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NOV 12 2020

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 84524**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) 3 Weight LLC

Check 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: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) 3 Weight LLC Phone 512-423-0849
Mailing address PO Box 6776, Ketchum, Idaho 83340 Email kvzaustin@gmail.com

- ☐ 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 Representative

Name of Representative James P. Speck Phone 208-726-4421
Mailing address Speck & Aanestad, P.C., PO Box 987, Ketchum, Idaho 83340 Email jim@speckandaanestad.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

Kenny Van Zant, Manager
Print Name and Title if applicable

10/23/2020
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- 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**.
Change place of use of portion of water right to property owned by Applicant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

AMENDED

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part <input checked="" type="checkbox"/> <input type="checkbox"/>	34-7081	1.30 / 227.5	Irrigation	4/1 to 11/1	Ground Water
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 1.30 cfs and/or 227.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.20 cubic feet per second and/or _____ 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 #

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	
07N	24E	27											16						16
		34					20	29											49
Total Acres (for irrigation use)																			65


Kenny Van Zant

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:
An existing well and flow meter that can accommodate lockable control works presently irrigates the other 58 acres under this water right. This well will also be used to irrigate the new 7 acre place of use
- 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. 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:
None as it has not been irrigated by the property owner
- 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
- | | | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | undergone a period of five or more consecutive years of non-use, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |
- If yes,** describe:
The ability to irrigate the 7 acre portion of the place of use of this water right that was decreed to land not owned by Applicant's predecessor has never been in the control of this predecessor as he never had the right by lease or otherwise to irrigate that land.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 34-7081

Current Owner: ARNOLD E MARZ
Priority Date: 10/10/1974
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.3 CFS	227.5 AF
	<u>Total Diversion</u>	1.3 CFS	227.5 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4 Sec. 34, Twp 07N, Rge 24E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T07N R24E S27	SWSW	15.00	T07N R24E S34	NENW	30.00
T07N R24E S34	NWNW	20.00			

Total Acres: 65

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.

Decreed Date: 12/14/2001

JUL 13 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Notice of Change in Water Right Ownership

JUL 06 2020

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes" in the "Leased to Water Supply Bank?" column. If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
34-7081	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
34-10175	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Arnold E. Marz

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): 3 Weight LLC

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

PO Box 6776

Ketchum

ID 83340-6776

Mailing address

City

State ZIP

512-423-0849

kvzaustin@gmail.com

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: June 1, 2020

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document - warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature]
Signature of new owner/claimant

Manager of 3 Weight LLC
Title, if applicable

6/15/2020
Date

Signature: _____
Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by [Signature] Date 7/16/20 Receipt No. E046079 Receipt Amt. \$50.00

Active in the

3 WEIGHT LLC

No ☐

Name on W-9

APPLICATION FOR TRANSFER OF WATER RIGHT 34-7081

ATTACHMENTS 2a 2b & 3

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
120 2nd Avenue Suite 101, PO Box 7999
Ketchum, ID 83340

Instrument # 258101
CHALLIS, CUSTER, IDAHO
06-01-2020 09:06:48 No. of Pages: 4
Recorded for: FIRST AMERICAN TITLE - KETCHUM
Lura H. Baker Fee: \$15.00
Ex-Officio Recorder Deputy: TV

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **880335K (smw)**

Date: **April 14, 2020**

For Value Received, **Arnold E. Marz, an unmarried man**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **3 Weight LLC, an Idaho limited liability company**, hereinafter called the Grantee, whose current address is **PO Box 6776, Ketchum, Id 83340**, the following described premises, situated in **Custer County, Idaho**, to-wit:

PARCEL 1: (Section 27)

A PARCEL OF LAND GENERALLY DESCRIBED AS A PORTION OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

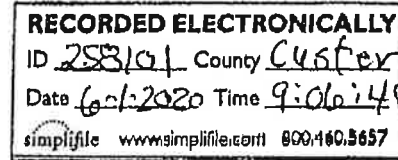
BEGINNING AT THE SW CORNER OF SAID SECTION 27, THENCE N. 00°38'52" W. ALONG THE WEST BOUNDARY OF SAID SECTION 27 A DISTANCE OF 631.67 FEET; THENCE N. 47°22'32" E. ALONG AN EXISTING FENCE LINE A DISTANCE OF 526.98 FEET TO THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 93A; THENCE S. 43°04'24" E. ALONG THE WESTERLY RIGHT-OF-WAY OF SAID U.S. HIGHWAY 93A A DISTANCE OF 1088.23 FEET; THENCE CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF SAID U.S. HIGHWAY 93A ALONG A CONCAVE CURVE SOUTHEASTERLY, HAVING A RADIUS OF 1943.00 FEET, A DELTA ANGLE OF 7°39'13", AN ARC LENGTH OF 259.55 FEET TO THE SOUTH BOUNDARY OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SAID SECTION 27; THENCE LEAVING THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 93A S. 89°17'13" W. ALONG SOUTH BOUNDARY OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SAID SECTION 27 A DISTANCE OF 1315.11 FEET TO THE SW CORNER OF SAID SECTION 27 AND THE POINT OF BEGINNING.

PARCEL 2: (Section 33)

SECTION 33, TOWNSHIP 7 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NE CORNER OF SAID SECTION 33, THENCE S. 00°01'48" W. ALONG THE EAST BOUNDARY OF SAID SECTION 33 A DISTANCE OF 2615.95 FEET TO THE E $\frac{1}{4}$ CORNER OF SAID SECTION 33; THENCE S. 00°12'51" W. ALONG THE EAST BOUNDARY OF THE SE $\frac{1}{4}$ OF SAID SECTION 33 A DISTANCE OF 1307.99 FEET TO THE SE CORNER OF THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SAID SECTION 33; THENCE S. 89°39'19" W. ALONG THE SOUTH BOUNDARY OF THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SAID SECTION 33 A DISTANCE OF 1135.93 FEET TO A POINT WHICH BEARS N. 89°39'19" E. 198.00 FEET FROM THE SW CORNER OF THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SAID SECTION 33; THENCE N. 00°05'47" E. A DISTANCE OF 2620.76 FEET TO THE SOUTH BOUNDARY OF THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SAID SECTION 33; THENCE S. 89°53'53" W. ALONG THE SOUTH BOUNDARY OF SAID NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 33, A DISTANCE OF 198.00 FEET TO THE SW CORNER OF SAID NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 33, THENCE N. 00°03'00" E. ALONG THE WEST BOUNDARY OF THE

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
120 2nd Avenue Suite 101, PO Box 7999
Ketchum, ID 83340



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NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 33 A DISTANCE OF 1310.38 FEET TO THE NW CORNER OF THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 33; THENCE S. 89°59'56" E. ALONG THE NORTH BOUNDARY OF THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 33 A DISTANCE OF 1334.62 FEET TO THE NE CORNER OF SAID SECTION 33 AND POINT OF BEGINNING.

PARCEL 3: (Section 34)

TOWNSHIP 7 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO SECTION 34: N $\frac{1}{2}$ NW $\frac{1}{4}$ LYING SOUTH AND WEST OF THE SOUTHERLY RIGHT-OF-WAY FOR THE STATE HIGHWAY. THE FOREGOING LEGAL DESCRIPTION IS ALSO DESCRIBED AS: A PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS: A PORTION OF THE N $\frac{1}{2}$ NW $\frac{1}{4}$ OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID SECTION 34, THENCE N. 89°17'13" E. ALONG THE NORTH BOUNDARY OF SAID SECTION 34 A DISTANCE OF 1315.11 FEET TO THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 93A; THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF SAID U.S. HIGHWAY 93A A DISTANCE OF 398.65 FEET ALONG A CONCAVE CURVE SOUTHEASTERLY, HAVING A RADIUS OF 1943.00 FEET, A DELTA ANGLE OF 11°45'20" TO THE POINT OF TANGENCY; THENCE CONTINUING ALONG SAID HIGHWAY RIGHT-OF-WAY S. 62°28'57" E. A DISTANCE OF 1120.15 FEET TO THE EAST BOUNDARY OF THE N $\frac{1}{2}$ NW $\frac{1}{4}$ OF SAID SECTION 34, THENCE S. 00°28'35" E. ALONG THE EAST BOUNDARY OF SAID N $\frac{1}{2}$ NW $\frac{1}{4}$ OF SAID SECTION 34 A DISTANCE OF 553.08 FEET TO THE SE CORNER OF THE N $\frac{1}{2}$ NW $\frac{1}{4}$ OF SAID SECTION 34; THENCE S. 89°14'54" W. ALONG THE SOUTH BOUNDARY OF THE N $\frac{1}{2}$ NW $\frac{1}{4}$ SECTION 34, A DISTANCE OF 2646.20 FEET TO THE SW CORNER OF THE N $\frac{1}{2}$ NW $\frac{1}{4}$ OF SAID SECTION 34; THENCE N. 00°01'48" E. ALONG THE WEST BOUNDARY OF THE N $\frac{1}{2}$ NW $\frac{1}{4}$ OF SAID SECTION 34 A DISTANCE OF 1307.98 FEET TO THE NW CORNER OF SAID SECTION 34 AND POINT OF BEGINNING.

EXCEPTING THEREFROM: A PARCEL OF LAND BEING GENERALLY DESCRIBED AS A PORTION OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SAID SECTION 34, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SECTION 34, THENCE S. 00°01'48" W. ALONG THE WEST BOUNDARY OF SAID SECTION 34 A DISTANCE OF 799.57 FEET; THENCE N. 90°00'00" E. A DISTANCE OF 208.31 FEET TO THE POINT OF BEGINNING, THENCE ON OR ALONG AN EXISTING FENCE LINE S. 57°31'21" E. A DISTANCE OF 640.00 FEET; THENCE S. 87°03'51" W. A DISTANCE OF 296.07 FEET; THENCE ON OR ALONG AN EXISTING FENCE LINE THE FOLLOWING THREE (3) COURSES;

(1) N. 66°00'04" W. 242.00 FEET;

(2) N. 27°34'57" W. 91.84 FEET;

(3) N. 03°35'57" W. 120.32 FEET;

THENCE LEAVING SAID EXISTING FENCE LINE N. 24°33'33" E. A DISTANCE OF 64.78 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND BEING GENERALLY DESCRIBED AS A PORTION OF THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SAID SECTION 34, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID SECTION 34, THENCE N. 89°17'13" E. ALONG THE NORTH BOUNDARY OF THE NW $\frac{1}{4}$ OF SAID SECTION 34 A DISTANCE OF 2634.63 FEET TO THE N $\frac{1}{4}$ CORNER OF SAID SECTION 34, THENCE S. 00°28'35" E. ALONG THE EAST BOUNDARY OF THE NW $\frac{1}{4}$ OF SAID SECTION 34 A DISTANCE OF 1246.11 FEET TO AN EXISTING CORRAL FENCE LINE AND THE POINT OF BEGINNING, THENCE CONTINUING

**ALONG THE SAID EXISTING CORRAL FENCE LINE THE FOLLOWING TWO COURSES: (1) N. 74°06'47" W. 25.21 FEET AND
(2) S. 35°12'52" W. 83.03 FEET TO THE SOUTH BOUNDARY OF THE NE¼NW¼ OF SAID SECTION 34; THENCE N. 89°14'54" E. ALONG THE SOUTH BOUNDARY OF THE NE¼NW¼ OF SECTION 34 A DISTANCE OF 72.63 FEET TO THE SE CORNER OF THE NE¼NW¼ OF SECTION 34; THENCE N. 00°28'35" W. ALONG THE EAST BOUNDARY OF NE¼NW¼ OF SAID SECTION 34 A DISTANCE OF 59.98 FEET TO THE POINT OF BEGINNING.**

PARCEL 4: (Section 34)

A PARCEL OF LAND BEING GENERALLY DESCRIBED AS A PORTION OF THE NE¼NW¼ OF SAID SECTION 34, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE NW CORNER OF SAID SECTION 34, THENCE N. 89°17'13" E. ALONG THE NORTH BOUNDARY OF THE NW¼ OF SAID SECTION 34 A DISTANCE OF 2634.63 FEET TO THE N¼ CORNER OF SAID SECTION 34, THENCE S. 00°28'35" E. ALONG THE EAST BOUNDARY OF THE NW¼ OF SAID SECTION 34 A DISTANCE OF 1246.11 FEET TO AN EXISTING CORRAL FENCE LINE AND THE POINT OF BEGINNING, THENCE CONTINUING ALONG THE SAID EXISTING CORRAL FENCE LINE THE FOLLOWING TWO COURSES: (1) N. 74°06'47" W. 25.21 FEET AND
(2) S. 35°12'52" W. 83.03 FEET TO THE SOUTH BOUNDARY OF THE NE¼NW¼ OF SAID SECTION 34;
THENCE N. 89°14'54" E. ALONG THE SOUTH BOUNDARY OF THE NE¼NW¼ OF SECTION 34 A DISTANCE OF 72.63 FEET TO THE SE CORNER OF THE NE¼NW¼ OF SECTION 34; THENCE N. 00°28'35" W. ALONG THE EAST BOUNDARY OF NE¼NW¼ OF SAID SECTION 34 A DISTANCE OF 59.98 FEET TO THE POINT OF BEGINNING.**

