STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85598

This is to certify that: HEART K TRUST
C/O GILBERT GENE KING
19100 LING LN
OREANA, ID 83650-5084

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
57-2246	WR/DECREED	7/26/1961	4.000 cfs	N/A	208.0	241.0	GROUND WATER
57-2253	WR/DECREED	8/23/1962	0.820 cfs	N/A	99.0	241.0	GROUND WATER
57-7266	WR/LICENSE	1/14/1981	2.700 cfs	607.5 af	N/A	135.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
57-2246	NO	NO	YES	YES	NO	NO
57-2253	NO	NO	YES	YES	NO	NO
57-7266	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
57-2246	57-2246	4.000 cfs	N/A	208.0	376.0	N/A	N/A	N/A	N/A	N/A
57-2253	57-2253	0.820 cfs	N/A	99.0	376.0	N/A	N/A	N/A	N/A	N/A
57-7266	57-7266	2.700 cfs	607.5 af	135.0	376.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**7.520 cfs**	**1692.0 af**	**376.0**	**376.0**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 31st day of May, 2023.

SCOTT STORMS, Water Rights Supervisor

SUPPORT DATA
IN FILE # 57-2246

Transfer No. 85598

SCANNED
JUN 0 2 2023

WATER RIGHT NO. 57-2246

As Modified by Transfer No. 85598

In accordance with the approval of Transfer No. 85598, Water Right No. 57-2246 is now described as follows:

Right Holder: HEART K TRUST
C/O GILBERT GENE KING
19100 LING LN
OREANA, ID 83650-5084

Priority Date: 7/26/1961

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	4/01	to	10/31	4.000 cfs
				4.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 34 Twp 04S Rge 01E OWYHEE County	
GROUND WATER	NWNE	Sec 34 Twp 04S Rge 01E OWYHEE County	
GROUND WATER	NENW	Sec 35 Twp 04S Rge 01E OWYHEE County	(R)
GROUND WATER	NENW	Sec 35 Twp 04S Rge 01E OWYHEE County	(I)

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	01E	26	36.0		40.0	17.0			13.0	24.0	40.0	33.0	33.0	34.0	2.0	24.0	2.0		298.0
04S	01E	27																2.0	2.0
04S	01E	34	32																32
04S	01E	35					8.0	36.0											44.0

Right Acre Limit: 208.0
POU Total Acres: 376.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 208 acres within the authorized place of use in a single irrigation season.
2. Rights 57-2246 and 57-2253 when combined shall not exceed a total annual maximum diversion volume of 1084.5 af at the field headgate.
3. Rights 57-2246, 57-2253, and 57-7266 when combined shall not exceed a total diversion rate of 7.52 cfs, a total annual maximum diversion volume of 1692 af at the field headgate, and the irrigation of 376 acres.

Transfer No. 85598

SCANNED
JUN 0 2 2023

WATER RIGHT NO. 57-2246

As Modified by Transfer No. 85598

CONDITIONS OF APPROVAL

4. Rights 57-00091, 57-00099, 57-00109, 57-00118, 57-00122, 57-00124, 57-00128, 57-00136, 57-00152, 57-00163, 57-02132A & 57-02246 when combined shall not exceed a total diversion rate of 4.82 cfs, and the irrigation of 241 acres.

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

7. Point of injection into and point of rediversion from Castle Creek.

8. Water temperature measured at 170 degrees F. from point of diversion in NWNE Sec. 34, T04S, R01E.

9. THE AMOUNT OF WATER DIVERTED FROM CASTLE CREEK SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER FROM CASTLE CREEK DOWNSTREAM FROM THE POINT OF REDIVERSION.

10. The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

11. To prevent injury to prior water rights appropriating water from Castle Creek and/or the underlying shallow aquifer tributary to Castle Creek, the well(s) used as a point(s) of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer below ground surface.

12. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

15. 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.

SCANNED
JUN 02 2023

WATER RIGHT NO. 57-2253

As Modified by Transfer No. 85598

In accordance with the approval of Transfer No. 85598, Water Right No. 57-2253 is now described as follows:

Right Holder: HEART K TRUST
C/O GILBERT GENE KING
19100 LING LN
OREANA, ID 83650-5084

Priority Date: 8/23/1962

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	3/15	to	11/15	0.820 cfs
				0.820 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 34 Twp 04S Rge 01E OWYHEE County	
GROUND WATER	NWNE	Sec 34 Twp 04S Rge 01E OWYHEE County	
GROUND WATER	NENW	Sec 35 Twp 04S Rge 01E OWYHEE County	(R)
GROUND WATER	NENW	Sec 35 Twp 04S Rge 01E OWYHEE County	(I)

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	01E	26	36.0		40.0	17.0			13.0	24.0	40.0	33.0	33.0	34.0	2.0	24.0	2.0		298.0
04S	01E	27																2.0	2.0
04S	01E	34	32																32
04S	01E	35					8.0	36.0											44.0

Right Acre Limit: 99.0
POU Total Acres: 376.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 99 acres within the authorized place of use in a single irrigation season.
2. Rights 57-2246 and 57-2253 when combined shall not exceed a total annual maximum diversion volume of 1084.5 af at the field headgate.
3. Rights 57-2246, 57-2253, and 57-7266 when combined shall not exceed a total diversion rate of 7.52 cfs, a total annual maximum diversion volume of 1692 af at the field headgate, and the irrigation of 376 acres.

SCANNED
JUN 0 2 2023

WATER RIGHT NO. 57-2253

As Modified by Transfer No. 85598

CONDITIONS OF APPROVAL

4. Rights 57-00091, 57-00099, 57-00109, 57-00118, 57-00122, 57-00124, 57-00128, 57-00136, 57-00152, 57-00163, 57-02132A & 57-02246 when combined shall not exceed a total diversion rate of 4.82 cfs, and the irrigation of 241 acres.

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

7. Point of injection into and point of rediversion from Castle Creek.

8. Water temperature measured at 170 degrees F. from point of diversion in NWNE Sec. 34, T04S, R01E.

9. The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

10. To prevent injury to prior water rights appropriating water from Castle Creek and/or the underlying shallow aquifer tributary to Castle Creek, the well(s) used as a point(s) of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer below ground surface.

11. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

14. 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.

SCANNED
JUN 02 2023

WATER RIGHT NO. 57-7266

As Modified by Transfer No. 85598

In accordance with the approval of Transfer No. 85598, Water Right No. 57-7266 is now described as follows:

Right Holder: HEART K TRUST
C/O GILBERT GENE KING
19100 LING LN
OREANA, ID 83650-5084

Priority Date: 1/14/1981

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/01	to	11/15	2.700 cfs	607.5 af
				2.700 cfs	607.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 34 Twp 04S Rge 01E OWYHEE County	
GROUND WATER	NWNE	Sec 34 Twp 04S Rge 01E OWYHEE County	
GROUND WATER	NENW	Sec 35 Twp 04S Rge 01E OWYHEE County	(R)
GROUND WATER	NENW	Sec 35 Twp 04S Rge 01E OWYHEE County	(I)

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	01E	26	36.0		40.0	17.0			13.0	24.0	40.0	33.0	33.0	34.0	2.0	24.0	2.0		298.0
04S	01E	27																2.0	2.0
04S	01E	34	32																32
04S	01E	35					8.0	36.0											44.0

Right Acre Limit: 135.0
POU Total Acres: 376.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 135 acres within the authorized place of use in a single irrigation season.

2. Rights 57-2246, 57-2253, and 57-7266 when combined shall not exceed a total diversion rate of 7.52 cfs, a total annual maximum diversion volume of 1692 af at the field headgate, and the irrigation of 376 acres.

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Transfer No. 85598

SCANNED
JUN 0 2 2023

WATER RIGHT NO. 57-7266

As Modified by Transfer No. 85598

CONDITIONS OF APPROVAL

4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

5. Point of injection into and point of rediversion from Castle Creek.

6. Water temperature measured at 170 degrees F. from point of diversion in NWNE Sec. 34, T04S, R01E.

7. This right is for the use of trust water, and it is subject to review 20 years after its initial approval date of 05/21/1981 to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

8. This water right enjoys the benefit of 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 only so long as the average daily flows as measured at the Murphy Gaging station meet or exceed the minimum stream flows established by state action.

9. To prevent injury to prior water rights appropriating water from Castle Creek and/or the underlying shallow aquifer tributary to Castle Creek, the well(s) used as a point(s) of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer below ground surface.

10. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

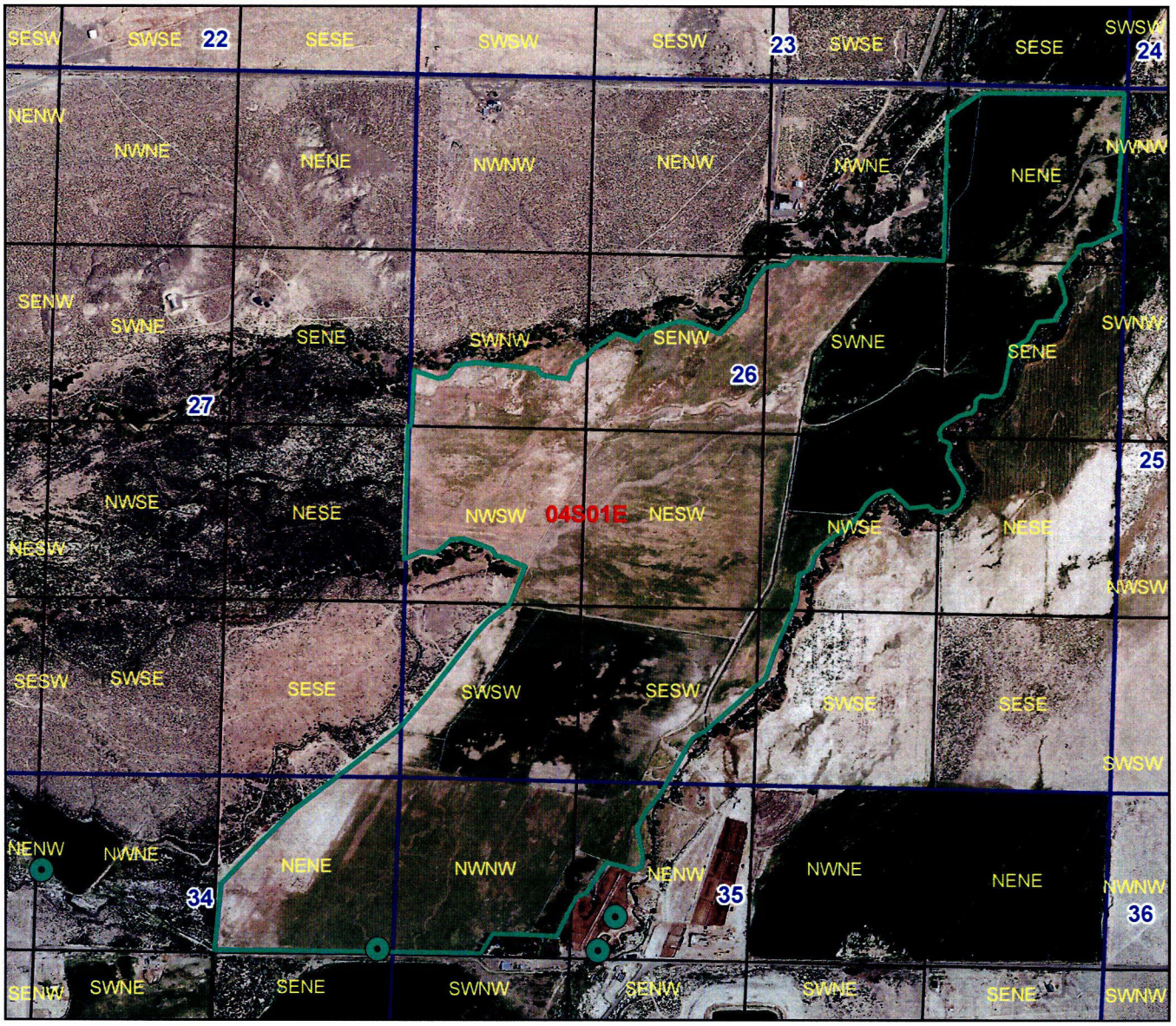
SCANNED
JUN 0 2 2023

State of Idaho
Department of Water Resources

Attachment to Transfer No. 85598

Water Right(s): 57-2246, 57-2253, 57-7266

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



- Transfer POD
- Transfer POU
- Township/Range
- Sections
- QQ

0 0.15 0.3 0.6 Miles

N

SCANNED
JUN 02 2023

Rev. 01/15

RECEIVED
DEC 06 2021
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 85598

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Heart K Trust

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes	N/A	
		* Means the item is always required and must be included with the application.
☑	*	Completed Application for Transfer of Water Right form, Part 1.
☑	*	Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
☑	*	Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
☐	☑	Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
☑	*	Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
☑	*	Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

☑	☐	#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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
☐	☑	#6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
☑	*	#7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
☑	☐	#7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. 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: _____

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DEC 19 2022

Rev. 01/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Heart K Trust Phone 208-834-2206

Mailing address 19100 Ling Ln. Oreana, ID 83650 Email kattleking1987@gmail.com

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Patrick Kelly; SPF Water Engineering Phone 208-383-4140

Mailing address 300 E Mallard Dr. STE 350 Boise, ID 83706 Email pkelly@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.

Gil King — Signature of Applicant or Authorized Representative

Gib KING TRUSTEE — Print Name and Title if applicable

11/30/2021 — Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☑ Add diversion point(s) ☑ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2.**
   Application for Transfer is proposing to construct a new well that will deliver ground water to the updated permissible place of use.

SCANNED
DEC 16 2022

85593

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. All or Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☑ ☐	57-2246	4.00	Irrigation	4/1 to 10/31	Ground Water
☑ ☐	57-2253	0.82	Irrigation	3/15 to 11/15	Ground Water
☑ ☐	57-7266	2.70/607.5	Irrigation	3/1 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 7.52 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 7.52 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			NE	NE	34	04S	01E	Owyhee	Ground Water	TBD
N			NW	NE	34	04S	01E	Owyhee	Ground Water	Existing Well
N			NE	NW	35	04S	01E	Owyhee	Ground Water	(Injection)
N			NE	NW	35	04S	01E	Owyhee	Ground Water	(Rediversion)

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	
04S	01E	26	36		40	17			13	24	40	33	33	34	2	24	2		298
		27																2	2
		34	32																32
		35					8	36											44

Total Acres (for irrigation use) 376

85598

SCANNED
DEC 16 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:
POD and POU are outside ground water district. Lockable control and measuring devices will be installed under Order of the Department.

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:
Changes to irrigation delivery methods or historically irrigated lands are not proposed.

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:
See attached list of water rights. Ground water rights included in this transfer are supplemental to Castle Creek water rights owned by the applicant.

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

Yes No

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

If yes, describe:

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DEC 16 2022

85598

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 @ www.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 @ www.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: ______________

1. 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 __________
   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.)

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	

Total Acres (for irrigation use) ______

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DEC 16 2022

Rev. 01/15

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 rights(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:

Ground water rights are used when Castle Creek water is insufficient.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by CE Date 12/6/2021 Preliminary check by _____ Date _____

Fee paid $1060.00 Date 12/6/2021 Receipted by CE Receipt # W0419974

Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

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

85593

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DEC 16 2022

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

11/2/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 57-2246

Owner Type	Name and Address
Current Owner	HEART K TRUST GILBERT GENE KING- TRUSTEE 19100 LING LN OREANA, ID 83650 2088342206
Attorney	RONALD P RAINEY 2615 DORMAN AVE CALDWELL, ID 83605-5642 2084599626
Original Owner	D I FOREMAN OREANA, ID 83659

Priority Date: 07/26/1961

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	4 CFS	
Total Diversion			4 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWNWNE	Sec. 34	Township 04S	Range 01E	OWYHEE County
GROUND WATER Injection	SWNENW	Sec. 35	Township 04S	Range 01E	OWYHEE County
GROUND WATER Rediversion	SWNENW	Sec. 35	Township 04S	Range 01E	OWYHEE County

IRRIGATION Use:

Acre Limit: 208

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DEC 16 2022

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04S	01E	26		NENE	18		SWNE	10		SENE	30			
				NESW	18		NWSW	5		SWSW	23		SESW	35
				NESE	12		NWSE	25		SWSE	3			
		34		NENE	13									
		35		NENW	12		NWNW	37						

Total Acres: 241

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.		POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM CASTLE CREEK.
3.		USE OF THIS RIGHT WITH RIGHT NO. 57-02253 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1084.5 AF. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.82 CFS. COMBINED RIGHT NOS.: 57-00091, 57-00099, 57-00109, 57-00118, 57-00122, 57-00124, 57-00128, 57-00136, 57-00152, 57-00163, 57-02132A & 57-02253.
4.		THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
5.		THIS RIGHT IS LIMITED TO THE IRRIGATION OF 208 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 241 ACRES IN A SINGLE IRRIGATION SEASON.
6.		WATER TEMPERATURE MEASURED AT 170 DEGREES F. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-02253, 57-10460 THE AMOUNT OF WATER DIVERTED FROM CASTLE CREEK SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER FROM CASTLE CREEK DOWNSTREAM FROM THE POINT OF REDIVERSION.
7.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 10/25/2002

Permit Proof Due Date:

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DEC 16 2022

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: EXC

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 1084.5

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plantiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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DEC 16 2022

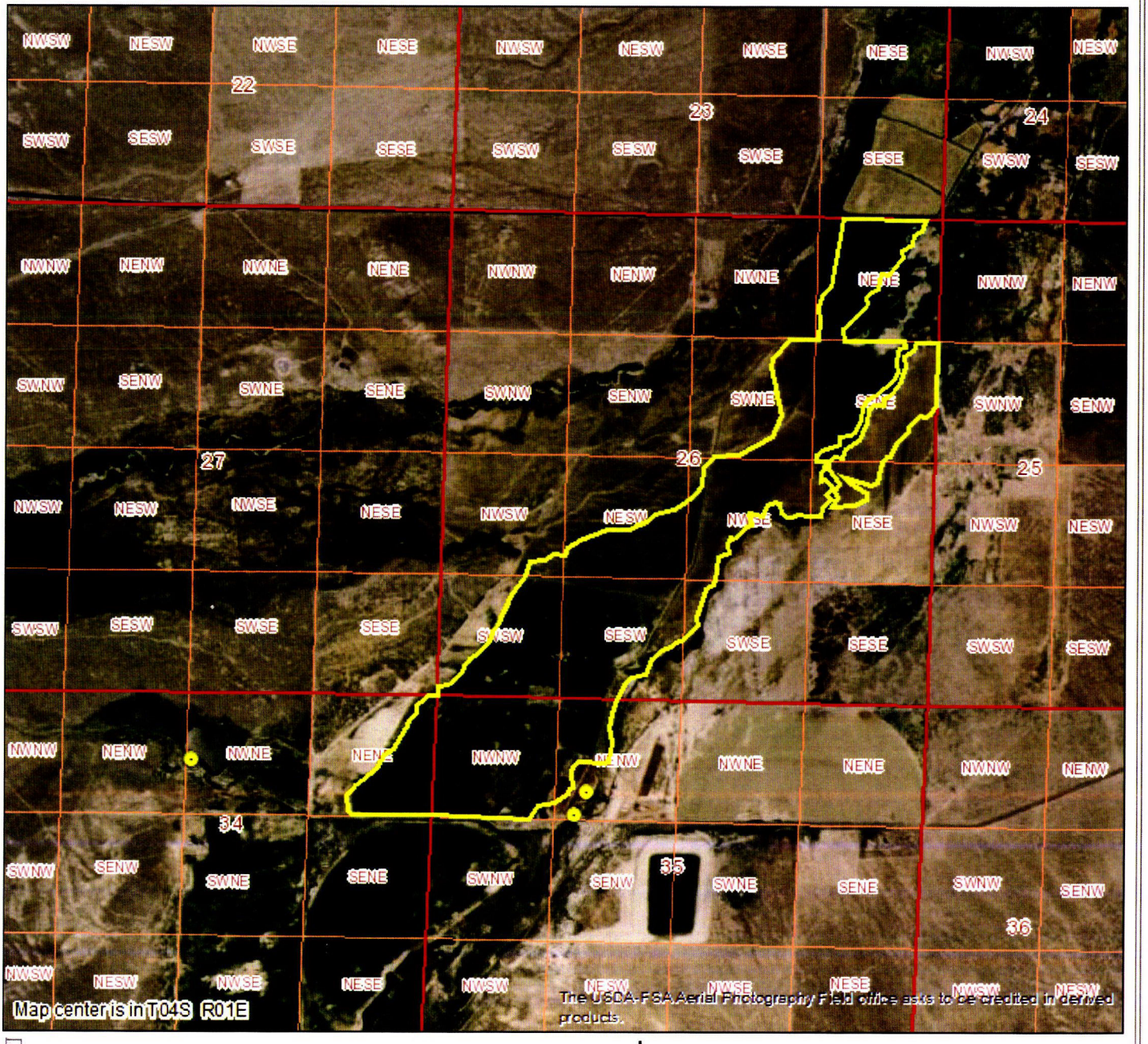
State of Idaho
Department of Water Resources

