

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79546**

This is to certify that: KAREN S ULTIS HERITAGE TRUST AND
VERNE S KINDALL HERITAGE TRUST
2045 N EMERALD BAY AVE
EAGLE, ID 83616

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>
63-16747	WR/DECREED	7/20/1979	0.040 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

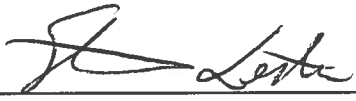
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-16747	NO	YES	YES	NO	NO	NO

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>
63-16747	63-16747	0.040 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.040 cfs	N/A	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 18th day of November, 2014.


STEVE LESTER, Interim Western Region Manager

WATER RIGHT NO. 63-16747
As Modified by Transfer No. 79546

In accordance with the approval of Transfer No. 79546, Water Right No. 63-16747 is now described as follows:

Right Holder: KAREN S ULTIS HERITAGE TRUST AND
VERNE S KINDALL HERITAGE TRUST
2045 N EMERALD BAY AVE
EAGLE, ID 83616

Priority Date: 7/20/1979

Source: GROUND WATER

BENEFICIAL USE
DOMESTIC

From 1/01 **To** 12/31 **Diversion Rate**
0.040 cfs
0.040 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec 6 Twp 04N Rge 01E ADA County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	6								X									

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. The quantity of water decreed for this water right is not a determination of historical beneficial use.
5. The quantity of water under this right shall not exceed 13,000 gallons per day.

Transfer No. 79546

RECEIVED**AUG 27 2014****WATER RESOURCES
WESTERN REGION****STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**Transfer No. 79546**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 www.idwr.idaho.gov.

Name of Applicant(s) Karen S. Ultis Heritage Trust & Verne S. Kindall Heritage Trust**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 #1-9.

- ☐ ☒ #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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #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.
- ☐ ☒ #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 Other. Please describe: _____

RECEIVED

AUG 27 2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Karen S. Ultis Heritage Trust & Verne S. Kindall Heritage Trust Phone Ultis: 480-452-4905
Kandall: 208-867-2565

Mailing address 2045 N. Emerald Bay Ave., Eagle, ID 83616 Email sewkclassic@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 SPF Water Engineering, LLC Phone 208-383-4140

Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email lgraves@spfwater.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.

Verne S. Kindall (Trustee) Verne S. Kindall 8/22/14
 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Karen S. Ultis (Trustee) KAREN S. Kindall 8/22/14
 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Update ownership
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.2**.

Correct the place of use and point of diversion legal descriptions that currently describe the wrong qtr-qtr tract for the home and well.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	63-16747	0.04 cfs	Domestic	1/1 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.04 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.04 cubic feet per second and/or _____ acre-feet per annum.

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 #
No			SE	NW	6	4N	1E	Ada	Ground Water	

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	
4N	1E	6								D									
Total Acres (for irrigation use)																			

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:

Well, pump, pipe

A measuring device and lockable controlling works will be accomidated upon Department request.

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

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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

n/a

- e. 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:

Surface water from Farmers Union Ditch Co. for irrigation use.

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

Yes No

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

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/29/2014

Water Right 63-16747

Owner Type **Name and Address**
Current Owner NORMA KINDALL
2049 BALLANTYNE LN
EAGLE, ID 83616-3603
(208)939-6307

Current Owner VERNE KINDALL
2049 BALLANTYNE LN
EAGLE, ID 83616-3603
(208)939-6307

Priority Date: 7/20/1979

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.040 CFS	
	<u>Total Diversion</u>		0.040 CFS	

Source and Point(s) of Diversion

GROUND WATER SWNE Sec. 6, Twp 04N, Rge 01E, ADA County

Place Of Use

DOMESTIC within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	6			X														

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. PARCEL NO. S0506244500

Dates and Other Information

Decreed Date: 1/7/2000

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Moffatt, Thomas, Barrett, Rock &
Fields, Chartered
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701-0829
Attention: Michael W. McGreaham

