

RECEIVED

APR 22 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79264

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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) KEN STUTZMAN; JILL STUTZMAN**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 I.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part I. 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 I.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer 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).
- ☐ ☒ #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 I.)
- ☐ ☒ #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 <http://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 I.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.)
- ☐ ☒ #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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 22 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant KEN STUTZMAN Phone (208) 731-1356

Mailing Address 4123 HIDDEN LAKES DR, KIMBERLY ID 83341 Email _____

Name of Applicant JILL STUTZMAN Phone (208) 734-7366

Mailing Address 4123 HIDDEN LAKES DR, KIMBERLY ID 83341 Email _____

- ☐ 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.

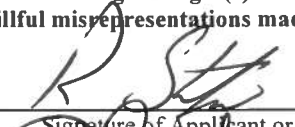
☐ No Representative

Name of Representative _____ Phone _____

Mailing Address _____ Email _____

- ☐ 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

KEN STUTZMAN 4-22-14
Print Name and Title if applicable Date


Signature of Applicant or Authorized Representative

Jill Stutzman 4/22/14
Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	47-8148	Yes	Yes	Yes	No	Yes	No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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**

Application proposes to change the place of use (POU), point of diversion (POD), and season of use for
0.26 CFS of commercial water for year round use at a gravel site. Applicant proposes to use less at
the current commercial site once the transfer is accomplished. Application proposes five years to accomplish
the proposed changes.

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

1. Detailed Water Right Description(s) Attached labeled Part I.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
47-17619	0.260 cfs	0.6 af	N/A	N/A	47-8148	0.310 cfs	0.8 af	N/A	N/A
COMBINED TOTALS									
	0.260 cfs	0.6 af	N/A	N/A		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.26 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

Amended
IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes

Original Water Right No. 47-8148

Current Water Right Owner

JILL STUTZMAN
 4123 HIDDEN LAKE DR
 KIMBERLY, ID 83341

AND

KEN STUTZMAN
 4123 HIDDEN LAKES DR
 KIMBERLY, ID 83341

Priority Date: 11/16/1988

Origin: Water Right

Basis: License

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	4/01	10/31	0.050 CFS	0.2 AFA	
Total Diversion			0.050 CFS	0.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER

NENE

Sec. 22 Twp 10S Rge 17E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	17E	22	X																

K Stutzman
 4-25-14

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes**

Original Water Right No. 47-8148

Current Water Right Owner

JILL STUTZMAN
4123 HIDDEN LAKE DR
KIMBERLY, ID 83341

AND

KEN STUTZMAN
4123 HIDDEN LAKES DR
KIMBERLY, ID 83341

Priority Date: 11/16/1988

Origin: Water Right

Basis: License

Status Active

Source: GROUND WATER

Beneficial Use
COMMERCIAL

From
4/01

To
10/31

Diversion Rate
0.310 CFS
0.310 CFS

Volume
0.8 AFA
0.8 AFA

Subuse Code

Total Diversion

Source and Point(s) of Diversion:
GROUND WATER

NENE

Sec. 22 Twp 10S Rge 17E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	17E	22	X																

Amended
IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes

Proposed Water Right No. 47-17619

(Original Water Right No. 47-8148)

Current Water Right Owner

KEN STUTZMAN
 4123 HIDDEN LAKES DR AND
 KIMBERLY, ID 83341

JILL STUTZMAN
 4123 HIDDEN LAKE DR
 KIMBERLY, ID 83341

Priority Date: 11/16/1988

Origin: Water Right

Basis: License

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	1/01	12/31	0.260 CFS	0.6 AFA	
Total Diversion			0.260 CFS	0.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER

NESW

Sec. 32 Twp 11S Rge 18E TWIN FALLS County

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	32			X	X				X	X			X		X	X		0.0

K Stutzman
 4-25-14

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes**

Proposed Water Right No. 47-17619

(Original Water Right No. 47-8148)