Water Right

57-2246

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





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Miles

Date created: 11/2/2021

Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

N



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DEC 16 202

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

11/2/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 57-2253

Owner Type	Name and Address
Current Owner	HEART K TRUST GILBERT GENE KING- TRUSTEE 19100 LING LN OREANA, ID 83650 2088342206
Attorney	RONALD P RAINEY 2615 DORMAN AVE CALDWELL, ID 83605-5642 2084599626
Original Owner	ESTATE OF D I FOREMAN CALDWELL, ID 83605

Priority Date: 08/23/1962

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	0.82 CFS	
Total Diversion			0.82 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWNWNE	Sec. 34	Township 04S	Range 01E	OWYHEE County
GROUND WATER Rediversion	SWNENW	Sec. 35	Township 04S	Range 01E	OWYHEE County
GROUND WATER Injection	SWNENW	Sec. 35	Township 04S	Range 01E	OWYHEE County

IRRIGATION Use:

Acre Limit: 99

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DEC 16 2022

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04S	01E	26		NENE	18		SWNE	10		SENE	30			
				NESW	18		NWSW	5		SWSW	23		SESW	35
				NESE	12		NWSE	25		SWSE	3			
		34		NENE	13									
		35		NENW	12		NWNW	37						

Total Acres: 241

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.		POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM CASTLE CREEK.
3.		USE OF THIS RIGHT WITH RIGHT NO. 57-02246 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1084.5 AF. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.82 CFS. COMBINED RIGHT NOS.: 57-00091, 57-00099, 57-00109, 57-00118, 57-00122, 57-00124, 57-00128, 57-00136, 57-00152, 57-00163, 57-02132A & 57-02246
4.		THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
5.		THIS RIGHT IS LIMITED TO THE IRRIGATION OF 99 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 241 ACRES IN A SINGLE IRRIGATION SEASON.
6.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7.		WATER TEMPERATURE MEASURED AT 170 DEGREES F. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-02246 & 57-10460

Dates:

Licensed Date:

Decreed Date: 10/25/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

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DEC 16 2022

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: EXC

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 1084.5

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plantiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

SCANNED

DEC 16 2022

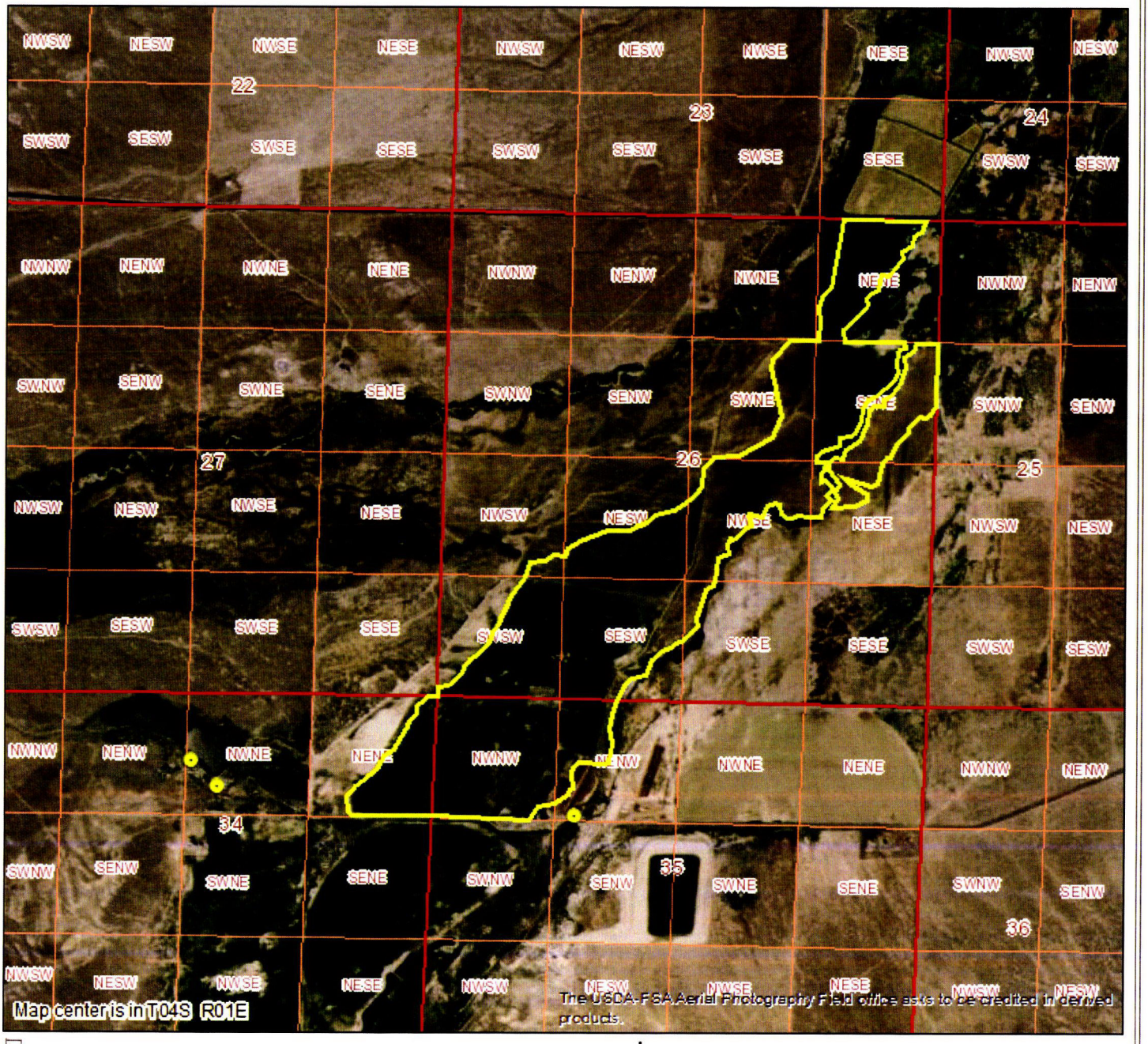
State of Idaho
Department of Water Resources

Water Right

57-2253

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





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Miles

Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

N

Date created: 11/2/2021

SCANNED
DEC 16

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IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

11/2/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 57-7266

Owner Type	Name and Address
Current Owner	HEART K TRUST GILBERT GENE KING- TRUSTEE 19100 LING LN OREANA, ID 83650 2088342206
Original Owner	GORDON G KING
Original Owner	ROSE M KING PO BOX 36 MURPHY, ID 83650 2088342051

Priority Date: 01/14/1981

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	2.7 CFS	607.5 AFA
Total Diversion			2.7 CFS	607.5 AFA

Location of Point(s) of Diversion:

GROUND WATER	SWNWNE	Sec. 34	Township 04S	Range 01E	OWYHEE County

Licensed Diversion Capacity: 7.68

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

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Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04S	01E	26		NENE	20		SWNE	30						
				SWNW	7		SENW	20						
				NESW	22		NWSW	21		SWSW	6			
				NWSE	1									
		27		SESE	1									
		34		NENE	7									

Total Acres: 135

Conditions of Approval:

1.	R65	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2.		Rights 57-02246, 57-02253 and 57-10460 are also diverted through the point of diversion described above.
3.	R07	Return flow discharged to a subsurface system must be authorized by a separate injection well permit.
4.	R55	This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Dates:

Licensed Date: 06/21/2001

Decreed Date:

Permit Proof Due Date: 10/1/1991

Permit Proof Made Date: 8/7/1991

Permit Approved Date: 5/21/1981

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 01/14/1981

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: EXC

Generic Max Rate per Acre: 0.02

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DEC 16 2022

Generic Max Volume per Acre: 4.5

Civil Case Number:

Old Case Number:

Decree Plantiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

SCANNED

DEC 16 2022

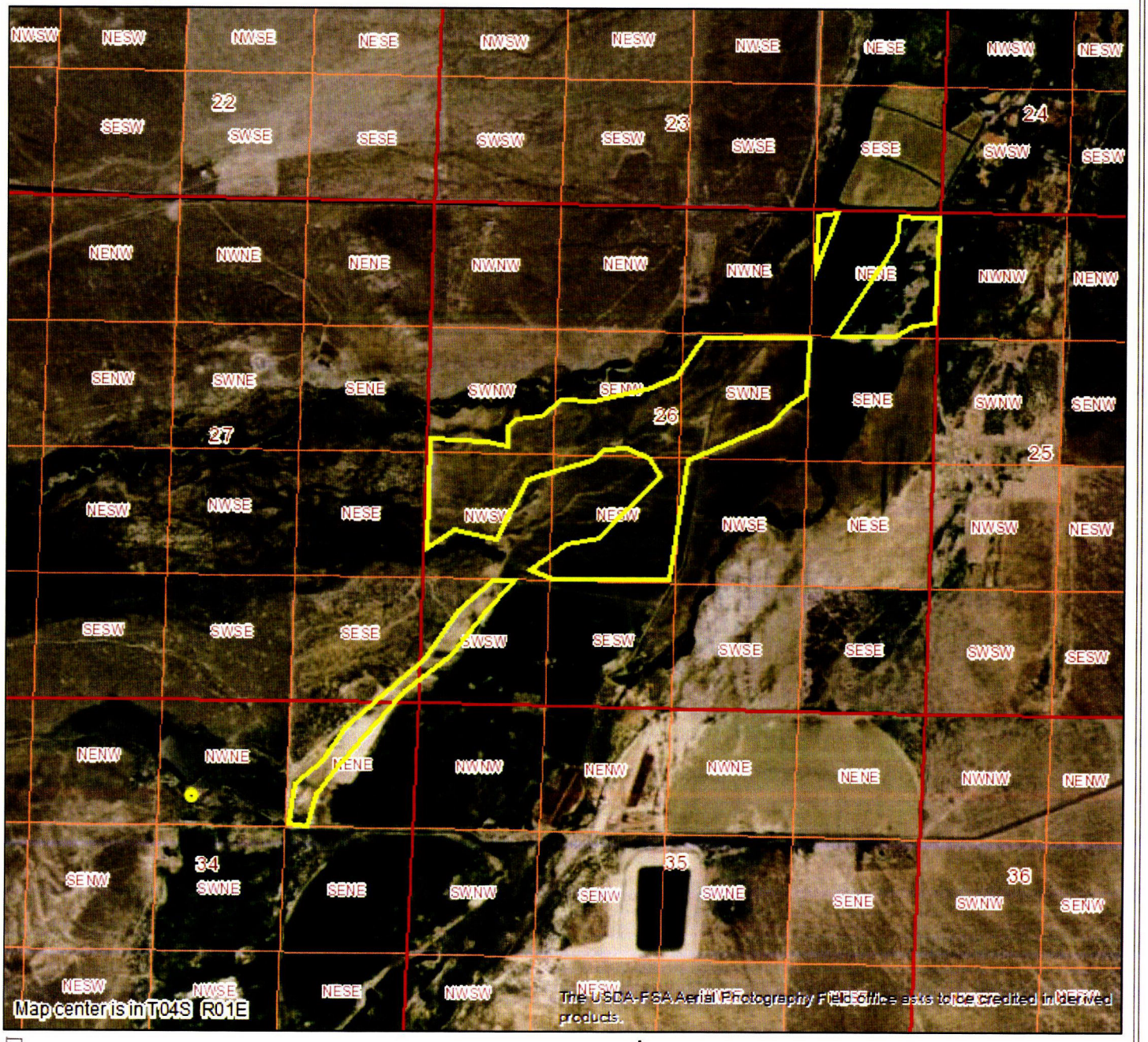
State of Idaho
Department of Water Resources

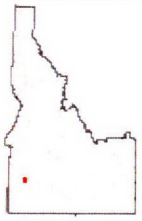
Water Right

57-7266

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





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Miles

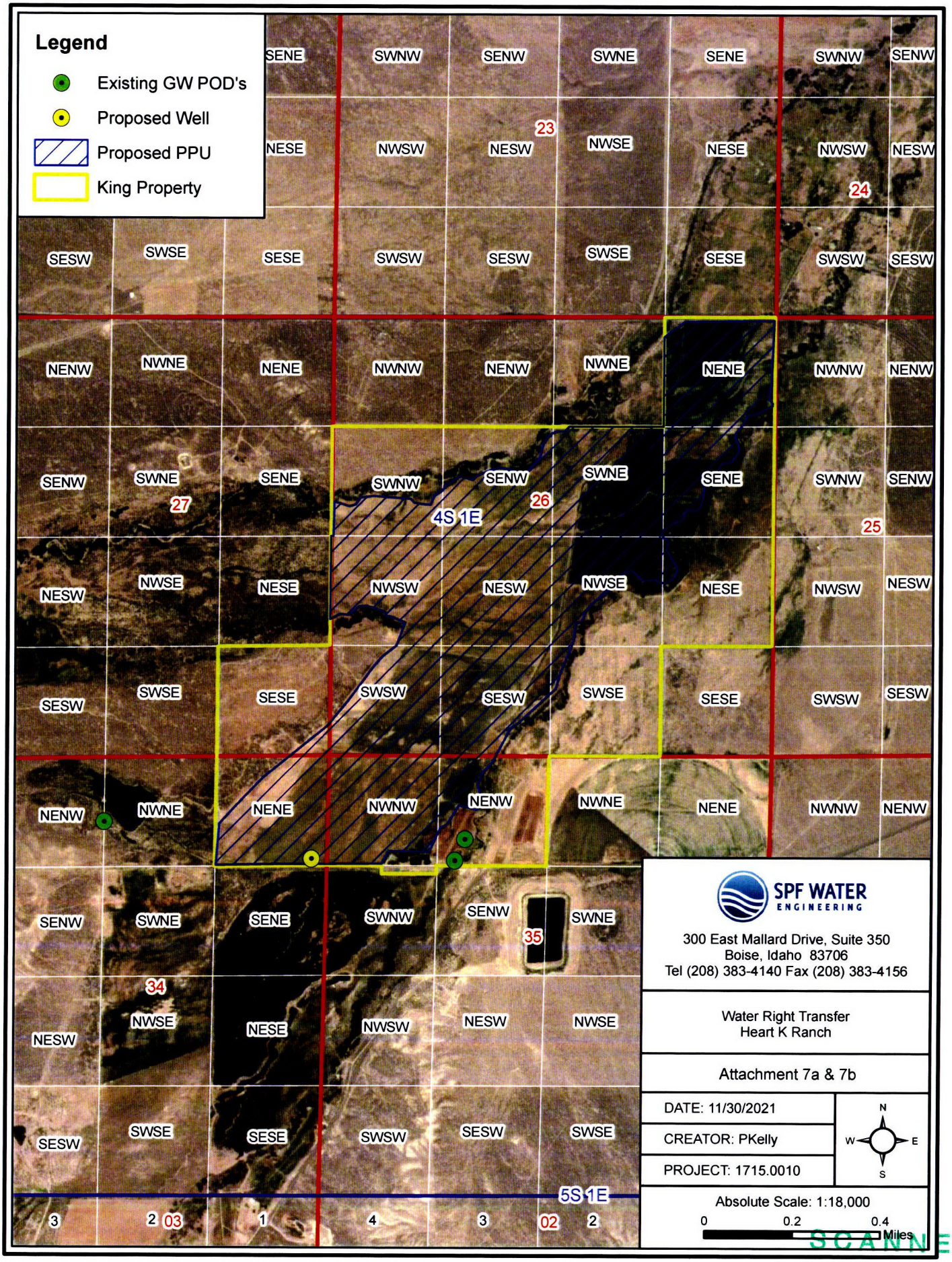
Date created: 11/2/2021

Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

N

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DEC 16 2022

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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 • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 01, 2023

HEART K TRUST
C/O GILBERT GENE KING
19100 LING LN
OREANA ID 83650-5084

Re: Transfer No: 85598
Water Right No(s).: 57-2246, 57-2253, 57-7266

Transfer Approval Notice

Dear Water Right Holder(s):

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.

SCANNED
JUN 0 2 2023

Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Lynne Evans
Administrative Assistant I

Enclosure(s)

SCANNED
JUN 0 2 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 01, 2023 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.: 85598
Water Right No(s).: 57-2246, 57-2253, 57-7266

HEART K TRUST
C/O GILBERT GENE KING
19100 LING LN
OREANA ID 83650-5084

PATRICK KELLY
HDR INC
412 E PARKCENTER BLVD STE 100
BOISE ID 83706-6659

Lynne Evans
Administrative Assistant I

SCANNED
JUN 02 2023

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.

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JUN 0 2 2023

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
JUN 02 2023

MEMORANDUM

TO: Transfer No. 85598
FROM: Aaron Olson
DATE: 2/24/2023
RE: Evaluation of Application

The transfer proposes to add a point of diversion and change the place of use to an updated permissible place of use.

The site is twelve miles northwest of Grand View, just south of the intersection of Murphy Grand View Road and Wees Road.

Summary of Information Submitted

Authority to File:
IDWR records show the applicant as the current owner of the water rights. The application was signed by Gil King, trustee of Heart K Trust.

Water Right Validity:
The partial decree for water right no. 57-7266 was issued on 06/21/2001. The partial decree for water rights nos. 57-2246 and 57-2253 was issued on 10/25/2002. During initial review of aerial photography at the place of use for these rights non-use over a period of time greater than 5 years appeared evident in several locations. However, remote sensing data at these locations shows Normalized Vegetation Index values of 0.6 or greater during the irrigation seasons of 2016 to 2021, which provides evidence of irrigation. These rights are presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

Injury to Other Water Rights:
Other water rights should not be impacted by the proposed transfer. The quantity of water used and number of acres irrigated for these rights will not change as a result. The proposed transfer was advertised along with requests for comment and no protests were received.

Enlargement of Use:
Enlargement does not appear to be an issue. The proposed changes will not result in an increase of diversion rate or number of acres irrigated.

Local Public Interest:
This application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:
This 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.

SCANNED
JUN 0 2 2023

Summary

Water Right Overlap
Water rights 57-91, 57-99, 57-109, 57-118, 57-122, 57-124, 57-128, 57-136, 57-152, 57-163, 57-2132A are owned by the applicant and are used for irrigation sourced from Castle Creek. The ground water rights in this transfer are stated to be supplemental and used when surface water is insufficient.

Discussion

If approved the following changes should be made to the conditions of the involved water rights:

Add condition 046 because the proposed new POD is a groundwater well
Add 165 to all rights to prevent injury to rights appropriating water from Castle Creek
Add condition X27 to set an acre limit for each right within the new PPU
Add condition X35 to identify the rights in the PPU and the total limits
Add condition R65
Add measuring device condition 01M
Update or add point of injection and rediversion condition to G01
Update LTG temperature condition on 57-2246 & 57-2253 to B06
Remove condition C05 from 57-2246 & 57-2253
Update unnumbered extended season of use condition to S39 on 57-2246 & 57-2253
Remove R07 condition on 57-7266
Add B06 to 57-7266 to clarify the right was originally developed from an LTG well
Update condition C18 to T19.
Add standard transfer conditions T07 and T08

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

SCANNED
JUN 0 2 2023

The Owyhee Avalanche

P.O. Box 97 • Homedale, Idaho 83628

208 / 337-4681
EMAIL: OFFICE@OWYHEE.COM

RECEIVED
DEC 30 2022
WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a copy of said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper

in Two
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):
December 21 and 28, 2022

SIGNED: Joe Aman

STATE OF IDAHO)
)
COUNTY OF OWYHEE)

On this 28th day of December in the year 2022, before me, a Notary Public, personally appeared JOE E. AMAN, known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

M Byrd
Notary Public of Idaho
Residing at Homedale ID
My commission expires:
12, 04, 2026

M BYRD
Comm. No. 20204827
NOTARY PUBLIC
Expires: 12/04/2026
STATE OF IDAHO

SCANNED
JUN 02 2023

Public notices

SUMMONS
IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
Case No. CV14-22-05361
To: Serafin Seratti

You have been sued by Rosa I. Garcia Cervantes, the Petitioner, in the District Court in and for Canyon County, Idaho, Case No.CV14-22-05361

The nature of the claim against you if for Child Custody.

