

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**RECEIVED**  
**MAR 29 2023**  
**WATER RESOURCES**  
**WESTERN REGION**

## Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

| Water Right/Claim No. | Split?                       | Leased to Water Supply Bank?            | Water Right/Claim No. | Split?                       | Leased to Water Supply Bank? |
|-----------------------|------------------------------|-----------------------------------------|-----------------------|------------------------------|------------------------------|
| 2-4013                | Yes <input type="checkbox"/> | Yes <input type="checkbox"/>            | 2-10648               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 2-7436                | Yes <input type="checkbox"/> | Yes <input type="checkbox"/>            | <del>61-7569A</del>   | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 2-10645               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/>            |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 61-7569B              | Yes <input type="checkbox"/> | Yes <input checked="" type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 2-10516               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/>            |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: 124 Degrees, LLC  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Old Teal Outing LLC  
New owner(s) as listed on the conveyance document      Name connector ☐ and ☐ or ☐ and/or
- 6770 Arabella Way      Sacramento      CA      95831  
Mailing address      City      State      ZIP
- Telephone \_\_\_\_\_ Email \_\_\_\_\_
4. If the water rights and/or adjudication claims were split, how did the division occur?  
☐ 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.
5. Date you acquired the water rights and/or claims listed above: \_\_\_\_\_
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:  
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.  
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions). **SCANNED**  
☒ Filing fee (see instructions for further explanation):  
     o \$25 per *undivided* water right.  
     o \$100 per *split* water right.  
     o No fee is required for pending adjudication claims.  
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.  
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.
8. Signature: *Diane Deary Omand*      member      3/22/23  
                     Signature of new owner/claimant      Title, if applicable      Date  
 Signature: *Roy Deary Omand*      member      3/22/23  
                     Signature of new owner/claimant      Title, if applicable      Date

**For IDWR Office Use Only:**

Received by DM      Date 3-29-23      Receipt No. WOS1104      Receipt Amt. \$175.00  
 Active in the Water Supply Bank? Yes ☒ No ☐      If yes, forward to the State Office for processing      W-9 received? Yes ☐ No ☐  
 Name on W-9 \_\_\_\_\_      Approved by DM      Processed by DM      Date 4-4-23

Instrument # 504456 # Pages: 3  
ELMORE COUNTY, Idaho  
Mar 24, 2023 4:10:56 pm Fee: \$ 15.00  
For: GUARANTY TITLE INC  
SHELLEY ESSL, Recorder  
JKENNEDY, Deputy

**WARRANTY DEED**  
23049

For Value Received,

**124 DEGREES, LLC, A NEVADA LIMITED LIABILITY COMPANY**

the Grantor does hereby grant, bargain, sell, convey and warrant unto

**OLD TEAL OUTING LLC, A DELAWARE LIMITED LIABILITY COMPANY**

the Grantee whose current address is:  
6770 Arabella Way, Sacramento, CA 95831

the following described real property in Elmore County, State of Idaho more particularly described as follows, to-wit:

See Exhibit "A" attached hereto and made a part hereof.  
**TOGETHER WITH WATER RIGHT NUMBERS 2-4013, 2-7436, 2-10645, 61-7569B, 61-7569A, 2-10516 and 2-10648**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that he will warrant and defend the same from all lawful claims whatsoever, except those of record.

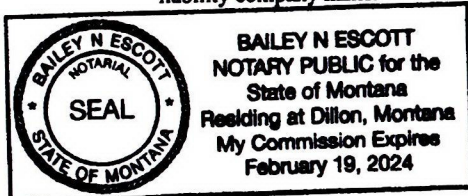
Date: March 15, 2023

124 Degrees, LLC

By Brian Arrington, Manager

STATE OF Montana )  
COUNTY OF Beaverhead )

On this 20th day of March in the year 2023, before me a Notary Public, personally appeared Brian Arrington, known or identified to me to be the manager in the limited liability company of 124 Degrees, LLC and the manager who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he/she/they executed the same in said limited liability company name.



Signature: *Bailey N. Escott*  
Residing at: *Dillon, MT*  
Comm. Exp: *02/19/2024*

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APR 04 2023



**EXHIBIT "A"**

**Township 5 South, Range 9 East, Boise Meridian, Elmore County, Idaho**

**Section 31: Parts of Lot 3 and the Northeast Quarter of the Southwest Quarter described as follows:**

Beginning at a point on the South line of said Section 31 from which the Southwest corner of said Section 31 bears North 89°34'33" West, 1876.87 feet; thence North 0°13'13" East, 830.16 feet; thence South 89°41'12" East, 638.31 feet to a point on the East line of said Lot 3; thence North 0°01'33" West along said East line 1201.46 feet to the Southerly right of way line of the Union Pacific Railroad; thence North 76°50'30" West along said railroad right of way 925.14 feet; thence South 79°46'06" West 179.00 feet; thence South 55°55'52" West 178.43 feet; thence South 63°40'48" West 104.79 feet to the West line of said Northeast Quarter of the Southwest Quarter; thence South 0°01'16" East along said West line and along the West line of said Lot 3, 2007.33 feet to the approximate center of Cold Springs Creek; thence generally along the center of said creek the following courses and distances:

North 79°18' East, 94.6 feet;  
North 72°32' East 81.00 feet  
North 63°04' West, 123.00 feet;  
North 5°21' West, 44.0 feet;  
North 27°51' East, 137.00 feet;  
South 54°40' East 265.00 feet;  
South 1°19' West, 103.00 feet;  
South 39°56' East, 64.3 feet;  
North 83°47' East, 41.0 feet;  
South 78°00' East, 64.3 feet, to the South line of said Lot 3; thence South 89°34'33" East, along said South line 198.04 feet to the POINT OF BEGINNING

**AND**

**Township 5 South, Range 9 East, Boise Meridian, Elmore County, Idaho**

**Section 31:**

Beginning at a point on the South Line of said Section 31 from which the SW corner of said Section 31 bears N 89°34'33" W 1876.87 feet;  
thence S 89°34'33" E along said South line 93.05 feet to the high water line along the Right bank of the Snake River;

thence upstream, along said high water line the following distances;

N 62°05' E 257.4 feet;  
N 55°02' E 96.4 feet;  
N 44°03' E 131.4 feet;  
N 40°51' E 79.0 feet;  
N 26°47' E 50.1 feet;  
N 13°07' E 177.0 feet;  
N 2° 17' W 94.00 feet;  
N 11° 23' E 190.1 feet;

Thence leaving the said River, N 89°41'12" W 638.31 feet;  
thence S 0°03'13" W 830.16 feet, to the Point of Beginning.

Excepting therefrom an easement 30 feet wide for ingress and egress through the above described property.

**AND**

**Township 5 South, Range 9 East, Boise Meridian, Elmore County, Idaho**

**Section 31:**

A parcel of ground beginning at a point on the eastern boundary of the SW1/4 at the high water mark of the Snake River and extending 100 feet North along the Eastern boundary of said property;

thence West 100 feet to a point;

thence South on a line parallel to the Eastern boundary of said property to the high water

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APR 04 2023

mark on the Snake River;  
thence northeasterly along the high water mark on the Snake River to the point of beginning.

AND

Township 6 South Range 9 East, Boise Meridian, Elmore County, Idaho

Section 6:

Beginning at a point on the North line of said Section Six, from which point the Northwest corner of said Section Six bears North 89°34'33" West 1856.87 feet;  
running thence South 89°34'33" East along the North line of said Section Six a distance of 113.05 feet to the high water line of Snake River; running thence South 66°44'00 West along said high water line of Snake River 233 feet to the centerline of Cold Springs Creek; running thence North 40°08'00 West along the centerline of Cold Springs Creek 123.22 feet to the North line of said Section Six;  
running thence South 89°34'33" East along the North boundary line of said Section Six 180.43 feet, more or less, to the point of beginning.

