

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 89227**

This is to certify that: **ARK PROPERTIES INC**  
11204 N BAR 21 DR  
GLENN'S FERRY, ID 83623

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u>      |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|--------------------|
| 61-10578           | WR/DECREED          | 5/1/1883             | 2.270 cfs             | N/A                     | 183.5             | 500.0              | COLD SPRINGS CREEK |
| 61-328             | WR/DECREED          | 5/1/1877             | 1.400 cfs             | N/A                     | 183.5             | 500.0              | COLD SPRINGS CREEK |

**Purpose of Transfer (Changes Proposed)**

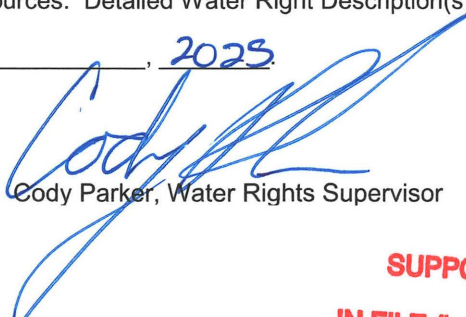
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 61-10578              | NO           | YES        | NO         | NO             | NO                   | NO                   |
| 61-328                | NO           | YES        | NO         | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 61-10578               | 61-10578                         | 2.270 cfs            | N/A                    | 183.5             | 500.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 61-328                 | 61-328                           | 1.400 cfs            | N/A                    | 183.5             | 500.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>3.670 cfs</b>     | <b>N/A</b>             | <b>200.5</b>      | <b>N/A</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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

Dated this 19 day of March, 2023.

  
Cody Parker, Water Rights Supervisor

**SUPPORT DATA**  
**IN FILE # 61-328**

Transfer No. 89227

**WATER RIGHT NO. 61-328****As Modified by Transfer No. 89227**

In accordance with the approval of Transfer No. 89227, Water Right No. 61-328 is now described as follows:

**Right Holder:** ARK PROPERTIES LLC  
C/O JOHN MC CALLUM  
11204 N BAR 21 DR  
GLENNS FERRY, ID 83623-5033

**Priority Date:** 5/1/1877

**Source:** COLD SPRINGS CREEK

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

02/15

**To**

to 11/15

**Diversion Rate**

1.400 cfs

1.400 cfs

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

COLD SPRINGS CREEK  
COLD SPRINGS CREEK

SWSE  
SWSE

Sec 32 Twp 04S Rge 09E ELMORE County  
Sec 32 Twp 04S Rge 09E ELMORE County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 04S | 09E | 32  |      |      |      |      |      |      |      |      |      |      |      | 20.0 |      |      | 40.0 | 40.0 | 100.0  |
| 04S | 09E | 33  |      |      |      |      |      |      |      |      |      |      | 22.0 |      |      |      |      |      | 22.0   |
| 05S | 09E | 4   |      |      |      |      |      | 10.0 |      |      |      |      |      |      |      |      |      |      | 10.0   |
|     |     |     |      |      |      |      |      | L 4  |      |      |      |      |      |      |      |      |      |      |        |
| 05S | 09E | 5   | 40.0 | 40.0 | 40.0 | 40.0 | 23.0 |      | 40.0 | 38.0 | 40.0 | 20.0 |      |      | 10.0 | 37.0 |      |      | 368.0  |
|     |     |     | L 1  | L 2  |      |      | L 3  |      |      |      |      |      |      |      |      |      |      |      |        |

Right Acre Limit: 183.5

POU Total Acres: 500.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 183.5 acres within the place of use described above in a single irrigation season.
2. Rights 61-328 and 61-10578 when combined shall not exceed the irrigation of 183.5 acres.
3. Rights 61-328, 61-10578 and 61-11807 are limited to the irrigation of a specific 200.5 acres within the 500 acre place of use authorized by this right in a single irrigation season. The specific 200.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 200.5 acres to be irrigated within the 500 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 89227

