

RECEIVED

APR 28 2021

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Dan and Lena McCoyCheck whether each item below is **attached (Yes)** or **not applicable (N/A)** for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☐ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☐ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
- ** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

RECEIVED

APR 28 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Dan and Lena McCoyPhone 208-629-6492
~~208-546-3003~~Mailing address 119 S Valley Drive Suite A

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Logan StockwellPhone 208-629-6492Mailing address 119 S Valley Drive Suite A Nampa, ID 83686Email lstockwell@huevee.com

- ☒ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative *D McCoy*Dan McCoy Property Owner
Print Name and Title if applicable3-9-2021
DateSignature of Applicant or Authorized Representative *Lena McCoy*Lena McCoy Property Owner
Print Name and Title if applicable3-9-2021
Date

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 Change of Ownership
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Proposal is to move Water Rights # 63-32400 to 8212 Loma Linda Ridge Road, and from ownership of Sean and Delmy Lynn to Dan and Lena McCoy pursuant to their real estate contract from 2014, and a signed quitclaim deed from 2020.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐	63-32400	8	Irrigation	March 1 to Nov 15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.130 cfs and/or 36 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.130 cubic feet per second and/or 36 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☒ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes		SW	SW		23	02N	02W	Canyon	Well	D0046884

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	02W	23											8						8
Total Acres (for irrigation use)																			8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Diversion System is a 6 Casing Diameter well, 345 feet deep. It is equipped with a pump to a drip line.

- b. Who owns the property at the point(s) of diversion? Dan and Lena McCoy
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Water rights are on property not owned by the water rights owners, and the water rights are not subject to being leased either.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
NONE

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☒ | ☐ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

Water Rights are under new ownership, but previous owners did not do transfer of water rights correctly.

WATER RESOURCES
WESTERN REGION

VIA TOSCANA, SUBDIVISION

Area 5 Acres

R201723205

R:2917232U2

329723204

Via Toscana Ln
LINDA

EXPOSE

K O A D

Private

10

2.4 Acres

R29723208

33 dedicated public right of way
to Nam... District No 1



SUPERCEDED

Prepared by:

Logan Stockwell - 208-629-6492

119 S Valley Drive Suite A Nampa ID 83686

Parcel ID:

63-32400

Quitclaim Deed

FOR VALUE RECEIVED, Sean Lynn, married, of 1723 N Palo Verde Dr, St. George, UT 84770, USA, (the "Grantor"), does hereby convey, release, and remise, as well as quitclaim, unto Daniel McCoy and/or Lena McCoy, married, of 8212 Loma Linda Ridge Rd, Nampa, ID 83686, USA, (the "Grantee") as the sole tenant, the following described premises:

Water rights number 63-32400.

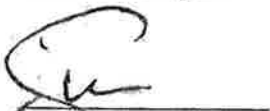
Together with the appurtenances.

This deed is intended to convey to the Grantee all right, title, and interest of the Grantor in and to the said property, now owned or acquired after this deed has been executed.

TO HAVE AND TO HOLD the Premises, with their appurtenances unto the said Grantee, forever.

Dated this 12th day of May, 2020.

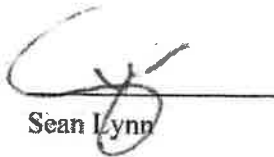
Signed in the presence of:



Signature

SEAN LYNN

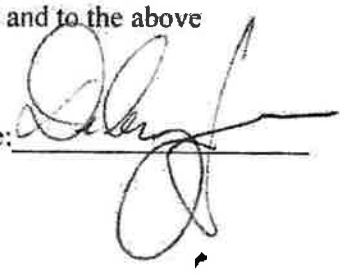
Name



Sean Lynn

Spousal Acknowledgement

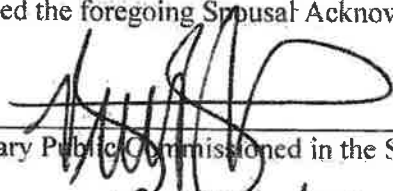
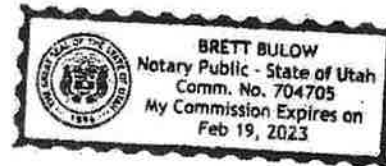
I, Delmy Lynn of 1723 N Palo Verde Dr, St. George, UT 84770, USA, spouse of Sean Lynn, in accordance with the above Quitclaim Deed, and in consideration of the above sum and other good and valuable consideration received, do hereby waive and release to the Grantee all rights of dower, curtesy, homestead, community property, and all other right, title and interest, if any, in and to the above property.