AND

Township 5 South, Range 9 East, Boise Meridian, Elmore County, Idaho

Section 31: U.S. Government Lot 8

Township 6 South, Range 9 East, Boise Meridian, Elmore County, Idaho

Section 5: U.S. Government Lot 5

Township 6 South, Range 9 East, Boise Meridian, Elmore County, Idaho

Section 6: U.S. Government Lots 1, 2, 3 and 5

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IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

4/4/2023

Water Right 2-4013

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                           |
|-------------------|-------------------------------------------------------------------------------------------------------------------|
| Current Owner     | OLD TEAL OUTING LLC<br>6770 ARABELLA WAY<br>SACRAMENTO, CA 95831-2325                                             |
| Original Owner    | SIFCO FARMS<br>504 N PHILLIPPI<br>BOISE, ID 83706                                                                 |
| Original Owner    | H W & K LLC<br>PO BOX 7943<br>BOISE, ID 83707<br>(208) 323-7767                                                   |
| Original Owner    | FARRELL H BRADBURY<br>PO BOX 112<br>HAMMETT, ID 83627                                                             |
| Previous Owner    | 124 DEGREES LLC<br>104 TURTLE RD<br>TWIN BRIDGES, MT 59754-9754<br>(619) 993-4641                                 |
| Representative    | HDR ENGINEERING INC<br>C/O LORI GRAVES 412 E<br>PARKCENTER BLVD STE 100<br>BOISE, ID 83706-6659<br>(208) 387-7000 |

**Priority Date:** 3/15/1954

**Basis:** Decreed

**Status:** Active

**Source**  
SNAKE RIVER

**Tributary**  
COLUMBIA RIVER

| <u>Beneficial Use</u> | <u>From</u>                   | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------------------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15                         | 11/15     | 0.680 CFS             |               |
|                       | <b><u>Total Diversion</u></b> |           | 0.680 CFS             |               |

**Source and Point(s) of Diversion:**

SCANNED

APR 04 2023

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

4/4/2023

SNAKE RIVER

L8(SESE)

Sec. 31, Twp 05S, Rge 09E, ELMORE County

**Place Of Use:**

IRRIGATION within ELMORE County

| Twp | Rng | Sec | NE        |            |    |    | NW |    |    |    | SW |    |    |    | SE |    |           |           | Totals |
|-----|-----|-----|-----------|------------|----|----|----|----|----|----|----|----|----|----|----|----|-----------|-----------|--------|
|     |     |     | NE        | NW         | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW        | SE        |        |
| 05S | 09E | 31  |           |            |    |    |    |    |    |    |    |    |    |    |    |    | 5.0<br>L8 | 5.0<br>L8 | 10.0   |
| 06S | 09E | 6   | 8.0<br>L1 | 16.0<br>L2 |    |    |    |    |    |    |    |    |    |    |    |    |           |           | 24.0   |

POU Total Acres: 34.0

**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. F05 Right No. 2-7436 is also diverted through point of diversion described above.

**Dates and Other Information:**

Decreed Date: 6/15/2009

State or Federal: S

Owner Name Connector: And

Water District Number: 02

Mitigation Plan: False

**Combined Use Limits:**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

SCANNED

APR 04 2023



**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

4/4/2023

**Water Right 2-7436**

**Owner Type**      **Name and Address**  
Current Owner      OLD TEAL OUTING LLC  
6770 ARABELLA WAY  
SACRAMENTO, CA 95831-2325

Original Owner      SIFCO FARMS  
504 N PHILLIPPI  
BOISE, ID 83706

Previous Owner      124 DEGREES LLC  
104 TURTLE RD  
TWIN BRIDGES, MT 59754-9754  
(619) 993-4641

**Priority Date:** 10/27/1989

**Basis:** License

**Status:** Active

**Source**  
SNAKE RIVER

**Tributary**  
COLUMBIA RIVER

| <b><u>Beneficial Use</u></b>  | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|-------------------------------|--------------------|------------------|------------------------------|----------------------|
| WILDLIFE                      | 1/01               | 12/31            | 2.200 CFS                    | 1,592.7 AF           |
| WILDLIFE STORAGE              | 1/01               | 12/31            |                              | 5.2 AF               |
| RECREATION                    | 1/01               | 12/31            | 2.200 CFS                    | 1,592.7 AF           |
| RECREATION STORAGE            | 1/01               | 12/31            |                              | 5.2 AF               |
| DIVERSION TO STORAGE          | 1/01               | 12/31            | 2.200 CFS                    |                      |
| <b><u>Total Diversion</u></b> |                    |                  | 2.200 CFS                    | 1,597.9 AF           |

**Source and Point(s) of Diversion:**

SNAKE RIVER      L8(SESE)      Sec. 31, Twp 05S, Rge 09E, ELMORE County

**Place Of Use:**

WILDLIFE within ELMORE 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 |        |
| 06S | 09E | 6   | X<br>L1 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

RECREATION Same as WILDLIFE

**SCANNED**

**APR 04 2023**

2-7436

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

4/4/2023

**Conditions of Approval:**

1. 031 Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.

**Dates and Other Information:**

Licensed Date: 8/25/1995  
Water District Number: 02  
Swan Falls Trust or Nontrust: T  
Mitigation Plan: False

**Combined Use Limits:**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

SCANNED

APR 04 2023

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

4/4/2023

Water Right 2-10645

**Owner Type**      **Name and Address**  
Current Owner      OLD TEAL OUTING LLC  
6770 ARABELLA WAY  
SACRAMENTO, CA 95831-2325

Original Owner      SIFCO FARMS  
504 N PHILLIPPI  
BOISE, ID 83706

Original Owner      H W & K LLC  
PO BOX 7943  
BOISE, ID 83707  
(208) 323-7767

Original Owner      FARRELL H BRADBURY  
PO BOX 112  
HAMMETT, ID 83627

Previous Owner      124 DEGREES LLC  
104 TURTLE RD  
TWIN BRIDGES, MT 59754-9754  
(619) 993-4641

Representative      HDR ENGINEERING INC  
C/O LORI GRAVES 412 E  
PARKCENTER BLVD STE 100  
BOISE, ID 83706-6659  
(208) 387-7000

**Priority Date:** 3/15/1954

**Basis:** Decreed

**Status:** Active

**Source**  
SNAKE RIVER

**Tributary**  
COLUMBIA RIVER

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 03/15                         | 11/15            | 0.940 CFS                    |                      |
|                              | <b><u>Total Diversion</u></b> |                  | 0.940 CFS                    |                      |

**Source and Point(s) of Diversion:**

SCANNED

APR 04 2023



**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

**4/4/2023**

Snake River

NENW

Sec. 6, Twp 06S, Rge 09E, Elmore County

**Place Of Use:**

IRRIGATION within Elmore County

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW   |    |    |            | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|------|----|----|------------|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW | SW | SE         | NE | NW | SW | SE |        |
| 05S | 09E | 31  |    |    |    |    |    |    |    |    | 22.0 |    |    | 25.0<br>L3 |    |    |    |    | 47.0   |

POU Total Acres: 47.0

**Conditions of Approval:**

1. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T19 Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**Dates and Other Information:**

Decreed Date: 6/15/2009

State or Federal: S

Owner Name Connector: And

Water District Number: 02

Mitigation Plan: False

**Combined Use Limits:**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

**SCANNED**

**APR 04 2023**

**IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report**

4/4/2023

**Water Right 61-7569B**

**Owner Type**      **Name and Address**  
Current Owner      OLD TEAL OUTING LLC  
6770 ARABELLA WAY  
SACRAMENTO, CA 95831-2325

Original Owner      SIFCO FARMS  
HC BOX 15  
HAMMETT, ID 83627

Original Owner      DON J BRYANT  
PO BOX 215  
GLENNS FERRY, ID 83623  
(208) 366-7433