**WATER RIGHT NO. 61-328**  
**As Modified by Transfer No. 89227**

**CONDITIONS OF APPROVAL**

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 61E.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. Rights 61-328 and 61-10578 are diverted through points of diversion described above.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**WATER RIGHT NO. 61-10578**  
**As Modified by Transfer No. 89227**

In accordance with the approval of Transfer No. 89227, Water Right No. 61-10578 is now described as follows:

**Right Holder:** ARK PROPERTIES LLC  
 C/O JOHN MC CALLUM  
 11204 N BAR 21 DR  
 GLENNS FERRY, ID 83623-5033

**Priority Date:** 5/1/1883

**Source:** COLD SPRINGS CREEK      **Tributary:** SNAKE RIVER

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 02/15              | to 11/15         | 2.270 cfs<br>2.270 cfs       |

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

|                    |      |                        |               |
|--------------------|------|------------------------|---------------|
| COLD SPRINGS CREEK | SWSE | Sec 32 Twp 04S Rge 09E | ELMORE County |
| COLD SPRINGS CREEK | SWSE | Sec 32 Twp 04S Rge 09E | ELMORE County |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 04S | 09E | 32  |      |      |      |      |      |      |      |      |      |      |      | 20.0 |      |      | 40.0 | 40.0 | 100.0  |
| 04S | 09E | 33  |      |      |      |      |      |      |      |      |      |      | 22.0 |      |      |      |      |      | 22.0   |
| 05S | 09E | 4   |      |      |      |      |      | 10.0 |      |      |      |      |      |      |      |      |      |      | 10.0   |
|     |     |     |      |      |      |      |      | L 4  |      |      |      |      |      |      |      |      |      |      |        |
| 05S | 09E | 5   | 40.0 | 40.0 | 40.0 | 40.0 | 23.0 |      | 40.0 | 38.0 | 40.0 | 20.0 |      |      | 10.0 | 37.0 |      |      | 368.0  |
|     |     |     | L 1  | L 2  |      |      | L 3  |      |      |      |      |      |      |      |      |      |      |      |        |

Right Acre Limit: 183.5

POU Total Acres: 500.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 183.5 acres within the place of use described above in a single irrigation season.
2. Rights 61-328 and 61-10578 when combined shall not exceed the irrigation of 183.5 acres.