Spouse's Signature: 

STATE OF UTAH

COUNTY OF Washington

On this 12 day of May, 2020, before me personally appeared Delmy Lynn, to me known or proven on the basis of satisfactory evidence to be the Grantor's spouse who lawfully executed the foregoing Spousal Acknowledgement as a free and voluntary act.


A Notary Public Commissioned in the State of UtahCounty of WashingtonName: Brett BulowMy commission expires: Feb 19 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 13, 2021

XMARK HOLDING LLC
C/O DAN MCCOY
C/O LENA MCCOY
119 S VALLEY DRIVE STE A
NAMPA, ID 83686

RE: Transfer No. 84978
Water Right No. 63-32400

Dear Applicants:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the PRESS TRIBUNE on 8/19/2021 and 8/26/2021. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Lauerma
Administrative Assistant

CC:

XMARK HOLDING LLC
C/O LOGAN STOCKWELL
119 S VALLEY DRIVE STE A
NAMPA, ID 83686



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 13, 2021

BOISE KUNA IRRIGATION DISTRICT
129 N SCHOOL AVE
KUNA, ID 83634

RE: Transfer No. 84978
Water Right No. 63-32400

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosure

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

**RE: Transfer No. 84978
Water Right No. 63-32400**

New Appropriation Applicant's
Name:

XMARK HOLDING LLC
C/O DAN MCCOY
C/O LENA MCCOY
119 S VALLEY DRIVE STE A
NAMPA, ID 83686

Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned
as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____.

Signature

Lauerman, Denise

From: Lauerman, Denise
Sent: Friday, August 13, 2021 10:03 AM
To: Legal Clerk
Subject: CANYON COUNTY Legal Notice - Transfer No. 84978; Water Right No(s). 63-32400
Attachments: Cover Letter Canyon County TR84978.docx; Legal Notice Ada County TR84978.docx

Good morning,

Please see the attached ad for publication on 08/19/2021 and 08/26/2021.

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 09/07/2021. Your cooperation is appreciated

Please *confirm this is okay to publish as shown and send confirmation and all other correspondence to this email.*

Thanks much!
Denise



Denise Lauerman | Administrative Assistant
Idaho Department of Water Resources - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334.2190 | denise.lauerman@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

August 13, 2021

LEGAL NOTICE DEPARTMENT
PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Transfer No. 84978
Water Right No(s). 63-32400

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 9/6/2021. Your cooperation is appreciated.

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosures

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84978**

has filed Application No. 84978 for changes to the following water rights within CANYON County(s): Right No(s). 63-32400; 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:

The transfer proposes to change the point of diversion and place of use for the 8.0 acres irrigated from ground water of water right 63-32400 to fields located in SWSW Section 23, T02N, R02W, west of the intersection of Kuna Road and Southside Boulevard, approximately 6 miles south of Nampa.

For additional information concerning the property location, contact Western Region office at (208)334-2190. 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, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 9/6/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/19/2021 and 8/26/2021



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

8/12/2021

XMARK HOLDING LLC
119 S VALLEY DR STE A
NAMPA ID 83686

Re: Water Right Application 84978 and Well Drilling Fee Upgrade

Dear Applicant:

Your recent water right application proposes ground water use from a well. All wells drilled in Idaho after June 30, 1987, require well drilling permits. A well might need a water right along with the drilling permit, depending on the intended use of the well.

According to the records of Idaho Department of Water Resources (IDWR), your well was drilled in 2006 under a \$75 domestic well drilling permit. A \$75 drilling permit covers a well that does not require water right approval from IDWR. This is typically a single-family domestic well.