Previous Owner      124 DEGREES LLC  
104 TURTLE RD  
TWIN BRIDGES, MT 59754-9754  
(619) 993-4641

**Priority Date:** 4/15/1985

**Basis:** License

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

|                              |                               |                  |                              |                      |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
| IRRIGATION                   | 4/01                          | 10/31            | 1.000 CFS                    |                      |
|                              | <b><u>Total Diversion</u></b> |                  | 1.000 CFS                    |                      |

**Source and Point(s) of Diversion:**

|              |          |                                          |
|--------------|----------|------------------------------------------|
| GROUND WATER | L5(NWSW) | Sec. 31, Twp 05S, Rge 09E, ELMORE County |
| GROUND WATER | L3(SESW) | Sec. 31, Twp 05S, Rge 09E, ELMORE County |

**Place Of Use:**

IRRIGATION within ELMORE 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 |        |
| 05S | 09E | 31  |    |    |    |    |    |    |    |    | 23.0 |    |    | 27.0<br>L3 |    |    |    |    | 50.0   |

POU Total Acres: 50.0

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

4/4/2023

**Conditions of Approval:**

1. R60 This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual diversion volume of 360.0 af at the field headgate for the lands above. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency. Some or all of the water use authorized by this right is claimed with an earlier priority date on Snake River Basin Adjudication claim no. A61-10535. In the event that claim A61-10535 is decreed as is claimed, the Director may amend or revoke this right to eliminate any redundancy of water rights.
4. 079 This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
5. SF1 This water right enjoys the benefit of unqualified subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02, 02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37, 02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026.

**Dates and Other Information:**

Licensed Date: 6/22/1998  
Water District Number: 161  
Mitigation Plan: False

**Combined Use Limits:**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

Lease ID: 1639

Lease Type: Contract  
Lease Status: Active  
Lease Start Date: 1/1/2023  
Lease End Date: 12/31/2027

| Beneficial Use | Div Rate Leased | Div Volume Leased | Acre Limit Leased | Total Acres Leased |
|----------------|-----------------|-------------------|-------------------|--------------------|
| Irrigation     | 1.00            | 0.00              | 50.00             | 50.00              |



**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 86958**

This is to certify that: 124 DEGREES LLC  
2900 NICHOLS ST  
SAN DIEGO, CA 92106-3425

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 2-4013             | WR/DECREED          | 3/15/1954            | 1.620 cfs             | N/A                     | N/A               | 81.0               | SNAKE RIVER   |

**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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 2-4013                | YES          | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 2-4013                 | 2-10645                          | 0.940 cfs            | N/A                    | N/A               | 47.0               | 2-4013                             | 0.680 cfs             | N/A                     | N/A                         | 34.0                         |
| <b>COMBINED TOTALS</b> |                                  | <b>0.940 cfs</b>     | <b>N/A</b>             | <b>N/A</b>        | <b>47.0</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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 30<sup>th</sup> day of September, 2022.

  
\_\_\_\_\_  
Manager, IDWR Western Region

Transfer No. 86958

**SCANNED**

OCT 03 2022



# **WATER RIGHT NO. 2-4013**

## **As Modified by Transfer No. 86958**

In accordance with the approval of Transfer No. 86958, Water Right No. 2-4013 is now described as follows:

**Right Holder:** 124 DEGREES LLC  
2900 NICHOLS ST  
SAN DIEGO, CA 92106-3425

**Priority Date:** 3/15/1954

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

### **BENEFICIAL USE**

IRRIGATION

### **From**

03/15

### **To**

to 11/15

### **Diversion Rate**

0.680 cfs

0.680 cfs

### **LOCATION OF POINT(S) OF DIVERSION**

SNAKE RIVER

L8 (SESE)

Sec 31 Twp 05S Rge 09E ELMORE County

### **PLACE OF USE: IRRIGATION**

|     |     |     | NE  |      |    |    | NW |    |    |    | SW |    |    |    | SE |    |     |     | Totals |
|-----|-----|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|--------|
| Twp | Rng | Sec | NE  | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE  |        |
| 05S | 09E | 31  |     |      |    |    |    |    |    |    |    |    |    |    |    |    | 5.0 | 5.0 | 10.0   |
|     |     |     |     |      |    |    |    |    |    |    |    |    |    |    |    |    | L 8 | L 8 |        |
| 06S | 09E | 6   | 8.0 | 16.0 |    |    |    |    |    |    |    |    |    |    |    |    |     |     | 24.0   |
|     |     |     | L 1 | L 2  |    |    |    |    |    |    |    |    |    |    |    |    |     |     |        |

POU Total Acres: 34.0

### **CONDITIONS OF APPROVAL**

1. 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. Right No. 2-7436 is also diverted through point of diversion described above.

Transfer No. 86958

SCANNED

OCT 03 2022

# **WATER RIGHT NO. 2-10645**

## **As Modified by Transfer No. 86958**

In accordance with the approval of Transfer No. 86958, Water Right No. 2-10645 is now described as follows:

**Right Holder:** 124 DEGREES LLC  
2900 NICHOLS ST  
SAN DIEGO, CA 92106-3425

**Priority Date:** 3/15/1954

**Source:** SNAKE RIVER

**Tributary:** COLUMBIA RIVER

### **BENEFICIAL USE**

IRRIGATION

### **From**

03/15

### **To**

to 11/15

### **Diversion Rate**

0.940 cfs

0.940 cfs

### **LOCATION OF POINT(S) OF DIVERSION**

SNAKE RIVER

NENW

Sec 6 Twp 06S Rge 09E ELMORE County

### **PLACE OF USE: IRRIGATION**

|     |     |     | NE |    |    |    | NW |    |    |    | SW   |    |     |      | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|------|----|-----|------|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW | SW  | SE   | NE | NW | SW | SE |        |
| 05S | 09E | 31  |    |    |    |    |    |    |    |    | 22.0 |    |     | 25.0 |    |    |    |    | 47.0   |
|     |     |     |    |    |    |    |    |    |    |    |      |    | L 3 |      |    |    |    |    |        |

