STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 86963

This is to certify that: GOULD FEEDER PROPERTIES LLC AND
RESERVE RIDGE LLC
909 N ROBINSON BLVD
NAMPA, ID 83687-9511

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
67-10240	WR/DECREED	9/10/1953	0.230 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
67-10240	NO	NO	NO	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
67-10240	67-10240	0.230 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**0.230 cfs**	**N/A**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

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

Dated this 3 day of AUGUST, 2023.

Cod Parker, Water Rights Supervisor

SCANNED
AUG 04 2023

WATER RIGHT NO. 67-10240

As Modified by Transfer No. 86963

In accordance with the approval of Transfer No. 86963, Water Right No. 67-10240 is now described as follows:

Right Holder: RESERVE RIDGE LLC AND
GOULD FEEDER PROPERTIES LLC
909 N ROBINSON BLVD
NAMPA, ID 83687-9511

Priority Date: 9/10/1953

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate
STOCKWATER	1/01	to 12/31	0.230 cfs
			0.230 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 34 Twp 11N Rge 05W WASHINGTON County
GROUND WATER	NESE	Sec 34 Twp 11N Rge 05W WASHINGTON County

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11N	05W	34													X				

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. The quantity of water decreed for this water right is not a determination of historical beneficial use.
5. The quantity of water under this right shall not exceed 13,000 gallons per day.
6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
AUG 0 4 2023

Transfer No. 86963

State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 86963

67-10240

This map depicts the STOCKWATER 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.



0 0.045 0.09 0.18 Miles

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

N

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AUG 0 4 2023

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 27 2022
WATER RESOURCES
WESTERN REGION
RECEIVED
SEP 28 2022
DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☐ Change diversion point(s) ☒ Add diversion point(s) ☒ Ownership change ☐ Ownership split

☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Reserve Ridge & Gould Feedlot Properties Phone 208-936-8442
2. **MAILING ADDRESS** 909 N. Robinson Blvd City Nampa
   State ID Zip 83687 Email jgould-1@hotmail.com

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 67-10240

☐ Attach a copy of the water right(s) as recorded, available at *idwr.idaho.gov*, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.23 (diversion rate) cubic feet per second and/or _____ (storage volume) acre-feet per annum.

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
yes			NE	SE	34	11N	5W	Washington	Ground Water	
			NE	SE	34	11N	5W	Washington	Ground Water	

RECEIVED
APR 12 2023
DEPARTMENT OF
WATER RESOURCES

SCANNED
AUG 04 2023

Transfer No. 86963

6. **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:

Original well is not producing as well as it had
Adding additional well to compensate

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. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐	☒	currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☐ No

☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.*

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent	Print name and title if applicable	Date
[signature]	Jared Gould owner	9/27/22

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of $50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at *www.idwr.idaho.gov, Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by CE Date 09/27/2022

Fee paid $525.00 Date 09/27/2022 Receipted by CE Receipt # W050779

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

SCANNED
AUG 04 2023

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State of Idaho
Department of Water Resources

Attachment to Water Right License

67-10240

This map depicts the STOCKWATER 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.



Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion
Taxlots

0 0.045 0.09 0.18 Miles

N

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AUG 04 2023

86963

Deed

Instrument 246178
STATE OF IDAHO, COUNTY OF WASHINGTON
2021-09-03 01:10:19 PM No. of Pages: 5
Recorded for: AMERITITLE - PAYETTE
DONNA ATWOOD Fee: $15.00
Ex-Officio Recorder Deputy MMcConnell
Index To: DEED
Electronically Recorded by Simplifile

Order No. 491010AM

CORPORATION DEED

For Value Received

S & S Land and Cattle Company, aka S & S Land & Cattle Company, an Idaho Corporation

a corporation duly organized and existing under the laws of the State of Idaho, Grantor, does hereby Grant, Bargain, Sell and convey unto

Reserve Ridge LLC, an Idaho Limited Liability Company, with an undivided interest of 75%
and Gould Feeder Properties LLC, an Idaho Limited Liability Company, with an undivided interest of 25%

whose current address is: 909 Robinson Blvd
Nampa, ID 83687

the following described real estate, to-wit:

See Attached Exhibit 'A'

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee(s), that it is the owner of said premises; that they are free from all encumbrances EXCEPT: current year taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed September 3, 2021.