Current Water Right Owner

KEN STUTZMAN
4123 HIDDEN LAKES DR AND
KIMBERLY, ID 83341

JILL STUTZMAN
4123 HIDDEN LAKE DR
KIMBERLY, ID 83341

Priority Date: 11/16/1988

Origin: Water Right

Basis: License

Status Active

Source: GROUND WATER

Beneficial Use
COMMERCIAL

From
1/01

To
12/31

Diversion Rate
0.260 CFS
0.260 CFS

Volume
0.6 AFA
0.6 AFA

Subuse Code

Total Diversion

Source and Point(s) of Diversion:
GROUND WATER

NESW

Sec. 32 Twp 11S Rge 18E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	32			X	X				X	X			X		X			0.0

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

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

Stutz LLC

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

Written Permission

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No, ☒ 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:

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) 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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 47-8148

Current Water Right Owner

JILL STUTZMAN
4123 HIDDEN LAKE DR
KIMBERLY, ID 83341

KEN STUTZMAN
4123 HIDDEN LAKES DR
KIMBERLY, ID 83341

Priority Date: 11/16/1988

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	4/01	10/31	0.310 CFS	0.8 AFA	
Total Diversion			0.310 CFS	0.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER

NENE

Sec. 22 Twp 10S Rge 17E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	17E	22	X																0.0

Conditions/Remarks:

1. Return flow if discharged to a subsurface system must be authorized by a separate injection well permit, and return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
2. Commercial use is for road construction and dust abatement.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

[illegible]

Twp	Rng	Sec	NE				NW				SW				SE				Totals
10S	17E	22	X																

Transfer No. 79264

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**. 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation.
Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

[illegible]

Transfer Contains 9 pages and attachments.
Received By JC Date 4/22/2014 Prelim. Check By Date
Fee Paid \$500.00 Date 4/22/2014 Received By J. Cooper Receipt # 5433968
Add'l Fee Paid Date Received By Receipt #