POU Total Acres: 47.0

### **CONDITIONS OF APPROVAL**

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 86958

SCANNED

OCT 03 2021

**WATER RIGHT NO. 2-10645**

**As Modified by Transfer No. 86958**

**CONDITIONS OF APPROVAL**

6. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



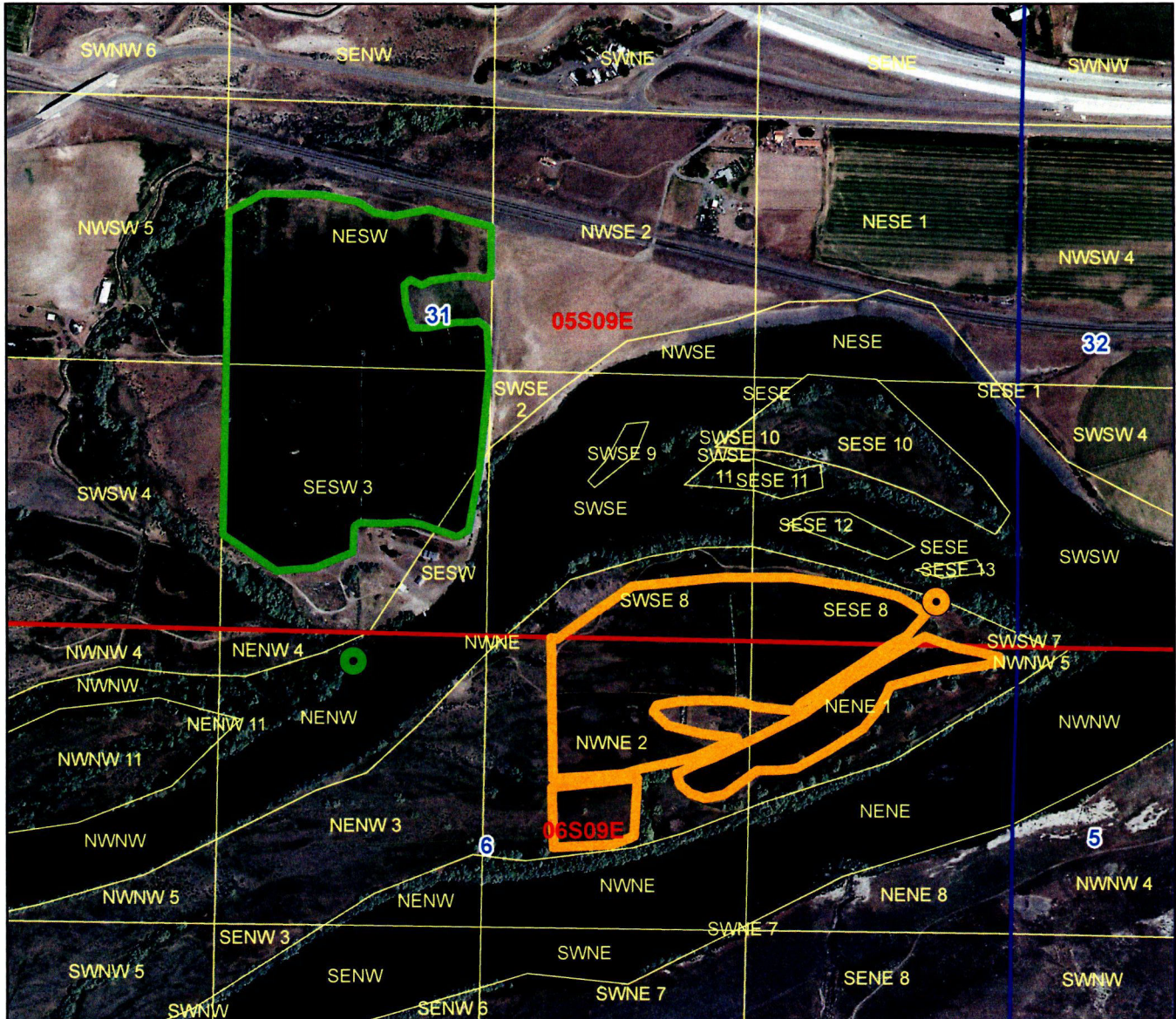


State of Idaho  
Department of Water Resources

# Attachment to Transfer No. 86958

Water Right(s): 2-4013 and 2-10645

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



### Transfer POD

- 2-10645
- 2-4013

### Transfer POU

- 2-10645
- 2-4013
- Township/Range
- Sections
- QQ

0 0.1 0.2 0.4 Miles

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

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SEP 24 2021

MINIMUM REQUIREMENTS CHECKLIST  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

SEP 23 2021

WATER RESOURCES  
WESTERN REGION

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 [idwr.idaho.gov](http://idwr.idaho.gov).

Name of Applicant(s) 124 Degrees LLCCheck 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 #1-10.

- ☐ ☒ #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 [idwr.idaho.gov/water-rights/transfers/resources.html](http://idwr.idaho.gov/water-rights/transfers/resources.html).
- ☐ ☒ #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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☒ ☐ #10 Other. Please describe: \_\_\_\_\_

SCANNED

OCT 03 2022



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) 124 Degrees LLC Phone 619.993.4641  
Mailing address 2900 Nichols St, San Diego, CA 92106-3425 Email brian@sdfunding.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 Phone 208.383.4140  
Mailing address 300 E Mallard Dr, Ste 350, Boise 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.**

  
Signature of Applicant or Authorized Representative

124 Degrees LLC  
Brian Arrington  
Print Name and Title if applicable

9/17/24  
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

### A. PURPOSE OF TRANSFER

- ☒ Change point of diversion      ☐ Add diversion point(s)      ☒ Change place of use  
☐ Change nature of use      ☐ Change period of use      ☐ Other \_\_\_\_\_
- Is this a transfer for changes pursuant to [Idaho Code § 42-221.O.8](#)?  
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.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.3**.  
Move 47 acres irrigation from the island to the mainland to be diverted from a pump station currently being constructed.



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Continued**

NOV 23 2021  
WATER RESOURCES  
WESTERN REGION

**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<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input type="checkbox"/> <input checked="" type="checkbox"/> | 2-4013       | 0.94 cfs              | Irrigation    | 3/15 to 11/15 | Snake River        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |

Total authorized under rights 1.62 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.94 cubic feet per second and/or \_\_\_\_\_ acre-feet per year.

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**.

\*lg 11/23/2021

| New ? | Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Source      | Local name or tag # |
|-------|-----|---|----|----|-----|-----|-----|--------|-------------|---------------------|
| * Y   |     |   | NE | NW | 6   | 6S  | 9E  | Elmore | Snake River |                     |
|       |     |   |    |    |     |     |     |        |             |                     |
|       |     |   |    |    |     |     |     |        |             |                     |
|       |     |   |    |    |     |     |     |        |             |                     |
|       |     |   |    |    |     |     |     |        |             |                     |

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 |             |
| 5S                               | 9E  | 31  |      |    |    |    |      |    |    |    | 22   |    |    | 25 |      |    |    |    | 47          |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    | 47          |

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OCT 03 2022

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<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input type="checkbox"/> <input checked="" type="checkbox"/> | 2-4013       | 0.94 cfs              | Irrigation    | 3/15 to 11/15 | Snake River        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |

Total authorized under rights 1.62 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.94 cubic feet per second and/or \_\_\_\_\_ acre-feet per year.

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 # |
|-------|-----|---|----|----|-----|-----|-----|--------|-------------|---------------------|
| Y     |     |   | SE | SW | 3   | 5S  | 9E  | Elmore | Snake River |                     |
|       |     |   |    |    |     |     |     |        |             |                     |
|       |     |   |    |    |     |     |     |        |             |                     |
|       |     |   |    |    |     |     |     |        |             |                     |
|       |     |   |    |    |     |     |     |        |             |                     |

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 |             |
| 5S                               | 9E  | 31  |      |    |    |    |      |    |    |    | 22   |    |    | 25 |      |    |    |    | 47          |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    | 47          |

superseded 11/23/21

SCANNED

OCT 03 2022



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:  
River pump station, pressurized system. Measuring device and lockable controlling works will be accommodated upon Department 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. 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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?  
**If yes,** ☒ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:  
Current POU: 47 acres will be retired from irrigation; proposed POU: ground water right 61-7569B will be leased to the IWSB upon transfer approval.

- f. 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:  
Ground water right 61-7569B at the proposed POU, amended permit 2-10516 for wildlife field flooding at the existing and proposed POU, water right 2-7436 at the existing POU.

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

**Yes No**

- |                                     |                                     |                                                                                               |
|-------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | undergone a period of five or more consecutive years of non-use,                              |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | currently leased to the Water Supply Bank,                                                    |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

**If yes, describe:**

Right was decreed in 2009 and leased entirely to the bank for 2017, 2018, 2019 and 2020 irrigation seasons.

Applicants partially irrigated in 2021 and seek continued protection and rental of 47 water right acres while transfer application is processed (see accompanying WB lease/rental submittal).



**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No.: 2-4013**

Current Owner: 124 DEGREES LLC  
 Priority Date: 3/15/1954  
 Origin: Water Right  
 Status: Water Supply Bank      Active  
 Basis: Decreed

**Source**

SNAKE RIVER

**Tributary**

COLUMBIA RIVER

**Beneficial Use**

IRRIGATION

**From To**

03/15 to 11/15

**Total Diversion**

**Diversion Rate**

1.62 CFS

1.62 CFS

**Annual Volume**

**Location of Point(s) of Diversion**

SNAKE RIVER  
 ELMORE County

L8(SE1/4SE1/4)      Sec. 31,    Twp 05S,    Rge 09E B.M.

