STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85221

This is to certify that: TASZO LLC
HC 64 BOX 9144
KETCHUM, ID 83340-9711

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
71-10929	WR/LICENSE	6/30/2009	0.290 cfs	4.2 af	N/A	N/A	LOST CREEK
71-7178	WR/LICENSE	8/10/1998	N/A	4.2 af	N/A	N/A	LOST CREEK
71-7179	WR/LICENSE	8/10/1998	0.130 cfs	4.2 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
71-10929	NO	NO	NO	NO	NO	YES
71-7178	NO	NO	NO	NO	NO	YES
71-7179	NO	NO	NO	NO	NO	YES

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
71-10929	71-10929	0.290 cfs	4.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
71-7178	71-7178	N/A	4.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
71-7179	71-7179	0.130 cfs	4.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**N/A**	**4.2 af**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 29th day of September, 2021.

Southern Region Manager

SUPPORT DATA
IN FILE # 71-7178

Transfer No. 85221

WATER RIGHT NO. 71-7179

As Modified by Transfer No. 85221

In accordance with the approval of Transfer No. 85221, Water Right No. 71-7179 is now described as follows:

Right Holder: TASZO LLC
HC 64 BOX 9144
KETCHUM, ID 83340-9711

Priority Date: 8/10/1998

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	01/01	to	12/31	0.130 cfs	
STOCKWATER STORAGE	01/01	to	12/31		4.2 af
				0.130 cfs	4.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSESE	Sec 34 Twp 08N Rge 14E CUSTER County	
GROUND WATER	SESWSE	Sec 34 Twp 08N Rge 14E CUSTER County	(I)
GROUND WATER	SESWSE	Sec 34 Twp 08N Rge 14E CUSTER County	(R)

PLACE OF USE: STOCKWATER STORAGE

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	14E	34															X		

CONDITIONS OF APPROVAL

1. 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. 71.

2. 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.

3. The right holder shall use power records to determine the amount of water diverted and shall annually report the information to the Department, until such time the Department determines a measuring device and datalogger are needed.

4. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

WATER RIGHT NO. 71-7179

As Modified by Transfer No. 85221

CONDITIONS OF APPROVAL

5. This right is for the diversion of ground water to fill two reservoirs totaling 3.2 af. The total combined diversion volume under rights 71-7178, 71-7179, and 71-10929 shall not exceed 3.2 af plus the amount necessary to replace evaporation and seepage losses from the reservoirs, up to a combined maximum of 4.2 af.

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 71-7178

As Modified by Transfer No. 85221

In accordance with the approval of Transfer No. 85221, Water Right No. 71-7178 is now described as follows:

Right Holder: TASZO LLC
HC 64 BOX 9144
KETCHUM, ID 83340-9711

Priority Date: 8/10/1998

Source: LOST CREEK **Tributary:** SINKS

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
STOCKWATER STORAGE	01/01	to	12/31		4.2 af
					4.2 af

LOCATION OF POINT(S) OF DIVERSION

LOST CREEK SESWSE Sec 34 Twp 08N Rge 14E CUSTER County

PLACE OF USE: STOCKWATER STORAGE

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	14E	34															X		

CONDITIONS OF APPROVAL

1. 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. 71.

2. The right holder shall maintain a permanent measuring device in such a manner that the amount of water entering the reservoirs can be measured.

3. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

4. This right is for two on-stream reservoirs totaling 3.2 af. The total combined diversion volume under rights 71-7178, 71-7179, and 71-10929 shall not exceed 3.2 af plus the amount necessary to replace evaporation and seepage losses from the reservoirs, up to a combined maximum of 4.2 af.

5. The right holder shall comply with all fish screening and bypass requirements of the Idaho Department of Fish and Game.

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 85221

WATER RIGHT NO. 71-7178

As Modified by Transfer No. 85221

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 71-10929

As Modified by Transfer No. 85221

In accordance with the approval of Transfer No. 85221, Water Right No. 71-10929 is now described as follows:

Right Holder: TASZO LLC
HC 64 BOX 9144
KETCHUM, ID 83340-9711

Priority Date: 6/30/2009

Source: LOST CREEK **Tributary:** SINKS

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	01/01	to	12/31	0.290 cfs	
STOCKWATER STORAGE	01/01	to	12/31		4.2 af
				0.290 cfs	4.2 af

LOCATION OF POINT(S) OF DIVERSION

LOST CREEK SESESE Sec 34 Twp 08N Rge 14E CUSTER County

PLACE OF USE: STOCKWATER STORAGE

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	14E	34															X		

CONDITIONS OF APPROVAL

1. 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. 71.

2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

3. This right is for the diversion of water to fill two reservoirs totaling 3.2 af. The total combined diversion volume under rights 71-7178, 71-7179, and 71-10929 shall not exceed 3.2 af plus the amount necessary to replace evaporation and seepage losses from the reservoirs, up to a combined maximum of 4.2 af.

4. The Director retains jurisdiction to require a bypass flow for maintenance of fish, wildlife, riparian and aquatic habitat.

WATER RIGHT NO. 71-10929

As Modified by Transfer No. 85221

CONDITIONS OF APPROVAL

5. This right does not grant any right-of-way or easement across the land of another. Specifically, this right does not grant or modify existing scenic easements held by the federal government which may limit use of this right. This right does not grant approval of other local, state or federal authorities that may be required to perfect use of this right.

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

State of Idaho
Department of Water Resources

Attachment to Transfer # 85221

71-7178, 71-7179, and 71-10929

This map depicts the STOCKWATER STORAGE place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.

