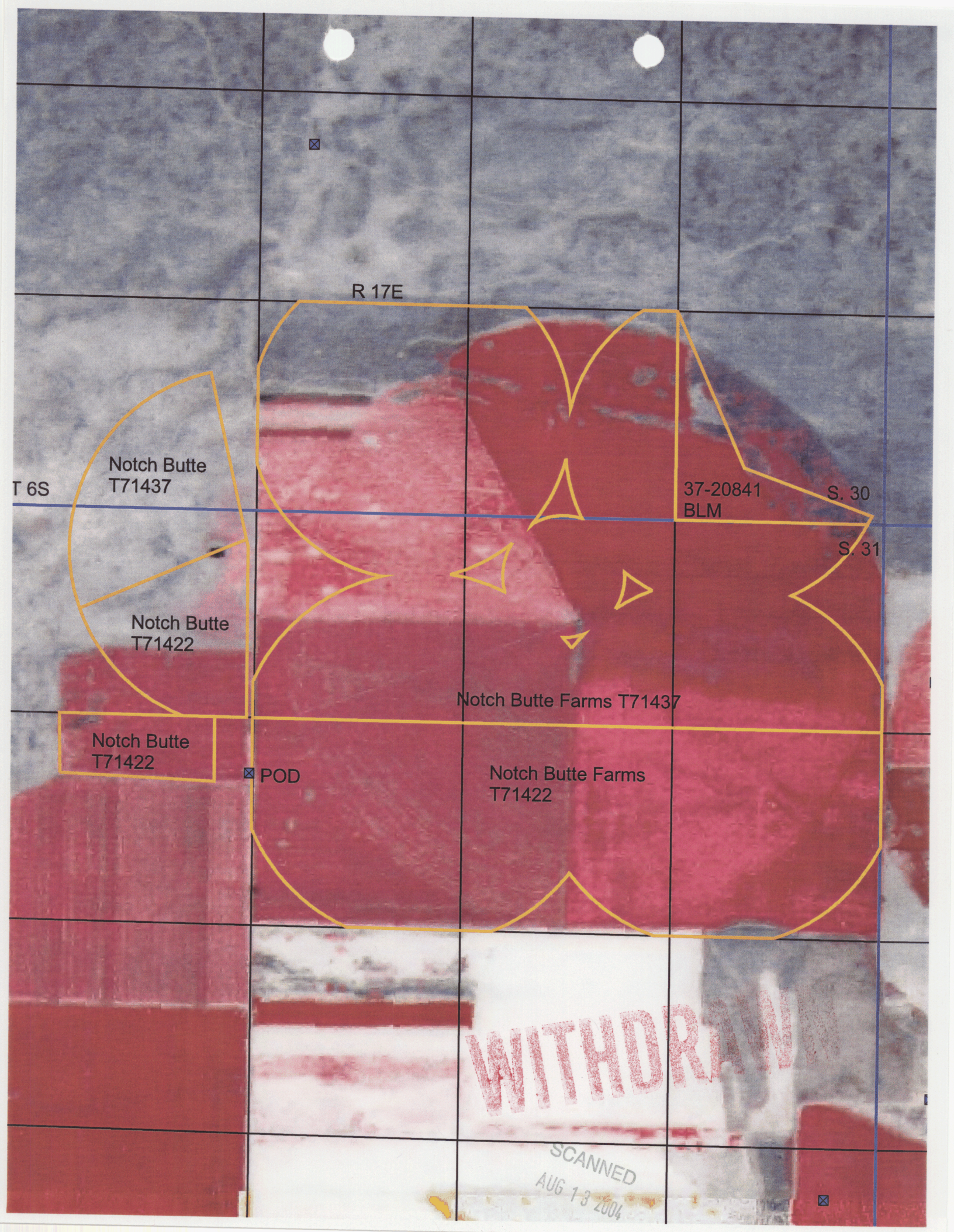
N

BROCKWAY ENGINEERING, PLLC.
ALR Aug. 5, 2003

SCANNED
AUG 13 2004


Notch Butte Farms LLC
Davis North Property
Water Rights Before Transfer(s)
Approximate Property Boundary
Point of Diversion - Well
1.1
24
36
8.8
18
40
40
40
12
12
40
40
40
40
40
40
Legend
40 37-20840 4.02 cfs 207.9 ac
40 37-2804A 0.64 cfs 132 ac
40 37-2532A 0.77 cfs 132 ac
Highway 95
LINCOLN CO
JEROME CO
Brockway Engineering, PLLC
August 2003
Portions of Sections 30 & 31, Township 06 South, Range 17 East, B.M.