Any time after 21 days following the last publication of this Summons, the court may enter a judgment against you without further notice, unless prior to that time you have filed a written response in the proper form, including the case number, and paid any required filing fee to the Clerk of the Court at 1115 Albany St., Caldwell, ID 83605; phone no.: (208) 454-7572 and served a copy of your response on the other party, whose mailing address and telephone number are: 411 E. Chicago St., Caldwell, ID 83605, (208) 412-7569.

A copy of the Summons and Petition/Motion can be obtained by contacting either the Clerk of the Court or the other party. If you wish legal assistance, you should immediately retain an attorney to advise you in this matter.

Date: 11/4/2022, 4:20:13 PM
/s/:Sharon Carter, Deputy Clerk
Canyon County District Court
12/14,21,28/2022;01/04/2023

NOTICE
OF TRUSTEE'S SALE

To be sold for cash at a Trustee's Sale on April 27, 2023, 09:00 AM at the In the Lobby, Owyhee County Courthouse, 20381 Highway 78, Murphy, ID 83650, the following described real property situated in Owyhee County, State of Idaho ("Real Property"): In Township 1 South, Range 2 West, B.M., Owyhee County, Idaho.

Section 18: That portion of Government Lot 3 of Section 18, T1S, R2W, B.M., lying South and West of the High Line Canal

Excepting therefrom, any portion thereof which many lie within the East 330 feet of said Lot 3

Together with a Manufactured Home affixed to and made a permanent part of the subject real property described as follows:

Year: 1992
Make: KITM
VIN: X9474B22SN14088AB
Body: HS
Model: TL

System Ident. Number: Q3I032812 Commonly known as: HC 79 Box 420, Melba, ID 83641-4302 Angela M. Fritzler and Eric J. Fritzler, as Trustors conveyed Real Property via a Trust Deed dated December 29, 1998, in favor of North American Mortgage Company as Beneficiary, in which Transnation Title & Escrow, Inc. was named as Trustee. The Trust Deed was recorded in Owyhee County, Idaho, on January 6, 1999, as Instrument No. 227119, and modified pursuant to the Modifications recorded as follows: on December 9, 2021, as Instrument No. 310523; on December 7, 2012 as Instrument No. 279354; on April 14, 2009 as Instrument No. 267932; and on September 26, 2006 as Instrument No. 258249, all of Official Records

The Deed of Trust was assigned for value as follows: Assignee: MidFirst Bank, a Federally Chartered Savings Association Assignment Dated: June 4, 2008 Assignment Recorded: June 19, 2008 Assignment Recording Information: Instrument No. 265399 Shelly M. Casares is the Successor Trustee pursuant to a Substitution of Trustee recorded in the office of the Clerk and Recorder of Owyhee, State of Idaho on December 1, 2022 at Instrument No. 314027, of Official Records. The Beneficiary has declared a default in the terms of said Deed of Trust due to Trustor's failure to make monthly payments beginning December 1, 2021, and each month subsequent, which monthly installments would have been applied on the principal and interest due on said obligation and other charges against the property or loan. By reason of said default, the Beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable. The total amount due on this obligation is the principal sum of $144,310.84, interest in the sum of $4,642.39, escrow advances of $1,184.06, other amounts due and payable in the amount of $16,495.48, for a total amount owing of $166,632.77, plus accruing interest, late charges, and other fees and costs that may be incurred or advanced. The Beneficiary anticipates and may disburse such amounts as may be required to preserve and protect the property and for real property taxes that may become due or delinquent, unless such amounts of taxes are paid by the Trustors. If such amounts are paid by the Beneficiary, the amounts or taxes will be added to the obligations secured by the Deed of Trust. Other expenses to be charged against the proceeds of this sale include the Trustee's fees and attorney's fees, costs and expenses of the sale, and late charges, if any. Beneficiary has elected, and has directed the Trustee to sell the above described property to satisfy the obligation. The sale is a public sale and any person, including the Beneficiary, may bid at the sale. The bid price must be paid immediately upon the close of bidding by certified funds (valid money orders, certified checks or cashier's checks). The conveyance will be made by Trustee's Deed, without any representation or warranty, including warranty of title, express or implied, as the sale is made strictly on an as-is, where-is basis, without limitation, the sale is being made subject to all existing conditions, if any, of lead paint, mold or other environmental or health hazards. The Trustors, successor in interest to the Trustors, or any other person having an interest in the property, or any person named in IRC § 45-1506, has the right, at any time prior to the Trustee's Sale, to pay to the Beneficiary, or the successor in interest to the Beneficiary, the entire amount then due under the Deed of Trust and the obligation secured thereby (including costs and expenses actually incurred and attorney's fees) other than such portion of the principal as would not then be due had no default occurred and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Deed of Trust with Successor Trustee's and attorney's fees. In the event that all defaults are cured the foreclosure will be dismissed and the foreclosure sale will be canceled. The scheduled Trustee's Sale may be postponed by public proclamation up to 30 days for any reason. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Successor Trustee and the successful bidder shall have no further recourse. The above Trustors are named to comply with IRC § 45-1506(4)(a). No representation is made that they are, or are not, presently responsible for this obligation. This is an attempt to collect a debt and any information obtained will be used for that purpose. Dated this 16th day of December, 2022. Shelly M. Casares

Substitute Trustee 376 East 400 South, Suite 300, Salt Lake City, UT 84111 Telephone: 801-355-2886 Office Hours: Mon.-Fri., 8AM-5PM (MST) File No. ID10624

12/28/2022;01/04,11,18/2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85598

HEART K TRUST, C/O GILBERT GENE KING, 19100 LING LN, OREANA, ID 83650-5084 has filed Application No. 85598 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-2246, 57-2253, 57-7266; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows:

to add a point of diversion and change the place of use to an updated permissible place of use for the rights involved. The new point of diversion is located in NENE Section 34, Township 04S, Range 01E. The new point of diversion and the updated place of use are approximately twelve miles northwest of Grand View, just south of the intersection of Murphy Grand View Road and Wees Road.

For additional information concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of $25.00 for each application on or before 1/9/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

12/21,28/2022

OK LE 1/3/23

Marsing Academic Decathletes deliver in first meet of year

Marsing High School's Academic Decathlon team opened the season with a third-place showing.

The season's first meet took place Nov. 30, and Meridian's Renaissance High School, and Marsing finished about 4,300 points behind the home squad, which won the event.

Marsing's team scored 14,346 points, which was about 2,700 points behind runner-up Eagle.

Other teams included Owyhee of Meridian, Notus and Centennial from Boise.

Marsing advisor Lennie Freeman's team picked several individual placements in the Honors, Scholastic and Varsity divisions.

In the Small School competition against Notus, Marsing earned 59 medals.

"We will be competing at the Small School level for Regionals in January, so this suggests great things to come," Freeman said.

Marsing's overall results from the Nov. 30 meet:

Ben Edwards, Honors — Bronze in Literature

Jared Bowers, Scholastic — Bronzes in Math and Science

Tessa German, Varsity — Silvers in Art and Literature

Nathan Madrid, Varsity — Bronze in Art

Hailey Andrus, Varsity — Bronze in Literature

James Christiansen, Varsity — Bronze in Music

Marsing also competed against Notus at the Small School level on Nov. 30:

Ben Edwards, Honors — Gold overall; gold in Social Science, gold in Economics, gold in Science, gold in Literature, silver in Art, silver in Math, bronze in Music

Emily Whitted, Honors — Silver overall; gold in Music, gold in Art, silver in Social Science, silver in Math, bronze in Science, bronze in Literature

Amelia Green, Honors — Bronze overall; gold in Math, silver in Art, silver in Literature, bronze in Social Science

Yesenia Cuevas, Honors — Silver in Art; silver in Economics

Alex Christiansen, Honors — Gold in Math, silver in Music, silver in Art, silver in Science

Sophia Floyd, Honors — Bronze in Art

Llee Loucks, Scholastic — Silver in Science, silver in Music, bronze in Art, bronze in Economics, bronze in Literature

Jared Bowers, Scholastic — Gold overall; gold in Social Science, gold in Music, gold in Math, gold in Art, gold in Science, gold in Literature, silver in Economics

Amanda Tuttle, Scholastic — Silver overall; gold in Social Science, gold in Music, gold in Art, bronze in Science, bronze in Literature

Nathan Madrid, Varsity — Gold overall; silver in Art, bronze in Literature, bronze in Social Science

Tessa German, Varsity — Silver overall; gold in Art, gold in Literature, bronze in Social Science

Hailey Andrus, Varsity — Bronze overall; gold in Social Science, silver in Literature, bronze in Science

James Christiansen, Varsity — Gold in Music, bronze in Math

Audrie Miller, Varsity — Bronze in Math

Anna Gluch, Varsity — Silver in Social Science

Freeman said Essay Awards are yet to be announced.

Regional Speech, Interview, and SuperQuiz will be held on Saturday, Jan. 28 at Renaissance. Regional testing will occur in school in the week prior to the Jan. 28 meet at Renaissance.

Oreana Mass schedule

Our Lady Queen of Heaven Catholic Chapel Mass will be held at 10 a.m., on the second Saturday of each month at the chapel on Oreana Loop Road:

- Jan. 14
- Feb. 11
- March 11
- April 15
- May 13
- June 10
- July 8
- Aug. 12
- Sept. 9
- Oct. 14
- Nov. 11
- Dec. 9

For more information, contact St. Paul's Parish in Nampa at (208) 466-7031.

SCANNED
JUN 0 2 2023

Public notices

OWYHEE COUNTY
2023 WILSON CREEK AREA RABS & PAVING PROJECT
ADVERTISEMENT FOR BIDS

Separate sealed BIDS for the Owyhee County 2023 WILSON CREEK AREA RABS & PAVING PROJECT will be received by Paragon Consulting, Inc., at their office located at 157 W. 4th Street, Kuna, Idaho 83634 until **2:00 p.m. local time on JANUARY 11TH, 2023**, and then publicly opened and read aloud.

