

WATER RESOURCES
WESTERN REGION

Transfer No. **84799**

6. 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:

Well, Pump, pressurized system. Measuring device and lockable controlling works will be accommodated upon Department request.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe: See attached defense to forfeiture letter

Applicant does not own and/or control the current shared well. The well is controlled by Barrett Hills Estates HOA and has significantly decreased in production resulting in the applicant not receiving irrigation water.

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

☐ If yes and there are multiple owners, attach a Lessor Designation form.

☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers. File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent

John E. Thill

Print name and title if applicable

2/18/2021
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by LE

Date 02-19-2021

Fee paid \$500 Date 02-19-2021

Received by LE

Receipt # W049115

Preliminary review by _____

Date _____

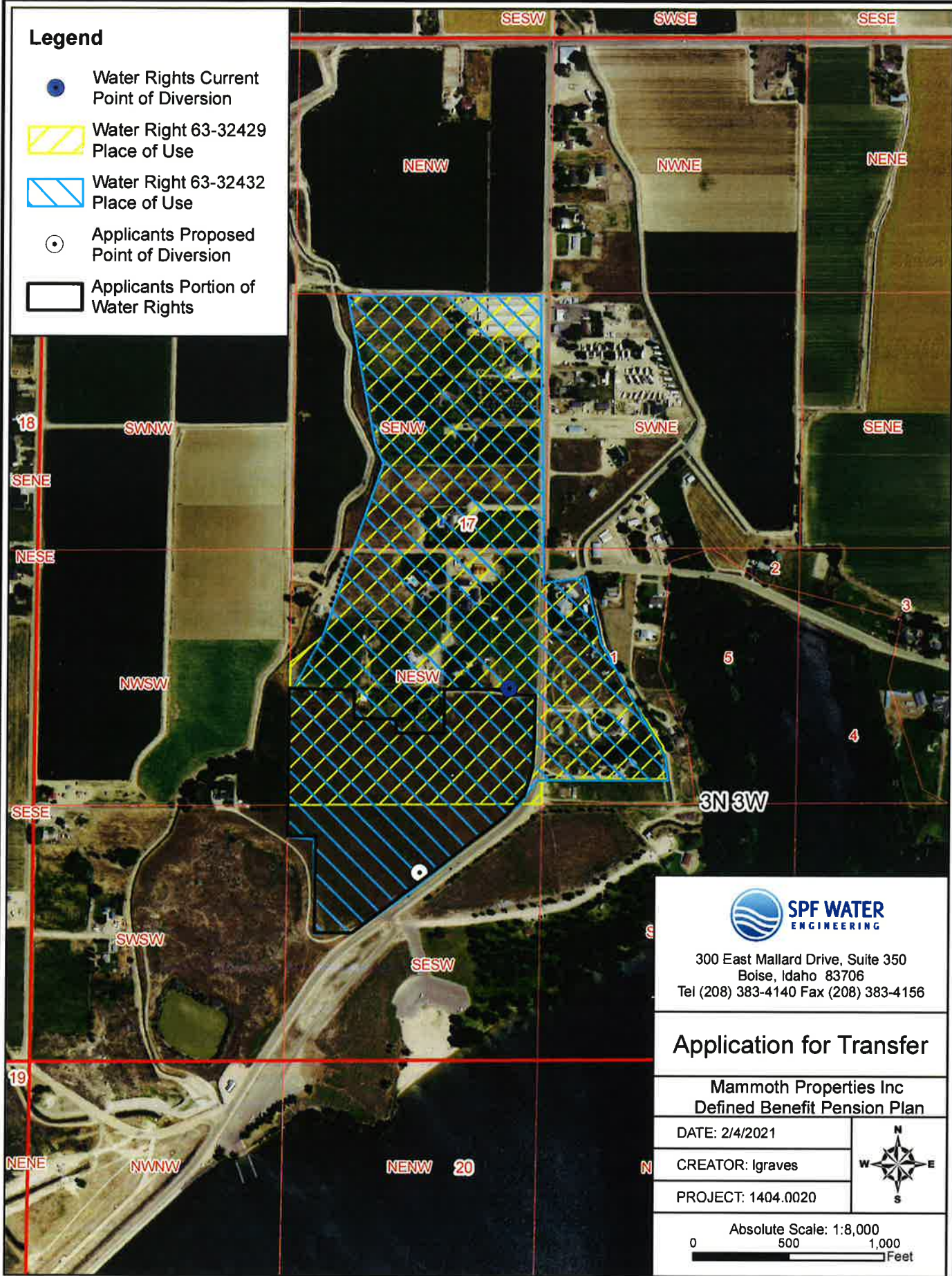
Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☐ Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

