

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 05 2025

DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Ainsley B. Stucki and Michael B. StuckiMailing Address 317 Foxboro Trail, Heyburn, ID 83336

Email* _____ Phone _____

Name of Representative (if any) Luke H. Marchant Darrington Law PLLCMailing Address PO Box 536, Rupert, ID 83350Email* luke@waterlawidaho.com Phone 208-944-9310

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☐ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

Attachment No. 2A Water Right Reports

Water Right Report : 45-11969(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	RANCH PROPERTIES LLC	3663 E 3500 N	KIMBERLY	ID	83341-5225
Original Owner	LARSEN, NEIL H	PO BOX 11	HANSEN	ID	83334
Original Owner	LARSEN PATRICK MC CALL PARTNERSHIP	PO BOX 87	HANSEN	ID	83334
Original Owner	MC CALL, JACK	PO BOX 87	HANSEN	ID	83334
Original Owner	PATRICK, RON	PO BOX 87	HANSEN	ID	83334

Water Right Status

Priority Date : 6/1/1939

Basis : Decreed

Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	10S	24E	29	9		SE	NE	CASSIA	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.86 CFS	256.00 AFA
TOTAL			0.86 CFS	256.00 AFA

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (CASSIA county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
10S	24E	28	4		NW	NW	11.0
10S	24E	28	4		SW	NW	6.3
10S	24E	29	9		NE	NE	0.7
10S	24E	29	10		SW	NE	1.7
10S	24E	29	9		SE	NE	20.3
10S	24E	29	11		NE	SW	8.8
10S	24E	29	12		NW	SW	6.3
10S	24E	29	10		NW	SE	4.3
10S	24E	30	8		NE	SE	5.0
10S	24E	30	8		SE	SE	0.8

Irrigation Totals

Total Acres Acre Limit

65.20

Conditions

Code Conditions

X35 Rights 45-11969, 45-14562, 45-14563, 45-14564, 45-14569, 45-14570, 45-145741, 1-10443, 1-10721, 1-10722, 1-10723 and 1-10729 when combined shall not exceed a total diversion rate of 1.72 cfs and the irrigation of 87.6 acres.

- 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 01 and Water District 140.
- 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.
- T13 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
- T14 Prior to the diversion and use of water under Transfer approval 76185, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
- 004 This right does not grant any right-of-way or easement across the land of another.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- 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.
- 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.

Water Supply Bank

Lease Type: Contract

Lease ID: 1296

Lease Status: Active

Lease Start Date: 1/1/2021

Lease End Date: 12/31/2025

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	1.26	378.40	94.60	94.60

Dates

Licensed Date :

Decreed Date : 7/11/2005

Permit Proof Due Date :

Permit Proof Made Date :

Permit Approved Date :

Permit Moratorium Expiration Date :

Enlargement Use Priority Date :

Enlargement Statute Priority Date :

Application Received Date:

Protest Deadline Date:

Other Information

State or Federal : S

Water District Number : 140

Generic Max Rate Per Acre : 0

Generic Max Volume Per Acre : 0

Combined Acre Limit : 87.60

Combined Volume Limit:

Combined Rate Limit: 1.72

Civil Case Number :

Decree Plaintiff :

Decree Defendant :

Swan Falls Trust or Nontrust :

Swan Falls Dismissed :

DLE Act Number :

Cary Act Number :

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

5/1/2025

Attachment No. 2B

Map of Current System

WATER RIGHT NO. 45-11969 - Attachment 2B



2023 NAIP Photo
89764

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☐ **N/A.** This application does not propose to change the place of use or nature or use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	29				L9, 3.5													3.5

Total Irrigated Acres to be Changed: 3.5

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- | | |
|---|--|
| ☐ Change point(s) of diversion | ☒ Change place of use |
| ☒ Add point(s) of diversion | ☐ Change period of use |
| ☐ Change nature of use | ☒ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

Applicants recently acquired property and a 3.5-acre portion of Water Right No. 45-11969.