This Bid consists of two adjacent projects identified as 1) **BASE BID - Wilson Creek Road Rehabilitation Project**, and 2) **BID ALTERNATE - Wilson Cemetery Road Project**. Both projects are anticipated to be completed in summer of 2023.

BASE BID: Wilson Creek Road Rehabilitation Project: This work consists of constructing approximately 2.6 miles of a 3.0-inch thickness of asphalt paving, with a typical pavement width of 22-feet plus 2-foot gravel shoulders and the following:

- 2.6 miles of RABS processing with accompanied roadway grading
- Approximately 5,600 tons of plant mix pavement
- ± 350 feet of full roadway section construction (150' @ westerly termini; 200' @ easterly termini)

BID ALTERNATE: Wilson Cemetery Road Project: This work consists of paving approximately 730-feet of a 3.0-inch thickness of asphalt paving, with a typical pavement width of 24-feet plus 2-foot gravel shoulders and the following:

- 730-feet of tight blading/ finished grading and compaction of roadway base, placed by Owyhee County, prior to paving
- Approximately 360 tons of plant mix pavement

The Contractor shall achieve substantial completion of the **BASE BID** within **60** calendar days of the BASE BID Notice To Proceed and shall achieve substantial completion of the **BID ALTERNATE** within **7** calendar days of the BID ALTERNATE Notice To Proceed.

It is the intent of these Contract Documents and Drawings to describe the work required to complete this project in sufficient detail to secure comparable bids. All parts or work not specifically mentioned which are necessary in order to provide a complete project shall be included in the bid and shall conform to all Local, State and Federal requirements.

A non-mandatory pre-bid conference will be held at the Owyhee County Road & Bridge Shop located at 17129 County Shop Rd, Murphy, ID 83650 on **DECEMBER 22, 2022** at 10:00 A.M. local time.

There are no Federal funds utilized in this project.

The Project Documents and Drawings may be examined at the following locations:

1) Owyhee County – 20381 State Hwy. 78, Murphy, ID 83650
2) PARAGON CONSULTING, INC. – 157 W. 4th Street, Kuna, ID 83634 (Issuing Office)

Emailed pdf's will be available without charge by request. Interested bidders may email their request to Paragon Consulting, Inc. at cguthrie@paragonfbk.com.

In determining the lowest responsive bid, the OWNER will consider all acceptable bids on a basis consistent with the bid package. The OWNER will also consider whether the bidder is a responsible bidder.

Before a contract will be awarded for work contemplated herein, the OWNER will conduct such investigation as is necessary to determine the performance record and ability of the apparent low bidder to perform the size and type of work specified under this Contract. Upon request, the bidder shall submit such information as deemed necessary by the OWNER to evaluate the bidder's qualifications.

All bids must be signed and accompanied by evidence of authority to sign.

Bids must be accompanied by Bid Security in the form of a bid bond, certified check, cashier's check, or cash in the amount of 5% of the amount of the bid proposal. Said bid security shall be forfeited to Owyhee County as liquidated damages should the successful bidder fail to enter into contract in accordance with their proposal as specified in the Instructions to Bidders.

Owyhee County reserves the right to reject any or all proposals, waive any nonmaterial irregularities in the bids received, and to accept the proposal deemed most advantageous to the best interest of the County.

12/14,21/2022

NOTICE

The annual meeting ofthe Bruneau Buckaroo Ditch Company will be held at the Bruneau Emergency Center on Monday, January 2, 2023 at 7:00 p.m.

Chris Alzola
Secretary
208-587-2789
12/21/2022

SUMMONS
IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
Case No. CV14-22-05361
To: Serafin Seratti

You have been sued by Rosa I. Garcia Cervantes, the Petitioner, in the District Court in and for Canyon County, Idaho, Case No.CV14-22-05361

The nature of the claim against you if for Child Custody.

Any time after 21 days following the last publication of this Summons, the court may enter a judgment against you without further notice, unless prior to that time you have filed a written response in the proper form, including the case number, and paid any required filing fee to the Clerk of the Court at 1115 Albany St., Caldwell, ID 83605; phone no.: (208) 454-7572 and served a copy of your response on the other party, whose mailing address and telephone number are: 411 E. Chicago St., Caldwell, ID 83605, (208) 412-7569.

A copy of the Summons and Petition/Motion can be obtained by contacting either the Clerk of the Court or the other party. If you wish legal assistance, you should immediately retain an attorney to advise you in this matter.

Date: 11/4/2022, 4:20:13 PM
/s/:Sharon Carter, Deputy Clerk
Canyon County District Court
12/14,21,28/2022;01/04/2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85598

HEART K TRUST, C/O GILBERT GENE KING, 19100 LING LN, OREANA, ID 83650-5084 has filed Application No. 85598 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-2246, 57-2253, 57-7266; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows:

to add a point of diversion and change the place of use to an updated permissible place of use for the rights involved. The new point of diversion is located in NENE Section 34, Township 04S, Range 01E. The new point of diversion and the updated place of use are approximately twelve miles northwest of Grand View, just south of the intersection of Murphy Grand View Road and Wees Road.

For additional information concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of $25.00 for each application on or before 1/9/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
12/21,28/2022

The Owyhee Avalanche
Owyhee County's best source of local news!

Marsing

John Barenberg's class

From Page 9B

hld ice cream with caramel, chocklite, Strawberr ice cream it was delishes.

Madix A.

What Winter means to me

The winter is very cold. and the Days are very short.

In Winter there are lots of snow. We can play in the Snow it is fun.

I like winter but I do not like the cold. In winter the animals come out such as brids and Deers and foxs and wolfs. I love snow. I like winter becuase it is fun.

I like hot chocolate.

happy Winter

Elizabeth G.

What Christas mean to me

One thing I love about Christas makeing presents for famly and friends.

Two thing I love about Christas is making my Christas tree.

Therd thing I Love about Christas is opening my presents with my sister and brother.

Ariana R.

OK
LC 1/13/23

What Chrismas Means to me

Chrismas means to me is its Jesuses birthday and giving gifts to people I don't even no makes me so so so so happy! because if Jesus wasn't here the world would not be a good world but since Jesus is hear we can live a great life. Chrismas means to me is to spend time with family and friends because it is the only month that we can spend so much time to gather around the house and say merry Chrismas.

Abraham K.

What Christmas means to me?

To me Christmas means celbratiag Jesus buthday. I get to spend time with family. We buy gifts and we give them to other kids. I go outside with my family To play in the snow during Chritmas break. I love Christmas.

Brandyn D.

What Christmas mean to me

Christmas is a grate holaday I Love christmas Becase we all get gefis and i Love to see smile and we get to eat good food. I Love Christmas cas we ge to decrate my hous and my gramas hous and we get to dress my gla ma bo in a dog Santu and we get to decrat the ...the ... Back Yard it i relley hard OK that is wat Christmas mean to me OK bye bye♥

Victoria S.

What Christmas Mean to me

it mens opntag presis and siting by the Christmas tree and it is fun bcuse you gite gifs.

William R.

What Christmas Means to me

Celebrate your lord And Savior. I think because he died for ore sins.

Spend time with friends And family because thay take care of me.

I think giving thing is nice because it's Respect.

Logan C.

What Christmas means to me

Christmas means to me Sping time with famliy and friends coues it is that time of year that you see all of uor famliy and all of friends and with your love ones.

Adan M.

What Christmas mans to me

Chrismas is Jesus brthday and he get's three gifts. To me that means giving gifts. It means I get to Spend time with fmily. we buy gifts and them to othes kids. in christmas break we like to go outsde and pleuy in the snow. we get to make cookies, gnger bread houses, play games.

Quinn E.

What Christmas mean's to me

To selabrate Jesus when he was born with my family to be with your family and Play with family.

Jace C.

What Chrismas means to me

Chrismas is a time to spend with family and frend's to get to no my family. To help my grama make Diner, i Love to help my family. I Love my dag she cutis with me she tak's my brother's food it maks me gigle. I Love my blake golden puppy she is cute

Dahl C.

SCANNED
JUN 02 2023

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 • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 15, 2022

HEART K TRUST
C/O GILBERT GENE KING
19100 LING LN
OREANA, ID 83650-5084

RE: Transfer No. 85598
Water Right No(s). 57-2246, 57-2253, 57-7266

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 12/21/2022 and 12/28/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Lynne Evans
Administrative Assistant I

CC: PATRICK KELLY, HDR INC

SCANNED
DEC 16 2022

Evans, Lynne

From: Evans, Lynne
Sent: Thursday, December 15, 2022 2:36 PM
To: office@owyhee.com; Jon Brown
Subject: Legal Notice for Transfer No. 85598; Water Right No(s). 57-2246, 57-2253, 57-7266
Attachments: Legal Notice.docx

Please publish the enclosed legal notice in the Owyhee Avalanche on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 1/9/2023. Your cooperation is appreciated.

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

SCANNED
DEC 16 2022

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85598

HEART K TRUST, C/O GILBERT GENE KING, 19100 LING LN, OREANA, ID 83650-5084 has filed Application No. 85598 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-2246, 57-2253, 57-7266; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows:
to add a point of diversion and change the place of use to an updated permissible place of use for the rights involved. The new point of diversion is located in NENE Section 34, Township 04S, Range 01E. The new point of diversion and the updated place of use are approximately twelve miles northwest of Grand View, just south of the intersection of Murphy Grand View Road and Wees Road.

For additional information concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of $25.00 for each application on or before 1/9/2023. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 12/21/2022 and 12/28/2022

SCANNED
DEC 16 2022

Evans, Lynne

From: Evans, Lynne
Sent: Thursday, December 15, 2022 3:02 PM
To: mikeihli@gmail.com
Subject: Application for Transfer No. 85598; Water Right No(s). 57-2246, 57-2253, 57-7266
Attachments: T85598 WD.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx. Please review the application, then complete the enclosed recommendation form and return it to this office by January 9, 2023.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by January 9, 2023, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

SCANNED
DEC 16 2022

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RE: Transfer No. 85598
Water Right No(s). 57-2246, 57-2253, 57-7266

Transfer Applicant's Name:

HEART K TRUST
C/O GILBERT GENE KING
19100 LING LN
OREANA, ID 83650-5084

Watermaster's 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:

c) _____ I oppose approval of this application for the following reasons:

d) _____ Additional comments:

Dated this _____ day of _____.