0 0.035 0.07 0.14 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

N

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

September 30, 2021

TASZO LLC
HC 64 BOX 9144
KETCHUM ID 83340-9711

Re: Transfer No: 85221
Water Right No(s).: 71-7178, 71-7179, 71-10929

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure

c:

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340-0998

WATER DISTRICT 71
MORGAN MILLER
3594 HOT SPRINGS RD
CHALLLIS ID 83226-4960

WATER DISTRICT 170
DAVID GRAYBILL
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85221
Water Right No(s).: 71-7178, 71-7179, 71-10929

TASZO LLC
HC 64 BOX 9144
KETCHUM ID 83340-9711

JAMES P SPECK
C/O SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340-0998

WATER DISTRICT 71
MORGAN MILLER
3594 HOT SPRINGS RD
CHALLLIS ID 83226-4960

WATER DISTRICT 170
DAVID GRAYBILL
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

Denise Maline

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

(a) The petition for reconsideration is disposed of; or
(b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: September 23, 2021

To: Transfer #85221, Taszo, LLC file

From: Jim Bitzenburg

Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the nature of use of the storage portion of two Lost Creek rights and one ground water right, with a combined volume of 4.2 AF, from Wildlife Storage to Stockwater Storage. The storage is held in two ponds located approximately 17.0 miles south and 6.2 miles east of Stanley.

Because the transfer involves changing nature of use, it was advertised and public comment was sought, with no protests filed. The transfer is located within Water District 170 and Subdistrict 71, so Watermaster comments were solicited from both Water Districts. Neither Watermaster commented on the transfer.

- **Authority to File:**
  The Department's database indicates that the water rights involved are owned by Taszo, LLC. The application was signed by Sandor Szombathy, manager of Taszo, LLC, according to records with the Idaho Secretary of State office.

- **Water Right Validity:**
  Right 71-10929 was licensed in 2013, while rights 71-7178 and 71-7179 were licensed in 2008. Recent aerial imagery shows that the ponds have contained water, so forfeiture is likely not an issue.

- **Injury to Other Water Rights:**
  None anticipated or foreseen.

- **Enlargement of Use:**
  None anticipated. Application indicates that ponds will only be refilled once per season.

- **Local Public Interest:**
  No issues anticipated. The application was advertised, and no protests were filed.

- **Beneficial Use/Conservation of Water Resources:**
  Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**
  None Anticipated

- **Effect of the Agricultural Base of the Area:**
  None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

PROOF OF PUBLICATION
The Challis Messenger

RECEIVED
SEP 13 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
County of Custer

I, ~~Dawn Giannini, or~~ Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager, or~~ Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Challis Messenger, a newspaper of general circulation, published 1 day, Thursday at Challis, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said The Challis Messenger for 2, first publication having been made on 09/02/2021 last publication having been made on 09/09/2021, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Collins Crapo

Subscribed and sworn to before me, on this 10th day of September, 2021

Beth Crossley

BETH CROSSLEY
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 68167
MY COMMISSION EXPIRES 7-28-2022

Notary Public
My commission expires:

attached jurat

STATE OF IDAHO

ss.

COUNTY OF CUSTER

On this 10th day of September, 2021 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini or~~ Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they 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.

BETH CROSSLEY
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 68167
MY COMMISSION EXPIRES 7-28-2022

Beth Crossley

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

✓ DM 9-22-2021

139275

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85221

TAS
fied
right
717
prop
appr
is to
for 1
port
a co
Stur
ly 1)
infor
ent
bear
against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of $25.00 for each application on or before September 20, 2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 2nd & 9th, 2021. (139275-12622)

THE JEFFERSON STAR

THE CHALLIS Messenger

ADVERTISING RECEIPT

PO Box 1800,
Idaho Falls,ID 83401
Ph. (208) 683-8169 **Fax:** (907) 452-5054

BILLING DATE:	ACCOUNT NO:
08/25/21	12622

Denise Maline
IDWR SOUTHERN REGION
650 ADDISON AVE W STE 500
TWIN FALLS, ID 83301

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
139275	Transfer No. 85221	09/02/21	09/09/21	2	$76.25

Proof of legal notice received from Challis Messenger 8/25/2021 (2 pgs)

✓ DM 8/26/2021

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount

Discount:	**$0.00**
Surcharge:	**$0.00**
Credits:	**$0.00**

Gross:**$76.25**
Paid Amount:**$0.00**

Amount Due:**$76.25**

We Appreciate Your Business!

139275

AD# 139275AD#

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85221

TASZO LLC, HC 64 BOX 9144, KETCHUM, ID 83340-9711 has filed Application No. 85221 for changes to the following water rights within CUSTER County(s): Right No(s). 71-10929, 71-7178, 71-7179; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the nature of use of the storage portion of two Lost Creek rights and one ground water right, with a combined volume of 4.2 AF, from Wildlife Storage to Stockwater Storage. The storage is held in two ponds located approximately 17.0 miles south and 6.2 miles east of Stanley. For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of $25.00 for each application on or before September 20, 2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 2nd & 9th, 2021. (139275-12622)

✓ DM 8/26/2021

AD# 139275AD#

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85221

TASZO LLC, HC 64 BOX 9144, KETCHUM, ID 83340-9711 has filed Application No. 85221 for changes to the following water rights within CUSTER County(s): Right No(s). 71-10929, 71-7178, 71-7179; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the nature of use of the storage portion of two Lost Creek rights and one ground water right, with a combined volume of 4.2 AF, from Wildlife Storage to Stockwater Storage. The storage is held in two ponds located approximately 17.0 miles south and 6.2 miles east of Stanley. For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of $25.00 for each application on or before September 20, 2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 2nd & 9th, 2021. (139275-12622)

✓ DM 9-22-2021