SCANNED
AUG 04 2023

Deed

S & S Land & Cattle Company, an Idaho Corporation

By: Thomas Sweet, President

By: Renee Sweet, Secretary

State of Idaho}ss.
County of Washington}

On this 3 day of September, 2021, before me, Nancy I. Lazaro a Notary Public in and for said state, personally appeared Thomas Sweet and Renee Sweet known to me to be the President and Secretary of the S&S Land & Cattle Company, an Idaho Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, he/she executed the foregoing in said Corporation name.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at: Weiser, ID
Commission Expires: 10/9/2025

NANCY I. LAZARO NOTARY PUBLIC Comm No. 36914 STATE OF IDAHO

SCANNED
AUG 04 2023

EXHIBIT 'A'

File No. 491010AM

Parcel I:

A parcel of land situated in a portion of the E1/2 of Section 34 and the NW1/4 of the SW1/4 of Section 35, Township 11 North, Range 5 West, Boise Meridian, Washington County, Idaho and is more particularly described as follows:

BEGINNING at the southeast corner of the SE1/4 of the NE1/4 of said Section 34, from which the southeast corner of said Section 34 bears S.00°13'50"E., 2614.19 feet;

thence along the east boundary of said SE1/4 of the NE1/4, N.00°13'42"W., 805.93 feet to a 1/2 inch iron rod with orange plastic cap marked "STRICKER PLS 14223";

thence leaving said east boundary, N.87°22'00"W., 335.70 feet to a 1/2 inch iron rod with orange plastic cap marked "STRICKER PLS 14223";

thence, N.62°05'12"W., 138.44 feet to a 1/2 inch iron rod with orange plastic cap marked "STRICKER PLS 14223";

thence, N.03°38'09"E., 278.28 feet to a 1/2 inch iron rod with orange plastic cap marked "STRICKER PLS 14223";

thence, N.81°34'58"W., 250.10 feet to a 1/2 inch iron rod with orange plastic cap marked "STRICKER PLS 14223";

thence, N.76°51'27"W., 172.90 feet to a 1/2 inch iron rod with orange plastic cap marked "STRICKER PLS 14223";

thence, N.61°10'29"W., 77.65 feet to a 1/2 inch iron rod with orange plastic cap marked "STRICKER PLS 14223";

thence, N.80°48'30"W., 33.09 feet to a 1/2 inch iron rod with orange plastic cap marked "STRICKER PLS 14223";

thence, S.43°35'23"W., 408.90 feet to a 1/2 inch iron rod with orange plastic cap marked "STRICKER PLS 14223" on the east boundary of the parcel described in Warranty Deed Instrument No. 226152;

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AUG 0 4 2023

thence along said east boundary, S.01°14'36"W., 381.86 feet to the northeast corner of the parcel described in Warranty Deed Instrument No. 220725;

thence along the east boundary of said parcel and southerly extension thereof, S.01°15'29"W., 869.47 feet to the northerly right-of-way of Weiser River Road;

thence along said northerly right-of-way, S.81°24'42"E., 588.76 feet;

thence continuing along said northerly right-of-way, S.82°20'19"E., 422.55 feet to a tangent point of curvature;

thence continuing along said northerly right-of-way and a curve to the right, having an arc length of 327.44 feet, a radius of 5445.00 feet, through a central angle of 03°26'44" and a chord bearing of S.80°36'57"E., 327.39 feet to a point of non-tangency;

thence leaving said northerly right-of-way, N.00°51'44"W., 461.77 feet to a 1/2 inch iron rod with orange plastic cap marked "STRICKER PLS 14223" on the north boundary of said NW1/4 of the SW1/4 of Section 35;

thence along said north boundary, N.89°17'40"W., 47.98 feet to the POINT OF BEGINNING.

