

AMENDEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED

DEC 01 2009

WATER RESOURCES
WESTERN REGIONName of Applicant Ark Properties, LLCPhone 208-366-7931Post Office address 11204 N. Bar 21 Dr., Glenns Ferry, ID 83623Representative Lori Graves, SPF Water Engineering LLC, 300 E. Mallard, Ste. 350, Boise, ID 83706, 208-383-4140**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 _____2. Describe the reason for the proposed changes An integrated irrigation system is proposed.**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>61-328</u>	<u>5/01/1877</u>	<u>1.40 cfs</u>	<u>Irrigation</u>	<u>2/15</u> to <u>11/15</u>
<u>61-10578</u>	<u>5/01/1883</u>	<u>2.27 cfs</u>	<u>Irrigation</u>	<u>2/15</u> to <u>11/15</u>
<u>61-11807</u>	<u>4/30/1952</u>	<u>0.34 cfs</u>	<u>Irrigation</u>	<u>2/15</u> to <u>11/15</u>
				to _____

2. Total amount of water being transferred 4.01 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Cold Springs Creek tributary to Snake River
Henley Springs and Unnamed Stream tributary to Cold Springs Creek4. Point(s) of Diversion: 6 11/27/09

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SE	32	4S	9E	Elmore	Cold Springs Cr.
		NW	SE	32	4S	9E	Elmore	Cold Springs Cr.
		NW	SE	5	5S	9E	Elmore	Henley Springs
		NW	SE	5	5S	9E	Elmore	Unnamed Stream

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	9E	4						10 L4											10
		5	40 L1	40 L2	40	40	23 L3		40	38	40	20			10	37			368
4S	9E	32												20			40	40	100
		33											22						22

Limited to irrigation of 200.5 acres within a 500 acre permissible place of use described above)

Total Acres 500 acre ppu

PART 1

6. General Information:

- a. Description of diversion system Headgates, gravity and pressurized irrigation
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED (See Attachment A for copies of Partial Decrees 61-328, 61-10578 and 61-11807. Answers to Part 2.A.2., 9. and 10. apply to all three rights.)

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other Applicant is owner of record

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above None. Two applications for additional water and irrigation from Cold Springs Creek and a new application for supplemental ground water have been submitted to IDWR for processing.

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

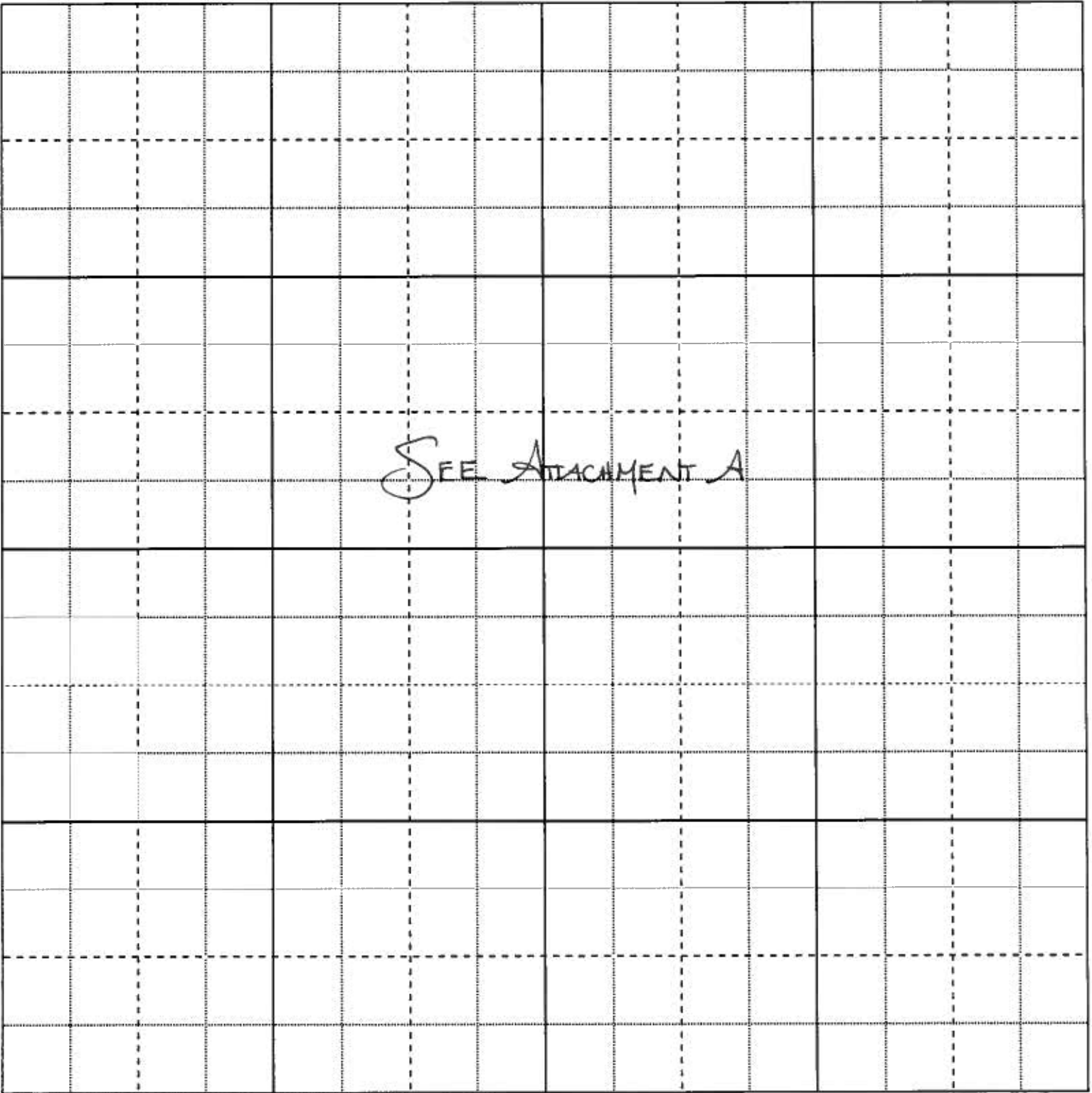
Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