ADA COUNTY RECORDER Christopher D. Rich AMOUNT 19.00 4
BOISE IDAHO 06/19/14 02:37 PM
DEPUTY Vicky Bailey
RECORDED-REQUEST OF
Moffatt Thomas 114048252

ADA COUNTY RECORDER Christopher D. Rich 2014-055743
BOISE IDAHO Pgs=4 GAIL GARRETT 07/14/2014 04:25 PM
MOFFATT THOMAS AMOUNT:\$19.00
RE-RECORD 00000507201400567430040042

Rerecording to Correct Legal Description

(Space Above For Recorder's Use)

TRUSTEE'S WARRANTY DEED

FOR VALUE RECEIVED, and in consideration of love and affection, Verne S. Kindall and Karen S. Ultis, Trustees of the Annette R. Kindall Living Trust dated June 15, 2001, a trust formed under the laws of the State of Idaho and whose address is 2045 N. Emerald Bay Avenue, Eagle, ID 83616, (the "Grantor"), grants, bargains, sells and conveys unto Verne S. Kindall Heritage Trust dated June 15, 2001, a trust formed under the laws of the State of Idaho, whose current address is 2049 N. Emerald Bay Avenue, Eagle, ID 83616, and Karen S. Ultis Heritage Trust dated June 15, 2001, a trust formed under the laws of the State of Idaho, whose current address is 2045 N. Emerald Bay Avenue, Eagle, ID 83616 (collectively, the "Grantee"), all of the Grantor's right, title, and interest in and to the real property located in Ada County, more particularly described in the attached Exhibit A (the "Premises").

Together with all rents, remainders and reversions, and all appurtenances and hereditaments, reversions, remainders, issues and profits, improvements and fixtures, easements, mineral rights, water rights and all other permits, licenses and rights in any way appertaining to the Premises.

Grantor, for itself, its representatives, successors, and assigns, covenants and warrants that Grantor is the owner in fee simple of the Premises and that the Premises are free from all encumbrances the lien for current general taxes and subject to all easements, encumbrances and matters of record.

The Grantor covenants and warrants that Grantor shall defend the quiet and peaceable possession of the Premises by Grantee, its representatives, successors and assigns, forever against all claims whatsoever.

In witness whereof, Grantor has caused this Trustee's Warranty Deed to be executed and delivered this 17th day of June, 2014.

[Signature Pages Follow]

GRANTOR:

**ANNETTE R. KINDALL LIVING TRUST DATED
JUNE 15, 2001**

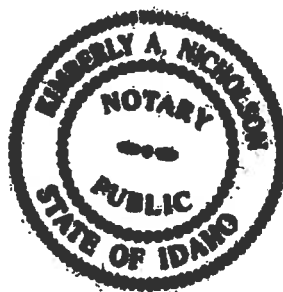
By *Verne S. Kindall*
Verne S. Kindall, Trustee

By *Karen S. Ultis*
Karen S. Ultis, Trustee

STATE OF IDAHO)
) ss.
County of Ada)

On this 17th day of June, 2014, before me, a Notary Public in and for said State, personally appeared VERNE S. KINDALL, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Annette R. Kindall Living Trust dated June 15, 2001, and acknowledged to me that he executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

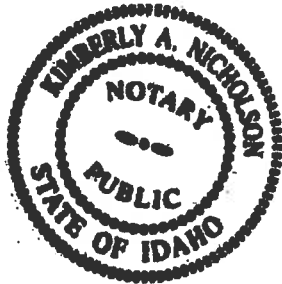


Kimberly A. Nicholson
NOTARY PUBLIC FOR IDAHO
Residing at *ampa ID*
My Commission Expires *11/20/2019*

STATE OF IDAHO)
) ss.
County of Ada)

On this 17th day of June, 2014, before me, a Notary Public in and for said State, personally appeared KAREN S. ULTIS, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Annette R. Kindall Living Trust dated June 15, 2001, and acknowledged to me that she executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Kimberly A. Nicholson
NOTARY PUBLIC FOR IDAHO
Residing at Boise, ID
My Commission Expires 11/20/2019

EXHIBIT A

A parcel of land located in the Southwest Quarter of the Northeast Quarter of Section 6 Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at a 5/8" iron pin marking the center of said Section 6, from which the C-E 1/16 corner bears

North 88°13'03" East, 1322.73 feet; thence along the North-South midsection line
North 1°45'51" West, 25.00 feet; to the REAL POINT OF BEGINNING;
thence continuing
North 1°45'51" West, 25.00 feet; thence
North 88°13'03" East, 299.07 feet, thence
South 1°45'51" East, 25.00 feet thence
South 88°13'03" West, 299.07 feet to the POINT OF BEGINNING.

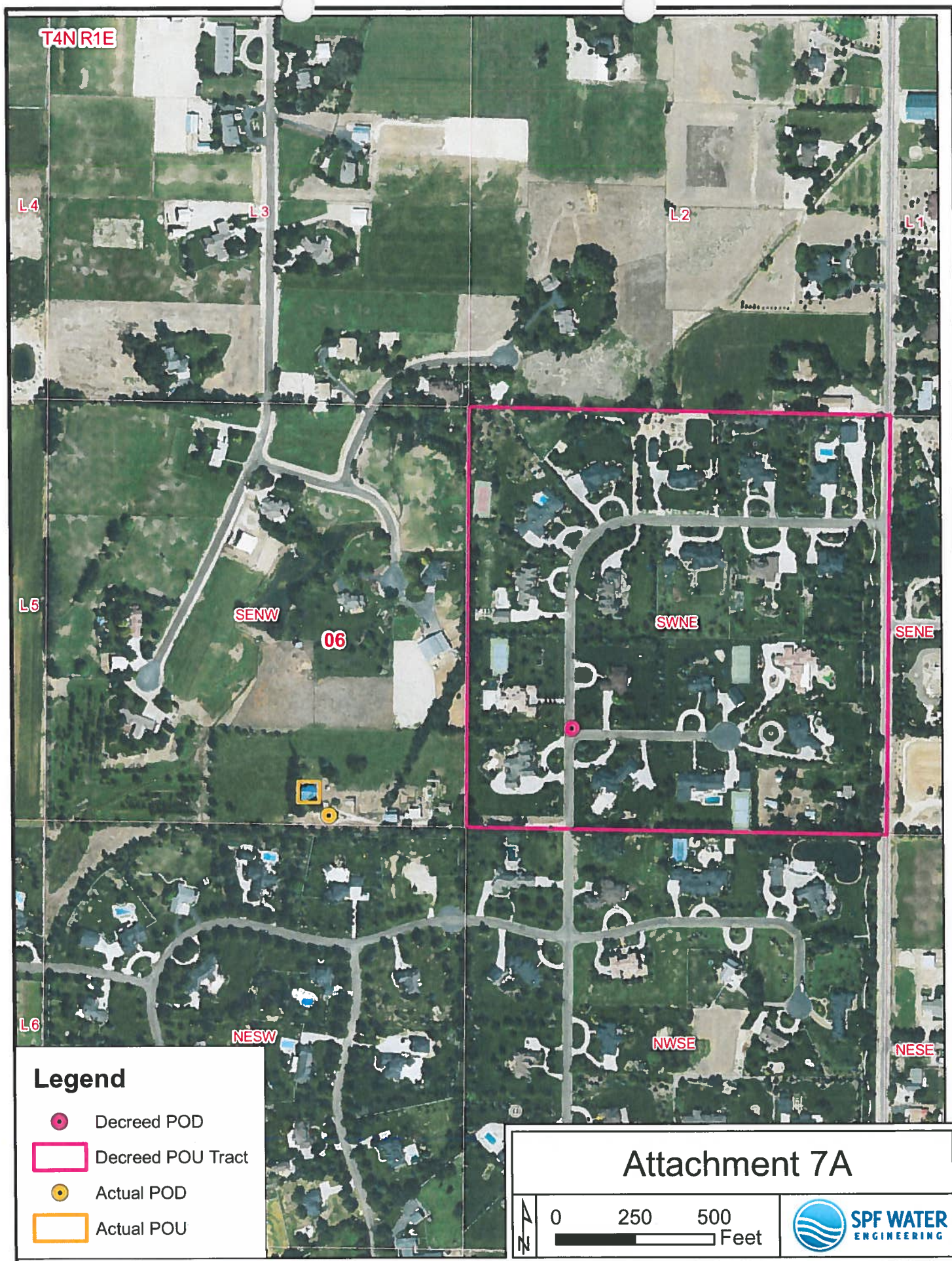
AND

The South 317 feet of the East 824 feet of the Southeast Quarter of the Northwest Quarter of Section 6 in Township 4 North of Range 1 East of the Boise Meridian, in Ada County, Idaho.

ALSO

Commencing at the center of said Section 6, the place of beginning, thence East on the Half Section Line 80 rods, more or less to the Public Road; thence North 25 feet to a point; thence West parallel with the North line of said Section 6, 80 rods more or less to the North and South center line of said Section 6, thence South 25 feet to the place of beginning, the same being part of the SW 1/4 of the NE 1/4 of said Section 6, T. 4 N., R. 1 E., B.M., in Ada County, State of Idaho.

EXCEPT Ditch and Road Rights-of-Way.





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

November 20, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

KAREN S ULTIS HERITAGE TRUST
VERNE S KINDALL HERITAGE TRUST
2045 N EMERALD BAY AVE
EAGLE ID 83616

Re: Transfer No. 79546
Water Right No. 63-16747

Transfer Approval Notice

Dear Water Right Holders:

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

The Transfer of Water Right(s) 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.

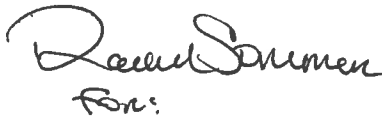
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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,



David Schinner
For:

Steve Lester
Interim Western Region Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 79546
Water Right No. 63-16747**

**KAREN S ULTIS HERITAGE TRUST
2045 N EMERALD BAY AVE
EAGLE ID 83616**