PARCEL II:

IN SECTION 34 OF TOWNSHIP 11 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:

A parcel of land situated within the SE¼ of Section 34, said Township and Range, more particularly described as follows:

Beginning at the southeast corner of Section 34, T.11N., R.5W., B.M.;

Thence N 0°06'20" W, a distance of 460.72 feet along the East line of the SE¼ of said Section 34 to the TRUE POINT OF BEGINNING, which point is on the northeasterly right-of-way of the Idaho Northern and Pacific Railroad;

Thence northwesterly along the northeasterly right-of-way of said Railroad, along the arc of a curve right with a long chord bearing N 71°09'41" W- 450.95 feet;

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86963

Thence N 67°29'34" W, a distance of 948.94 feet along the northeasterly right-of-way of said Railroad;

Thence N 4°04'18" E, a distance of 367.26 feet;

Thence N 24°20'50" E, a distance of 39.01 feet;

Thence N 88°15'17" E, a distance of 30.64 feet;

Thence N 1°04'19" E, a distance of 78.46 feet to a point on the southerly right-of-way of an existing County Road known as Sand Road;

Thence southeasterly along the southwesterly right-of-way of said Sand Road to a point on the East line of said SE¼;

Thence S 0°06'20" E, a distance of 604.60 feet along the East line of said SE¼ to the TRUE POINT OF BEGINNING.

PARCEL III:

IN SECTION 34 OF TOWNSHIP 11 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO:

That portion of the E½ of Section 34, said Township and Range, lying northerly and easterly of Sand Road and southerly of Weiser River Road.

PARCEL IV:

IN TOWNSHIP 11 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO:

Section 35: That portion of the NW¼SW¼ lying southerly of the south right-of-way of Weiser River Road.

PARCEL V:

IN TOWNSHIP 11 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO:
Section 36: E½SW¼SW¼

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AUG 04 2023

IDAHO Department of Water Resources

IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

WATER RIGHT REPORT

7/22/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 67-10240

Owner Type	Name and Address
Current Owner	S & S LAND & CATTLE CO 1765 FAIRVIEW DR WEISER, ID 83672 2085490975

Priority Date: 09/10/1953

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER	1/01	12/31	0.23 CFS	
Total Diversion			0.23 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENESE	Sec. 34	Township 11N	Range 05W	WASHINGTON County

Place(s) of use:

Place of Use Legal Description: STOCKWATER WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11N	05W	34		NESE										

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Conditions of Approval:

1.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4.		STOCKWATER, 1,000 RANGE CATTLE PARCEL NO. RP 003090 A

Dates:

Licensed Date:

Decreed Date: 12/08/2000

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: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

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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AUG 0 4 2023

86968

State of Idaho
Department of Water Resources

Water Right
67-10240

STOCKWATER

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.



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

0 0.045 0.09 0.18 Miles

N

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AUG 04 2023
86963

Map produced on July 29, 2021

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

August 04, 2023

RESERVE RIDGE LLC
GOULD FEEDER PROPERTIES LLC
909 N ROBINSON BLVD
NAMPA ID 83687-9511

Re: Transfer No: 86962 & 86963
Water Right No(s).: 67-10235, 67-10236 & 67-10240

Transfer Approval Notice

Dear Water Right Holder

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.

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Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 287-4800.

Sincerely,

Jean Hersley

For
Cody Parker
Water Rights Supervisor

Enclosure

SCANNED
AUG 0 4 2023

CERTIFICATE OF SERVICE

I hereby certify that on August 04, 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: 86962 & 86963
Water Right No(s).: 67-10235, 67-10236 & 67-10240

RESERVE RIDGE LLC
909 N ROBINSON BLVD
NAMPA ID 83687-9511

GOULD FEEDER PROPERTIES LLC
909 N ROBINSON BLVD
NAMPA ID 83687-9511

Jean Hersley

Jean Hersley
Technical Records Specialist

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AUG 0 4 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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CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 86963 – Water Right 67-10240
FROM: Shilynn Novak
DATE: July 28, 2023
RE: Evaluation of Application

The transfer proposes to complete a change of ownership and add a second Point of Diversion to water right 67-10240. The applicant states the original stockwater well is not producing enough water as it previously had in the past and proposes a second well to compensate for the original well.