(See Attached Map)

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



SEE ATTACHMENT A

Scale: 2 inches equal 1 mile. Draw plan in ink.

PART 3

Transfer No. 75265

B. CHANGES IN NATURE OF USE

1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				to
				to

Quantity and quality of return flows and location of discharge: _____

2. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 12th day of November, 20 08.

[Signature]
(Notary Public)

My commission expires 6/8/2010

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by DB Date 11-28-08 Protest filed by _____

Prelim. Check by AR Fee \$410 - _____

Receipted by DB / W037069 Date 11-28-08 _____

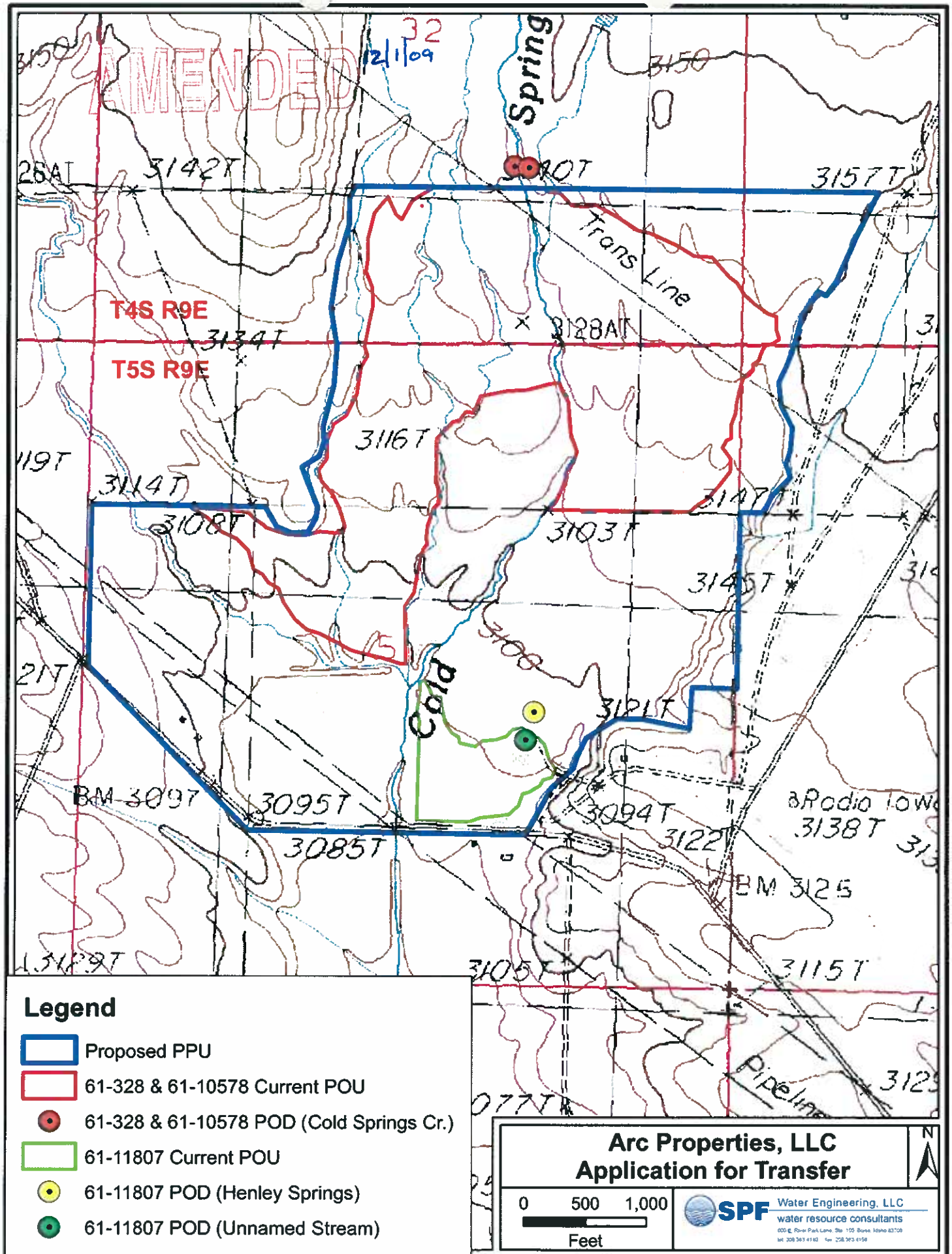
Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____