Proposed use from your well does require water right approval, and your water right application seeks that approval. The well drilling fee for a well requiring a water right is \$200 instead of \$75. Per Well Construction Standards Rules (IDAPA 37.03.09.045.05.b), IDWR must collect the unpaid balance of \$125 for a well drilled under those circumstances.

Please remit \$125 to upgrade your well drilling permit within the next thirty days to facilitate processing of your water right application.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Aaron Olson - Water Resource Agent
Idaho Dept. of Water Resources
2735 W Airport Way
Boise, ID 83705
(208) 605-4629
Aaron.Olson@idwr.idaho.gov

Olson, Aaron

From: Logan Stockwell <lstockwell@huevee.com>
Sent: Monday, August 9, 2021 4:18 PM
To: Olson, Aaron
Subject: Re: phone convo

Hey Aaron,
The name to include is:

Xmark Holding LLC

Thank you!

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Sent: Monday, August 9, 2021 4:15:29 PM
To: Logan Stockwell <lstockwell@huevee.com>
Subject: Re: phone convo

Hey Logan,

Go ahead and just reply whenever to that first message I sent and include the name that might need to be included on the address for it to be delivered there. I will see if we can just put a note on the app for when the front office sends out the letters.

And thanks for the heads up on the signature, the last two digits of my phone number were switched so the number on this message will take you to my direct line now if you ever need to call me.

Thanks,

Aaron

Aaron Olson - Water Resource Agent
Idaho Dept. of Water Resources
2735 W Airport Way
Boise, ID 83705
(208) 605-4629
Aaron.Olson@idwr.idaho.gov

Olson, Aaron

From: Olson, Aaron
Sent: Monday, August 9, 2021 4:00 PM
To: 'Logan Stockwell'
Subject: Address for correspondence by mail
Attachments: change-in-address.pdf

Hi Logan,

I have that transfer ready to go out to advertising at the next available date either this Thursday or the next depending on the schedule. For correspondence purposes though I am wondering if there is a new address for correspondence to be sent to you as well as the applicants in the future? When I initially tried to reach out to you for the first time I sent a letter to the 119 S Valley Drive address and had the letter returned with a return to sender no longer at this address notice stamped on it from the post office.

To update the address for you as the agent handling this application a reply to this email with the new address would be acceptable so further correspondence specific to this application can be sent to you at that address. For the Applicants though they will want to fill out and send in that form to update their address regarding correspondence in the future. A notice needs to be sent out when the application goes to advertising so if you could provide me with a new address for you as the agent as soon as possible we can avoid missing the next advertising date.

Thanks,

Aaron

Aaron Olson - Water Resource Agent
Idaho Dept. of Water Resources
2735 W Airport Way
Boise, ID 83705
(208) 605-4692
Aaron.Olson@idwr.idaho.gov

Olson, Aaron

From: Logan Stockwell <lstockwell@huevee.com>
Sent: Thursday, August 5, 2021 1:20 PM
To: Olson, Aaron
Subject: Re: Water Rights for Parcel Number 29392014 0

Hey Aaron,
Yes, please use where you have the well as existing. I made the original map showing POD before I was aware of your software and just did it based off of my best guess 😊. Thank you for following up on everything and helping out so much on this!
Best Regards,
Logan Stockwell

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Sent: Thursday, August 5, 2021 1:16:26 PM
To: Logan Stockwell <lstockwell@huevee.com>
Subject: RE: Water Rights for Parcel Number 29392014 0

Hi Logan,

I have just one more quick question before I pass this application off to the next step. On the application item #3. Point(s) of Diversion the [local name or tag #] box was filled in as D0046884 which is an existing well. The location we have for this existing well is approximately 160 feet south west of the location marked on the original map that was submitted, could you please confirm if the new POD point should be placed where it was marked on the original map or where our records indicate the existing well is located?