This Application will split off a portion of that water right, add a new point of diversion located on Applicants' property, and change the ownership of the new split portion of the water right.

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☐ ☒	45-11969	0.05 cfs	Irrigation	03/15 to 11/15	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 0.05 cfs and/or 13.74 af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☐ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number
Yes	10S	24E	29	9		SE	NE	Cassia	Groundwater	

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ N/A. This application does not propose to change the place of use.

Proposed Place of Use

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	29				L9, 3.5													3.5

Total Irrigated Acres: 3.5

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☒ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☐ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 140. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☐ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

Water Right No. 1-10443, a junior surface water right, mirrors the current place of use.

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

Water Right No. 1-10443, a junior surface water right, covers the proposed place of use.

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☒ Yes. Identify the water right(s) to be used for the continued irrigation.

This application splits off a portion of the right and updates ownership for the parcel owned by Applicants.

☐ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes No

☐

☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov). Label the Form as Attachment 4C-7.

☐

☒

currently used in a mitigation plan limiting the use of water under the right?

☐

☒

subject to an agreement not to divert (CREP)?

☐

☒

currently enrolled in a federal set-aside program (CRP)?

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D. Local Public InterestDEPT. OF WATER RESOURCES
SOUTHERN REGION

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

	Luke H. Marchant, Attorney	May 2, 2025
Signature of Applicant or Representative*	Print Name and Title, if applicable	Date
_____ Signature of Applicant or Representative*	_____ Print Name and Title, if applicable	_____ Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

Fee Paid: \$ <u>300</u>	Receipt #: <u>5040629</u>	Date: <u>5/3/2025</u>	Received by: <u>SG</u>
Add'l Paid: \$ _____	Receipt #: _____	Date: _____	Received by: _____

Attachment No. 1C

Updating Ownership



Order Number: 25539877

Warranty Deed

For value received,

Ranch Properties, LLC, an Idaho limited liability company

the grantor, does hereby grant, bargain, sell, and convey unto

Ainsley B. Stucki and Michael B. Stucki, wife and husband as community property with rights of survivorship

whose current address is 317 Foxboro Trail Heyburn, Id 83334

the grantee, the following described premises, in Cassia County, Idaho, to wit:

See Exhibit A, attached hereto and incorporated herein.

TOGETHER WITH a three and one-half (3.5) acre portion of groundwater right No. 45-11969, , with the total acres to be irrigated being three and one-half (3.5) acres."

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: April 14, 2025

Ranch Properties, LLC, an Idaho limited liability company

By: Scott Patrick

Scott Patrick, Member/Manager

State of Idaho, County of Twin Falls, ss.

On this 14 day of April 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Scott Patrick, known or identified to me to be a member/manager of the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Annette Roth
Notary Public
Residing In: Rupert ID
My Commission Expires: 8-4-2029

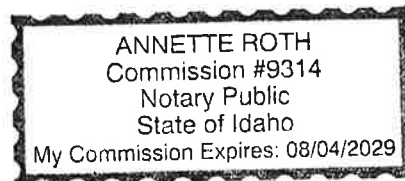


EXHIBIT A
LEGAL DESCRIPTION OF THE PREMISES

Parcel No. 1

TOWNSHIP 10 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, STATE OF IDAHO

Part of Section 29, more particularly described as follows:

Commencing at the East ¼ Corner of Section 29, said corner marked by a 5/8 rebar with 3 inch aluminum cap; Thence North 00°14'21" East along the east line of Section 29 for a distance of 440.76 feet; Thence North 31°51'47" West for a distance of 322.41 feet to the ordinary high water line of the Snake River; Thence North 35°06'27" West for a distance of 239.94 feet; Thence North 15°26'19" West for a distance of 31.26 feet; Thence along a non-tangent curve to the right for a distance of 57.99 feet, said curve having a radius of 77.00 feet, a delta angle of 43°09'03", and a long chord bearing of North 06°08'13" East for a distance of 56.63 feet; Thence South 58°16'37" West for a distance of 431.29 feet to the Point of Beginning;
THENCE South 59°48'36" West for a distance of 138.68 feet;
THENCE South 56°55'37" West for a distance of 157.50 feet;
THENCE South 51°52'34" West for a distance of 183.08 feet;
THENCE North 30°16'44" West for a distance of 30.28 feet to a ½ inch rebar;
THENCE North 30°16'44" West for a distance of 343.44 feet to a ½ inch rebar;
THENCE North 30°16'44" West for a distance of 18.14 feet to the ordinary high water line of the Snake River;
THENCE North 48°56'42" East along said line for a distance of 218.59 feet;
THENCE North 53°44'50" East along said line for a distance of 167.23 feet;
THENCE North 48°21'25" East along said line for a distance of 99.22 feet;
THENCE South 30°09'04" East for a distance of 15.28 feet to a ½ inch rebar;
THENCE South 30°09'04" East for a distance of 391.95 feet to a ½ inch rebar;
THENCE South 30°09'04" East for a distance of 30.01 feet to the Point of Beginning.

Easement No. 1

TOWNSHIP 10 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

An easement located in Section 29, as created by An Easement for the purpose of construction, using, and maintaining a bridge over, under, and across lands situated in Cassia County, State of Idaho, described in State of Idaho Corrected Easement No. 6119, by and between State of Idaho, Department of Lands, acting by and through the State Board of Land Commissioners, and Neil H. Larsen, dated December 27, 2006 and recorded January 9, 2007 as Instrument No. 313171, records of Cassia County, Idaho, more particularly described as follows:

A 20 foot wide permit access easement across the Southerly channel of the Snake River on a 16.0 foot wide bridge, said easement being centered on the following described line:

Commencing at the East One Quarter (E¼) corner of said Section 29, from which the Southeast corner of said Section bears South 00°14'21" West 2640.04 feet; thence North 00°14'21" East along the East boundary of Government Lot 1 of said Section 29 and the center of an existing county road for a distance of 440.76 feet to a point in the center of the Southerly end of a bridge across the Southerly channel of the Snake River and being the TRUE POINT OF BEGINNING:

Thence North 32°21'40" West along the center of the bridge for a distance of 321.69 feet to a point in the center of the Northerly end of said bridge, said point being the terminus point of said 20.0 foot wide permit access easement.

Easement No. 2

An access and utility easement for the benefit of Parcel No. 1, more particularly described as follows:

TOWNSHIP 10 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, STATE OF IDAHO

Part of Sections 29 and 30, more particularly described as follows:

Commencing at the East ¼ Corner of Section 29, said corner marked by a 5/8 inch rebar with 3 inch aluminum cap; Thence North 00°14'21" East along the east line of Section 29 for a distance of 440.76 feet; Thence North 31°51'47" West for a distance of 322.41 feet to the ordinary high water line of the Snake River which shall be the Point of Beginning;

THENCE South 43°39'55" West along said line for a distance of 10.65 feet;

THENCE South 88°17'24" West along said line for a distance of 23.42 feet;

THENCE North 35°06'27" West for a distance of 252.14 feet;

THENCE along a tangent curve to the left for a distance of 37.79 feet, said curve having a radius of 25.00 feet, a delta angle of 86°37'00", and a long chord bearing of North 78°24'40" West for a distance of 34.30 feet;

THENCE South 58°16'37" West for a distance of 331.91 feet;

THENCE South 59°48'36" West for a distance of 138.33 feet;

THENCE South 56°55'37" West for a distance of 155.42 feet;

THENCE South 51°52'34" West for a distance of 244.77 feet;

THENCE South 50°09'38" West for a distance of 311.93 feet;

THENCE along a tangent curve to the right for a distance of 66.44 feet, said curve having a radius of 280.01 feet, a delta angle of 13°35'40", and a long chord bearing of South 56°57'29" West for a distance of 66.28 feet;