ATTACHMENT A

ATTACHMENT ~~A~~ B (Le PEs)
WATER RIGHT RECORDS

75265

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/23/2008

WATER RIGHT NO. 61-328

Owner Type	Name and Address
Current Owner	ARK PROPERTIES LLC C/O JOHN MC CALLUM 11204 N BAR 21 DR GLENN'S FERRY, ID 83623-5033 (208)336-7931
Original Owner	ADIN M HALL , ID
Original Owner	STEPHENS & SONS JAKE STEPHENS 22710 S LANSING MIDDLETON, ID 83644 (208)366-2364

Priority Date: 05/01/1877

Basis: Decreed

Status: Active

Source	Tributary
COLD SPRINGS CREEK	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	02/15	11/15	1.4 CFS	
Total Diversion			1.4 CFS	

Location of Point(s) of Diversion:

COLD SPRINGS CREEK | NWSE | Sec. 32 | Township 04S | Range 09E | ELMORE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04S	09E	32		SESW	11									
				SWSE	39		SESE	27						
		33		SWSW	2									
05S		4	4	NWNW	0.5									
		5	1	NENE	37	2	NWNE	18		SWNE	1			
			3	NENW	19		SWNW	2		SENE	27			

Total Acres: 183.5

Conditions of Approval:

- C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- 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.
- E55 USE OF THIS RIGHT WITH RIGHT NO. 61-10578 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 183.5 ACRES IN A SINGLE IRRIGATION SEASON.
- F02 2 POINTS OF DIVERSION LOCATED IN T04S, R09E, S32, NWSE.

Dates.

Licensed Date:

Decreed Date: 08/29/2002

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: 61E

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 183.5

Combined Volume Limit:

Combined Rate Limit:

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

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/23/2008

WATER RIGHT NO. 61-10578

Owner Type	Name and Address
Current Owner	ARK PROPERTIES LLC C/O JOHN MC CALLUM 11204 N BAR 21 DR GLENNS FERRY, ID 83623-5033 (208)336-7931
Original Owner	ADIN M HALL , ID
Original Owner	STEPHENS & SONS JAKE STEPHENS 22710 S LANSING MIDDLETON, ID 83644 (208)366-2364

Priority Date: 05/01/1883

Basis: Decreed

Status: Active

Source	Tributary
COLD SPRINGS CREEK	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	02/15	11/15	2.27 CFS	
Total Diversion			2.27 CFS	

Location of Point(s) of Diversion:

COLD SPRINGS CREEK|NWSE|Sec. 32|Township 04S|Range 09E|ELMORE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04S	09E	32		SESW	11									
				SWSE	39		SESE	27						
		33		SWSW	2									
05S		4	4	NWNW	0.5									
		5	1	NENE	37	2	NWNE	18		SWNE	1			
			3	NENW	19		SWNW	2		SENW	27			

Total Acres: 183.5

Conditions of Approval:

- 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.
- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- 2 POINTS OF DIVERSION LOCATED IN T04S, R09E, S32, NWSE.
- USE OF THIS RIGHT WITH RIGHT NO. 61-328 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 183.5 ACRES IN A SINGLE IRRIGATION SEASON.

75265

Dates:

Licensed Date:

Decreed Date: 08/29/2002

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:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 183.5

Combined Volume Limit:

Combined Rate Limit:

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

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/23/2008

WATER RIGHT NO. 61-11807

Owner Type	Name and Address
Current Owner	ARK PROPERTIES LLC C/O JOHN MC CALLUM 11204 N BAR 21 DR GLENNS FERRY, ID 83623-5033 (208)336-7931
Original Owner	ADIN M HALL , ID
Original Owner	STEPHENS & SONS JAKE STEPHENS 22710 S LANSING MIDDLETON, ID 83644 (208)366-2364

Priority Date: 04/30/1952

Basis: Decreed

Status: Active

Source	Tributary
HENLEY SPRINGS	COLD SPRINGS CREEK
UNNAMED STREAM	COLD SPRINGS CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	02/15	11/15	0.34 CFS	
Total Diversion			0.34 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM	NENWSE	Sec. 05	Township 05S	Range 09E	ELMORE County
HENLEY SPRINGS	NENWSE	Sec. 05	Township 05S	Range 09E	ELMORE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05S	09E	5		NWSE	17									

Total Acres: 17

Conditions of Approval:

- 2 POINTS OF DIVERSION LOCATED IN T05S, R09E, S05, NENWSE.
THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING
- C15 SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Dates:

Licensed Date:

Decreed Date: 09/11/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

75265

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:
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

Close