Together with Idaho Water Rights Nos. 34-07081 and 34-10175 .

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 04/14/2020

Warranty Deed
- continued

File No.: 880335K (amw)

Arnold E. Marz

BUYER:

3 Weight, LLC, an Idaho limited liability company

By:

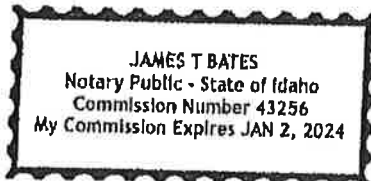
Name: Kenny Van Zant
Title: Managing Partner

STATE OF Idaho)

ss.

COUNTY OF Blaine)

On this 28th day of May, 2020, before me, a Notary Public in and for said State, personally appeared **Arnold E. Marz**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



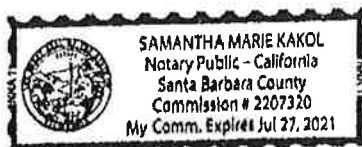
Notary Public for the State of
Residing at: Ketchum, ID
My Commission Expires: 01.02.2024

STATE OF California)

ss.

COUNTY OF Santa Barbara)

On this 26 day of May, 2020, before me, a Notary Public in and for said State, personally appeared **Kenny Van Zant**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **3 Weight, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.



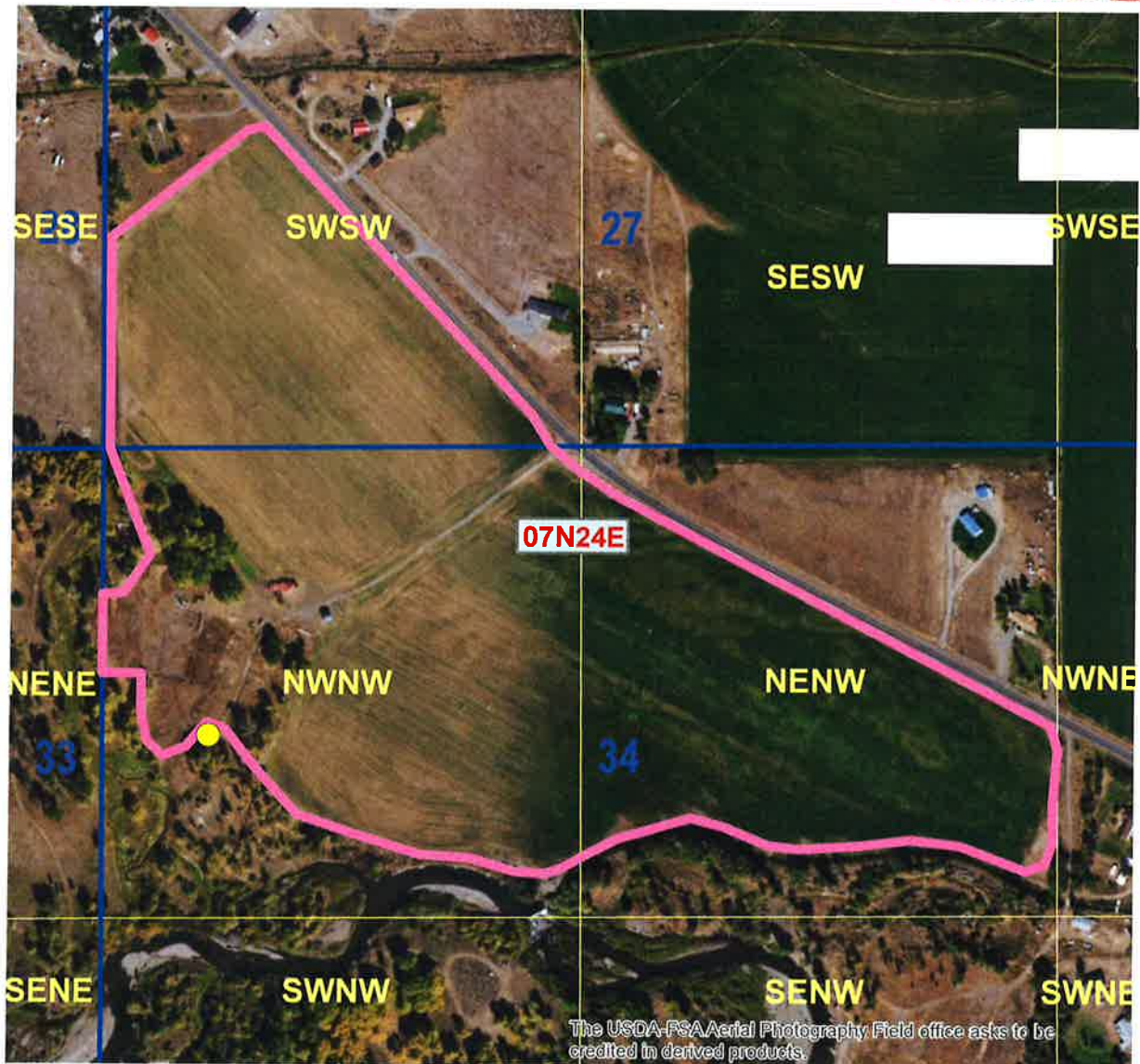
Notary Public of California
Residing at: 3905 State St. St. 7
Commission Expires: 07/27/2021

Page 4 of 4

84524

Application for Transfer 84524
3 Weight LLC

AMENDED



2019 Aerial Photo

● Water Right - POD
34-7081
Township/Range
Sections
QQ

0 500 1,000 Feet

Kenny Van Zant

Kenny Van Zant



JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
(retired)

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE NORTH
P. O. BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208)726-4421
FACSIMILE
(208)726-0752

November 9, 2020

Jonie Barg
Idaho Department of Water Resources
900 N. Skyline Drive
Suite A
Idaho Falls, ID 83402

RECEIVED
NOV 12 2020
Department of Water Resources
Eastern Region

**Re: Notice of Change of Water Right Ownership
No. 34-7081**

Dear Jonie:

Enclosed you will find the *original* and a copy of the above-referenced Application for transfer. It purposes to move a portion of the current place of use from property not owned by my client, the Applicant, to a previously unirrigated portion of the property it now owns. I have also included my firm's check payable to the Department for the \$200 filing fee. Please contact me right away if you have any questions or concerns about this Application. If not, kindly receipt date-stamp the enclosed copy and return it to me in the postage prepaid self-addressed envelope I have included for that purpose.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures

cc: Kenny Van Zant (w/enclosure) - via email

84524

Barg, Jonie

From: James Speck <jim@speckandaanestad.com>
Sent: Monday, August 10, 2020 9:26 AM
To: Barg, Jonie
Cc: Kenny Van Zant; Jason Buck
Subject: 34-7081 - Ownership Change

Joni,

I represent 3 Weight LLC. On behalf of my client I recently submitted a Notice of Change in Water Right Ownership for Water Rights 34-7081 and 34-10175 which included the Warranty Deed from Arnold Marz, the prior owner of these Water Rights. Mr. Marz was named as the owner of this Water Right 34-7081 in the Partial Decree issued for the right in the SRBA in December 1997. At no time during the SRBA did Mr. Marz own the approximately 7A on the other side of the road (the "7A"). Prior to the issuance of the Final Unified Decree in the SRBA on August 26, 2014, the owners of the 7A never filed a claim to any portion of this water right in the SRBA. Therefore, under the recent Idaho Supreme Court ruling in *First Security Corporation v. Belle Ranch, LLC*, 451 P.3d 446 (Idaho 2019), Mr. Marz, at the time he recently conveyed this water right to 3 Weight LLC, was the owner of the entire water right notwithstanding the fact that he did not own or convey to 3 Weight LLC the 7A.

On this basis I respectfully request that you complete the processing of the change in ownership of all of 34-7081 from Mr. Marz to 3 Weight LLC. Thank you.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue North
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

Cefalo, James

From: Cefalo, James
Sent: Wednesday, November 18, 2020 12:12 PM
To: 'James Speck'; 'kvzaustin@gmail.com'
Subject: Application for Transfer 84524 (3 Weight LLC)
Attachments: Amended App 84524 - Page 3.pdf; Amended App 84524 - Map.pdf

Jim,

I spent some time this morning investigating the ownership history for water right 34-7081. The Department issued a license for water right 34-7081 in 1980. At the time, the licensed place of use was owned by Alton and Edyth Sayer. On November 16, 1989, the Sayers filed a claim for water right 34-7081 in the SRBA. On April 13, 1992, Arnold Marz filed a notice of ownership change for water right 34-7081. Marz provided deeds showing that he acquired all of the irrigated acres southwest of the highway. When the Department reviewed the ownership change, the reviewing agent didn't realize that Marz only acquired a portion of the licensed place of use. Therefore, Marz was listed as the owner of the entire right (claim). This was an error by the Department. The right should have been split, with a portion of the water right (7-8 acres) remaining in the name of Sayer.

On December 16, 1997, the SRBA Court issued a partial decree for water right 34-7081. Arnold Marz was the decreed owner of record for the entire right. At this point, there is no way to correct the ownership change error from 1992. The decree ended up being a windfall for Marz. In April 2020, Marz conveyed the irrigated acres southwest of the highway and all of water right 34-7081 to 3 Weight LLC. The Department will update the ownership records for water right 34-7081 to list 3 Weight LLC as the current owner.

You recently filed an application for transfer, proposing to rearrange the place of use for water right 34-7081 to move all of the irrigated acres to property owned by 3 Weight LLC. I have reviewed the application and would like to propose a few changes. The way that the application was prepared suggests that the water right should be split into two pieces, with the 7-acre split portion being moved to acres owned by 3 Weight LLC. Do you really want to split the right? If not, you need to make an adjustment to Page 3 of the application. Attached is a revised Page 3 that would keep the water right whole. I also made a slight adjustment to the proposed place of use map. The shape depicted in the attached map represents 65 irrigated acres. The proposed acres shown on the map included with the original application was a couple of acres too large. The revisions will not increase the filing fees.

If the revised Page 3 and map are consistent with your expectations, please have Kenny Van Zant sign or initial the revised page and the map and scan and email me a copy of the pages. Once the pages are received, I will move forward with preparing the application for public notice.

James Cefalo
Regional Manager
IDWR Eastern Region
(208) 525-7161

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SUPERCEDED

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part <input type="checkbox"/> <input checked="" type="checkbox"/>	34-7081	0.14/27.5	irrigation	April 1 to Nov. 1	ground water
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 0.14 cfs and/or 27.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.14 cubic feet per second and/or 27.5 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 #

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	
7N	24E	34						7.0											7.0
Total Acres (for irrigation use)																			7.0

State of Idaho
Department of Water Resources

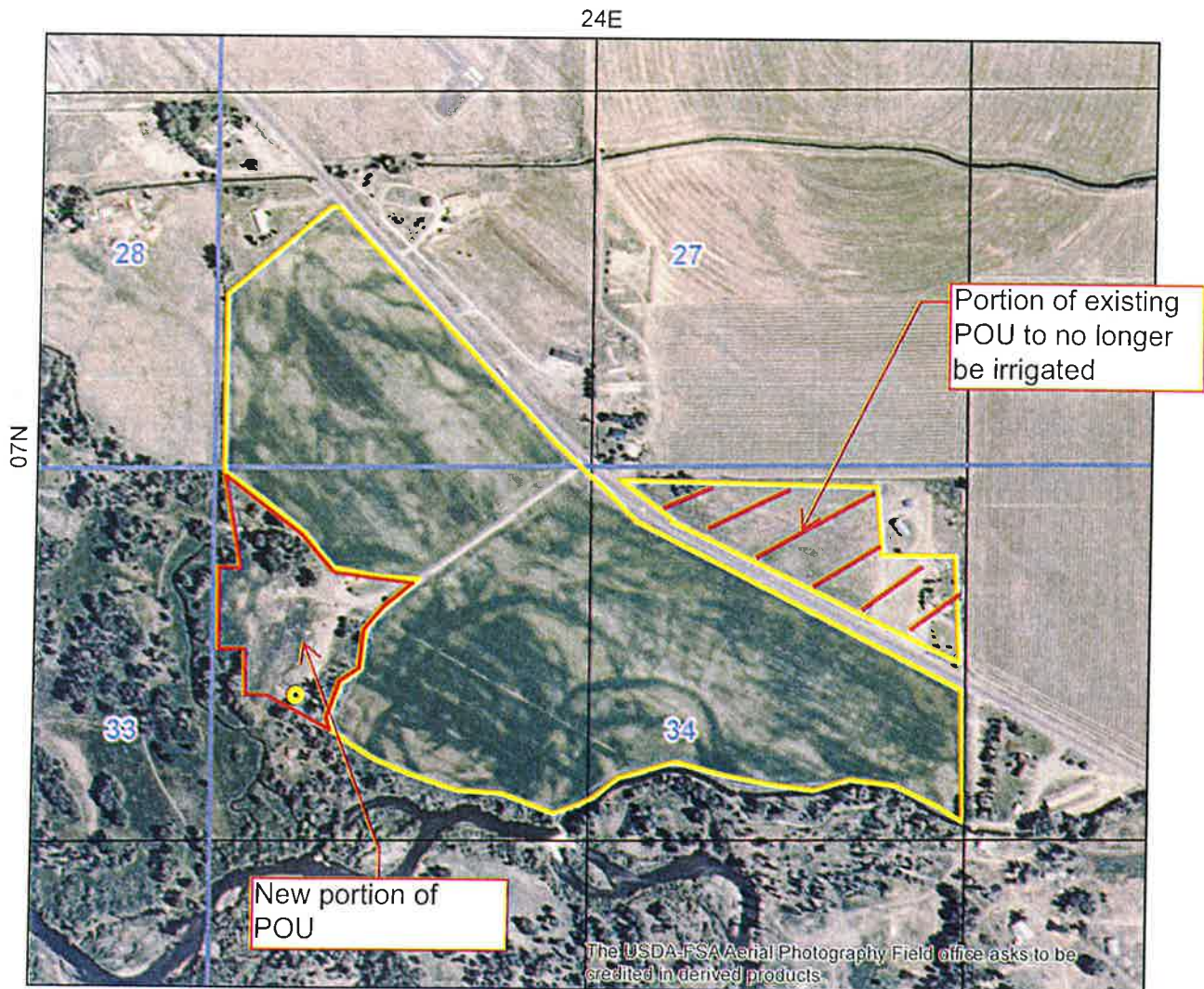
SUPERCEDED

Water Right

34-7081

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.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarter:

0 0.075 0.15 0.3 Miles

3 WEIGHT LLC

APPLICATION FOR TRANSFER OF WATER RIGHT

34-7081

ATTACHMENTS 7a & 7b





State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

November 19, 2020

3 WEIGHT LLC
PO BOX 6776
KETCHUM, ID 83340-6776

RE: Transfer No. 84524
Water Right No(s). 34-7081

Dear Applicant(s):

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 CHALLIS MESSENGER on 11/25/2020 and 12/2/2020. 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,

Christina Henman
Administrative Assistant

CC:
JAMES P SPECK
SPECK & AANESTAD PC
PO BOX 987
KETCHUM, ID 83340-0998

Henman, Christina

From: Henman, Christina
Sent: Thursday, November 19, 2020 10:54 AM
To: 'watermaster34@atcnet.net'
Subject: Application for Transfer No. 84524
Attachments: RecommendationForm Transfer7.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you 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, then complete the enclosed recommendation form and return it to this office within 21 DAYS of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 DAYS from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Henman, Christina

From: Henman, Christina
Sent: Thursday, November 19, 2020 11:00 AM
To: CHALLIS MESSENGER (legalnotices@postregister.com)
Subject: Legal Notice for Challis Messenger
Attachments: 84524 Challis Messenger.docx

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226-0405

RE: Transfer No. 84524
Water Right No(s). 34-7081

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 12/14/2020. Your cooperation is appreciated.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84524**

3 WEIGHT LLC, PO BOX 6776, KETCHUM, ID 83340-6776 has filed Application No. 84524 for changes to the following water rights within CUSTER County(s): Right No(s). 34-7081; 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: change place of use. Proposed place of use is 65 acres in SWSW Sec 27, NENW, NWNW Sec 34, T07N, R24E. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. 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, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 12/14/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/25/2020 and 12/2/2020