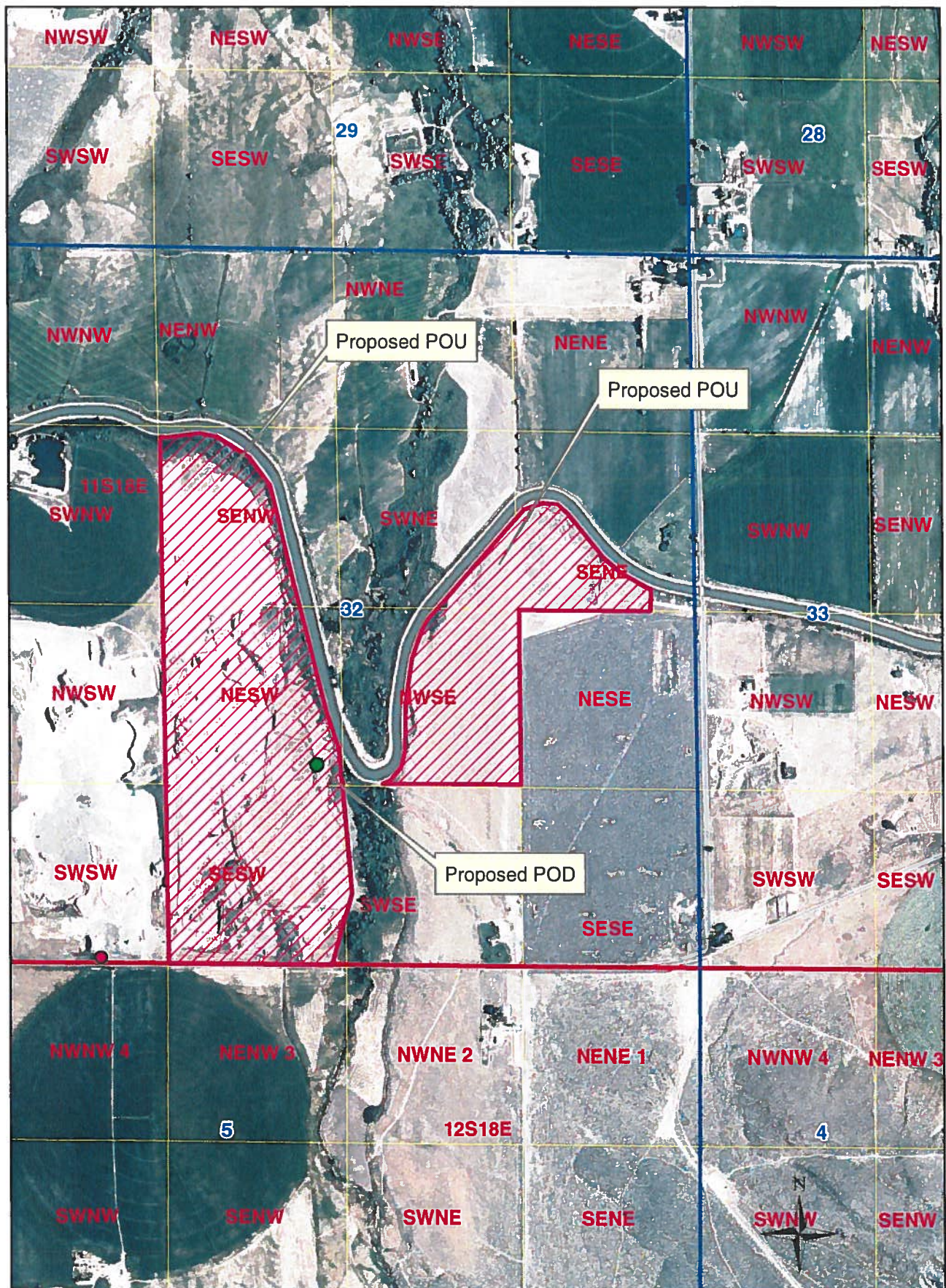
April 22, 2014

Stutzman LLC authorizes Jill & Ken Stutzman to move a portion of right 47-8148 on property owned by the LLC and pursue transfer 79264.

Ken Stutzman, Member _____

Jill Stutzman, Member _____

Date: 4/22/14 _____



MAKE CHECK PAYABLE TO:
TWIN FALLS COUNTY TREASURER
DEBBIE KAUFFMAN, BOX 88
TWIN FALLS, ID 83303-0088
(208) 736-4008

2013 TAX BILL/RECEIPT

BILL# 374
CODE AREA 51-0000

PARCEL NUMBER
RP11818E324350A
LAND 49,088

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MKT		TOT ACRES	
TAX	300.78	TAX	300.78	TAX	601.56				
LATE		LATE		LATE					
INT		INT		INT					
COST		COST		COST					
TOT		TOT		TOT					

STUTZ LLC
4123 HIDDEN LAKES DR
KIMBERLY ID 83341

SEC 32 T 11 R 18
TAX #1795

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

TAXING DISTRICT	RATE	
COUNTY	.004621883	226.88
CNTY JUDGMENT	.000000247	
COLLEGE SO.ID	.000968422	47.54
CSI JUDGMENT	.000000083	
SCHL 414 KIMBRL		
414 M&O		
414 BOND	.002884164	141.58
414 SUPPLMNTL	.000911225	44.72
414 OTHER	.000298320	14.64
TWIN FALLS-HGWY	.001207884	59.28
TF HWY JUDGMT	.000000079	
ROCK CREEK FIRE	.001234974	60.62
CNTY AMBULANCE	.000211405	.14
CNTY ABATEMENT	.000125563	6.16
AMOUNT DUE	.012464249	601.56

TRANSFER 79264

MAKE CHECK PAYABLE TO:
TWIN FALLS COUNTY TREASURER
DEBBIE KAUFFMAN, BOX 88
TWIN FALLS, ID 83303-0088
(208) 736-4008

2013 TAX BILL/RECEIPT

BILL# 37
CODE AREA 51-0000

PARCEL NUMBER
RP11818E324350A
LAND 49,088

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MKT	
TAX	300.78	TAX	300.78	TAX	601.56		49,088
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST		WASTE ACRES	4.630
TOT		TOT		TOT		TOT ACRES	95.502

STUTZ LLC
4123 HIDDEN LAKES DR
KIMBERLY ID 83341

SEC 32 T 11 R 18
TAX #1795

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK

*** MONTHLY PAYMENTS ARE ACCEPTED ***

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

Property taxes may be paid online at:
twinfallscounty.org
Please note applicable fees prior to paying.