- Water Rights Current Point of Diversion
- Water Right 63-32429 Place of Use
- Water Right 63-32432 Place of Use
- Applicants Proposed Point of Diversion
- Applicants Portion of Water Rights



2011039085

RECORDED

REQUEST *White Blonson*
TYPE *Deed* *FE-250*

2011 OCT 3 PM 4 03

CORRECTION AND REAFFIRMATION
OF WARRANTY DEED AND ACCEPTANCECHRIS YAMAMOTO
CANYON CNTY RECORDER

THE GORDON S. BARRETT TRUST, UTA August 26, 2009 [the assignee of BARRETT FARMS, LTD., an Idaho Limited Partnership, Gordon Barrett, General Partner]	Grantor	14850 NW Northumbria Ln Beaverton OR 97006-5434
Mammoth Properties, Inc. Defined Benefit Pension Plan, John E. Thill, Trustee [formerly erroneously referred to as "Mammoth Properties, Inc. Retirement Trust"]	Grantee	6241 Alverton Drive Carlsbad CA 92009

This Correction and Reaffirmation of Warranty Deed and Acceptance made effective as of the 27th day of September, 2011 by and between:

THE GORDON S. BARRETT TRUST, UTA, August 26, 2009 of 14850 NW Northumbria Lane, Beaverton OR 97006-5434 [The assignee of BARRETT FARMS, LTD., and Idaho Limited Partnership, Gordon Barrett, General Partner], "GRANTOR" herein, and

MAMMOTH PROPERTIES, INC. DEFINED BENEFIT PENSION PLAN, JOHN E. THILL, TRUSTEE, [formerly and erroneously referred to as "Mammoth Properties, Inc. Retirement Trust"] with its principal place of administration of the Plan as 6241 Alverton Drive, Carlsbad, California 92009, "GRANTEE" herein.

IT IS AGREED IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED IN THIS WARRANTY DEED AND OTHER GOOD AND VALUABLE CONSIDERATION:

SECTION ONE
DEFINITIONS

- 1.1 Warranty Deed:** means and refers to that certain warranty deed wherein Barrett Farms, LTD. A limited partnership, Gordon Barrett, General Partner was grantor and Mammoth Properties, Inc. Retirement Trust, of which John E. Thill is Trustee, was grantee [being one and the same as the Grantee herein this deed] and which Warranty Deed was recorded on the 18th day of March, 1997 in the records of the Canyon County Recorder's office as Instrument No. 9708407.
- 1.2 Correct Name of Grantee:** means and refers to MAMMOTH PROPERTIES, INC. DEFINED BENEFIT PENSION PLAN, JOHN E. THILL, TRUSTEE, with the principal place of administration of the Plan as 6241 Alverton Dr, Carlsbad, California 92009 "Grantee" herein.

CORRECTION AND REAFFIRMATION OF WARRANTY DEED AND ACCEPTANCE - 1

84799

- 1.3 Grantee:** means and refers to MAMMOTH PROPERTIES, INC. DEFINED BENEFIT PENSION PLAN, JOHN E. THILL, TRUSTEE, with the principal place of administration of the Plan as 6241 Alverton Dr, Carlsbad, California 92009.
- 1.4 Grantor:** means and refers to The Gordon S. Barrett Trust UTA August 26, 2009 of 14850 NW Northumbria Lane Beaverton OR 97006-5434 [The assignee of BARRETT FARMS, LTD., an Idaho Limited Partnership, Gordon Barrett, General Partner] "Grantor" herein.
- 1.5 Incorrect Name of Grantee:** means and refers to "Mammoth Properties, Inc. Retirement Trust, of which John E. Thill is Trustee.
- 1.6 Real Property:** means and refers to the following described real property, to-wit:

A parcel of land being a portion of the SW 1/4 of Section 17, T.3N., R.3W., B.M., Canyon County, Idaho, as shown on Record of Survey filed for record in the office of the Canyon County Recorder, Caldwell, Idaho, and more particularly described as follows:

Commencing at an iron pin marking the center of the said Section 17; thence along the East boundary of the said SW 1/4 of Section 17, which is also the East boundary of Barrett Hills Estates, a subdivision, filed for record in the office of Canyon County Recorder, Caldwell, Idaho under Instrument No. 9000909