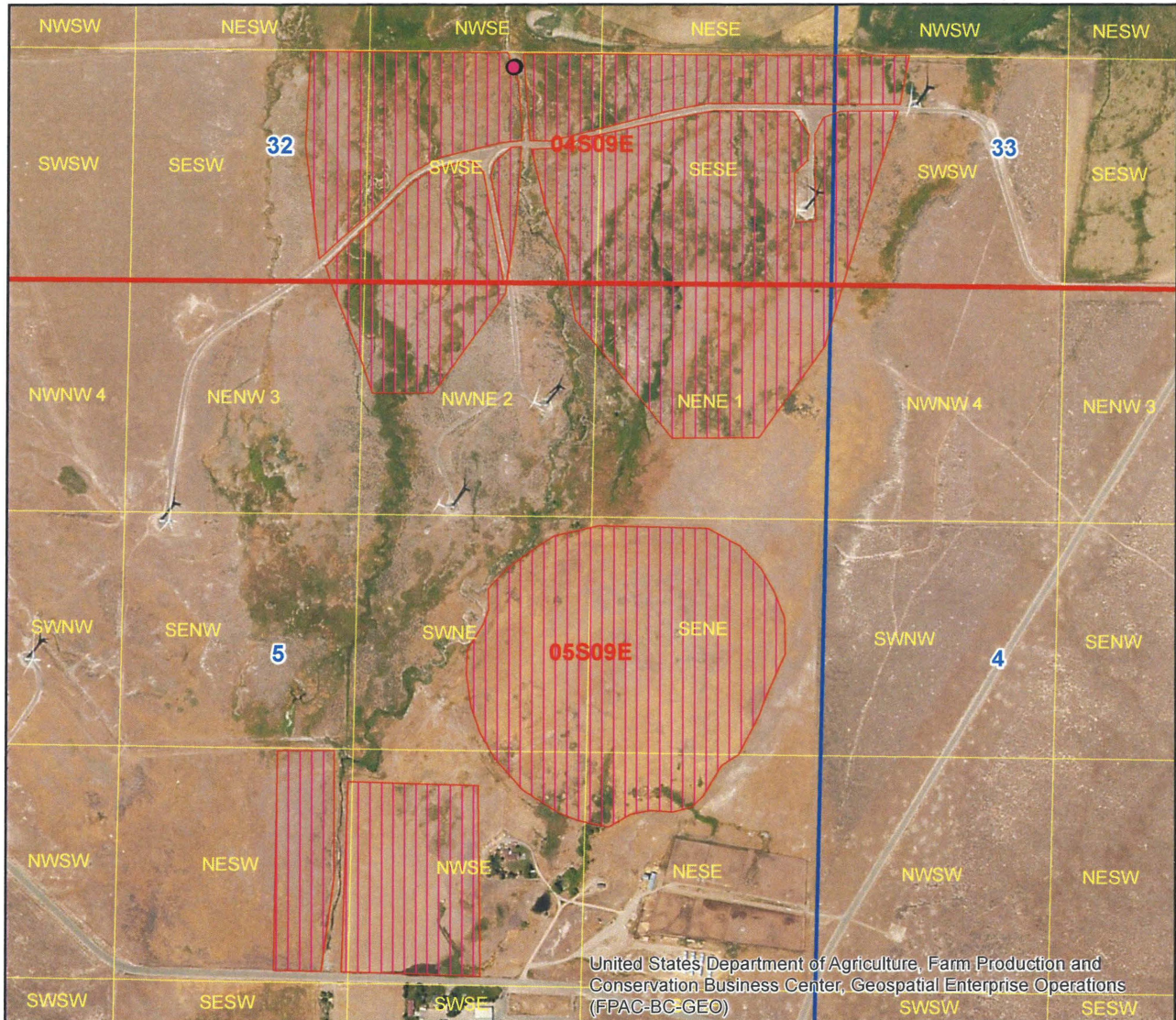
**WATER RIGHT NO. 61-10578**  
**As Modified by Transfer No. 89227**

**CONDITIONS OF APPROVAL**

3. Rights 61-328, 61-10578 and 61-11807 are limited to the irrigation of a specific 200.5 acres within the 500 acre place of use authorized by this right in a single irrigation season. The specific 200.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 200.5 acres to be irrigated within the 500 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 61E.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. Rights 61-328 and 61-10578 are diverted through points of diversion described above.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

State of Idaho  
Department of Water Resources  
**Attachment to Transfer No. 89227**  
**Water Right(s): 61-328 & 61-10578**

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



United States Department of Agriculture, Farm Production and  
Conservation Business Center, Geospatial Enterprise Operations  
(FPAC-BC-GEO)

### Legend

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

0 0.1 0.2 0.4 Miles



## 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 § 42-221.0.8.](#) Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Ark Properties LLC Phone 208-599-1580

2. MAILING ADDRESS 11204 N Bar 21 Dr City Glenns Ferry

State      ID      Zip 83623 Email irondragonmistress@yahoo.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) 61-328, 61-10578

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

4. **TOTAL AMOUNT OF WATER** transferred is 3.67 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
(diversion rate) (storage volume)

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](http://idwr.idaho.gov), *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

## 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:

Headgates, ditches, gravity irrigation

- 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  $\frac{1}{4}$   $\frac{1}{4}$  of section information. You may create a map at [idwr.idaho.gov](http://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.