TAXING DISTRICT	RATE	
COUNTY	.004621883	226.88
CNTY JUDGMENT	.000000247	
COLLEGE SO.ID	.000968422	47.54
CSI JUDGMENT	.000000083	
SCHL 414 KIMBRL		
414 M&O		
414 BOND	.002884164	141.58
414 SUPPLMNTL	.000911225	44.72
414 OTHER	.000298320	14.64
TWIN FALLS-HGWY	.001207884	59.28
TF HWY JUDGMT	.000000079	
ROCK CREEK FIRE	.001234974	60.62
CNTY AMBULANCE	.000211405	.14
CNTY ABATEMENT	.000125563	6.16
AMOUNT DUE	.012464249	601.56

TRANSFER 79264

**OPERATING AGREEMENT
OF
STUTZ, LLC
A LIMITED LIABILITY COMPANY**

This Operating Agreement effective the 20th day of December, 2012, is by and between KEN L. STUTZMAN and JILL STUTZMAN, managing members and KEN L. STUTZMAN, JILL STUTZMAN, CASEY STUTZMAN and DESIREE JARSKI, as Members of STUTZ, LLC, an Idaho limited liability company organized pursuant to the Idaho Uniformed Limited Liability Company Act, and hereinafter referred to individually as "Member" and collectively as "Members."

BACKGROUND

1. The members of have formed a limited liability company described herein pursuant to Idaho Code Section 30-6-101 *et. seq.* for the principal purpose of real estate investment.

2. This agreement sets forth the agreement among the parties as to the internal affairs of the limited liability company ("LLC") and the conduct of its business.

TERMS AND CONDITIONS

The parties, intending to be legally bound, agree as follows:

**ARTICLE 1
PRELIMINARY MATTERS**

1.1 Effective date of Agreement; enforceability. The effective date of this Agreement as amended (the "Effective Date") shall be December 20, 2012.

1.2 Filing. In connection with the execution of this Operating Agreement, the Members have caused Articles of Organization that comply with the requirements of the Act to be properly filed with the Idaho Division of Corporations and Commercial Code, and shall execute such further documents (including amendments to the Articles of Organization) and take such further action as is appropriate to comply with the requirements of law for the formation or operation of a limited liability Company in all states and counties where the Company may conduct its business.

1.3 Name. The name of the Company shall be STUTZ, LLC.

1.4 Registered Office, Registered Agent. The location of the registered office of the Company shall be 4123 Hidden Lakes, Kimberly, ID 83341, and thereafter at such

other location as the Members may designate. The Company's registered agent at such address shall be KEN L. STUTZMAN.

1.5 Management of Business. The Managing Member shall be entitled to manage the business. KEN L. STUTZMAN and JILL STUTZMAN shall be designated as the initial Managing Member. Only a Class A member maybe designated as a managing member.

1.6 Character of Business. The business of the Company shall be:

(a) Real estate investment.

(b) To transact other business. To transact any and all other businesses for which limited liability companies may be formed under Idaho law;

(c) To act on own account or for others. To accomplish any of the foregoing purposes for its own account or as nominee, agent, or trustee for others.

1.7 Principal Place of Business. The location of the principal place of business of the Company shall be 4123 Hidden Lakes, Kimberly, ID 83341, or at such other place as the Members from time to time may select.

1.8 The Members. The name and business address of each Member are as follows:

<u>Name</u>	<u>Address</u>
KEN L. STUTZMAN	4123 Hidden Lakes, Kimberly, ID 83341
JILL STUTZMAN	4123 Hidden Lakes, Kimberly, ID 83341

1.9 Member of LLC. On the effective date this agreement, the members shall be as described herein as parties. Additional members shall be admitted to the LLC in accordance with Article 5.