**Place of Use**

IRRIGATION Within ELMORE County

|               |       |      |       |              |       |      |       |
|---------------|-------|------|-------|--------------|-------|------|-------|
| T05S R09E S31 | Lot 8 | SWSE | 15.00 | T06S R09E S5 | Lot 5 | NWNW | 1.00  |
| T06S R09E S6  | Lot 1 | NENE | 15.00 | T06S R09E S6 | Lot 2 | NWNE | 29.00 |
| T06S R09E S6  | Lot 3 | NENW | 21.00 |              |       |      |       |

Total Acres: 81

**Conditions of Approval:**

1.      F05      Right No. 2-7436 is also diverted through point of diversion described above.
2.      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.

Decreed Date: 6/15/2009

**SCANNED**  
 OCT 03 2022

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

**A. DESCRIPTION OF RIGHT(S) AS RECORDED**

**For each water right** listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ [idwr.idaho.gov](http://idwr.idaho.gov), Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

**B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES**

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ [idwr.idaho.gov](http://idwr.idaho.gov), Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 2-4013

1. amount 0.94 cfs (cfs/ac-ft) for Irrigation purposes from 3/15 to 11/15  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 3

**A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)**

- ☒ 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 any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

### B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ 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**.

### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

Received by Janh Date 9-23-21 Preliminary check by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid 1500. Date 9-23-21 Received by [Signature] Receipt # C110992

Add'l fee paid \_\_\_\_\_ Date \_\_\_\_\_ Received by                      Receipt # \_\_\_\_\_

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

SCANNED

OCT 03 2022



# APPLICATION FOR TRANSFER OF WATER RIGHT

## ATTACHMENT WSB:

### TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at [www.idwr.idaho.gov](http://www.idwr.idaho.gov) or by contacting any Department office.

| Water Right Number | Lease Contract Expiration Date | Water Right Quantities Leased to the Bank |             |       | Map Attachment 7B Clearly Identifies Idled Place of Use at New Location             |
|--------------------|--------------------------------|-------------------------------------------|-------------|-------|-------------------------------------------------------------------------------------|
|                    |                                | Rate (cfs)                                | Volume (AF) | Acres |                                                                                     |
| 2-4013             | 12/31/2022                     | 0.94                                      | n/a         | 47    | Attached? <input checked="" type="checkbox"/> or No Change <input type="checkbox"/> |
|                    |                                |                                           |             |       | Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>            |
|                    |                                |                                           |             |       | Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>            |
|                    |                                |                                           |             |       | Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>            |
|                    |                                |                                           |             |       | Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>            |
|                    |                                |                                           |             |       | Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>            |
|                    |                                |                                           |             |       | Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>            |

Is the ownership of the water right(s) leased to the Bank being changed? ☐ Yes ☒ No

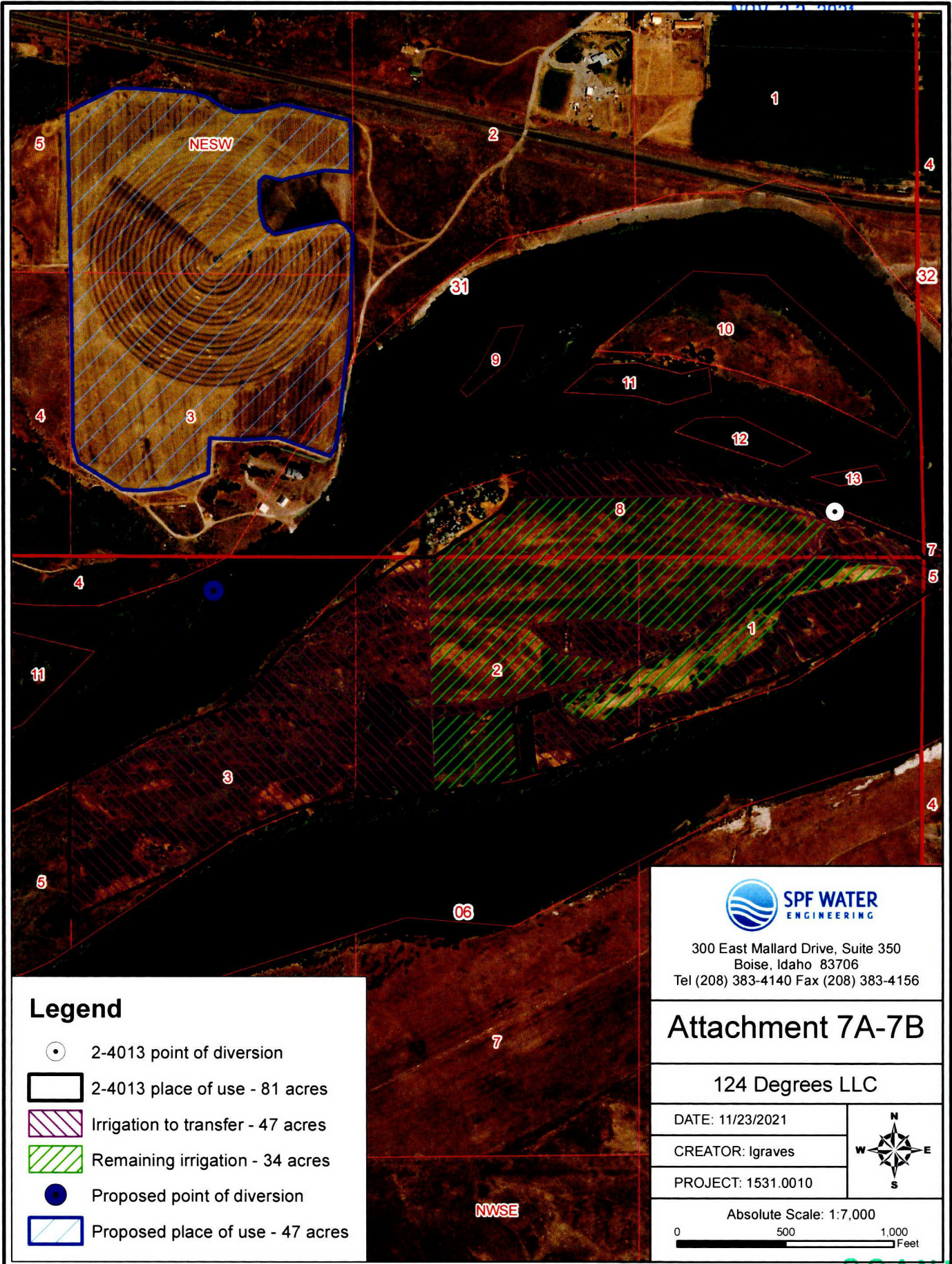
- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.  
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).