THENCE South 63°45'22" West for a distance of 552.48 feet;

THENCE South 69°38'04" West for a distance of 427.13 feet;

THENCE along a tangent curve to the right for a distance of 80.26 feet, said curve having a radius of 234.00 feet, a delta angle of 19°39'11", and a long chord bearing of South 79°27'38" West for a distance of 79.87 feet;

THENCE South 89°17'10" West for a distance of 352.25 feet;

THENCE along a tangent curve to the left for a distance of 202.40 feet, said curve having a radius of 352.00 feet, a delta angle of 32°56'44", and a long chord bearing of South 72°48'49" West for a distance of 199.63 feet;

THENCE South 56°20'27" West for a distance of 120.65 feet;

THENCE South 52°08'52" West for a distance of 166.06 feet;

THENCE along a tangent curve to the right for a distance of 239.17 feet, said curve having a radius of 829.00 feet, a delta angle of 16°31'49", and a long chord bearing of South 60°24'47" West for a distance of 238.35 feet;

THENCE South 68°40'41" West for a distance of 158.62 feet;

THENCE South 59°49'15" West for a distance of 338.46 feet;

THENCE along a tangent curve to the right for a distance of 204.90 feet, said curve having a radius of 526.00 feet, a delta angle of 22°19'10", and a long chord bearing of South 70°58'50" West for a distance of 203.61 feet;

THENCE South 82°08'24" West for a distance of 215.71 feet;

THENCE South 75°51'05" West for a distance of 285.99 feet;

THENCE along a tangent curve to the right for a distance of 101.59 feet, said curve having a radius of 280.00 feet, a delta angle of 20°47'18", and a long chord bearing of South 86°14'44" West for a distance of 101.03 feet;

THENCE North 83°21'38" West for a distance of 90.64 feet;

THENCE along a tangent curve to the left for a distance of 73.96 feet, said curve having a radius of 240.00 feet, a delta angle of 17°39'27", and a long chord bearing of South 87°48'41" West for a distance of 73.67 feet;

THENCE South 78°58'57" West for a distance of 134.81 feet;