ARTICLE 2

MEMBER CONTRIBUTIONS

The following members have contributed sufficient capital to receive the following membership percentages:

KEN STUTZMAN	50%
JILL STUTZMAN	50%

4/22/14

PM 00 - PARCEL MASTER INQUIRY

11:32:55

PARCEL: RP 11S18E322100 A

F9=MS

F17=DD

LEGAL DESCRIPTION

STUTZ, LLC

SEC 32 T 11 R 18
TAX #1796

4123 HIDDEN LAKES DR

ProVal Area Number 1

CODE AREA 51-0000 OWNER CD

PARC TYPE LOC CODE

EFFDATE 10I2007 EXPDATE

PREV PARCEL RP11S18E322100T

KIMBERLY ID 83341

CAT/ST#	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
5 1	2012	37345	AC	933				
19 1	2012	4150	AC					

TOTALS

41495

933

ENTER NEXT PARCEL NUMBER RP

A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

TRANSFER 79264



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 9, 2014

KEN STUTZMAN
JILL STUTZMAN
4123 HIDDEN LAKES DR
KIMBERLY, ID 83341

RE: Transfer No. 79264
Water Right No(s). 47-8148

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 **TIMES NEWS on 5/15/2014 and 5/22/2014**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**June 2, 2014**).

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,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 08, 2014 2:55 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on May 15th & 22nd, 2014. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Idaho Dept of Water Resources
Administrative Assistant, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 8, 2014

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 79264
Water Right No(s): 47-8148

RE: Transfer No. 79293
Water Right No(s): 45-13773, 45-14453, 45-14454, 45-2468, 45-7336, 45-7449, 45-7471

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 June 2, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79264**

KEN STUTZMAN and JILL STUTZMAN, 4123 HIDDEN LAKES DR, KIMBERLY, ID 83341; has filed Application No. 79264 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-8148;. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU), point of diversion (POD), and season of use for a 0.26 CFS (0.6 AF) portion of a groundwater commercial right, currently authorized for 0.31 CFS (0.8 AF) at an existing facility located approximately 0.1 mi W & 0.1 mi S of the intersection of Kimberly Rd & Eastland Drive in Twin Falls. Application proposes to use this 0.26 CFS portion of the commercial right for year round use at a gravel facility located approximately 7.2 – 8.0 mi S & 0 – 0.7 mi W of Kimberly from a new well to be located within the gravel facility. Applicant will cease to divert 0.26 CFS & 0.6 AF at the current POU in lieu of use at the proposed POU.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79293**

WICKEL LAND COMPANY, LLP, 1084 E 300 N, DECLO, ID 83323; has filed Application No. 79293 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13773, 45-14453, 45-14454, 45-2468, 45-7336, 45-7449, 45-7471. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the permissible place of use and a point of diversion for seven groundwater rights allowing for irrigation of 646 acres (7.7 cfs). The irrigated acres are located approximately 3 miles east and 1 mile north of Declo. The point of diversion will move approximately 0.25 miles to the northwest of an existing point of diversion listed on the water rights.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. 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, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before June 2, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 15th & 22nd, 2014

MEMORANDUM

Date: April 23, 2014
To: Transfer 79264 File
From: Jeff Cooper
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the place of use (POU), point of diversion (POD), and season of use for a 0.26 CFS (0.6 AF) portion of a groundwater commercial right, currently authorized for 0.31 CFS (0.8 AF) at an existing facility located approximately 0.1 mi W & 0.1 mi S of the intersection of Kimberly Rd & Eastland Drive in Twin Falls. Application proposes to use this 0.26 CFS portion of the commercial right for year round use at a gravel facility located approximately 7.2 – 8.0 mi S & 0 – 0.7 mi W of Kimberly from a new well to be located within the gravel facility. Applicant will cease to divert 0.26 CFS & 0.6 AF at the current POU in lieu of use at the proposed POU.

- **Authority to File:**
The applicants, Ken & Jill Stutzman, are listed as the current owners of water right 47-8148. The proposed POU occurs on ground owned by Stutz, LLC, for which the applicant provided tax notices to verify ownership. Stutz, LLC provided a statement allowing the application to move forward. The document was signed by both Ken, who is listed as members of the LLC with the secretary of state.
- **Water Right Validity:**
Right 47-8148 was licensed in August, 1997. Operations appear to be continuous at the current POU.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impact anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Licensed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.