#### Additional Information:

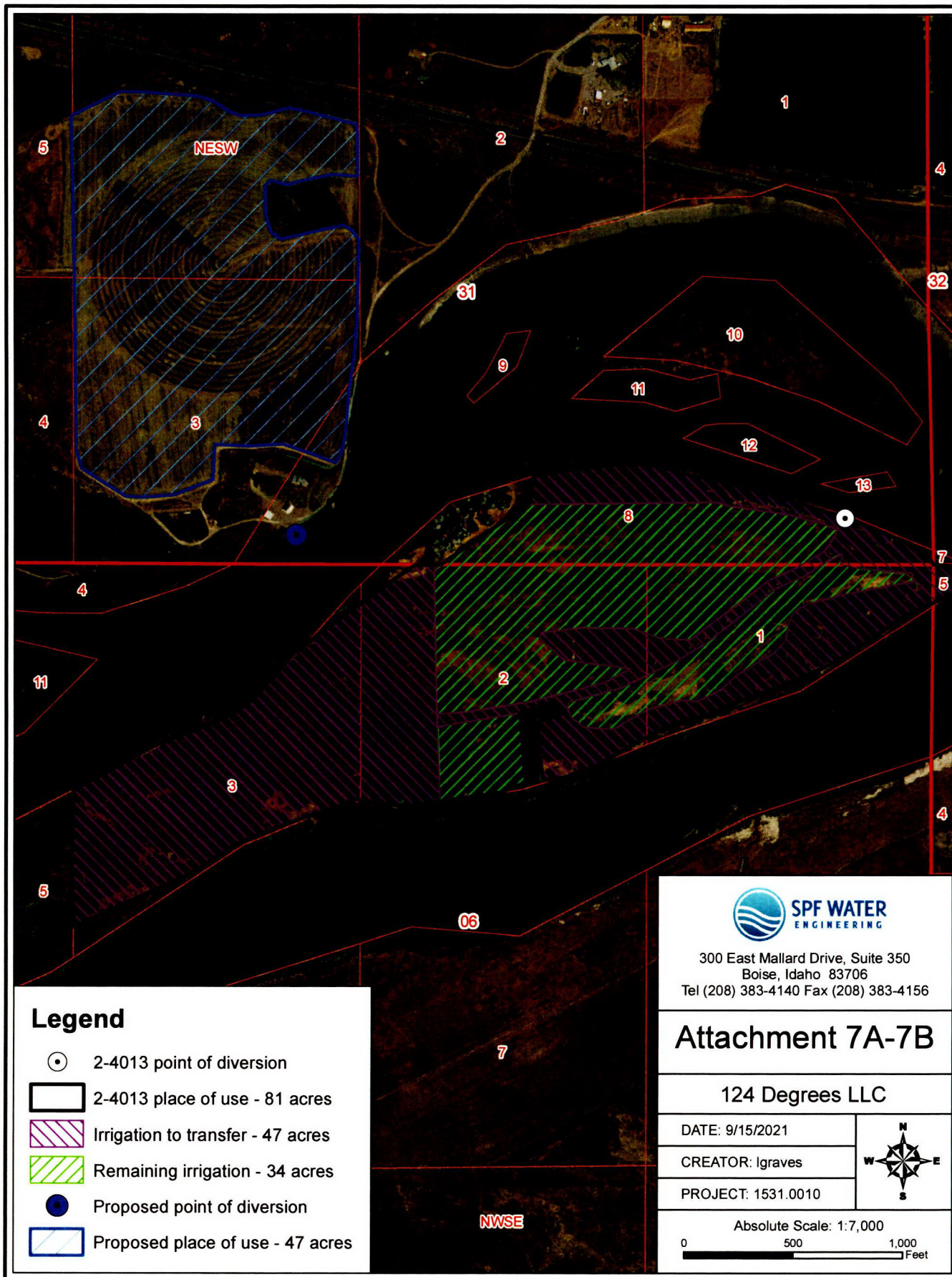
Right was decreed in 2009 and leased entirely to the bank for 2017, 2018, 2019 and 2020 irrigation seasons. Applicants partially irrigated in 2021 and seek continued protection on 47 water right acres for 2021 and 2022 irrigation seasons while the transfer application is processed.

**Agency Use Only:** Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.









Superseded 11/23/2021

SCANNED

OCT 03 2022





IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: [westerninfo@idwr.idaho.gov](mailto:westerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

April 04, 2023

OLD TEAL OUTING LLC  
6770 ARABELLA WAY  
SACRAMENTO CA 95831-2325

Re: Change in Ownership for Water Right No(s): 2-4013, 2-7436, 2-10516, 2-10645, 2-10648, 61-7569B

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

*Please note, water right(s) 61-7569B was leased to the Water Supply Bank (bank) in 2023. In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. The right(s) will remain in the bank until December 31, 2027, unless released earlier by the Water Resource Board or upon request by the right holder. To reduce the term of the lease, the right holder must submit a written request to the department. The department will verify if the right is rented or available for release and notify the right holder of the release date.*

If you have any questions concerning the enclosed information, please contact me at (208)605-4631.

Sincerely,

Debra Mansfield  
Office Specialist II

Enclosure(s)

SCANNED

APR 04 2023

## MEMORANDUM

TO: Water Right Files: 2-4013, 2-7436, 2-10645, 2-10648, 2-10516, 61-7569B

FROM: Debra Mansfield

DATE: April 4, 2023

RE: Conversation Memo

---

Today I received a call from Cherol of GUARANTY TITLE INC. She was responding to a letter I sent out to both Guaranty Title Inc and Old Teal Outing Company LLC. The letter was regarding a Notice of Change in Water Right Ownership the department received on 3/29/2023. In the letter I informed that the applicant, OLD TEAL OUTING COMPANY LLC, needed to provide proper supporting documentation to prove ownership of the requested Water Right no. 61-7569A. Cherol informed me that the Water Right is not owned by Old Teal Outing Company LLC and that the specific Water Right 61-7569A was put on the notice in error. Cherol gave me verbal permission to strike that Water Right number from the form.

I confirmed for Cherol that I will cancel the requested change for Water Right 61-7569A and will also submit the appropriate refund request of \$25.00 for GUARANTY TITLE INC.

SCANNED

APR 04 2023



TO: Sascha Marston, Susan Steed

FROM: Debra Mansfield

DATE: April 4, 2023

***RE: Refund: Notice Of Change In Water Right Ownership***

OLD TEAL OUTING LLC submitted a Notice of Change In Water Right Ownership for Water Right No. 61-7569A. Cherol of Guaranty Title Inc called the Western Office on 4/4/2023 because we had requested further documentation to prove the ownership of this Water Right. Cherol told me hat that Water Right had been added to the request by mistake and to please cancel the change for that Water Right.

**Please issue a refund of \$25.00 to:**

GUARANTY TITLE INC  
TRUST ACCOUNT  
206 S 3<sup>RD</sup> EAST ST  
MOUNTAIN HOME, ID 83647

RECEIPT #

W051104

SCANNED

APR 04 2023



Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: [westerninfo@idwr.idaho.gov](mailto:westerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

March 29, 2023

OLD TEAL OUTING LLC  
6770 ARABELLA WAY  
SACRAMENTO CA 95831-2325

RE: Notice of change in Water right Ownership for Water Right No: 61-7569 A

Dear Interested Parties:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

- Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

During our review of the notice you submitted we found that Water Right No. 61-7569A is under the ownership of GARY & FRANCES ELLIS LIVING TRUST and not 124 DEGREES LLC. We will need supporting documentation showing the legal conveyance of Water Right No 61-7569A from the GARY & FRANCES ELLIS LIVING TRUST to you.

The additional Water Rights included in your notice have sufficient documentation and can be processed once we receive the documentation needed for Water Right 61-7569A. Because the Department cannot process the notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208)605-4631.

Sincerely,

Debra Mansfield  
Office Specialist II

Enclosure(s)

SCANNED

APR 04 2023



C: GUARANTY TITLE, INC  
206 S 3<sup>RD</sup> EAST ST  
MOUNTAIN HOME ID 83647

SCANNED

APR 04 2023

**OWNERSHIP CHANGE (O/C)**Transfer # \_\_\_\_\_ WR #(s) 2-4013 2-10648  
2-7436 2-10516  
2-10645 61-7569A 61-7569B Reviewer DM Date 4-3-23**OS2 - INITIAL REVIEW & FILE PREP**☒ **O/C Tracking Record**

Add new record(s) in Ownership Change Tracking workflow if not already recorded. If there are multiple incomplete records for same WR(s), coordinate with O/C processing staff.

☒ **Receipt Correct**

Fee is appropriate for number and split status of WRs. Receipt reflects correct amount and PCA code.

- ❖ **For Corrections:** Email Fiscal to request receipt corrections. Date Request Sent: \_\_\_\_\_
- ❖ **For Overpayments:** Note amount of overpayment to be refunded after processing: \$25.00 for 61-7569A

NA **If Transfer, give to WRA with transfer, otherwise continue review.**

☒ **WR Status in Info Search**

Basis is Licensed or Decreed, and Status is Active.

☒ **WR Water Supply Bank Status** Jean asked me to process

Review docs via Info Search to see if WSB Lease associated with WR(s). If WSB Lease, review agreement doc for expiration date. If current, send email to WSB State Office staff to coordinate processing O/C.

☒ **WR Owner in Info Search**

Compare current owner name(s) to new owner(s) on O/C form. If same, confirm O/C process already complete, then request refund, create return letter, mark Returned in O/C Tracking.

☒ **SRBA Decree Status**

Check the SRBA website (<http://srba.idaho.gov/SREPT.HTM>) to confirm the decree hasn't been rescinded or amended.

☒ **Note Relative Dates of License/Decree vs Ownership Document**

If ownership document dated prior to decree/license see WR Supervisor.

☒ **Review Conveyance Documentation and Signatures**

Confirm type of deed/document(s) submitted and signature(s) acceptable per Admin Memo Records Memo No. 9. Request any necessary additional information.

☒ **Create GIS shape of legal property description on deed/document(s)**

Use Deed Plotter to map property descriptions and create shape files for ArcMap as needed.

- ❖ **Save files to:** N:\WRPROCESSING\Ownership Change Processing\Deed Plotter Shapes
- ❖ **File name:** Date received & applicant name: \_\_\_\_\_

☒ **Compare legal property description to WR POU legal to ArcMap WR POU shape**

If split, forward the notice, this checklist, and any notes to the next WRA in line to process.

**OS2 or WRA - PROCESS NOTICE**☒ **Compare POU and Legal Description for Other Possible WRs**

If other WR(s) found to match deed, list them here to be included in acknowledgement letter:

☒ **For Splits: Print Proof Report and POD & POU Map BEFORE Split**

Use WR/Layouts tool to print map(s) including all POU shapes. Write "BEFORE SPLIT" at tops of documents.

☒ **Complete O/C in Workflow**



See Workflow Water Rights Process and confirm "Completion" status. Ensure all new owners are correctly listed, previous Representatives removed from WR record.

**For Splits: Update WR in AdHoc**

WR Status is Active and Draft is set to No. Conditions, POU shapes, and rates are correct for parent and child WR(s).

**For Splits: Print Parent WR Proof Report and POD & POU Map AFTER Split**

Use WR/Layouts tool to print map(s) including all POU shapes. Write "AFTER SPLIT" at tops of documents.

**For Splits: Print Child WR Proof Report and POD & POU Map**

Use WR/Layouts tool to print map(s) including all POU shapes. Write "CREATED BY SPLIT" at tops of documents.

**Refund Overpayment**

If applicable, email Fiscal to request refund as notated above in Initial Review section. Print 1 copy of refund request to be profiled into WR file.

❖ Date Request Sent: \_\_\_\_\_

**OS2 or WRA – CORRESPONDENCE & PROFILING**

Copies of the below documents should be prepared for:

- ❖ **WR Record** – 1 copy to be profiled as part of O/C correspondence
- ❖ **New Owner(s)** – 1 copy for each new owner at different mailing addresses
- ❖ **Split Parent Right Owner(s)** – 1 copy for parent right owners. Report & map for PARENT WR, not child WR.
- ❖ **Other Contacts** – If applicable, 1 copy for each Representative or Security Interest on WR.

**Print Proof Report and POD & POU Map for WR Owners**

**Create Cover Letters**

Generate "O/C Complete" or "O/C Split Complete" letter in O/C Tracking, including all affected WRs in one letter.

- ❖ **Additional WR(s):** If applicable, include information about other possible WRs found during review.
- ❖ **Refunds:** If applicable, include information about refund for any overpayment (see template).

**Mail Documents to Owner(s)**

Mail the above prepared cover letters, proof reports, and maps to all applicable contacts.

**Initial and Date Bottom of Notice**

Initial "Approved by" (if blank) and "Processed by" fields at bottom of Notice, and write in date of completion.

**Organize Paperwork**

Top to Bottom: Checklist, Transfer Memo, Notice & attachments, correspondence to owners, Split proof reports & maps

**Prepare Internal Notes & Research (optional—for complex splits)**

- ❖ Paperclip notes together at the back of the O/C packet with a sticky note indicating that they should be saved.
- ❖ Create a new folder in N:\WRPROCESSING\Ownership Change Processing\Complex Splits, using the O/C date received & applicant name for the folder name. Ex: 2021-12-31\_JohnDoeRanch
- ❖ OS2 will scan notes to this folder, they will not be profiled with the rest of the O/C.

**Return File to OS2 for Verification, Scanning and Profiling**

OS2 will verify that all appropriate letters and documentation have been created and mailed, and O/C Tracking record is closed, completing any steps as necessary.

**PROCESSING NOTES:**

## Mansfield, Debra

---

**From:** Hersley, Jean  
**Sent:** Wednesday, March 29, 2023 12:02 PM  
**To:** Mansfield, Debra  
**Subject:** RE: Ownership Change received

Ask for conveyance documentation from the Ellis Living Trust to 124 Degrees. The Department needs to make sure that 124 Degrees owned the property appurtenant to water right 61-7569A in order for them to be able to convey it to Old Teal Outing. Give them 30 days to respond. Hold the ownership change for all rights until the 30 days has past. You could also contact Elmore County Clerk and ask for a copy of the deed.

When you do process the OC, include the following paragraph regarding the right in the Bank. Send a copy of the acknowledgement letter to WSB.

*"Please note, water right(s) 61-7569B was leased to the Water Supply Bank (bank) in 2023. In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. The right(s) will remain in the bank until December 31, 2027, unless released earlier by the Water Resource Board or upon request by the right holder. To reduce the term of the lease, the right holder must submit a written request to the department. The department will verify if the right is rented or available for release and notify the right holder of the release date."*

Let me know if you have any other questions. thanks.



Jean Hersley  
Technical Records Specialist II  
Idaho Dept Water Resources  
(208) 287-4942

---

**From:** Mansfield, Debra <Debra.Mansfield@idwr.idaho.gov>  
**Sent:** Wednesday, March 29, 2023 11:00 AM  
**To:** Hersley, Jean <Jean.Hersley@idwr.idaho.gov>  
**Subject:** Ownership Change received

Hi Jean, happy rainy-Wednesday!

I received the attached notice in the mail today. WR No 61-7569B is active in WSB. 61-7569A is deficient and needs supporting documentation from the correct owner on file. However, the WRs in Basin 2 can be updated. What would you like me to do with this request?

Thank you,

**Debra Mansfield** | Office Specialist II  
IDWR - Western Region



Emailed Jean H.

61-7569 B is in

WSB

2735 W Airport Way, Boise ID 83705  
(208) 334-2190 | [Debra.Mansfield@idwr.idaho.gov](mailto:Debra.Mansfield@idwr.idaho.gov)





IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: [westerninfo@idwr.idaho.gov](mailto:westerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

September 30, 2022

124 DEGREES LLC  
2900 NICHOLS ST  
SAN DIEGO CA 92106-3425

Re: Transfer No: 86958  
Water Right No(s): 2-4013  
Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

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.