South 00°09'00" East, formerly South 00°06'17" East, 745.04 feet to a PK nail and washer marking the Southeast corner of the said Barrett Hills Estates, also said point being the REAL POINT OF BEGINNING; thence continuing

South 00°09'00" East 584.99 feet to a brass cap marking the Southeast corner of the NE 1/4 of the SW 1/4 of the said Section 17; thence along the South boundary of the said NE 1/4 of the SW 1/4 of Section 17

South 88°58'30" West 126.77 feet, formerly South 88°57'59" West 126.72 feet to an aluminum cap; thence leaving the said South boundary

South 46°33'36" West, formerly South 46°35'32" West, 168.33 feet to an iron pin; thence

South 52°20'36" West 925.46 feet, formerly South 52°20'02"

West 925.48 feet, to a brass cap; thence

South 89°58'32" West 195.09 feet to an aluminum cap; thence

North 00°05'48" West 499.73 feet to a brass cap; thence

South 89°57'02" West 149.78 feet to a brass cap; thence

North 00°06'00" West 160.12 feet, formerly North 00°07' 160.01 feet, to a brass cap marking the Southwest corner of the said NE 1/4 of the SW 1/4 of Section 17; thence along the West boundary of the said NE 1/4 of the SW 1/4 of Section 17

North 00°04'27" West 608.38 feet, formerly North 00°02'34"

West 608.60 feet to an iron pin marking the Southwest corner of the said

Barrett Hills Estates; thence along the South boundary of the said Barrett Hills Estates

North 88°54'15" East, formerly North 88°56'58" East, 348.20 feet to an iron pin; thence leaving the said South boundary

South 01°05'45" East 150 feet to an iron pin; thence North 88°54'15" East 215.41 feet to an iron pin; thence South 01°05'45" East 75.00 feet to an iron pin; thence North 88°54'15" East 250.00 feet to an iron pin; thence

North 01°05'45" West 225.00 feet to an iron pin on the said South boundary of Barrett Hills Estates; thence along the said South boundary

North 88°54'15" East, formerly North 88°56'58" East, 332.84 feet to an iron pin; thence

South 00°09'00" East, formerly South 00°06'17" East, 25.00 feet to an iron pin; thence continuing

North 88°54'15" East, formerly North 88°56'58" East, 180.63 feet to the POINT OF BEGINNING, said parcel of land contains 26.68 acres, more or less.

EXCEPTING THEREFROM, the following described parcel, to-wit:

A parcel of land being a portion of the SW 1/4 of Section 17, T.3N., R.3W., B.M., Canyon County, Idaho, as shown on Record of Survey filed for record in the office of the Canyon County Recorder, Caldwell, Idaho, and more particularly described as follows:

Commencing at an iron pin marking the center of the said Section 17; thence along the East boundary of the said SW 1/4 of Section 17, which is also the East boundary of Barrett Hills Estates, a subdivision, filed for record in the office of Canyon County Recorder, Caldwell, Idaho under Instrument No. 9000909

South 00°09'00" East (formerly South 00°06'17" East) 745.04 feet to a PK nail and washer marking the Southeast corner of said Barrett Hills Estates, which point is also the POINT OF BEGINNING; thence along the South boundary of said Barrett Hills Estates

South 88°54'15" West (formerly South 88°56'58" West) 180.63 feet to an iron pin; thence continuing

North 00°09'00" West (formerly North 00°06'17" West) 25.00 feet to an iron pin; thence continuing

South 88°54'15" West (formerly South 88°56'58" West) 332.84 feet to an iron pin; thence leaving the said South boundary at right angles

South 01°05'45" East 150.00 feet to a point; thence along a line parallel with the said South boundary

North 89°54'15" East 55.07 feet to a point; thence along a line parallel with the said East boundary of the SW 1/4 of Section 17

North 00°09'00" West 75.01 feet to a point; thence along a line parallel with the said South boundary

North 88°54'15" East 455.92 feet to a point on the said East boundary of the said SW 1/4 of Section 17; thence along the said East boundary

North 00°09'00" West 50.01 feet to the POINT OF BEGINNING, Said Parcel of Land Contains 0.87 Acre, more or less.