Teresa McCallum  
Signature of applicant or authorized agent      Print name and title if applicable      Date 07/29/2024

\_\_\_\_\_  
Signature of applicant or authorized agent      Print name and title if applicable      Date

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](http://www.idwr.idaho.gov), *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

### FOR DEPARTMENT USE ONLY

Transfer includes 7 pages of attachments. Received by \_\_\_\_\_ Date \_\_\_\_\_  
Fee paid 740.00 Date 7.29.24 Received by AV Receipt # C118691  
Preliminary review by mw Date 08/05/24 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)

**Application Narrative:**

Applicant is currently authorized to divert on both sides of Cold Springs Creek under transfer rights 61-326 & 61-10578. The diversions are located across from each other on land not owned by the applicant. Applicant seeks authorization to change the diversion points to a location approximately 225 ft downstream on applicant's land.

When combined, the transferred water rights from Cold Springs Creek and associated water right 61-11807 from Henley Springs and unnamed stream are allowed irrigation of 200.5 acres within a 500-acre PPU. The current 206 aerial map and land list identifying the specific 200.5 acres to be irrigated includes a pivot sprinkler as part of the irrigation system. The map for this transfer application also serves as an updated 206 aerial map and land list for the three combined rights to reflect conversion back to an all-gravity irrigation system with removal of the pivot sprinkler.

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

**Current Water Right No.: 61-328**

Current Owner: ARK PROPERTIES LLC  
Priority Date: 5/1/1877  
Origin: Water Right  
Status: Active  
Basis: Decreed

**Source**

COLD SPRINGS CREEK

**Tributary**

SNAKE RIVER

**Beneficial Use**

IRRIGATION

**From To**

02/15 to 11/15

**Total Diversion**

**Diversion Rate**

1.4 CFS

1.4 CFS

**Annual Volume**

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

COLD SPRINGS CREEK

ELMORE County

COLD SPRINGS CREEK

ELMORE County

NW1/4SE1/4

Sec. 32, Twp 04S, Rge 09E B.M.

NW1/4SE1/4

Sec. 32, Twp 04S, Rge 09E B.M.

**Place of Use**

**IRRIGATION Within ELMORE County**

|               |            |       |               |            |       |
|---------------|------------|-------|---------------|------------|-------|
| T04S R09E S32 | SESW       | 20.00 | T04S R09E S32 | SWSE       | 40.00 |
| T04S R09E S32 | SESE       | 40.00 | T04S R09E S33 | SWSW       | 22.00 |
| T05S R09E S4  | Lot 4 NWNW | 10.00 | T05S R09E S5  | Lot 1 NENE | 40.00 |
| T05S R09E S5  | Lot 2 NWNE | 40.00 | T05S R09E S5  | SWNE       | 40.00 |
| T05S R09E S5  | SENE       | 40.00 | T05S R09E S5  | Lot 3 NENW | 23.00 |
| T05S R09E S5  | SWNW       | 40.00 | T05S R09E S5  | SENE       | 38.00 |
| T05S R09E S5  | NESW       | 40.00 | T05S R09E S5  | NWSW       | 20.00 |
| T05S R09E S5  | NESE       | 10.00 | T05S R09E S5  | NWSE       | 37.00 |

Total Acres: 500

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. X35 Rights 61-328 and 61-10578 when combined shall not exceed the irrigation of 183.5 acres.
3. F06 Rights 61-328 and 61-10578 are diverted through points of diversion described above.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 61C Bennett and Cold Springs Creeks.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 206 Rights 61-328, 61-10578 and 61-11807 are limited to the irrigation of a specific 200.5 acres within the 500 acre place of use authorized by this right in a single irrigation season. The specific 200.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 200.5 acres to be irrigated within the 500 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. X27 This right is limited to the irrigation of 183.5 acres within the place of use described above in a single irrigation season.
9. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
10. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Decreed Date: 8/29/2002