THENCE along a non-tangent curve to the left for a distance of 138.79 feet, said curve having a radius of 350.01 feet, a delta angle of 22°43'09", and a long chord bearing of South 68°05'28" West for a distance of 137.88 feet;
 THENCE South 57°11'59" West for a distance of 116.70 feet;
 THENCE along a tangent curve to the right for a distance of 160.36 feet, said curve having a radius of 498.00 feet, a delta angle of 18°26'59", and a long chord bearing of South 66°25'28" West for a distance of 159.67 feet;
 THENCE South 75°38'57" West for a distance of 145.53 feet;
 THENCE along a tangent curve to the right for a distance of 93.60 feet, said curve having a radius of 597.00 feet, a delta angle of 08°58'57", and a long chord bearing of South 80°08'27" West for a distance of 93.50 feet;
 THENCE along a curve to the left for a distance of 38.93 feet, said curve having a radius of 170.00 feet, a delta angle of 13°07'14", and a long chord bearing of South 78°04'16" West for a distance of 38.84 feet;
 THENCE South 71°30'37" West for a distance of 50.12 feet;
 THENCE along a tangent curve to the left for a distance of 11.52 feet, said curve having a radius of 30.00 feet, a delta angle of 21°59'38", and a long chord bearing of South 60°30'47" West for a distance of 11.45 feet;
 THENCE along a curve to the right for a distance of 337.50 feet, said curve having a radius of 70.00 feet, a delta angle of 276°15'03", and a long chord bearing of North 07°38'30" East for a distance of 93.45 feet;
 THENCE along a curve to the left for a distance of 37.88 feet, said curve having a radius of 30.00 feet, a delta angle of 72°20'35", and a long chord bearing of South 70°24'17" East for a distance of 35.41 feet;
 THENCE along a non-tangent curve to the right for a distance of 44.99 feet, said curve having a radius of 230.00 feet, a delta angle of 11°12'27", and a long chord bearing of North 79°01'39" East for a distance of 44.92 feet;
 THENCE along a non-tangent curve to the left for a distance of 84.19 feet, said curve having a radius of 537.00 feet, a delta angle of 08°58'57", and a long chord bearing of North 80°08'28" East for a distance of 84.10 feet;
 THENCE North 75°38'57" East for a distance of 145.53 feet;
 THENCE along a tangent curve to the left for a distance of 141.04 feet, said curve having a radius of 438.00 feet, a delta angle of 18°26'59", and a long chord bearing of North 66°25'28" East for a distance of 140.43 feet;
 THENCE North 57°11'59" East for a distance of 122.42 feet;
 THENCE along a non-tangent curve to the right for a distance of 150.16 feet, said curve having a radius of 410.01 feet, a delta angle of 20°59'00" and a long chord bearing of North 68°05'28" East, for a distance of 149.32 feet;
 THENCE North 78°58'57" East for a distance of 140.53 feet;
 THENCE along a non-tangent curve to the right for a distance of 92.45 feet, said curve having a radius of 300.00 feet, a delta angle of 17°39'26", and a long chord bearing of North 87°48'41" East for a distance of 92.09 feet;
 THENCE South 83°21'38" East for a distance of 90.64 feet;
 THENCE along a tangent curve to the left for a distance of 79.82 feet, said curve having a radius of 220.00 feet, a delta angle of 20°47'18", and a long chord bearing of North 86°14'44" East for a distance of 79.38 feet;
 THENCE North 75°51'05" East for a distance of 289.29 feet;
 THENCE North 82°08'24" East for a distance of 219.01 feet;
 THENCE along a tangent curve to the left for a distance of 181.53 feet, said curve having a radius of 466.00 feet, a delta angle of 22°19'10", and a long chord bearing of North 70°58'50" East for a distance of 180.38 feet;
 THENCE North 59°49'15" East for a distance of 343.10 feet;
 THENCE North 68°40'41" East for a distance of 163.26 feet;
 THENCE along a tangent curve to the left for a distance of 221.86 feet, said curve having a radius of 769.00 feet, a delta angle of 16°31'49", and a long chord bearing of North 60°24'47" East for a distance of 221.09 feet;
 THENCE North 52°08'52" East for a distance of 168.26 feet;
 THENCE North 56°20'27" East for a distance of 122.85 feet;
 THENCE along a non-tangent curve to the right for a distance of 236.90 feet, said curve having a radius of 412.00 feet, a delta angle of 32°56'44", and a long chord bearing of North 72°48'49" East for a distance of 233.65 feet;
 THENCE North 89°17'10" East for a distance of 352.25 feet;
 THENCE along a tangent curve to the left for a distance of 59.68 feet, said curve having a radius of 174.00 feet, a delta angle of 19°39'09", and a long chord bearing of North 79°27'38" East for a distance of 59.39 feet;
 THENCE North 69°38'04" East for a distance of 424.05 feet;
 THENCE North 63°45'22" East for a distance of 549.40 feet;

THENCE along a tangent curve to the left for a distance of 52.20 feet, said curve having a radius of 220.00 feet, a delta angle of 13°35'42", and a long chord bearing of North 56°57'29" East for a distance of 52.08 feet;
THENCE North 50°09'38" East for a distance of 312.83 feet;
THENCE North 51°52'34" East for a distance of 248.31 feet;
THENCE North 56°55'37" East for a distance of 159.58 feet;
THENCE North 59°48'36" East for a distance of 139.03 feet;
THENCE North 58°16'37" East for a distance of 407.90 feet to a ½ inch rebar;
THENCE South 32°29'16" East for a distance of 30.00 feet;
THENCE North 58°16'37" East for a distance of 22.59 feet;
THENCE South 21°10'53" East for a distance of 74.20 feet;
THENCE South 35°06'27" East for a distance of 231.68 feet;
THENCE South 10°12'06" West for a distance of 4.13 feet;
THENCE South 43°39'55" West for a distance of 27.59 feet to the Point of Beginning.

Attachment No. 2C
Current Location of Irrigated
Acres to be Changed

WATER RIGHT NO. 45-11969 - Attachment 2C



Attachment No. 3C
Map of Proposed System
(GIS Shapefiles Available
Upon Request)

WATER RIGHT NO. 45-11969 - Attachment 3C



2023 NAIP Photo
89764



Prepared by:
Luke H. Marchant
05/01/2025

Attachment No. 4A-2

Defense to Forfeiture

4A-2 – Non-Use Explained

Water Right No. 45-11969 is currently leased to the Water Supply Bank with a lease that commenced on January 1, 2021, and terminates on December 31, 2025. Per Idaho Code Section 42-223(5) no portion of the water right shall be lost or forfeited due to this nonuse. It is not anticipated that Applicants will need to use the water before the current WSB lease terminates.



OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Magic Valley Times-News** on the dates indicated below. If changes are needed, please contact us prior to deadline at help@column.us

Notice ID: 2bvVCYLGcs56Penx1IPr | **Proof Updated: May. 29, 2025 at 09:32am MDT**
Notice Name: Legal Notice 89764 & 89785 | Publisher ID: COL-NV-2126

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

ID DEPARTMENT OF WATER
RESOURCES Southern Region
denise.maline@idwr.idaho.gov
(208) 736-3033

FILING FOR

Magic Valley
Times-News

Columns Wide: 2

Ad
Class: Legals

06/05/2025: General Legal Notice	71.39
06/12/2025: General Legal Notice	62.47
Affidavit Fee	9.00

Total \$142.86

See Proof on Next Page

Legal notice confirmation received from Times News 5/29/2025

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89764**

AINSLEY B STUCKI and MICHAEL B STUCKI, 317 FOXBORO TRAIL, HEYBURN, ID 83336-8632 has filed Application No. 89764 for changes to the following water rights within CASSIA County(s): Right No(s). 45-11969. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes splitting off a 3.5-acre portion (0.05 cfs, 13.7 af) from a 65.2-acre ground water right for a 4.5-acre parcel the applicants recently purchased. Application also proposes adding a new well to be drilled for the 3.5-acre split portion of the right. Place of use, proposed well, and currently authorized well are located approximately 0.6 to 0.8 miles north and 2.0 to 2.1 miles west of Declo on Parees Island in the Snake River.

TRANSFER NO. 89785

MICHAEL J SIRUCEK, 472A S 1000 E, JEROME, ID 83338-6854 has filed Application No. 89785 for changes to the following water rights within JEROME County(s): Right No(s). 36-4193, 36-8569. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion, place of use, nature of use and period of use for two irrigation ground water rights (1.11 cfs combined). Current place of use and point of diversion are on a farm located approximately 5.0 to 5.5 miles south and 9.4 to 9.8 miles east of the intersection of Lincoln and Main St in Jerome. The proposed change of nature of use will be from irrigation to commercial & stockwater use at an existing dairy facility located approximately 5.4 to 6.0 miles south and 7.0 to 7.8 miles east of the intersection of Lincoln and Main St in Jerome. The transferred portions of the water rights (1.11 cfs, 214 af) are proposed to be diverted from five existing wells at the dairy facility.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **June 23, 2025**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Publish: June 5, 12, 2025
COL-NV-2126

A handwritten signature in blue ink, appearing to be 'dm', with a large checkmark to its left.



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

May 29, 2025

MICHAEL B STUCKI
AINSLEY B STUCKI
317 FOXBORO TRAIL
HEYBURN, ID 83336-8632

RE: Transfer No. 89764
Water Right No(s). 45-11969

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 6/5/2025 and 6/12/2025**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **June 23, 2025**.