SECTION TWO RECITALS

The Parties recite and declare:

- 2.1** The Grantor's assignor, Barrett Farms, LTD. A limited partnership, Gordon Barrett, General Partner, prepared and executed the Warranty Deed, which was intended to grant and convey the Real Property to the Grantee; and
- 2.2** The Warranty Deed errantly contained the Incorrect Name of Grantee; and
- 2.3** The Warranty Deed was accepted and recorded under a mutual mistake of fact on the part of the Grantor's assignor and the Grantee herein, which mutual mistake of fact was the Incorrect Name of Grantee; and
- 2.4** The Grantor herein is the assignee of BARRETT FARMS, LTD., an Idaho Limited Partnership, Gordon Barrett, General Partner who was the grantor in the Warranty Deed; and
- 2.5** The Grantor and the Grantee do herein seek to correct the mutual mistake of fact in the Warranty Deed to the Correct Name of the Grantee.

SECTION THREE REAFFIRMATION OF WARRANTY DEED AND CORRECTION OF IDENTIFICATION OF GRANTEE

- 3.1** Grantor does hereby reaffirm the grant and conveyance of the Real Property to the Grantee as set forth in the Warranty Deed including as was there therein stated the following:
 - 3.1.1** This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.
 - 3.1.2** The Grantor covenants to the Grantee that it is the owner in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that it will warrant and defend the same from all lawful claims.
 - 3.1.3** Subject to any taxes and assessments for the year 1997 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate surveyor inspection of the premises would show.

- 3.2 Grantor and Grantee herein intends to correct the Warranty Deed by the deletion there from of the Incorrect Name of Grantee and by the replacement thereof of the Correct Name of the Grantee.

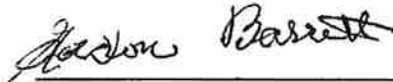
**SECTION FOUR
ACCEPTANCE OF REAFFIRMATION WARRANTY DEED
AND CORRECTION OF IDENTIFICATION OF GRANTEE**

- 4.1 The Grantee does hereby accept the Grantor's reaffirmation of the grant and conveyance of the Real Property to the Grantee and agrees to the correction in the Warranty Deed by the deletion there from of the Incorrect Name of Grantee and by the replacement thereof of the Correct Name of the Grantee.

DATED AND SIGNED this 31st day of August, 2011.

GRANTOR:

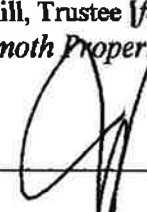
THE GORDON S. BARRETT TRUST,
UTA August 26, 2009
*[The assignee of BARRETT FARMS, LTD., an Idaho
Limited Partnership, Gordon Barrett, General Partner]*



Trustee

GRANTEE:

Mammoth Properties, Inc. Defined Benefit Pension Plan,
John E. Thill, Trustee *[formerly erroneously referred to
as "Mammoth Properties, Inc. Retirement Trust"]*



Trustee

ACKNOWLEDGEMENTS

Missouri
STATE OF ~~IDAHO~~)
County of ~~St. Louis~~ SS.

On this 31st day of August, in the year of 2011, before me _____, personally appeared **Gordon S. Barrett**, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The Gordon S. Barrett Trust UTA August 26, 2009 and acknowledged to me that he executed the same as the Trustee of said Trust.

(SEAL)

 Notary Public for Missouri
 My Commission Expires: 8/3/2013

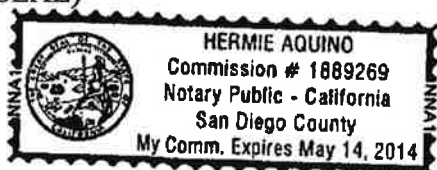


STATE OF CALIFORNIA)
) ss.
County of SAN DIEGO)

On this 27th day of SEPTEMBER, in the year of 2011, before me HERNIE AQUINO, Notary Public, personally appeared **John E. Thill**, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of Mammoth Properties, Inc. Defined Benefit Pension Plan and acknowledged to me that he executed the same as such Trustee.