**VERNE S KINDALL HERITAGE TRUST
2045 N EMERALD BAY AVE
EAGLE ID 83616**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**



**Rachel Sommer
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 Nos. 79546 & 79547

FROM: Sharla Curtis

DATE: October 15, 2014

RE: Evaluation of Application

The transfer proposes to correct the legal descriptions of the point of diversion and place of use under two separate rights. The site was identified as the SWNE in both decrees issued; the site is actually the SENW.

Deviations from Transfer Policy Standards

Because these transfers only propose to correct the legal descriptions of points of diversion and places of use, neither transfer will be advertised.

Summary of Information Submitted

Authority to File: Change of ownership documentation was submitted with the transfer applications thus giving them authority to file.

Water Right Validity: Rights presumed to be valid. The decrees were issued in 2000 but domestic use was easily confirmed with aerial photography; small amount of stockwater use assumed still pertinent.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement should occur; all parameters of the right are unchanged except the legal descriptions of the point of diversion and place of use.

Local Public Interest: Domestic use is considered to be in 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

Assuming no other information contradicts the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 N/A since a new well is not proposed.



RECEIVED

AUG 27 2014

WATER RESOURCES
WESTERN REGION

August 26, 2014

Steve Lester
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Applications for Transfer (2)

Dear Steve,

Enclosed on behalf of Karen S. Ultis Heritage Trust and Verne S. Kindall Heritage Trust, are two Transfer Applications seeking clarifications and ownership changes to decreed water rights 63-16747 and 63-16752.

Check No. 4789 for \$1,050 is enclosed for the filing fees; \$500/application and \$25/ownership change. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lori Graves", written in a cursive style.

Lori Graves
Water Rights Specialist

Cc: Karen Ultis, Verne Kindall

Enclosures

SPF file number: 1122.0010