**SCANNED**

**OCT 03 2022**

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

Sincerely,



Nick Miller  
Regional Manager

Enclosure  
CC:

HDR INC  
C/O LORI GRAVES  
412 E PARKCENTER BLVD STE 100  
BOISE ID 83706-6659

SCANNED

OCT 03 2022



## **CERTIFICATE OF SERVICE**

I hereby certify that on September 30, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Transfer No.: 86958**  
**Water Right No(s): 2-4013**

**124 DEGREES LLC**  
**2900 NICHOLS ST**  
**SAN DIEGO CA 92106-3425**

**HDR INC**  
**C/O LORI GRAVES**  
**412 E PARKCENTER BLVD STE 100**  
**BOISE ID 83706-6659**



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**Nick Miller**  
**Regional Manager**

**SCANNED**

**OCT 03 2022**

## **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.

**SCANNED**

**OCT 03 2022**

State of Idaho

Department Of Water Resources

**WATERMASTER RECOMMENDATION FORM**

**Water District #** WD02  
**Application #** XFER 86958  
**Applicant Name** 124 Degrees

Watermaster Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:  
IDWR approved MD must be required
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this 30th day of September, 2022

RB Whitney

Watermaster Signature

Rob Whitney

Printed Name

SCANNED

OCT 03 2022



## MEMORANDUM

TO: Transfer No. 86958  
FROM: NRM  
DATE: 9/29/2022  
RE: Evaluation of Application

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The transfer proposes to change water right 2-4013 by moving 47 acres of irrigation from the island in the Snake River to land on the shore opposite the island. The diversion and delivery system for the new place of use are separate from the existing system and place of use, so the right was split, and the new portion is water right 2-10645. The new point of diversion is approximately ½ mile downstream of the existing point of diversion and is on the north bank of the Snake River.

The existing place of use is on Schoffs Island near Hammett, ID and the new place of use is on the north bank of the river across from the island.

### **Summary of Information Submitted**

#### **Authority to File:**

The applicant is the current owner of water right 2-4013, as well as the land under the existing and proposed places of use. The applicant is a registered business in Nevada and the application was signed by Brian Arrington, who is listed as a manager on the Nevada Secretary of State Business search.

#### **Water Right Validity:**

Water right no(s). 2-4013 is presumed to be valid because the 47 acres proposed to be transferred has been leased into the WSB and rented for the past several years for the proposed purpose.

#### **Injury to Other Water Rights:**

No injury to other rights is anticipated since the point of diversion is moved just across the river and no other rights are diverted in the vicinity.

#### **Enlargement of Use:**

Enlargement does not appear to be an issue. The proposed change will not result in an increase of diversion rate or number of acres irrigated. Conditions will be added to the right requiring installation and maintenance of a locking device and approved measuring device to provide diversion records to the Watermaster of Water District 02. The new place of use is currently irrigated with ground water right 61-7569B. Both 2-10645 and 61-7569B provide a full 0.02 cfs per acre. Combined limits are not needed because duty of water limitations of 0.02 cfs/acre and 4.0 afa/y will be imposed on 2-10645 and already are present on 61-7569B.

#### **Local Public Interest:**

This application proposes a change consistent with the local public interest. The WD02 watermaster provided comments in support of the transfer and the new pumping station was constructed in collaboration with King Hill Irrigation District.

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**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**

This application proposes a minor change in the place of use and point of diversion of a portion of 2-4013 that will not have an effect on the source or other hydraulically connected sources, with the exception of a potential reduction in wastewater available to water right permit 2-10516. As that right is a wastewater right and it is also owned by the applicant, this application for transfer was not advertised in the newspaper.

Note that the application listed the new place of use as including the SESW of Section 31. The place of use shown on the map is better described as SESW L3 of Section 31 and is described that way in the approval.

**Water Right Overlap**

No other rights divert from the new point of diversion, although the pump shares a platform with separate pump(s) operated by King Hill Irrigation District.

The proposed place of use is, as discussed elsewhere in this memo, overlapped with a ground water right owned by the applicant.

**Water Supply Bank**

The portion of 2-4013 proposed for transfer is currently in the WSB and will be removed.

**Discussion**

The unchanged portion of 2-4013 was modified only by clarifying the description of the irrigated lands in Lot 8 of Section 31. The right was decreed with 15 acres in the SWSE L8, with 5 of those acres proposed to be moved. Recognizing that the Government Lot is the primary descriptor, the actual irrigated acres are better described as being in both the SWSE L8 and the SESE L8. 2-4013 was updated to reflect 5 acres in each portion of L8. Additionally, the GIS shapefile for the remaining portion of 2-4013 was updated slightly to reflect the areas depicted on the application map.





**SPF WATER**  
ENGINEERING

September 21, 2021

Jean Hersley  
IDWR State Office  
PO Box 83720  
Boise, ID 83720-0098

**Subject: 124 Degrees Water Bank Lease/Rental and Transfer Applications**

Dear Jean,

Enclosed on behalf of 124 Degrees LLC, are the following:

**Water Bank Lease Application** for 47 acres of water right 2-4013 appurtenant to an island in the Snake River by Hammett. The right was decreed in 2009 and leased entirely to the bank for 2017, 2018, 2019 and 2020 irrigation seasons. Applicants partially irrigated in 2021 and seek continued protection on 47 water right acres for 2021 and 2022 irrigation seasons.

**Water Bank Rental Application** for rental of the 47 leased acres described above for irrigation of 47 acres of mainland directly across from the island during the 2022 irrigation season. The new pump station proposed for the mainland is listed as the point of diversion on amended permit 2-10516 that is pending final approval from Western Region. The pump station is currently being constructed by King Hill Irrigation District, who will share the pump platform. KHID anticipates completion of the platform by spring, 2022 to allow use during the 2022 irrigation season.

**Transfer Application** on water right 2-4013 proposing transfer of 47 acres irrigation to the mainland to allow permanent use, and leaving 34 acres continued irrigation on the island.

Check No. 019 is enclosed for the \$250 filing fee required for the lease application and check No. 020 is enclosed for the \$500 filing fee required for the transfer application. The rental fee will be provided upon issuance of the agreement and is to cover administrative costs only. Please let me know if there are any questions. Thanks Jean.

Sincerely,

Lori Graves  
Sr. Water Rights Specialist

Cc: Brian Arrington, Mike Plein (via email)

Enclosures

SPF file number: 1531.0010

RECEIVED

OCT 28 2021

WATER RESOURCES  
WESTERN REGION

RECEIVED

SEP 23 2021

DEPARTMENT OF  
WATER RESOURCES

SCANNED

OCT 03 2022

## WSB Mailing Checklist for Leases

Instructions: Staple to outside of lowest numbered water right file during processing.

**Key:** Who Completes What?

CLERICAL STAFF:

REVIEWER:

Received Date

9-23-21

Desired Lease Duration

21 to

Lease / Rental Package

2

N

If yes, Renter Name:

124 Degrees LLC

Application # 2146

Contract # 1449

| WR#s |  | #      |
|------|--|--------|
|      |  | 2-4013 |
| #    |  | #      |
| #    |  | #      |
| #    |  | #      |
| #    |  | #      |
| #    |  | #      |
| #    |  | #      |

Applicant Authorized?

Y / N

Multiple owners, Attach 1A included?

Y / N NA

If portion is offered, Attach 2 included?

Y / N NA

Map of POU and POD?

Y / N NA

POD Consent (if required)?

Y / N NA

Application Complete?

Y / N

Minimum checklist in data base?

☐

Request for additional information letter sent:

Y NA

Stacked Water Rights Need to be Leased?

☐

WSB Action Request for deficiencies

☐

If checked, list water rights:

If the WR owner provided a different address on the application than what's in our database, update address in workflow.

### Mailings (per lease application)

CC

Original

Designated

Applicant: 124 Degrees LLC

☐

☐

EMAIL:

Attorney:

☐

☐

EMAIL:

Consultants

Name: Lori Graves

☐

Comments:

Watermaster:

Rob

☐

HG 4

Delivery Entity:

☐

PD-2009

Water District:

02

☐

Bank 2015 to 2020

Ground Water District:

☐

Region:

Western

☐

Other:

☐

☐

Address:

Call up Date: 11-12-21

DO NOT SCAN

T11TPH