(SEAL)

Notary Public for ~~Idaho~~ CALIFORNIA
My Commission Expires: May 14, 2014





IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

WATER RIGHT REPORT

2/3/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-32429

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARRETT FARMS LTD 2308 TERRACE DR CALDWELL, ID 83605 2084592418
Original Owner	GEORGE G BARRETT RT 4 CALDWELL, ID 83605

Priority Date: 11/04/1948

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.77 CFS	
Total Diversion			0.77 CFS	

Location of Point(s) of Diversion:

GROUND WATER | NESW | Sec. 17 | Township 03N | Range 03W | CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	03W	17		SE NW	14									
				NESW	34.3									
			1	NWSE	8.9									

Total Acres: 57.2

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. This right is a split from former right 63-2734A.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. X35 Rights 63-32429 and 63-32432 when combined shall not exceed a total annual maximum diversion volume of 302.4 af at the field headgate, and the irrigation of 67.2 acres.
6. F05 Right Nos. 63-32430, 63-32431, 63-32432, 63-32433 and 63-32434 are also diverted through point of diversion described above.

Dates:

Licensed Date:

Decreed Date: 04/29/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre:

Combined Acres Limit: 69.3

84799

Combined Volume Limit: 311.9

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

State of Idaho
Department of Water Resources

Water Right

63-32429

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 2/3/2021



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



84799

IDAHO Department of Water Resources



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WATER RIGHT REPORT

2/3/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-32432

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARRETT FARMS LTD 2308 TERRACE DR CALDWELL, ID 83605 2084592418
Original Owner	MRS GEORGE G BARRETT RT 4 CALDWELL, ID 83605

Priority Date: 02/27/1971

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	10/01	0.57 CFS	
Total Diversion			0.57 CFS	

Location of Point(s) of Diversion:

GROUND WATER | NESW | Sec. 17 | Township 03N | Range 03W | CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

84799

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	03W	17		SEnw	13									
				NESW	32.3		SESW	10						
			1	NWSE	7.9									

Total Acres: 63.2

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. This right is a split from former right 63-7394A.
3. S39 The use of water for irrigation under this right may continue as late as November 15, provided other elements of the right are not exceeded. The use of water after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. X35 Rights 63-32429 and 63-32432 when combined shall not exceed a total annual maximum diversion volume of 302.4 af at the field headgate, and the irrigation of 67.2 acres.
5. F05 Right Nos. 63-32429, 63-32430, 63-32431, 63-32433 and 63-32434 are also diverted through point of diversion described above.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Dates:

Licensed Date:

Decreed Date: 04/29/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre: 0.02

84799

Generic Max Volume per Acre:

Combined Acres Limit: 69.3

Combined Volume Limit: 311.9

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

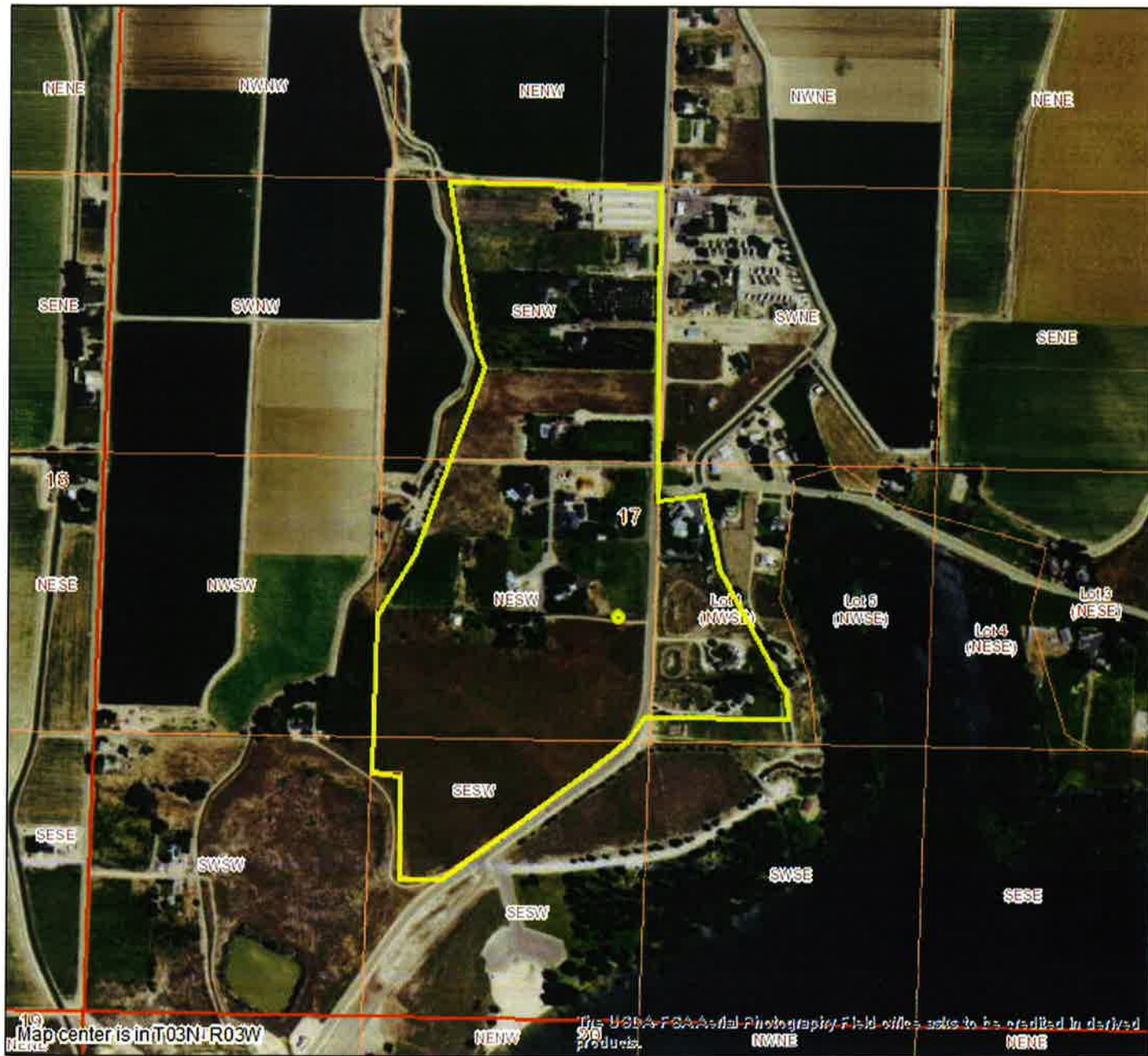
Cary Act Number:

Mitigation Plan: False

Water Right

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 2/3/2021



Legend

-  Point of Diversion
-  Place of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



February 15, 2021

Patrick Kelly
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Defense to Forfeiture Letter
Mammoth Properties, Inc. Defined Benefit Pension Plan, John E. Thill Trustee

Dear Patrick,

This letter serves as defense to forfeiture for irrigation nonuse on lands owned by *Mammoth Properties, Inc. Defined Benefit Pension Plan, John E. Thill Trustee*. The Pension Plan's property has appurtenant irrigation water under groundwater rights 63-32429 and 63-32432. The common well that serves both rights is shared and managed by Barrett Hills Estates HOA per a water use agreement the Pension Plan became part of with the property purchase. The well was drilled in 1971 and has lost capacity over the years despite the HOA's efforts to revitalize it. Prior to the purchase of the 28 acres by the Pension Plan, the land was leased to a potato farmer. On September 5, 2001 the final plat was recorded and purchased by the Pension Plan. Several years later, the potato farmer did not renew his lease because the well was not producing enough water to operate his sprinkler system. Because the HOA has deferred groundwater from our agriculture acres and allocated the limited supply to subdivision parcels with developed landscape, our land has undergone a period of five or more consecutive years of non-use. The Barrett Hills Estates HOA, which manages the well, has denied the use of the well to the Pension Plan due to lack of water production. Pursuant to Idaho Code 42-223(6), we feel the nonuse of irrigation on our property authorized under water rights 63-32429 and 63-32432 is a result of circumstances for which we have had no control. We request the Department accept this defense to forfeiture and proceed with processing the attached transfer application.

Sincerely,



John E. Thill



SPF WATER
ENGINEERING

RECEIVED

FEB 19 2021

WATER RESOURCES
WESTERN REGION

February 17, 2021

Patrick Kelly
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer

Dear Patrick,

Enclosed on behalf of Mammoth Properties Inc. Defined Benefit Pension Plan, John Thill Trustee, is an Application for Transfer. Terry recently emailed you a draft of this application to preview prior to submittal. A defense to forfeiture letter is included per your advisement.

Check No. 21236 is enclosed for the filing fee, which covers \$500 for the transfer application and \$200 to split the water rights according to ownership. The check is original, however the application documents are scanned. I know the Department has made modifications regarding submittals due to COVID. Please let me know if the scanned documents are acceptable.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Garrett Thill

Enclosures

SPF file number: 1404.0020



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

April 30, 2021

MAMMOTH PROPERTIES INC DEFINED BENEFIT
PENSION PLAN JOHN E THILL TRUSTEE
C/O GARRETT THILL
5233 N FIFESHIRE PL
BOISE, ID 83713-1828

RE: Transfer No. 84799
Water Right No(s). 63-35046, 63-35047

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 5/6/2021 and 5/13/2021. 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,

A handwritten signature in blue ink that reads 'Denise Lauerman'.

