

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84211**

This is to certify that: TK LEASING LLC
967 E PARKCENTER BLVD STE 120
BOISE, ID 83706-6721

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
65-8546	WR/DECREED	4/1/1930	0.090 cfs	5.4 af	N/A	N/A	SPRING

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-8546	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
65-8546	65-8546	0.090 cfs	5.4 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.090 cfs	5.4 af	N/A	N/A		N/A	N/A	N/A	N/A

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

Dated this 17 day of September, 2020.

for, Patricia Wiley
Chief, Water Allocation Bureau

Transfer No. 84211

WATER RIGHT NO. 65-8546

As Modified by Transfer No. 84211

In accordance with the approval of Transfer No. 84211, Water Right No. 65-8546 is now described as follows:

Right Holder: TK LEASING LLC
967 E PARKCENTER BLVD STE 120
BOISE, ID 83706-6721

Priority Date: 4/1/1930

Source: SPRING

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
STOCKWATER	1/01	to 12/31	0.090 cfs	5.4 af
			0.090 cfs	5.4 af

LOCATION OF POINT(S) OF DIVERSION

SPRING NWNWSE Sec 18 Twp 16N Rge 04E VALLEY County

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	04E	18													x				

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

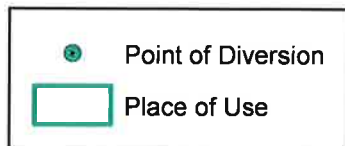
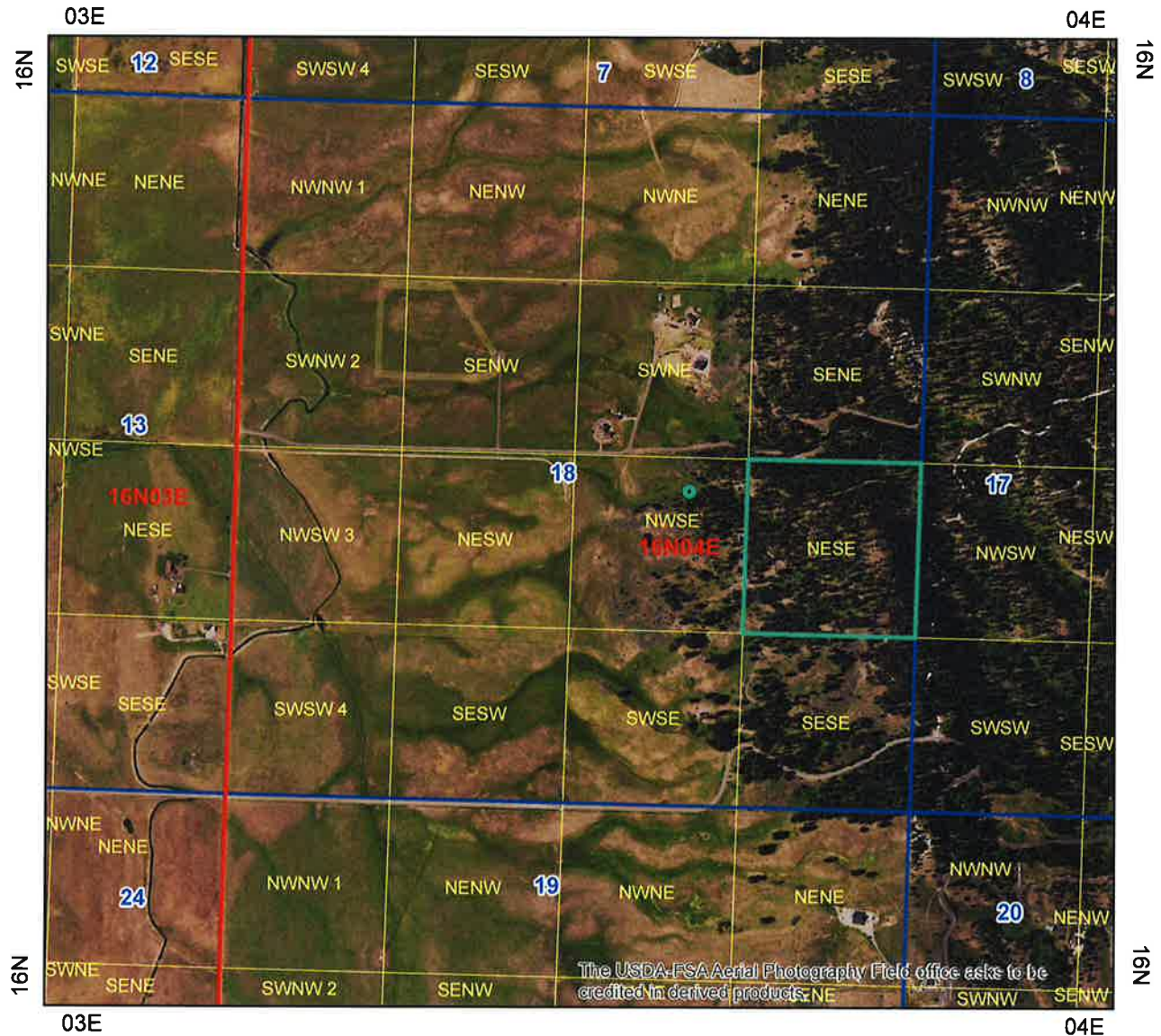
Transfer No. 84211

State of Idaho
Department of Water Resources

Attachment to Transfer No. 84211

Water Right(s): 65-8546

This map depicts the STOCK WATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



RECEIVED

42-222 POD 07/18
JUL 02 2020STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 01 2020

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

DEPARTMENT OF
WATER RESOURCES

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☒ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** TK Leasing, LLC Phone (208) 437 - 0333
 2. **MAILING ADDRESS** 967 E. Parkcenter Blvd., Ste. 120 City Boise
 State ID Zip 83706 Email orthobiker@gmail.com (cc: ccook@hawleytroxell.com)

- ☒ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ 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.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 65-8546

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.09 cubic feet per second and/or 5.40 acre-feet per annum.
 (diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Curr.		NE	SE		18	16N	04E	Valley	Spring	
New		NW	SE		18	16N	04E	Valley	Spring	

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:

Piping from existing spring to place of use.

- b. Who owns the property at the point(s) of diversion? TK Leasing, LLC

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

N/A

- 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:

N/A

- 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 $\frac{1}{4}$ $\frac{1}{4}$ 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 Travis Kemp, Manager (TK Leasing, LLC) 6/26/2020
Print name and title if applicable 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 9 pages of attachments. Received by KM Date 7-1-2020

Fee paid 50.00 Date 7-1-2020 Receipted by KM Receipt # C108990

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)

Application for Transfer of Water Right (65-8546)

Addendum

Purpose of Transfer:

This Application for Transfer ("**Application**") is submitted exclusively to correct the legal description for the point of diversion without a physical change in the location of the place of use or the point of diversion pursuant to I.C. § 42-221.O.8. The Decree for Water Right 65-8546 ("**Decree**") correctly lists the source of water as a spring. However, the Decree incorrectly lists the point of diversion as located in the NE¼ SE¼ T16N R04E S18. The correct legal description for the existing spring and point of diversion is the NW¼ SE¼ T16N R04E S18, as more particularly marked on the supporting map filed contemporaneously with the Application.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-08546

NAME AND ADDRESS: BARKER & SON INC
STAR RT
PAYETTE, ID 83661

SOURCE: SPRING TRIBUTARY: SINKS
QUANTITY: 0.09 CFS
5.40 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1930

POINT OF DIVERSION: T16N R04E S18 NESE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.09 CFS 5.40 AFY

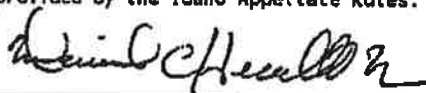
PLACE OF USE: Stockwater Within Valley County
T16N R04E S18 NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Daniel C. Murlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

IDAHO Department of Water Resources



[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

WATER RIGHT REPORT

6/26/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 65-8546

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TK LEASING LLC 967 E PARKCENTER BLVD STE 120 BOISE, ID 83706-6721 2084370333
Original Owner	BARKER & SON INC 6000 BIG WILLOW RD PAYETTE, ID 83661 2082783386

Priority Date: 04/01/1930

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.09 CFS	5.4 AFA
Total Diversion			0.09 CFS	5.4 AFA

Location of Point(s) of Diversion:

SPRING|NESE|Sec. 18|Township 16N|Range 04E|VALLEY County

Place(s) of use:

Place of Use Legal Description: STOCKWATER VALLEY County

84211

<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>
16N	04E	18		NESE										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP 16N04E181205A

Dates:

Licensed Date:

Decreed Date: 10/23/1998

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: 65D

Generic Max Rate per Acre:

Generic Max Volume per Acre:

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

84211



0003695023

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003695023

Date Filed: 12/2/2019 3:35:04 PM

Entity Name and Mailing Address:

TK LEASING, LLC

The file number of this entity on the records of the Idaho Secretary of State is: 0000446678

Address

967 E PARKCENTER BLVD
STE 120
BOISE, ID 83706-6721

Entity Details:

Entity Status

Active-Existing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W146720

The registered agent on record is:

Registered Agent

TRAVIS JAY KEMP
Registered Agent

Physical Address

967 E PARKCENTER BLVD #120
BOISE, ID 83706

Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
TRAVIS J. KEMP	Manager	1398 E. VERSAILLES CT BOISE, ID 83706

The annual report must be signed by an authorized signer of the entity.

Travis Kemp

Sign Here

12/02/2019

Date

Signer's Title: Manager

B0420-5776 12/02/2019 3:35 PM Received by ID Secretary of State Lawrence Denney

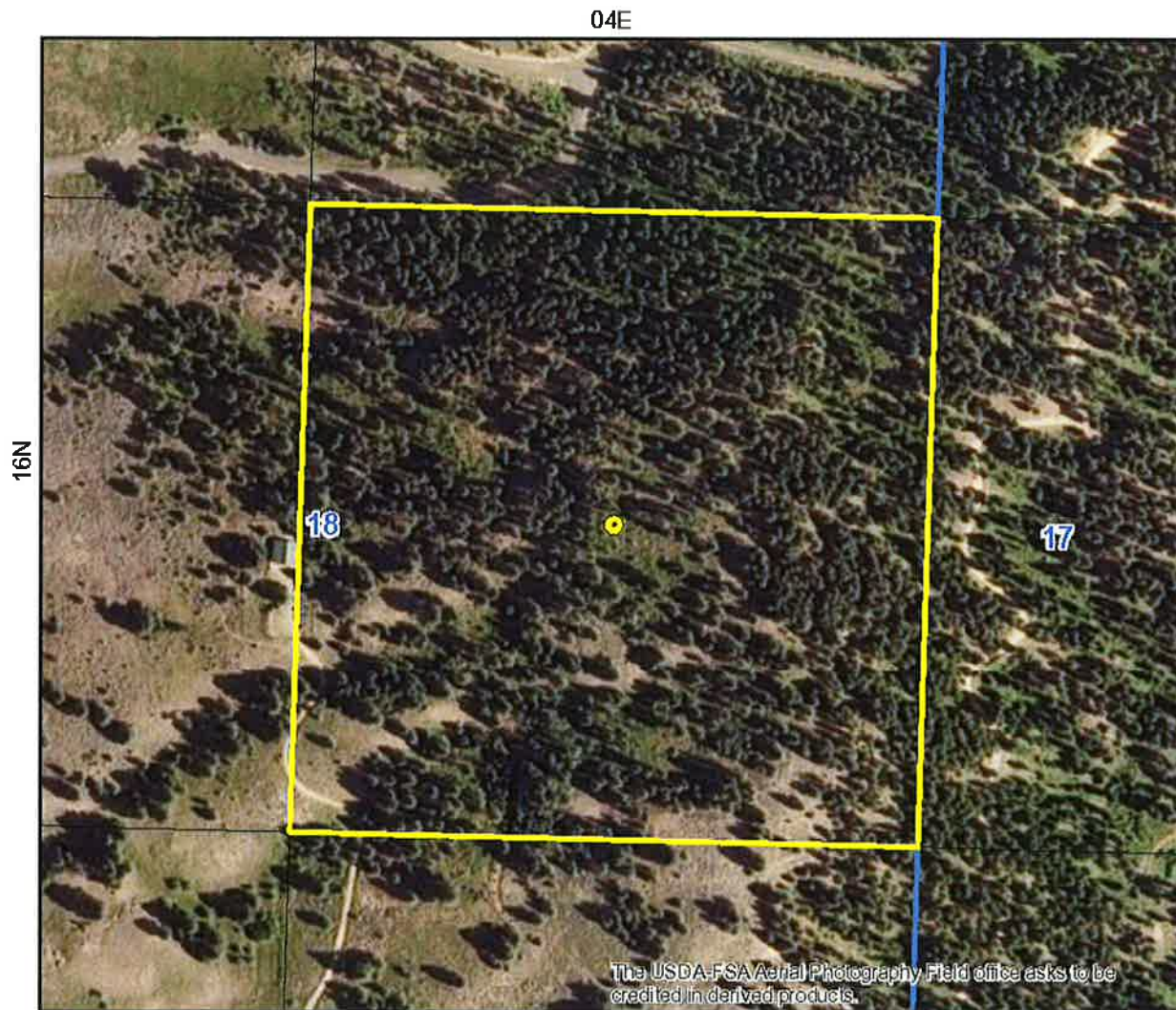
84211

State of Idaho
Department of Water Resources

Water Right
65-8546

STOCKWATER

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.

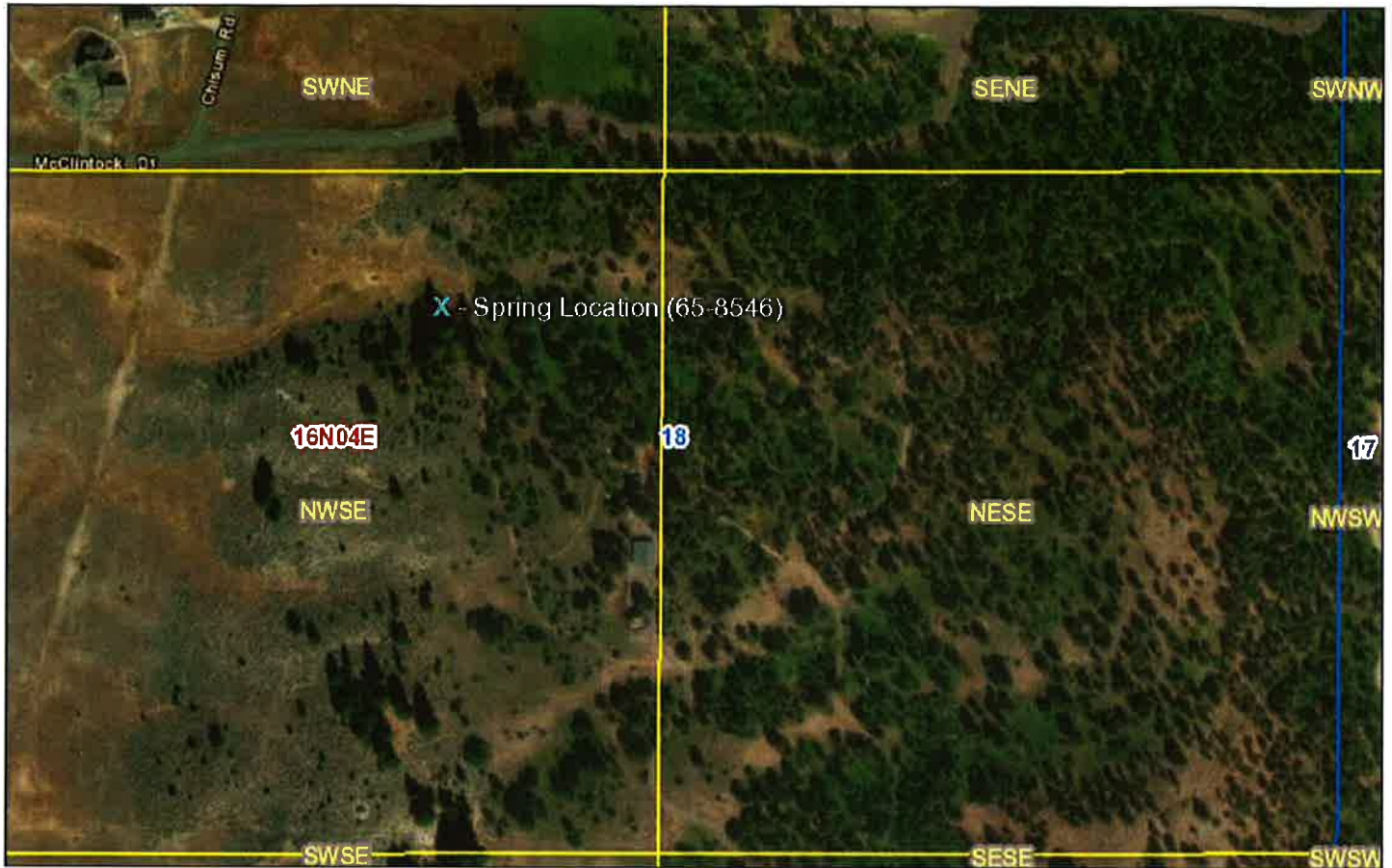


-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.045 0.09 0.18 Miles



Application for Water Right



6/26/2020, 11:31:53 AM

 Counties
 Section
 — Idaho Outline
 Quarter Quarter
 Township/Range
 Idaho Mask

1:4,514
 0 0.03 0.06 0.1 mi
 0 0.04 0.08 0.17 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,

Idaho Department of Water Resources
 USDA FSA, GeoEye, Maxar | Created by NRCS from 1:25,000 scale USGS topographic maps | Idaho Department of Water Resources | USDA Natural Resources Conservation Service (Carl, Ulmer, Inc.)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 17, 2020

TK LEASING LLC
967 E PARKCENTER BLVD STE 120
BOISE ID 83706-6721

Re: Transfer No: 84211
Water Right No(s): 65-8546

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

If you have any questions, please contact me at (208) 334-2190

Sincerely,

A handwritten signature in green ink, appearing to read "Kensi Thernegoof".

Kensi Thernegoof
For: Patrick Kelly
Water Rights Supervisor

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No: 84211
Water Right No(s): 65-8546

TK LEASING LLC
967 E PARKCENTER BLVD STE 120
BOISE ID 83706-6721



Kensie Thorneycroft
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

TO: Transfer No. 84211
FROM: Allen Bradbury
DATE: September 14, 2020
RE: Evaluation of Application

Purpose of Transfer

The purpose of this this transfer is to change the point of diversion. The applicant submitted the transfer in order to correct the legal description for the point of diversion without a physical change to the location of the place of use or the point of diversion pursuant to I.C. § 42-221.0.8. According to the applicant, the Decree for Water Right 65-8546 correctly lists the source of water as a spring, however, it incorrectly lists the point of diversion as located in the NE¼ SE¼ T16N R04E S18. The corrected legal description for the existing spring and point of diversion is the NW¼ SE¼ T16N R04E S18.

Location: Approximately 3 miles east of Donnelly, ID, near the corner of McClintock Dr. and Chisum Dr.

Contact person Travis Kemp, 967 E Parkcenter BLVD STE 120, Boise, ID 83706-6721, orthobiker@gmail.com, (208) 437-0333. Representative: Christopher Cook, Hawley Troxell, ccook@hawleytroxell.com.

Summary of Information Submitted

Authority to File:

According to the State of Idaho Secretary of State, Travis Kemp is the registered agent for TK Leasing LLC and therefore has authority to sign this transfer application.

Water Right Validity:

The court issued the partial decree for water rights no. 65-8546 on 10/23/1998. The application states that there is "piping [sic] from existing spring to place of use." Aerial photograph seems to confirm the actual location of the spring. There is no evidence to suggest the right has not been put to beneficial use within the last five years therefore the right is presumed to be valid.

Injury to Other Water Rights:

Injury to other water rights is not likely as a result of this transfer. The application is for stock water. It does not intend to increase the the amount of water to be diverted or change the place of use. The applicants only intend to correct the legal description to match the actual physical location of the point of diversion.

Enlargement of Use:

The transfer does not propose any change to the diversion rate or volume, nor any unsubordinated change to the season of use. No enlargement is anticipated.

Local Public Interest:

None of the available information suggests conflict with the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary

Based on map submitted with application the Department added NW QQQ as per Department standards to list springs to the nearest 10 acres.

Water Right Overlap

There is neither POD or POU overlap.

Discussion

If approved the following changes should be made to the conditions of water right no. 65-8546
Add standard transfer conditions T07 and T08

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

MEMORANDUM

Date: September 11, 2020

To: Transfer 84211

From: Allen Bradbury

Re: Comment/Analysis

Based on map submitted with application the Department added NW QQQ as per Department standards to list springs to the nearest 10 acres.

Comment/Analysis
9/11/2020

JUL 01 2020

DEPARTMENT OF
MINE & RECLAMATION

ATTORNEYS AND COUNSELORS

**HAWLEY
TROXELL**

Hawley Troxell Ennis & Hawley LLP
877 Main Street, Suite 1000
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June 29, 2020

VIA HAND DELIVERY

IDWR State Office
322 East Front St., 6th Floor
Boise, ID 83720

Re: *Transfer Application (65-8546): Correct POD Legal Description*

Dear Sir/Madam:

Enclosed for processing is the above-referenced Transfer Application for water right 65-8546, along with our check in the amount of \$50.00 in payment of the filing fee. Please copy me on any correspondence regarding the processing of the enclosed Application, and contact me if you have any questions or concerns.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Christopher Cook
Associate Attorney

CC:
Enclosure