Thanks,

Aaron

From: Logan Stockwell [mailto:lstockwell@huevee.com]
Sent: Wednesday, August 4, 2021 12:22 PM
To: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Subject: RE: Water Rights for Parcel Number 29392014 0

Hi Aaron,
Here is the updated map showing 8 acres of water rights usage. Please let me know if there is any further questions.
Thank you!

From: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Sent: Monday, August 2, 2021 13:24
To: Logan Stockwell <lstockwell@huevee.com>
Subject: RE: Water Rights for Parcel Number 29392014 0

Hi Logan,

I am looking at the parcel at the moment and I see several rights that have their place of use marked as that whole quarter quarter (some were data entered that way a long time ago for some reason). Do you know if this is an irrigation or domestic/stockwater right? Also do you know the name of the previous owner of the WR?

I have it narrowed down to a couple rights I think it could be but it is tricky since there doesn't seem to be a lot of records for the domestic/stock rights.

Thanks,

Aaron

From: Logan Stockwell [<mailto:lstockwell@huevee.com>]
Sent: Monday, August 2, 2021 12:58 PM
To: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Subject: Water Rights for Parcel Number 29392014 0

Hi Aaron,
Here is the Parcel Number for the Property we discussed that was recently purchased. If you can get me the water rights number for this property, I will start the process to get it transferred to Dan's Name and then we can get it paid as well.
Thank you!

29392014 0

The previous owner was John Skaggs just so you know.

Best Regards,

Logan Stockwell
Xmark
Cell: 208-629-6492
Office: 208-546-3003 ext 705
lstockwell@huevee.com

This email message and any attachments are confidential. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

Olson, Aaron

From: Logan Stockwell <lstockwell@huevee.com>
Sent: Monday, August 2, 2021 1:05 PM
To: Olson, Aaron
Subject: RE: Application for Transfer No. 84978
Attachments: Water Rights Revised Map 3.0.jpg

Hi Aaron,

Here is the amended map. It shows a total of 11.55 acres, but some of that would be unusable. I would map it out via google maps, but the Jensen's property (the bottom acres), does not appear on Google Maps for some reason. The 1.25 Acres and the 3.13 acres has a mixture of grass and horse pasture at the moment, the 5.17 acres is a tree/nut orchard, and the 2 acres has a mix of flower beds/grass. Please let me know if further information is needed. Thank you!

Best Regards,

Logan Stockwell
National Sales Manager
Xmark Building Products
208-629-6492
lstockwell@xmarkco.com

From: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Sent: Friday, July 23, 2021 09:49
To: Logan Stockwell <lstockwell@huevee.com>
Subject: RE: Application for Transfer No. 84978

Dear Mr. Stockwell:

After review of administrative guidance documents (Multiple Program Memo No.2) we have come to the determination that forfeiture will not be an issue in processing this application if it is completed and resumption of use under the right occurs within the calendar year of 2021. The department presumes that resumption of beneficial use or any defense or protection, including filing an extension of time to avoid forfeiture, initiated before the end of the sixth calendar year will prevent a finding of forfeiture by the Department.

Before continuing processing there is still one aspect of the application I would like to discuss and clarify. The place of use proposed in the application is for 6.2 acres of irrigation while the right as it currently exists is for 8.0 acres of irrigation with a diversion rate of 0.13 cubic feet per second. Does the applicant intend to consolidate the right to 6.2 acres and use the full 0.13 cfs amount in the place of use proposed in the application to establish an increased rate/volume per acre, or would they wish to amend the application to propose a new place of use that remains 8.0 acres where the rate/volume per acre would remain the same?

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days.

Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-605-4629 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Aaron Olson - Water Resource Agent
Idaho Dept. of Water Resources
2735 W Airport Way
Boise, ID 83705
(208) 605-4629

From: Logan Stockwell [<mailto:lstockwell@huevee.com>]
Sent: Thursday, July 22, 2021 10:14 AM
To: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Subject: RE: Application for Transfer No. 84978

Hello Aaron,
Please see the attached letter. Thank you!