Denise Lauerman
Administrative Assistant

CC:
SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE, ID 83706-6660



Brad Little
Governor

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

Gary Spackman
Director

April 30, 2021

BARRETT HILLS ESTATES HOA
C/O DAVID JONES
15409 BARRETT VIEW CIRCLE
CALDWELL, ID 83607

RE: Application for Transfer No. 84799

Dear Interested Party:

The 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>.

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 of the final publication.

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

Sincerely,



Denise Lauerman
Administrative Assistant

Enclosure(s)



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

April 30, 2021

WILDER IRRIGATION DISTRICT
PO BOX 416
CALDWELL, ID 83606

RE: Transfer No. 84799

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(s)

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

RE: Transfer No. 84799

Transfer Applicant's Name:

MAMMOTH PROPERTIES INC DEFINED
BENEFIT PENSION PLAN JOHN E THILL
TRUSTEE
C/O GARRETT THILL
5233 N FIFESHIRE PL
BOISE, ID 83713-1828

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: Thursday, April 29, 2021 4:54 PM
To: Legal Clerk
Subject: CANYON COUNTY Legal Notice - Application for Permit No.63-35034, 63-35042, Transfer No. 84799; WR No(s). 63-35046, 63-35047
Attachments: Cover Letter Canyon County 63-35034 63-35042 TR84799.docx; Legal Notice Canyon County 63-35034 63-35042 TR84799.docx

Good afternoon,

Please see the attached ad for publication on 05/06/2021 and 05/13/2021.

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 05/24/2021. 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 Dept. 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

April 29, 2021

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

RE: Application for Permit No. 63-35034, 63-35042
Transfer No. 84799
Water Right No(s). 63-35046, 63-35047

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 5/24/2021. Your cooperation is appreciated.

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-35034

DIANE E RICE

10161 LILAC PL

MIDDLETON, ID 83644-5408

Point of Diversion SENE S8 T04N R02W CANYON County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.01 CFS

Total Diversion: 0.05 CFS

Date Filed: 03-15-2021

Place Of Use: DOMESTIC, IRRIGATION

T04N R02W S8 SENE

Water bearing zone to be appropriated is from 38 to 105 feet.

63-35042

JEFF SUTTON

CHERYL SUTTON

PO BOX 790

PARMA, ID 83660-0790

Point of Diversion SWSE S10 T05N R05W CANYON County Source UNNAMED DRAIN Tributary SNAKE RIVER

Use: IRRIGATION 03/01 to 11/15 0.26 CFS

Total Diversion: 0.26 CFS

Date Filed: 04-02-2021

Place Of Use: IRRIGATION

T05N R05W S10 SWSE

Total Acres: 13

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84799

MAMMOTH PROPERTIES INC DEFINED BENEFIT PENSION PLAN JOHN E THILL TRUSTEE, C/O GARRETT THILL 5233 N FIFESHIRE PL, BOISE, ID 83713-1828 has filed Application No. 84799 for changes to the following water rights within CANYON County(s): Right No(s). 63-35046, 63-35047; 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:

Mammoth Properties Inc. (Company) is a property owner and developer near the Northwest edge of Lake Lowell in Canyon County. The Company filed transfer no. 84799 to split ownership of water rights 63-32429 and 63-32432 and change the point of diversion for the applicant's split portions. The point of diversion will be a new well on the applicant's property.

Lori Graves of SPF Water Engineering is the representative for the transfer. Ms. Graves can be reached at 208-383-4140 or lgraves@spfwater.com.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. 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 5/24/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/6/2021 and 5/13/2021

FEB 26 2021

**SPF WATER**
ENGINEERINGWATER RESOURCES
WESTERN REGION

February 24, 2021

Patrick Kelly
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer (Original)

Dear Patrick,

Enclosed on behalf of Mammoth Properties Inc. Defined Benefit Pension Plan, John Thill Trustee, is an ORIGINAL Application for Transfer. These original documents are to replace the scanned documents we submitted last week with check no. 21236 for the filing fees. Please call me if you have any questions. Thanks Patrick.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Garrett Thill

Enclosures

SPF file number: 1404.0020