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

**Current Water Right No.: 61-10578**

Current Owner: ARK PROPERTIES LLC  
Priority Date: 5/1/1883  
Origin: Water Right  
Status: Active  
Basis: Decreed

**Source**

COLD SPRINGS CREEK

**Tributary**

SNAKE RIVER

**Beneficial Use**

IRRIGATION

**From To**

02/15 to 11/15

**Total Diversion**

**Diversion Rate**

2.27 CFS

2.27 CFS

**Annual Volume**

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

COLD SPRINGS CREEK

ELMORE County

COLD SPRINGS CREEK

ELMORE County

NW1/4SE1/4

Sec. 32,

Twp 04S,

Rge 09E B.M.

NW1/4SE1/4

Sec. 32,

Twp 04S,

Rge 09E B.M.

**Place of Use**

IRRIGATION Within ELMORE County

|               |       |      |       |               |       |      |       |
|---------------|-------|------|-------|---------------|-------|------|-------|
| T04S R09E S32 |       | SESW | 20.00 | T04S R09E S32 |       | SWSE | 40.00 |
| T04S R09E S32 |       | SESE | 40.00 | T04S R09E S33 |       | SWSW | 22.00 |
| T05S R09E S4  | Lot 4 | NWNW | 10.00 | T05S R09E S5  | Lot 1 | NENE | 40.00 |
| T05S R09E S5  | Lot 2 | NWNE | 40.00 | T05S R09E S5  |       | SWNE | 40.00 |
| T05S R09E S5  |       | SENE | 40.00 | T05S R09E S5  | Lot 3 | NENW | 23.00 |
| T05S R09E S5  |       | SWNW | 40.00 | T05S R09E S5  |       | SENE | 38.00 |
| T05S R09E S5  |       | NESW | 40.00 | T05S R09E S5  |       | NWSW | 20.00 |
| T05S R09E S5  |       | NESE | 10.00 | T05S R09E S5  |       | NWSE | 37.00 |

Total Acres: 500

Conditions of Approval:

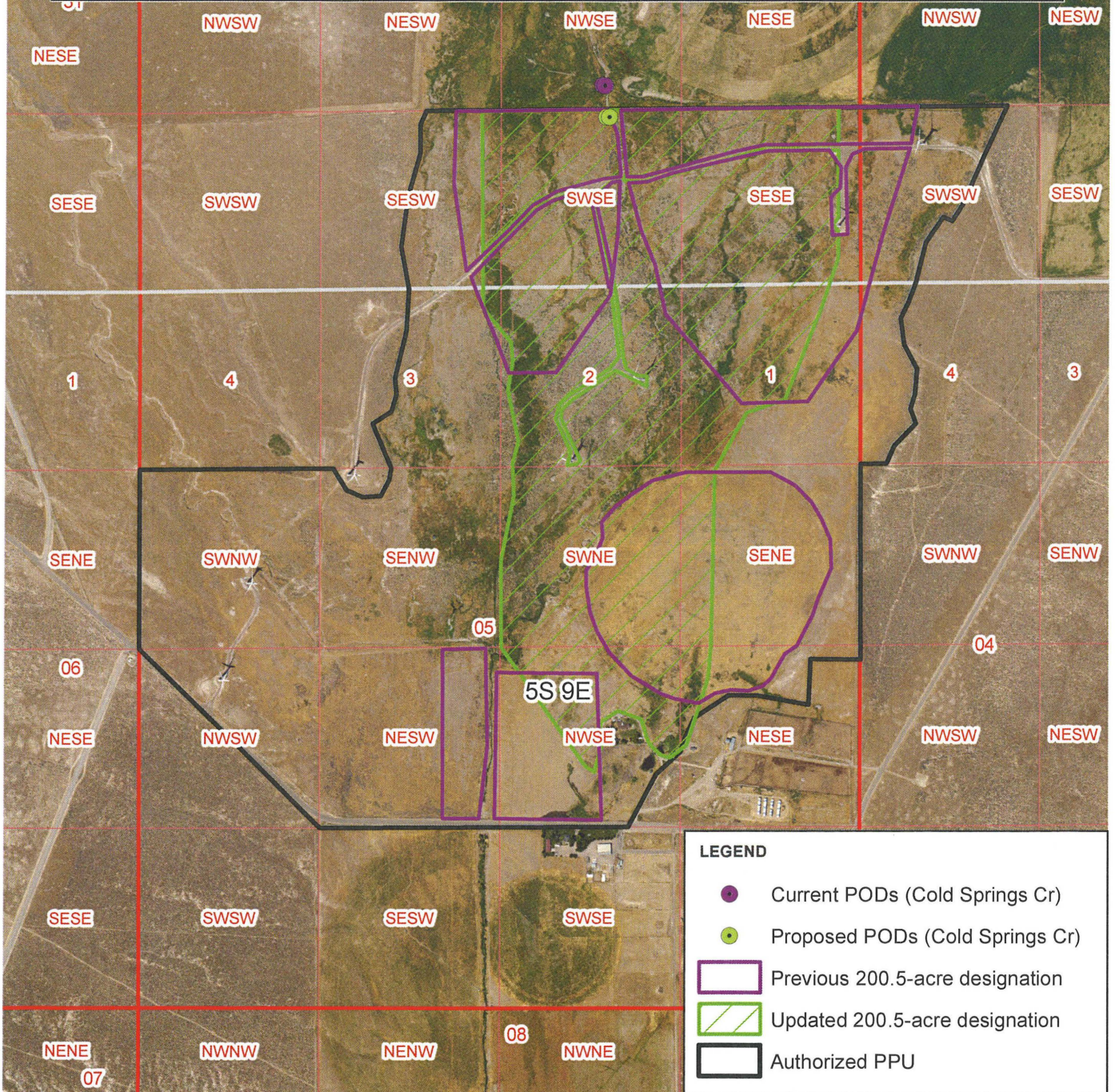
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6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. 206 Rights 61-328, 61-10578 and 61-11807 are limited to the irrigation of a specific 200.5 acres within the 500 acre place of use authorized by this right in a single irrigation season. The specific 200.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 200.5 acres to be irrigated within the 500 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Decreed Date: 8/29/2002

# 206 Map Update

## Water Rights 61-328, 61-10578 & 61-11807

| Twp   | Rge | Sec | NE ¼  |       |    |    | NW ¼  |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-------|-----|-----|-------|-------|----|----|-------|----|----|----|------|----|----|----|------|----|----|----|--------|
|       |     |     | NE    | NW    | SW | SE | NE    | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
| 4S    | 9E  | 32  |       |       |    |    |       |    |    |    |      |    |    | 4  |      |    | 37 | 33 | 74     |
|       |     |     |       |       |    |    |       |    |    |    |      |    |    |    |      |    |    |    |        |
|       |     |     | Lot 1 | Lot 2 |    |    | Lot 3 |    |    |    |      |    |    |    |      |    |    |    |        |
| 5S    | 9E  | 5   | 23    | 37    | 39 | 7  | 0.5   |    |    |    |      |    |    |    | 3    | 17 |    |    | 126.5  |
| TOTAL |     |     |       |       |    |    |       |    |    |    |      |    |    |    |      |    |    |    | 200.5  |



0 Feet 1,000



**TRANSFER MAP & 206 MAP**  
**STEPHENS FARM**  
**ARK PROPERTIES LLC**



0005705056



**STATE OF IDAHO**  
*Office of the secretary of state, Phil McGrane*  
**ANNUAL REPORT**  
Idaho Secretary of State  
PO Box 83720  
Boise, ID 83720-0080  
(208) 334-2301  
Filing Fee: \$0.00

*For Office Use Only*  
**-FILED-**  
File #: 0005705056  
Date Filed: 4/26/2024 1:29:22 PM

| Entity Name and Mailing Address:                                                                                                                                                       |                                                                                                                      |                                              |      |       |                  |                    |         |                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------|------|-------|------------------|--------------------|---------|----------------------------------------------|
| Entity Name:                                                                                                                                                                           | ARK PROPERTIES L.L.C.                                                                                                |                                              |      |       |                  |                    |         |                                              |
| The file number of this entity on the records of the Idaho Secretary of State is:                                                                                                      | 0000086728                                                                                                           |                                              |      |       |                  |                    |         |                                              |
| Address                                                                                                                                                                                | PO BOX 7156<br>BOISE, ID 83707-1156                                                                                  |                                              |      |       |                  |                    |         |                                              |
| Entity Details:                                                                                                                                                                        |                                                                                                                      |                                              |      |       |                  |                    |         |                                              |
| Entity Status                                                                                                                                                                          | Active-Existing                                                                                                      |                                              |      |       |                  |                    |         |                                              |
| This entity is organized under the laws of:                                                                                                                                            | IDAHO                                                                                                                |                                              |      |       |                  |                    |         |                                              |
| If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:                                                                                  | W24460                                                                                                               |                                              |      |       |                  |                    |         |                                              |
| The registered agent on record is:                                                                                                                                                     |                                                                                                                      |                                              |      |       |                  |                    |         |                                              |
| Registered Agent                                                                                                                                                                       | GREGORY A BYRON<br>Registered Agent<br>Physical Address<br>3101 W MAIN STE 200<br>BOISE, ID 83702<br>Mailing Address |                                              |      |       |                  |                    |         |                                              |
| Limited Liability Company Managers and Members                                                                                                                                         |                                                                                                                      |                                              |      |       |                  |                    |         |                                              |
| <table><tr><th>Name</th><th>Title</th><th>Business Address</th></tr><tr><td>TERESA M. MCCALLUM</td><td>Manager</td><td>11204 N BAR 21 DR<br/>GLENN'S FERRY, ID 83623</td></tr></table> |                                                                                                                      |                                              | Name | Title | Business Address | TERESA M. MCCALLUM | Manager | 11204 N BAR 21 DR<br>GLENN'S FERRY, ID 83623 |
| Name                                                                                                                                                                                   | Title                                                                                                                | Business Address                             |      |       |                  |                    |         |                                              |
| TERESA M. MCCALLUM                                                                                                                                                                     | Manager                                                                                                              | 11204 N BAR 21 DR<br>GLENN'S FERRY, ID 83623 |      |       |                  |                    |         |                                              |
| The annual report must be signed by an authorized signer of the entity.                                                                                                                |                                                                                                                      |                                              |      |       |                  |                    |         |                                              |
| Job Title: Registered Agent                                                                                                                                                            |                                                                                                                      |                                              |      |       |                  |                    |         |                                              |
| Gregory A. Byron                                                                                                                                                                       |                                                                                                                      | 04/26/2024                                   |      |       |                  |                    |         |                                              |
| Sign Here                                                                                                                                                                              |                                                                                                                      | Date                                         |      |       |                  |                    |         |                                              |

B0904-9743 04/26/2024 1:29 PM Received by Office of the Idaho Secretary of State

89227



March 19, 2025

ARK PROPERTIES INC  
11204 N BAR 21 DR  
GLENN'S FERRY ID 83623

Re: Transfer No: 89227  
Water Right Nos: 61-328, 61-10578

### **Transfer Approval Notice**

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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

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

Sincerely,



Susy Hobson  
Technical Records Specialist

Enclosure  
CC:

HDR INC  
ATTN LORI GRAVES  
412 E PARKCENTER BLVD STE 100  
BOISE ID 83706-6659

ARK PROPERTIES LLC  
C/O JOHN MC CALLUM  
11204 N BAR 21 DR  
GLENN'S FERRY ID 83623-5033

## CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2025 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.: 89227

Water Right No(s): 25-14578, 61-328, 61-10578

ARK PROPERTIES INC  
11204 N BAR 21 DR  
GLENN'S FERRY ID 83623

HDR INC  
ATTN LORI GRAVES  
412 E PARKCENTER BLVD STE 100  
BOISE ID 83706-6659

ARK PROPERTIES LLC  
C/O JOHN MC CALLUM  
11204 N BAR 21 DR  
GLENN'S FERRY ID 83623-5033



---

Susy Hobson  
Technical Records Specialist

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

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

## **FINAL ORDER**

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

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

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

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

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



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

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

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

Governor Brad Little

Director Mathew Weaver

October 29, 2024

ARK PROPERTIES  
11204 N BAR 21 DR  
GLENN'S FERRY, ID 83623

**RE: Application for Transfer 89227**

Dear Applicant(s),

On August 29, 2024 the Idaho Dept. of Water Resources sent you a letter requesting information related to application for transfer 89227. Specifically, the letter requested information related to the validity of the water rights proposed for transfer. Of the 183.5 combined acres of irrigation authorized by the two water rights in the transfer, aerial imagery indicates that none have been irrigated within the previous five years.

The previous letter requested a response within 30 days of the date on the letter. If the thirty day deadline was not met, IDWR would take action to reject the application. The thirty-day deadline has since passed.

In an effort to prevent subsequent refiling and reprocessing of your application, I will extend the deadline to November 4, 2024. Please reply prior to that date or IDWR will take action to reject your application.

IDWR forms and other information are available online at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Cody Parker  
Water Rights Supervisor

CC: Lori Graves - HDR



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

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

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

Governor Brad Little

Director Mathew Weaver

August 29, 2024

ARK PROPERTIES  
11204 N BAR 21 DR  
GLENN'S FERRY, ID 83623

**RE: Application for Transfer 89227**

Dear Applicant(s),

The Idaho Dept. of Water Resources is currently processing application for transfer no. 89227, which proposes to change the location of the points of diversion for two Cold Springs Creek water rights in Basin 61.

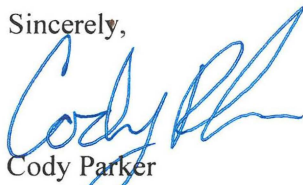
Upon review of historic aerial imagery, it appears that the water rights may not have been used within the previous five-year period. When combined, the two water rights authorize a total of 183.5 acres of irrigation. I cannot tell that any of the acres have been irrigated within the last five years.

Please provide information regarding the use of these water rights for irrigation purposes within the previous five years. § 42-223, *Idaho Code* lists certain situations in which non-use of water rights is excepted from forfeiture. If you believe any of these exceptions apply to the non-use of your water rights, please provide in writing an explanation of the applicable exception.

Please submit the requested information for application processing to continue. You may seek additional time to provide the information. Your written response must be received within the next thirty (30) days. If you do not provide a timely reply, IDWR will take action to reject the application.

IDWR forms and other information are available online at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



Cody Parker  
Water Rights Supervisor



RECEIVED

JUL 30 2024

WATER RESOURCES  
WESTERN REGION

RECEIVED

JUL 29 2024

DEPARTMENT OF  
WATER RESOURCES

July 29, 2024

Scott Storms  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

***Subject: Application for Transfer***

Dear Scott,

Enclosed on behalf of Ark Properties LLC is an *Application for Transfer* proposing a point of diversion change on Cold Springs Creek. Also provided is an updated 206 map for the combined rights. Please see transfer narrative for additional information. The \$740 filing fee is being paid with credit card upon submittal.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

HDR Engineering, Inc.

*Lori Graves*

Lori Graves  
*Sr. Water Rights Specialist*

Cc: Teresa McCallum

Enclosers: application

Project: 10338898