Best Regards,

Logan Stockwell
Xmark
Cell: 208-629-6492
Office: 208-546-3003 ext 705
lstockwell@huevee.com

This email message and any attachments are confidential. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

From: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Sent: Friday, July 16, 2021 15:54
To: Logan Stockwell <lstockwell@huevee.com>
Subject: RE: Application for Transfer No. 84978

Dear Mr. Stockwell:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right. Additional information is needed to evaluate and process your application.

After preliminary review of the application, some concerns were identified regarding use of the water right at the current place of use and point of diversion in the time since it was released from the Water Supply Bank in 2015. Please explain or provide evidence of how this right has been used for irrigation at the proposed place of use and if so how it has been used in conjunction with Water Right 63-33142 that overlaps at the place of use. You may also provide a valid defense against forfeiture, defenses against forfeiture are outlined in Idaho Statutes Title 42 Chapter 2 section 42-223 (which can be found at: <https://legislature.idaho.gov/statutesrules/idstat/Title42/T42CH2/SECT42-223/>).

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days.

Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-605-4629 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Aaron Olson - Water Resource Agent
Idaho Dept. of Water Resources
2735 W Airport Way
Boise, ID 83705
(208) 605-4629
Aaron.Olson@idwr.idaho.gov

Olson, Aaron

From: Logan Stockwell <lstockwell@huevee.com>
Sent: Wednesday, July 28, 2021 3:55 PM
To: Olson, Aaron
Subject: RE: Application for Transfer No. 84978
Attachments: Water Rights Distance Amended Map.JPG

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Aaron,
Attached is the amended map per our discussion. Thank you!

Best Regards,

Logan Stockwell
National Sales Manager
Xmark Building Products
208-629-6492
lstockwell@xmarkco.com

From: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Sent: Friday, July 23, 2021 09:49
To: Logan Stockwell <lstockwell@huevee.com>
Subject: RE: Application for Transfer No. 84978

Dear Mr. Stockwell:

After review of administrative guidance documents (Multiple Program Memo No.2) we have come to the determination that forfeiture will not be an issue in processing this application if it is completed and resumption of use under the right occurs within the calendar year of 2021. The department presumes that resumption of beneficial use or any defense or protection, including filing an extension of time to avoid forfeiture, initiated before the end of the sixth calendar year will prevent a finding of forfeiture by the Department.

Before continuing processing there is still one aspect of the application I would like to discuss and clarify. The place of use proposed in the application is for 6.2 acres of irrigation while the right as it currently exists is for 8.0 acres of irrigation with a diversion rate of 0.13 cubic feet per second. Does the applicant intend to consolidate the right to 6.2 acres and use the full 0.13 cfs amount in the place of use proposed in the application to establish an increased rate/volume per acre, or would they wish to amend the application to propose a new place of use that remains 8.0 acres where the rate/volume per acre would remain the same?

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days.

Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-605-4629 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Aaron Olson - Water Resource Agent
Idaho Dept. of Water Resources
2735 W Airport Way
Boise, ID 83705
(208) 605-4629

From: Logan Stockwell [<mailto:lstockwell@huevee.com>]
Sent: Thursday, July 22, 2021 10:14 AM
To: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Subject: RE: Application for Transfer No. 84978

Hello Aaron,
Please see the attached letter. Thank you!

Best Regards,

Logan Stockwell
Xmark
Cell: 208-629-6492
Office: 208-546-3003 ext 705
lstockwell@huevee.com

This email message and any attachments are confidential. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

From: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Sent: Friday, July 16, 2021 15:54
To: Logan Stockwell <lstockwell@huevee.com>
Subject: RE: Application for Transfer No. 84978

Dear Mr. Stockwell:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right. Additional information is needed to evaluate and process your application.

After preliminary review of the application, some concerns were identified regarding use of the water right at the current place of use and point of diversion in the time since it was released from the Water Supply Bank in 2015. Please explain or provide evidence of how this right has been used for irrigation at the proposed place of use and if so how it has been used in conjunction with Water Right 63-33142 that overlaps at the place of use. You may also provide a valid defense against forfeiture, defenses against forfeiture are outlined in Idaho Statutes Title 42 Chapter 2 section 42-223 (which can be found at: <https://legislature.idaho.gov/statutesrules/idstat/Title42/T42CH2/SECT42-223/>).

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days.

Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-605-4629 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Aaron Olson - Water Resource Agent
Idaho Dept. of Water Resources
2735 W Airport Way
Boise, ID 83705
(208) 605-4629
Aaron.Olson@idwr.idaho.gov

Olson, Aaron

From: Logan Stockwell <lstockwell@huevee.com>
Sent: Thursday, July 22, 2021 10:14 AM
To: Olson, Aaron
Subject: RE: Application for Transfer No. 84978
Attachments: Re Application for Transfer No. 84978.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Aaron,
Please see the attached letter. Thank you!

Best Regards,

Logan Stockwell
Xmark
Cell: 208-629-6492
Office: 208-546-3003 ext 705
lstockwell@huevee.com

This email message and any attachments are confidential. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

From: Olson, Aaron <Aaron.Olson@idwr.idaho.gov>
Sent: Friday, July 16, 2021 15:54
To: Logan Stockwell <lstockwell@huevee.com>
Subject: RE: Application for Transfer No. 84978

Dear Mr. Stockwell:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right. Additional information is needed to evaluate and process your application.

After preliminary review of the application, some concerns were identified regarding use of the water right at the current place of use and point of diversion in the time since it was released from the Water Supply Bank in 2015. Please explain or provide evidence of how this right has been used for irrigation at the proposed place of use and if so how it has been used in conjunction with Water Right 63-33142 that overlaps at the place of use. You may also provide a valid defense against forfeiture, defenses against forfeiture are outlined in Idaho Statutes Title 42 Chapter 2 section 42-223 (which can be found at: <https://legislature.idaho.gov/statutesrules/idstat/Title42/T42CH2/SECT42-223/>).

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days.

Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-605-4629 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Aaron Olson - Water Resource Agent
Idaho Dept. of Water Resources
2735 W Airport Way
Boise, ID 83705
(208) 605-4629
Aaron.Olson@idwr.idaho.gov

RECEIVED

JUL 22 2021

WATER RESOURCES
WESTERN REGION

July 21, 2021

AARON OLSON
2735 W AIRPORT WAY
BOISE ID 83705-5082

Re: Application for Transfer No. 84978

Mr. Olson,

I received your email dated Friday July 16, 2021 requesting information regarding the validity of water right 63-32400. Right 63-32400 was sold separate from the underlying land in 2006 to Delmy and Sean Lynn. This water right was decreed by the SRBA court in 2008. The decree recognized the new water right owners as the Lynns. The landowners for the Place of Use at the time of the decree was (and is to this day) Mellin Properties Limited Partnership (the original owner of this water right)

Following the sale of the water right in 2006, the Lynns put the water right into the Water Supply Bank. The water right remained in the Water Supply Bank until 2015. In late 2014, early 2015, these water rights were sold to the McCoys as part of the sale of the property where the water rights are being transferred to. Starting 2015 the McCoys began to apply water at the new location to grow a hazelnut orchard. 2019 imagery should clearly show a crop being grown at the new location.

So, to summarize:

1. The right was decreed in 2008
2. The right was in the Bank until 2015 when it was sold to the McCoys
3. Water was applied for irrigation at the new location starting in 2015 and continuing to the current day

In addition, this timeline shows that the water authorized for use under 63-32400 and water right 63-33412 have not been used to irrigate the same ground at any point.

Thank you

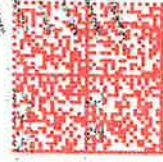
Logan Stockwell
208-629-6492

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, Idaho 83705-5082

Return Service Requested

**RETURN TO SENDER
NO LONGER AT
THIS ADDRESS**

POSTAGE WILL BE PAID BY ADDRESSEE
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



ZIP 83702 \$000.51
02 411
0000359175 JUN 30 2021

RECEIVED

JUL 06 2021

**WATER RESOURCES
WESTERN REGION**

LOGAN STOCKWELL
119 S VALLEY DR STE A

NANPA ID 83686

837055082