The site is located approximately 1.5 miles east of the City of Weiser. The proposed well will be on the same property and proposed to be approximately 500ft to the west their current well. No drilling appears to have been completed.

Contact person for the applicant is Jared Gould, a member of Gould Feeder Properties LLC.

Deviations from Transfer Policy Standards

The original application was only signed by Jared Gould of Gould Feeder Properties LLC. After reviewing the conveyance document included with the transfer application, it was determined that the application needed to be signed by a signing authority from Reserve Ridge LLC. A signature or a letter from a signing authority from Reserve Ridge LLC granting authority for Mr. Gould to sign on behalf of Reserve Ridge LLC was requested. A letter granting Mr. Gould authority to act on behalf of Reserve Ridge LLC for this transfer was received.

General changes to the water right:

- STOCKWATER, 1,000 RANGE CATTLE PARCEL NO. RP 003090 A
  - This condition for stockwater use on the specific parcel should not be included on an approved transfer because Condition X02, which is a variation of this condition, is reserved for water right permits and is dropped at licensing. The parcel number is also out of date and no longer corresponds with the Place of Use (POU) or any parcel numbers in the area.
- Water right 67-10240 lists the original POD as SENESE. The 10-acre tract is unnecessary for a groundwater POD and is recommended as NESE.

Summary of Information Submitted

Transfer 86963 was filed to add a point of diversion and to change the ownership of 67-10240. The ownership was changed for this water right and updated to Gould Feeder Properties LLC and Reserve Ridge LLC. The conveyance document specified a split ownership which required both parties to sign the transfer application or provide written authorization from the entities to designate a single representative.

A letter sent March 20, 2023 to Mr. Gould requested proof of authority for this transfer and Transfer 86962. A letter was sent by John Hepton of Reserve Ridge, LLC granting Mr. Gould authority to sign and work with IDWR to complete Transfer Nos. 86962 and 86963.

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Authority to File:
This transfer included a change of ownership with the transfer. S & S Land & Cattle Co was the previous owner and the deed lists Reserve Ridge LLC and Gould Feeder Properties as the two current owners of the property. Per deed, ownership was updated with "undivided interest" of 75% to Reserve Ridge LLC and 25% to Gould Feeder Properties, LLC.

Jared Gould signed the transfer application. According to the Idaho Secretary of State, Mr. Gould is listed as a signing party for Gould Feeder Properties LLC. John Hepton is listed as a signing party for Reserve Ridge, LLC and included a letter stating that Mr. Gould had authority to sign and work with the Department on behalf of Reserve Ridge.

No concerns about authority to file.

Water Right Validity:
The partial decree for water rights no. 67-10240 was issued on 12/08/2000. Beneficial use was confirmed by department aerial imagery and google earth images. The stockyard appears to have been in place since 1994. The right is presumed to be valid since beneficial use has occurred within the last five years.

No concerns about validity.

Injury to Other Water Rights:
The new well would ensure that the water right holder has continued, full use of their decreed right. The proposed additional well would not increase the rate of use for the water right since it is compensating for decreased use from the original well. An additional well is not anticipated to impact other water rights as the total rate of the water would remain the same.

The water rights are located within Water District 67 but is not administered by the water district.

This well is expected to adhere to local drilling requirements.

Enlargement of Use:
This transfer application is to add a POD to 67-10240 and the new POD is to compensate water use from the original well. This right is only for stockwater and an additional POD should not be an issue because the rate will remain the same. Other than adding another POD to the water right, no other changes were requested.

There are no enlargement concerns.

Water Right Overlap
The only water right POU overlap is from the irrigation entity for irrigation. This transfer is for stockwater use and there is no irrigation component that would be affected by the POU overlap. There is no POU or POD overlap with other stockwater rights.

Local Public Interest:
The new well is located on private property outside of any municipalities. No watermaster comment is needed because the source is not administered by the water district. The new groundwater well would be drilled in accordance with well construction standards.

For these reasons this application proposes a change consistent with the local public interest.

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AUG 0 4 2023

For these reasons this application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:
There are no concerns about the continued use of water right 67-10240.