_____
Watermaster's Signature

SCANNED
DEC 16 2022

Evans, Lynne

From: Evans, Lynne
Sent: Thursday, December 15, 2022 3:46 PM
To: FRED_PRICE@BLM.GOV
Subject: Application for Transfer No. 85598; Water Right No(s). 57-2246, 57-2253, 57-7266

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at: https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a $25.00 filing fee within 10 days of the final publication.

Please contact this office if you have any questions regarding the application.

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

SCANNED
DEC 16 2022

Olson, Aaron

From: angelia king <kattleking1987@gmail.com>
Sent: Thursday, October 20, 2022 8:32 AM
To: Olson, Aaron
Subject: Re: Photos of PODs

CAUTION: **This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Aaron

1. Currently there is on well.
2. Just the well I am filing for.
3. The point of reinjection is in 34.
4. No

If you have any other questions or need clarification, please let me know.

thanks
Gil King

On Tue, Sep 27, 2022 at 5:55 PM Olson, Aaron <on.Olson@idwr.idaho.gov> wrote:

> Following up on that message from a moment ago, here are some photos to show the differences in where the database currently have PODs listed on the rights. I will be available tomorrow to discuss.
>
> Thanks,
>
> **Aaron Olson** - Water Resource Agent
>
> Idaho Dept. of Water Resources
>
> 2735 W Airport Way
>
> Boise, ID 83705
>
> (208) 605-4629
>
> Aaron.Olson@idwr.idaho.gov

SCANNED
DEC 16 2022

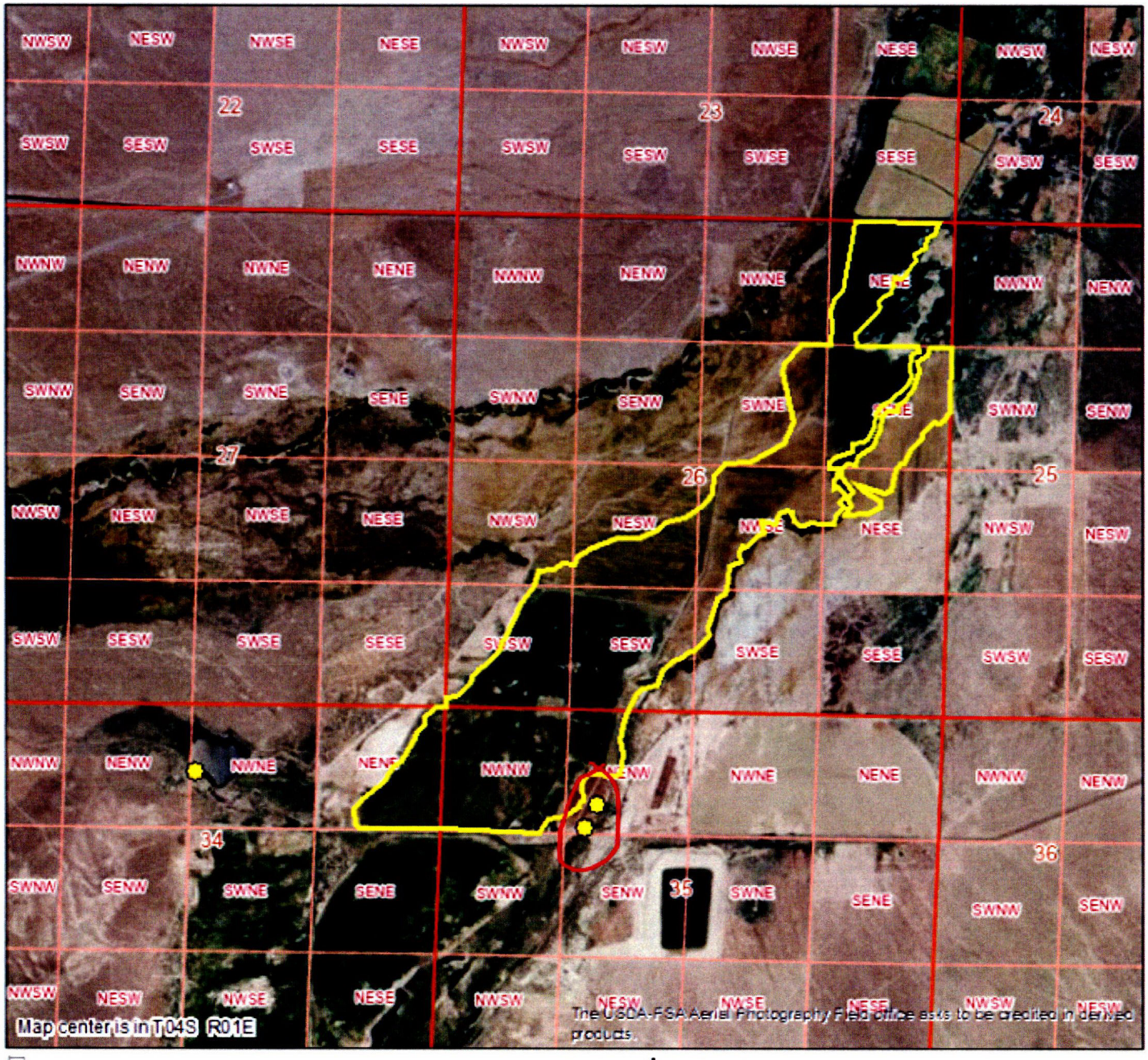
State of Idaho
Department of Water Resources

Water Right

57-2246

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





0 0.1 0.2 0.4 0.6 0.8
Miles

Date created: 9/27/2022

Legend
- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

N



SCANNED
DEC 16 2022

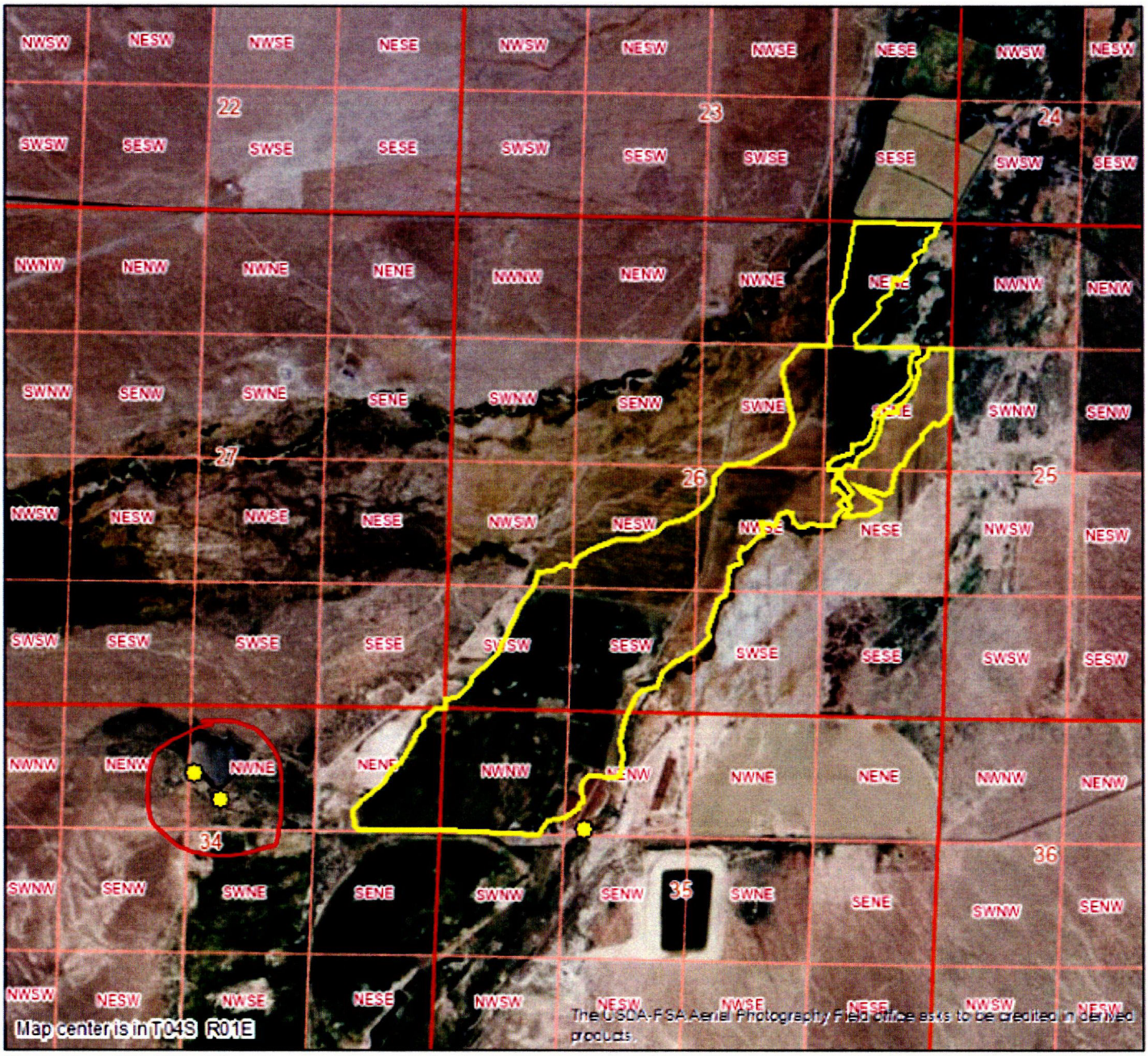
State of Idaho
Department of Water Resources