Notch Butte Farms LLC
Davis North Property
Water Rights After Transfer(s)
Approximate Property Boundary
Point of Diversion - Well
11.2
38
35.0
12.4
15.7 15.7
36.9
38.5
35.9
8.8 8.8
37.2
37.2
32.6
32.6
37.7
37.7
Legend
40 37-20840 4.02 cfs 207.9 ac
40 37-2804A 0.64 cfs 132 ac
40 37-2532A 0.77 cfs 132 ac
Highway 95
LINCOLN CO
JEROME CO
Brockway Engineering, PLLC
August 2003
Portions of Sections 30 & 31, Township 06 South, Range 17 East, B.M.


R 17E
T 6S
Notch Butte
T71437
37-20841
BLM
S. 30
S. 31
Notch Butte
T71422
Notch Butte Farms T71437
Notch Butte
T71422
POD
Notch Butte Farms
T71422
WITHDRAWN
SCANNED
AUG 13 2004

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Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

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

2. Quantity and quality of return flows and location of discharge:

_____

_____

3. Describe the effects on other water uses resulting from the proposed change:

_____

_____

_____

_____

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.

Notch Butte Farm LLC
R S Allen

_____
(Signature of Applicant)

Subscribed and sworn to before me this 5th day of August, 19 2003

HEATHER M. MAXSON
NOTARY PUBLIC
STATE OF IDAHO

Heather M. Maxson
(Notary Public)

My commission expires 2-24-09

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by JO Date 8-7-03 Protest filed by _____

Prelim. check by _____ Fee $250.00 5026047 _____

Receipted by JO Date 8-13-03 _____

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 _____

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Narrative in Support of Transfer
Water Right 37-20840
Prepared by Jeffrey S. Rau, P.E.
Brockway Engineering, PLLC

Transfer Intent

The intent of this transfer is to change the place of use under this right to reflect the irrigated acres under the current irrigation distribution system Davis North property of the Notch Butte Farms site. The transfer also removes irrigated acres from one quarter section located on BLM property.

The parent right to right #37-20840 is right #37-2645 which was originally for 4.26 cfs of groundwater over a place of use of 220.1 acres. A portion of the original place of use (POU) included 20.0 irrigated acres in the SE ¼ SE ¼ of Section 30, Township 06 South, Range 17 East. This quarter section is owned by the United States Bureau of Land Management (BLM) although Notch Butte Farms has historically irrigated 20 acres within this parcel. When the irrigation system was reconfigured the pivot center was inadvertently located within the property owned by BLM. During the adjudication process in this basin, BLM objected the assignment of irrigated acres under this right on BLM ground. To resolve this issue, Notch Butte Farms and BLM have entered into a stipulation agreement to allow Notch Butte to continue to irrigate and farm the remaining 12.2 acres of land on the BLM property under a Land Use Authorization. Under this stipulation agreement, parent right 37-2645 was split into right #37-20840 which contains 207.9 acres with a diversion rate of 4.02 cfs and is under the ownership of Notch Butte Farms. The remainder was placed under the name of BLM and contains 12.2 acres with a diversion rate of 0.24 cfs with the understanding under the Land Use Agreement that Notch Butte will continue to utilize this right on the land. Under the stipulation agreement, Notch Butte Farms is required to submit a transfer to remove the 8.8 acres in the SE ¼ SE ¼ of Section 30 from BLM land and place them within property owned by Notch Butte Farms.

The proposed transfer accomplishes this while shifting acres within the original POU to adapt to the reconfigured irrigation system. A total of 207.9 acres will be irrigated within the property under this right. The remainder of irrigation within the Davis North parcel will be irrigated utilizing two other groundwater rights. A transfer has been submitted concurrently to adjust the POU under Right 37-2804A and 37-2534A.

The proposed transfer does not change the point of diversion and does not create an expansion of use of the water. No mitigation is required to accomplish this transfer.

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