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

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AUG 0 4 2023

4-5-2023

COPY

RECEIVED
APR 12 2023
DEPARTMENT OF
WATER RESOURCES

IDAHO DEPT. OF WATER RESOURCES
ATTN: SHILYNN NOVAK
PO BOX 83702
BOISE, ID 83720-0098

RE: Transfer Application 86962 & 86963

I, John Hepton with Reserve Ridge, LLC give Jared Gould authority to sign and work with IDWR.

Thank you,

John Hepton

SCANNED
AUG 04 2023

Novak, Shilynn

From: Jared Gould <jgould_1@hotmail.com>
Sent: Friday, April 7, 2023 12:20 PM
To: Novak, Shilynn
Subject: RE: Transfers 86962 & 86963 - Additional Info Request
Attachments: 04052023_Reserve Ridge llc Doc.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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.

Hi Shilynn,
I found the orginal in our office and will get changes and payment sent to you next week.

Thank you,
Jared

From: Novak, Shilynn
Sent: Friday, March 17, 2023 4:16 PM
To: jgould_1@hotmail.com
Subject: Transfers 86962 & 86963 - Additional Info Request

Hello,

I am currently processing Transfer Applications 86962 & 86963 to add points of diversion to water rights 67-10240 and 67-10236. I wanted to let you know the attached letter (Transfers 86962 & 86963 – Additional Info Request) should go out with Monday's mail. Below is a quick summary, while the letter is more detailed. (Please review the letter):

Authority to File
It was determined that Reserve Ridge LLC also needed to either 1) sign the transfer application or 2) provide written documentation that Mr. Gould has authority to file the two transfer applications and/or can make decisions on Reserve Ridge LLC's behalf. To complete this, a letter from the signing authority of Reserve Ridge LLC would need to be sent to myself stating that Mr. Gould may file these two transfers for Reserve Ridge LLC and/or act as a representative who can provide information to complete the transfers.

Water Right 67-10235
During initial review, it appears that water right 67-10235 may need to be included on Transfer 86962 as it appears it is using the same Point of Diversion (well) for stockwater as 67-10236. This can be added to the original transfer application which will also take care of the ownership change. By adding this water right, there would be an additional fee of $325 would be required to continue processing this transfer. ($300 for 0.23 cfs transfer fee and $25 ownership change for 67-10235.)

The ownership changes for water rights 67-10240 and 67-10236 were completed and the acknowledgement letter is attached and a copy will be mailed for your records.

SCANNED
AUG 0 4 2023

Please let me know if you have any questions. You may email me at Shilynn.Novak@idwr.idaho.gov or you may call my direct line at (208) 287-4915.

Sincerely,
Shilynn

Shilynn Novak
Water Resource Agent, Sr. | Water Rights Section
322 E Front St Ste 648 | Boise ID 83702-7371
Direct: 208.287.4915 | Front Desk: 208.287.4800

Please let me know if you have any questions. You may email me at Shilynn.Novak@idwr.idaho.gov or you may call my direct line at (208) 287-4915.

Sincerely,
Shilynn

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AUG 0 4 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

March 20, 2023

RESERVE RIDGE LLC
GOULD FEEDER PROPERTIES LLC
909 N ROBINSON BLVD
NAMPA, ID 83687-9511

COPY

Re: Transfer Applications 86962 & 86963

Dear Applicant:

This office received your transfer applications on September 28, 2022. These are being processed simultaneously. Please address the following items so the transfers may continue being processed:

Authority to File

The transfer applications were received being signed by only Jared Gould. Please have each signing authority of both parties sign each application. Your original application is enclosed so you may add the signature for Reserve Ridge, LLC.

Another option is to provide evidence that Jared Gould has the authority to act on behalf of Reserve Ridge, LLC for these transfers. This can be a letter, or equivalent, from John Hepton giving authority to Mr. Gould to work with IDWR to complete these two transfers. Please send a physical letter to the IDWR State Office and attention to me, Shilynn Novak. You may also send a scanned copy of the letter so I can continue my processing efforts as I wait for the physical letter and original applications to arrive.