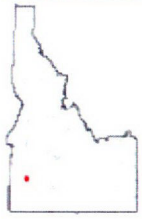
Water Right

57-2253

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





0 0.1 0.2 0.4 0.6 0.8
Miles

Legend
- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

N

Date created: 9/27/2022

SCANNED
DEC 16 2022

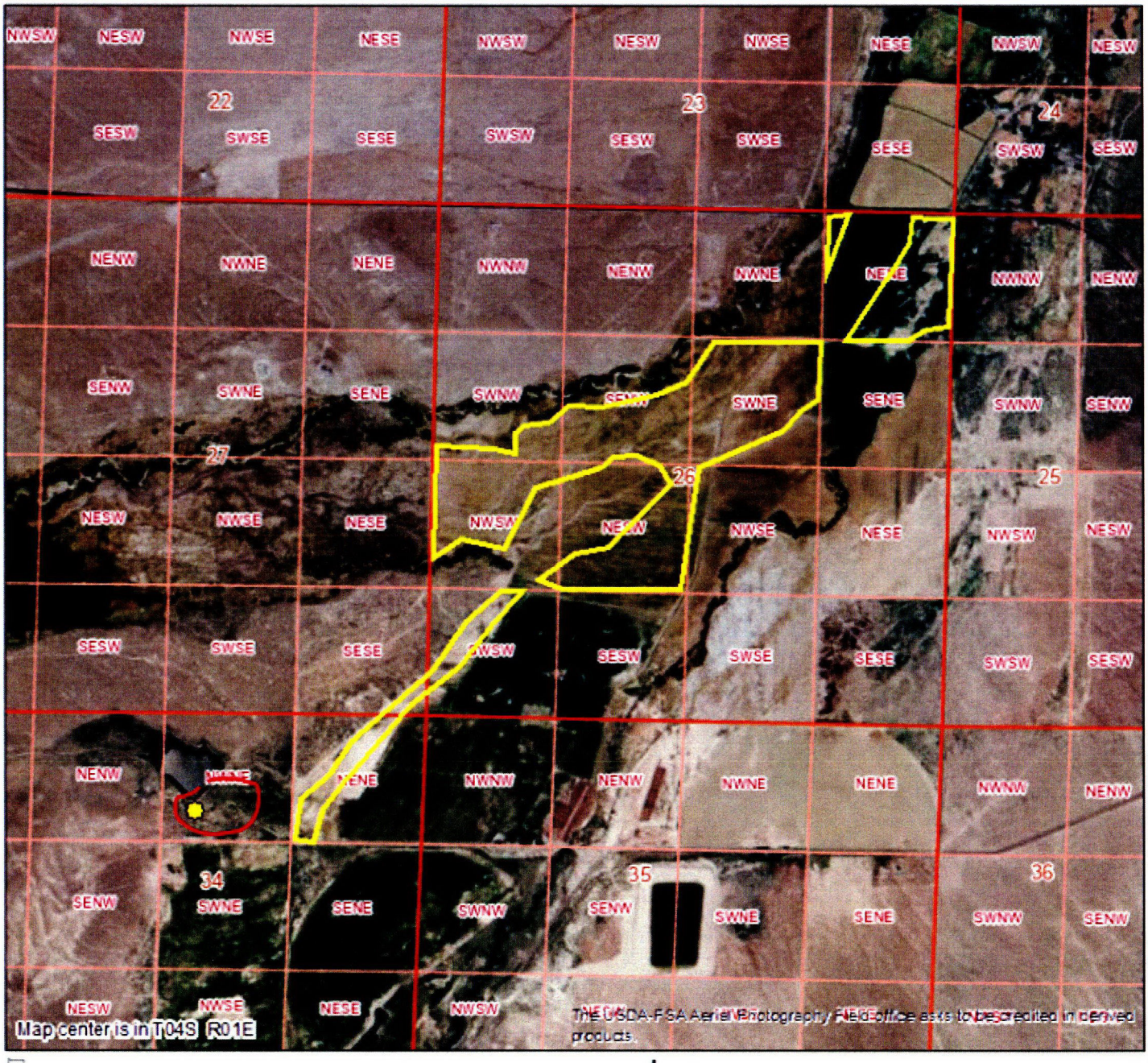
State of Idaho
Department of Water Resources

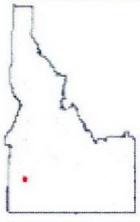
Water Right

57-7266

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





0 0.1 0.2 0.4 0.6 0.8
Miles

Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

N

Date created: 9/27/2022

SCANNED
DEC 16 2022

Olson, Aaron

From: Olson, Aaron
Sent: Tuesday, September 27, 2022 5:47 PM
To: patrick.kelly@hdrinc.com
Cc: kattleking1987@gmail.com
Subject: Heart K Trust Transfer Application

Good Morning,

Following up on the voicemails I had left regarding this transfer some simple clarification would be appreciated regarding the points of diversion for the involved rights. It appears there might have previously been a mix up in the maps/database for these water rights which has caused some confusion over how many wells/PODs there are for these rights and where they are all located. Some questions that could help straighten things out are as follows:

1.) Is there currently one well or two wells in NWNE Section 34?

2.) Are all wells to be added to all rights? I.e. should the point of injection and point of rediversion be added be added to right 57-7266? And if there are 2 wells in NWNE Section 34, should both be added to all rights as a POD?

3.) Is the point of reinjection for 57-2253 actually the northern most POD in the NENW Section 35 (same as 57-2246 POD-R)?

For the most part clarification is needed on if there is one well or two wells in NWNE Section 34 and if both of those PODs should be included in all the rights. If there actually is two wells and a total of 5 wells that are to be used after the transfer then an amendment would be needed to the application.

Again I apologize for the delay in processing of this application, if there are no amendments to be made based on the questions asked in this message this application should be set to proceed and go out to advertising at the next available date.

Thanks,

Aaron Olson - Water Resource Agent
Idaho Dept. of Water Resources
2735 W Airport Way
Boise, ID 83705
(208) 605-4629
Aaron.Olson@idwr.idaho.gov

SCANNED
DEC 16 2022

SPF WATER ENGINEERING

RECEIVED
DEC 06 2021
WATER RESOURCES
WESTERN REGION

December 6, 2021

Scott Storms
Water Rights Supervisor
Idaho Department of Water Resources
2735 W Airport Way
Boise, ID 83705

Subject: Application for Transfer – Heart K Trust

Dear Scott,

On behalf of Heart K Trust, please find an application for transfer proposing to add a new Point of Diversion and create a Permissible Place of Use. Water rights 57-2246, 57-2253 and 57-7266 are LTG rights from an artesian well drilled in 1962. The 376-acre PPU reflects the full irrigation use authorized by the three rights.

Included is a filing fee of $1,060. Please contact me with any questions.

Sincerely,

Patrick Kelly
Project Hydrologist

Enclosures: Application, $1,060 Application Filing Fee

cc: Geoff King, Heart K Trust

SPF file number: 1715.0010

SCANNED
DEC 16 2022

300 E. Mallard Drive, Suite 350, Boise, Idaho 83706 Tel: 208-383-4140 Fax: 208-383-4156

85598

March 2017

REVIEW CHECKLIST TRANSFER -- OR -- EXCHANGE

(Workflow) (maybe Workflow)

Application # 85598 **Reviewer** AO **Date** 12/15/2021

Acceptable Filing (TP Memo #24 Sect. 3) J Y ___ N If "N" 30-day Deficiency Ltr Sent - (date & initial)

Initial Review & Abbreviated Data Entry AO 12/16/2021 (date & initial) Supervisor Notes J Y ___ N

Right(s) in Water Bank ___ Y J N, Notify S.O. N/A (date) - WSB App Attachment N/A

COMMENT LETTERS J Y ___ N

Water District # 57C (Required even if No Legal Notice Required)

Other(s): list here or see attached BLM

ADVERTISING X Y ___ N If "N" Save Legal Notice Not Required DB Comment in Workflow & Memo ___

Legal Notice Required - Saved as Legal Notice Remarks in Workflow J Y *uncheck "Currently in Data Entry" flag

Statewide ads ___ Y J N ("Y" only if any single right > 10 cfs, 1000 af storage)

COMPLETE TO HERE BEFORE FORWARD FOR ADVERTISING

ADVERTISER COMPLETES

LEGAL NOTICE & PROTEST

Protest Deadline 1/9/23

Y	N			
___	✓	Protested	If Y: ___	Scan protest
✓	___	Affidavit received/published correctly	If N: ___	Re-advertised & published correctly

REVIEW MEMO -- DRAFT APPROVAL -- APPROVAL COVER LETTER

Drilling fee upgrade - Paid - WC & WR File Documented (Request, CAN NOT hold xFer if unpaid).

Review Memo Completed J (See Review Memo Template N:/WRProcessing/Transfers/Review Memo Template).

Data Entry, Conditions, & ArcMap Data Entry Completed J

E'folder w/ Draft Approval (85598 Heart K Trust)

(applicant last name + application #)

NOTE FOR CLERICAL STAFF APPROVAL COVER LETTER

Add WSB paragraph to approval cover letter (see N:WRFormLetters/Water Bank Paragraph) ___ Y J N

March 2017

OPTIONAL PAGE -- CONDITIONS & NOTES

GROUNDWATER:

WD 161 (Non-de minimis uses) - R05
- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 214

~~WD~~
- < 0.24 cfs/5 acres - No MD
- ≥ 0.24 cfs/5 acres - 01M or 01Q (ref. MD flowchart)

No water measurement districts in Western Region at this time.
DRILLING PERMIT - 046 (new well)

SURFACE WATER:

WD - R05
≤ 0.20 cfs - R02, 01P or No MD (ref. MD flowchart)
> 0.20 cfs - R43
~~WD~~, SPRINGS/SINK, INACTIVE WD & REST OF STATE
< 0.24 cfs/5 acres - No MD
≥ 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)
STANDARD VOLUME_____ af/ac
CONSUMPTIVE USE VOLUME _____ af/ac

USES:

STORAGE - 18C-18B/R40-123-220-219-221-222-259-937-938
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
Volume only - R58/R59/R60/R61
Supplemental - 943 & WB7
Storage - R70
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029 (70's basins only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077-218
DAIRY - 082 (zoning if a concern)-106-WD8

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN – 007-109-X64
Irr., GW supp to SW - 102

DOMESTIC
Surface water - WB5 (Boise above Star Bridge)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas. condition outside a WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu
X35 - Combined **limits** of multiple rts
X49 - measure p/'d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
205 - use when quantity reduced by xFer approval
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X63 - replaced C12 through C17 - ultimately C18 placed on rts to cover issue. If C18 on rts replace with T19 and remove X63.

Apply one to chg'd & unchg'd rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt yet)
T19 - replaces C18 (if at Directors Report or Partial Decree stage)
T20 – use only on unchg'd rts not subject to SRBA

NOTES: