

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 14 2019
10 AL
WATER RESOURCES
WESTERN REGION

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

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)** Ark Properties LLC Phone 208-366-7931

2. MAILING ADDRESS 11204 N. Bar 21 Dr. City Glenns Ferry

State ID Zip 83623 Email

- ☐ 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)** 61-281A,C&D, 61-282A,C&D, 61-287, 61-358A,C&D, 61-361A,C&D, 61-362C,E&F, 2006A,F&G, 61-10377A,C&D, 61-2013A&B (see attached water rights summary list)

- ☒ 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 16.36 cubic feet per second and/or _____ 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*.

[illegible]

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:

Headgates, pipe, ditches. Measuring devices and lockable controlling works in place for POD 1 and will be installed for POD 2 upon the Department's 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:

- 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 ¼ ¼ 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.

John B. McCallum
Signature of applicant or authorized agent

John B. McCallum
Print name and title if applicable

3/28/19
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. (see attached water rights summary list for fee calculations)

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by KI Date 4/10/19

Fee paid 1540 Date 4/10/19 Receipted by KI Receipt # W047303

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

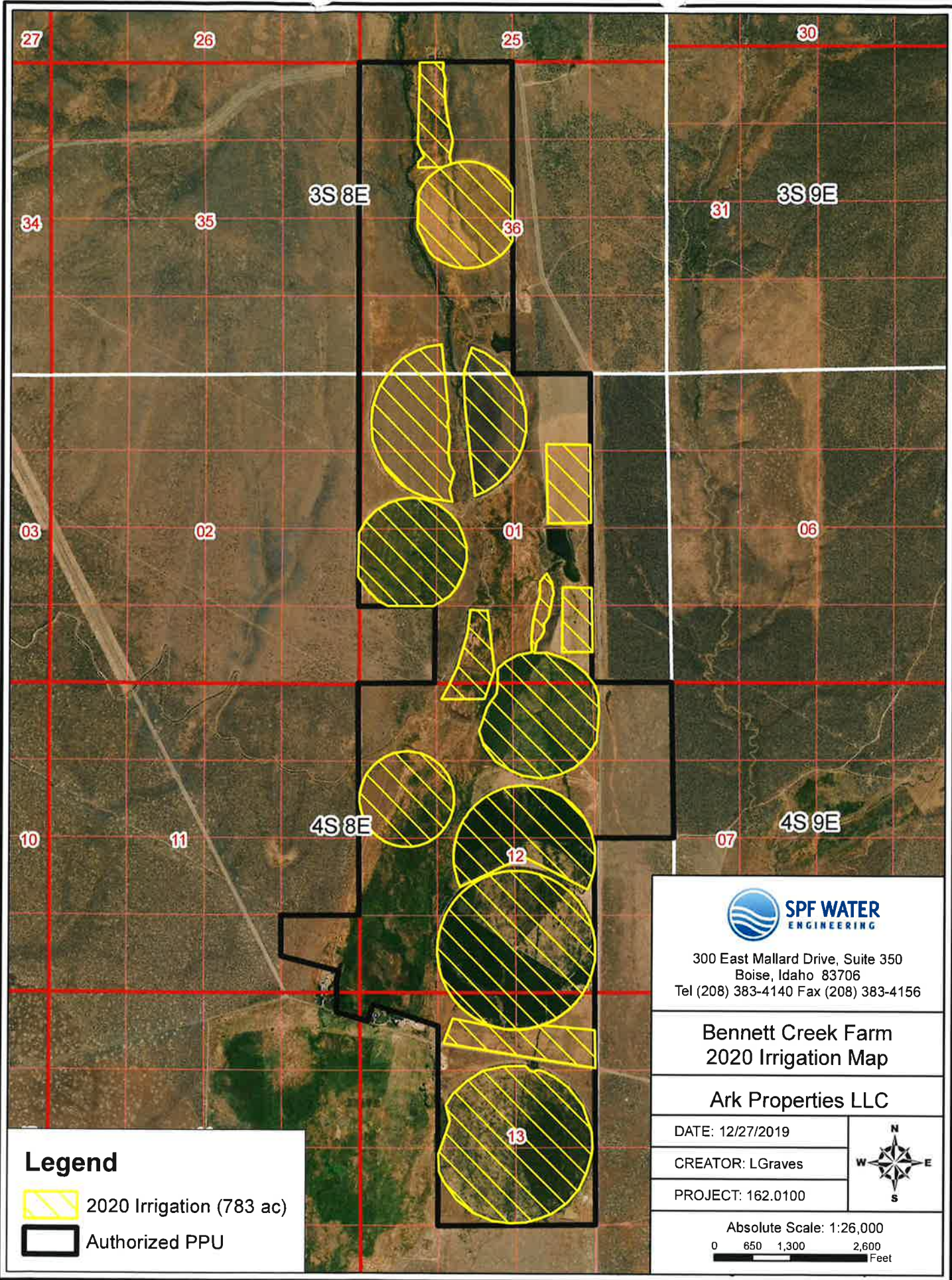
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

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

Transfer Parts 3 & 4: Water Rights Summary List

Water Right	Basis	Priority Date	Decreed Date	Source	Water Use	Total Acres	Diversion Rate (cfs)	Volume (afa)
61-287	Decreed	10/1/1887	4/12/2001	BENNETT CREEK	IRRIGATION	54.8	1.37	0.0
61-281D	Decreed	3/1/1872	10/26/2000	BENNETT CREEK	IRRIGATION	80	0.38	0.0
61-282D	Decreed	4/1/1883	10/26/2000	BENNETT CREEK	IRRIGATION		0.13	0.0
61-358D	Decreed	3/1/1892	10/26/2000	BENNETT CREEK	IRRIGATION		0.06	0.0
61-361D	Decreed	3/1/1876	10/26/2000	BENNETT CREEK	IRRIGATION		0.09	0.0
61-362F	Decreed	3/1/1892	10/26/2000	BENNETT CREEK	IRRIGATION		0.23	0.0
61-2006G	Decreed	1/28/1908	10/26/2000	BENNETT CREEK	IRRIGATION		0.73	0.0
61-10377D	Decreed	3/1/1867	10/26/2000	BENNETT CREEK	IRRIGATION		0.55	0.0
61-281A	Decreed	3/1/1872	12/5/2001	BENNETT CREEK	IRRIGATION	216	1.02	0.0
61-282A	Decreed	4/1/1883	12/5/2001	BENNETT CREEK	IRRIGATION		0.37	0.0
61-358A	Decreed	3/1/1892	12/5/2001	BENNETT CREEK	IRRIGATION		0.16	0.0
61-361A	Decreed	3/1/1876	12/5/2001	BENNETT CREEK	IRRIGATION		0.25	0.0
61-362C	Decreed	3/1/1892	12/5/2001	BENNETT CREEK	IRRIGATION		0.61	0.0
61-2006A	Decreed	1/28/1908	12/5/2001	BENNETT CREEK	IRRIGATION		0.42	0.0
61-10377A	Decreed	3/1/1867	12/5/2001	BENNETT CREEK	IRRIGATION		1.49	0.0
61-281C	Decreed	3/1/1872	10/26/2000	BENNETT CREEK	IRRIGATION	308	1.46	0.0
61-282C	Decreed	4/1/1883	10/26/2000	BENNETT CREEK	IRRIGATION		0.52	0.0
61-358C	Decreed	3/1/1892	10/26/2000	BENNETT CREEK	IRRIGATION		0.23	0.0
61-361C	Decreed	3/1/1876	10/26/2000	BENNETT CREEK	IRRIGATION		0.36	0.0
61-362E	Decreed	3/1/1892	10/26/2000	BENNETT CREEK	IRRIGATION		0.87	0.0
61-2006F	Decreed	1/28/1908	10/26/2000	BENNETT CREEK	IRRIGATION		2.81	0.0
61-10377C	Decreed	3/1/1867	10/26/2000	BENNETT CREEK	IRRIGATION		2.13	0.0
61-2013A	Decreed	3/17/1909	12/5/2001	BENNETT CREEK	STOCKWATER	n/a	0.04	0.0
61-2013B	Decreed	3/17/1909	10/26/2000	BENNETT CREEK	STOCKWATER	n/a	0.08	0.0
Totals						659	16.36	0.0

Fee Calculations: 659 acres X 0.02 cfs = 13.18 cfs + 0.12 cfs for stockwater rights = 13.3 cfs (\$1,540)



Legend

-  2020 Irrigation (783 ac)
-  Authorized PPU



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Bennett Creek Farm 2020 Irrigation Map

Ark Properties LLC

DATE: 12/27/2019

CREATOR: LGraves

PROJECT: 162.0100



Absolute Scale: 1:26,000

0 650 1,300 2,600
Feet

[illegible][illegible]



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 26, 2019

ELIZABETH ANN NETTLETON
18542 SE WILSON RD
GLENN'S FERRY ID 83623-5031

Re: Application for Transfer No. 83144

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Mountain Home News* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **October 21, 2019**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anna Kaiser', is written over a light blue circular stamp.

Anna Kaiser
Administrative Assistant
Western Regional Office

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 26, 2019

DAVID EUGENE JR
1959 SE RORS RD
GLENN'S FERRY ID 83623

Re: Application for Transfer No. 83144

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Mountain Home News* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **October 21, 2019**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Anna Kaiser
Administrative Assistant
Western Regional Office

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 26, 2019

WATER DISTRICT 61C
C/O STEVE REYNOLDS
PO BOX 99
MOUNTAIN HOME ID 83647

RE: Application for Transfer No. 83623

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed with this letter for your reference. Please review the application, complete the attached recommendation form, and submit your reply, if any, to this office by **October 21, 2019**.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Anna Kaiser
Administrative Assistant



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 26, 2019

ARK PROPERTIES INC
11204 N BAR 21 DR
GLENN'S FERRY, ID 83623

RE: Transfer No. 83144

Dear Applicant:

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 MOUNTAIN HOME NEWS on 10/2/2019 and 10/9/2019. 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,

Anna Kaiser
Administrative Assistant

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

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, September 26, 2019 11:16 AM
To: 'legaldept@mountainhomenews.com'
Subject: ELMORE Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 10/2/2019 & 10/9/2019.

Please confirm these are okay to publish as shown.

Thank You,

Anna Kaiser | Administrative Assistant I

IDWR-Western Region

2735 W Airport Way, Boise ID 83705

(208).334.2190 | anna.kaiser@idwr.idaho.gov

September 26, 2019

LEGAL NOTICE DEPARTMENT

MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME, ID 83647-1330

RE: Application For Permit Nos: 63-34753

RE: Transfer No. 83144

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 10/21/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures)

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34753

IDAHO WATER RESOURCE BOARD

322 E FRONT ST PO BOX 83720, BOISE, ID 83720

Point of Diversion: ANDERSON RANCH DAM (GOVT LOT NO 4, NWSE, in S01 T01S R08E ELMORE County)

Source: SOUTH FORK BOISE RIVER Tributary: BOISE RIVER

Use: IRRIGATION STORAGE, MUNICIPAL STORAGE, GROUND WATER RECHARGE STORAGE, WATER QUALITY IMPROVEMENT STORAGE, INDUSTRIAL STORAGE, RECREATION STORAGE, FISH HABITAT STORAGE, COMMERCIAL STORAGE, DOMESTIC STORAGE, STREAMFLOW MAINTENANCE STORAGE, WILDLIFE STORAGE, and MITIGATION BY DELIVERY STORAGE 01/01 to 12/31 30,000 AF

Use: IRRIGATION FROM STORAGE 03/15 to 11/15 30,000 AF

Use: MUNICIPAL FROM STORAGE, GROUND WATER RECHARGE FROM STORAGE, WATER QUALITY IMPROVEMENT FROM STORAGE, INDUSTRIAL FROM STORAGE, COMMERCIAL FROM STORAGE, DOMESTIC FROM STORAGE, STREAMFLOW MAINTENANCE FROM STORAGE, and MITIGATION BY DELIVERY FROM STORAGE 01/01 to 12/31 30,000 AF

Total Diversion: 30,000 AF

Date Filed: 6/7/2019

Place of Use: Application proposes an additional 30,000 acre-feet of storage in Anderson Ranch Reservoir located in Elmore County for use generally within the Boise River drainage and the Mountain Home Plateau. The proposed place of use includes all of IDWR Administrative Basin 61 and a large portion of IDWR Administrative Basin 63 and includes lands in Ada, Boise, Camas, Canyon, Elmore, Gem, and Payette Counties in Idaho as well as a portion of Malheur County east of the Snake River in Oregon. The full description of the place of use is available from the Department of Water Resources at www.idwr.idaho.gov, or contact Western Region office at (208) 334-2190.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83144**

ARK PROPERTIES INC, 11204 N BAR 21 DR, GLENNS FERRY, ID 83623; SPF WATER ENGINEERING LLC, C/O LORI GRAVES 300 E MALLARD DR STE 350, BOISE, ID 83706-6660; has filed Application No. 83144 for changes to the following water rights within ELMORE County(s): Right No(s). 61-10377A, 61-10377C, 61-10377D, 61-2006A, 61-2006F, 61-2006G, 61-2013A, 61-2013B, 61-281A, 61-281C, 61-281D, 61-282A, 61-282C, 61-282D, 61-287, 61-358A, 61-358C, 61-358D, 61-361A, 61-361C, 61-361D, 61-362C, 61-362E, 61-362F; to see a full description of these rights and the proposed transfer, please see

www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Ark Properties Inc. of 11204 N. Bar 21 Dr., Glenns Ferry, ID 83623 filed Application No. 83144 to transfer 24 water rights with 1867 through 1909 priority dates from Bennett Creek totaling 16.36 cfs. The purpose of the transfer is to combine two existing points of diversion amongst all 24 rights to allow for diversion flexibility. Water will be used at the current place of use north of Bennett Road, east of Hot Springs Road, south of Hot Creek Road, and west of Rye Grass Road.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 10/21/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/2/2019 and 10/9/2019



SPF WATER
ENGINEERING

December 18, 2018

RECEIVED

APR 14 2018
10
WATER RESOURCES
WESTERN REGION

Nick Miller
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer

Dear Nick,

Enclosed on behalf of Ark Properties LLC, is an *Application for Transfer* involving the applicant's water rights on Bennett Creek. Fifteen of the water rights authorize diversion from an upper point of diversion and nine of the water rights authorize diversion from a lower point of diversion, all for irrigation within a common permissible place of use. Applicant proposes combining both points of diversion on all of the water rights to allow diversion flexibility.

Check No. 23492 for \$1,540 is enclosed for the transfer filing fee. Please see the water rights summary list attached to the transfer application regarding the total fee calculation. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: John & Theresa McCallum
Norm Samanko

Enclosures

SPF file number: 162.0100