IDAHO DEPT. OF WATER RESOURCES
ATTN: SHILYNN NOVAK
PO BOX 83702
BOISE, ID 83720-0098

Please return the applications with either 1) a signature from Reserve Ridge, LLC on each application or 2) with evidence from Reserve Ridge, LLC giving authority to Mr. Jared Gould to file the transfers on their behalf.

The following question is for clarification for Transfer 86962:

Point of Diversion

The POD for water right 67-10236 appears to be the same POD for 67-10235. Your proposal is to add the additional well and have the new well for stockwater use only. 67-10235 is a water right for stockwater use that overlaps 67-10236. I've included a map and proof report for your convenience.

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AUG 04 2023

You may add this water right to your original transfer application by:

- #3: Adding "67-10235" to the application, initial by signing authority(ies), and date change
- #4: Cross out "0.04" cfs, write "0.27" cfs, initial by signing authority(ies), and date change
- #6: include any additional information for 67-10235
    - If you are moving the POD for all of 67-10235 from its current location to the new location, you should state that all this water right is moving and check the "Change Diversion Points" box.
    - If you are plan on using the current POD as a back up but using the location as the primary water source for 67-10235, please note it in #6 and you do not need to check any additional boxes.

If you add 67-10235 to the transfer application, additional fees are required.

Additional Fees

$300 for 0.23 cfs Transfer (The total for the two water rights would be $500. You already paid $200 for Transfer 86962.)
$25 for Ownership Change for 67-10235
Total: $325
(You may pay this fee either 1) in person at the Western Regional Office or the IDWR State Office or 2) by including payment by mail.)

Please initial and date any changes to the original application. Both parties would need to initial and date the changes if Mr. Gould does not have the authority to sign on behalf of Reserve Ridge, LLC.

The ownership changes for water rights 67-10236 and 67-10240 were completed February 8, 2023. The acknowledgement letter is enclosed for the two rights.

Please respond with the requested information within the next thirty (30) days. If IDWR does not receive your written response by mail or email within thirty (30) days, a refund will be issued for the two transfers. You may receive future correspondence regarding more specific details of your applications.

IDWR forms and other information are available online at www.idwr.idaho.gov. Please let me know if you have any questions. You may email me at Shilynn.Novak@idwr.idaho.gov or you may call my direct line at (208) 287-4915.

Sincerely,

S. Nov

Shilynn Novak
Water Resource Agent, Sr.
Water Rights, IDWR State Office

Enclosures

SCANNED
AUG 04 2023

Novak, Shilynn

From: Novak, Shilynn
Sent: Friday, March 17, 2023 4:16 PM
To: 'jgould_1@hotmail.com'
Subject: Transfers 86962 & 86963 - Additional Info Request
Attachments: proof report.docx; Ownership Change Acknowledgement.pdf; Transfers 86962 & 86963 - Additional Info Request.pdf; 67-10235_map.pdf

Hello,

I am currently processing Transfer Applications 86962 & 86963 to add points of diversion to water rights 67-10240 and 67-10236. I wanted to let you know the attached letter (Transfers 86962 & 86963 – Additional Info Request) should go out with Monday's mail. Below is a quick summary, while the letter is more detailed. (Please review the letter):

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Sincerely,
Shilynn

IDAHO DEPARTMENT OF WATER RESOURCES

Shilynn Novak
Water Resource Agent, Sr. | Water Rights Section
322 E Front St Ste 648 | Boise ID 83702-7371
Direct: 208.287.4915 | Front Desk: 208.287.4800

Unscanned docs begin here.
For realsies.

SCANNED
AUG 04 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

February 08, 2023

RESERVE RIDGE LLC AND GOULD FEEDER PROPERTIES LLC
909 N ROBINSON BLVD
NAMPA ID 83687-9511

Re: Change in Ownership for Water Right No(s): 67-10240 and 67-10236

Dear Water Right Holder(s):

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

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

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

If you have any questions concerning the enclosed information, please contact me at (208) 287-4915.

Sincerely,

Shilynn Novak
Water Resource Agent Senior

Enclosure(s)

SCANNED
AUG 04 2023