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

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

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

Sincerely,

Denise Maline
Administrative Assistant

c: Luke Marchant, attorney

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 29, 2025 9:51 AM
To: Jaxon Higgs
Subject: Comment letter for Transfer No. 89764 (Stucki)
Attachments: Comment letter to WD140 for 89764.docx; App for Transfer 89764 (Stucki).pdf

Good morning Jaxon,

Attached is an application for transfer located within WD140 currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this information, please feel free to contact Bill Mills at our office.

Thank you in advance,

Denise @ IDWR Twin Falls



Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

May 29, 2025

JAXON HIGGS
WATER DISTRICT 140
355 W 500 S
BURLEY ID 83318-5229

Re: Transfer No. 89764 (Michael & Ainsley Stucki)
Water Right No(s). 45-11969

Dear Jaxon:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

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

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

May 29, 2025

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

Submitted online via Column.us

RE: Transfer No. 89764
Water Right No(s). 45-11969

RE: Transfer No. 89785
Water Right No(s). 36-4193, 36-8569

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **June 23, 2025**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89764**

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TRANSFER NO. 89785

MICHAEL J SIRUCEK, 472A S 1000 E, JEROME, ID 83338-6854 has filed Application No. 89785 for changes to the following water rights within JEROME County(s): Right No(s). 36-4193, 36-8569. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion, place of use, nature of use and period of use for two irrigation ground water rights (1.11 cfs combined). Current place of use and point of diversion are on a farm located approximately 5.0 to 5.5 miles south and 9.4 to 9.8 miles east of the intersection of Lincoln and Main St in Jerome. The proposed change of nature of use will be from irrigation to commercial & stockwater use at an existing dairy facility located approximately 5.4 to 6.0 miles south and 7.0 to 7.8 miles east of the intersection of Lincoln and Main St in Jerome. The transferred portions of the water rights (1.11 cfs, 214 af) are proposed to be diverted from five existing wells at the dairy facility.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **June 23, 2025**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Published on June 5th & 12th, 2025

Mills, Bill

From: Condon, Mary
Sent: Wednesday, May 14, 2025 11:28 AM
To: Mills, Bill
Cc: Bank
Subject: RE: Water Right 45-11969 Leased to Water Supply Bank

Good morning, Bill,

Apologies for the late reply. Thank you for checking-in and holding the transfer until the lease concludes on 12/31/2025. It appears the water right documents are up to date for bank activity.

As I am sure you are aware, this right along with 1-10443 have been split through multiple sales over the last couple of years, with the parent rights and all child rights remaining under lease. The entirety of the leased rights is also rented, with a 20-acre portion on-site through Ranch Properties, and the other 74+ acres rented by another user on different lands. Hopefully, none of the new owners are putting their portions to use.

Best,
Mary

Mary Condon
Project Manager I
Planning & Projects Bureau



From: Mills, Bill <Bill.Mills@idwr.idaho.gov>
Sent: Monday, May 12, 2025 1:23 PM
To: Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: Water Right 45-11969 Leased to Water Supply Bank

Mary,
My apologies if these no longer go to you...
Ainsley and Michael Stucki have submitted an application for transfer that is seeking to split off 3.5 acres (0.05 cfs, 13.7 af) from water right 45-11969 that is currently leased to the water supply bank. They filed a transfer to add a POD to the portion of the water right that is on a property they recently purchased. According to their Representative, Luke Marchant, they understand that the transfer will not be approved until after the w.s.b. lease expires.
Sincerely,



Bill Mills
Sr Water Resource Agent
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500

M E M O R A N D U M

Date: May 13, 2025
To: Transfer 89764 File
From: Bill Mills
Re: Transfer Proposal

Application proposes splitting off a 3.5-acre portion (0.05 cfs, 13.7 af) from a 65.2-acre ground water right for a 4.5-acre parcel the applicants recently purchased. Application also proposes adding a new well to be drilled for the 3.5 -acre split portion of the right. Place of use, proposed well, and currently authorized well are located approximately 0.6 to 0.8 miles north and 2.0 to 2.1 miles west of Declo on Parees Island in the Snake River.

Place of use, proposed well, and currently authorized well are all located in Water District 140. Watermaster comments will be solicited.

MEMORANDUM

Date: May 13, 2025
To: Transfer 89764
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #89764 were based on the current transfer fee schedule and included \$200.00 for the 0.05 cfs being transferred in the application and an additional \$100.00 for processing a change of ownership that splits the right through the transfer process (Receipt No. S040629).

Mills, Bill

From: Mills, Bill
Sent: Monday, May 12, 2025 1:23 PM
To: Condon, Mary
Subject: Water Right 45-11969 Leased to Water Supply Bank

Mary,

My apologies if these no longer go to you...

Ainsley and Michael Stucki have submitted an application for transfer that is seeking to split off 3.5 acres (0.05 cfs, 13.7 af) from water right 45-11969 that is currently leased to the water supply bank. They filed a transfer to add a POD to the portion of the water right that is on a property they recently purchased. According to their Representative, Luke Marchant, they understand that the transfer will not be approved until after the w.s.b. lease expires.

Sincerely,



Bill Mills
Sr Water Resource Agent
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 736-3033
bill.mills@idwr.idaho.gov

Mills, Bill

From: luke@waterlawidaho.com
Sent: Monday, May 12, 2025 11:11 AM
To: Mills, Bill
Subject: RE: Stucki Transfer Application

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.

Bill,

Thanks for the email. I discussed both issues you raised with the Stuckis. Since they only recently acquired the property and still have to plan, design, and build a house, they will not need to use the groundwater before the end of the year. Regarding the surface water right, they did not feel that they would ever use it, and, because of its late priority, it will hardly ever be available anyway. Their immediate concern was to get the groundwater taken care of. I told them that we should file for the surface water right as well, and they agreed, they just wanted me to deal with the groundwater first.

Thanks,



Luke H. Marchant

601 7th St.

P.O. Box 536

Rupert, ID 83350

(208) 944-9310

luke@waterlawidaho.com

DARRINGTON MARCHANT
— WATER LAW —

Confidentiality Notice: The information contained in this e-mail and any accompanying attachments, all of which may be confidential and/or privileged, is intended only for use by the person or entity to whom it is addressed. If you are not the intended recipient, any unauthorized use, disclosure, or copying of this e-mail and its contents is strictly prohibited and may be unlawful. If you are not the intended recipient, please immediately notify me by return email and delete the original message and all copies from your system. Thank you.

From: Mills, Bill <Bill.Mills@idwr.idaho.gov>
Sent: Monday, May 12, 2025 9:34 AM
To: luke@waterlawidaho.com
Subject: Stucki Transfer Application

Luke,

Just a heads up on a couple of things regarding this transfer application.

Since this water right, 45-11969 is in the water supply bank, the application can be processed, but approval of the transfer application will be held until after the lease expires (12/31/2025).

The provided warranty deed also indicates that it conveys the premises, along with their appurtenances and does not exclude any water rights, so it seems the applicants should also do an ownership change on a portion of surface water right 01-10443.

Sincerely,



Bill Mills

Sr Water Resource Agent

Idaho Dept. of Water Resources, Southern Region

650 Addison Ave W Ste 500

Twin Falls ID 83301-5858

(208) 736-3033

bill.mills@idwr.idaho.gov

Mills, Bill

From: Mills, Bill
Sent: Monday, May 12, 2025 9:34 AM
To: luke@waterlawidaho.com
Subject: Stucki Transfer Application

Luke,

Just a heads up on a couple of things regarding this transfer application.

Since this water right, 45-11969 is in the water supply bank, the application can be processed, but approval of the transfer application will be held until after the lease expires (12/31/2025).

The provided warranty deed also indicates that it conveys the premises, along with their appurtenances and does not exclude any water rights, so it seems the applicants should also do an ownership change on a portion of surface water right 01-10443.

Sincerely,



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