

MAY 14 2025

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. OF WATER RESOURCES
EASTERN 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) The Nature Conservancy
Mailing Address 950 W. Bannock St. Suite 210, Boise, Idaho 83702
Email* dusty.perkins@tnc.org Phone 208-859-7137
Name of Representative (if any) Rocky Mountain Environmental Associates, Inc.
Mailing Address 482 Constitution Way Ste 303, Idaho Falls, ID 83402
Email* kristin.rmea@gmail.com Phone 208-524-2353

*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.

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 of 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	

Total Irrigated Acres to be Changed: _____

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:

Applicant proposes to install a pipeline for the current open-ditch delivery system and add stockwater tanks/or bubblers in new locations to serve the same wildlife and the same number of stock. This will add flexibility and better watering features across the applicant's current land access. By removing open ditches, evaporation losses will be reduced, conserving losses and allowing for more intentional watering locations without enlarging the water right. The GW and SW rights share a delivery system, and therefore, the POUs are proposed to be the same. An additional POD is proposed to be added to 32-11240 to allow delivery at the upstream end of the property. The applicant will not exceed rate or volume limits on the listed water rights as calculated by the engineering evaluation.

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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
☐	☐					to	
☒	☐	32-11127	0.2 cfs	Stockwater	1/01	to 12/31	Ground Water
☒	☐	32-11240	0.23 cfs	Stockwater	1/01	to 12/31	Crooked Crk
☐	☐					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: 0.43 cfs and/or _____ 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
N	10N	32E	2			SW	SW	Clark	Ground Water	32-11127 POD
N	10N	32E	3			NW	SE	Clark	Crooked Crk	Original 32-11240 POD
Y	11N	32E	33			NW	NW	Clark	Crooked Crk	New 32-11240 POD

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	
10N	32E	3					S			S								S	
							(L3)												
		11														S			
		13						S				S							
		14													S	S			
		15																S	
		24								S									
		25					S	S	S								S		
		36				S													
10N	33E	30																S	

Total Irrigated Acres: _____

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.

32-2113B (for irrigation) is also diverted through the well for 32-11127, which will use separate pipelines.
32-10146 and 32-2066 (for irrigation) also share the diversion with 32-11240.

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

Only one diversion is a proposed new diversion, and there are no other rights diverted.

3. Is the proposed point of diversion within a state water district? ☐ Yes. Water District # _____. ☒ 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.

Irrigation rights 32-2066, 32-2113B, 32-10146 overlap 32-11240, but are for different purposes.

There are no current overlaps with 32-11127.

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.

Only those rights already identified will overlap, if at all.

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.

☐ 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)?

D. Local Public Interest

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.

The proposed upgrade will involve a new headgate on Crooked Creek that will deliver to a 2" pipeline.
Both water bubblers and stock tanks will be installed at the various locations to allow for efficient
delivery and reduce losses. A couple of existing ponds are used for regulation, as well as open
stockwater source and wildlife habitat.

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. Fee = \$500

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.

	<u>Tucker VanLan DFO</u>	<u>5/13/2025</u>
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.

\$500 THIS APP

FOR DEPARTMENT USE ONLY

Fee Paid: \$ <u>1150.00</u>	Receipt #: <u>E050860</u>	Date: <u>5-15-25</u>	Received by: <u>m. fether</u>
Add'l Paid: \$ _____	Receipt #: _____	Date: _____	Received by: _____

To: Tucker Van Law, Director of Finance and Operations
Cc: Melinda Ching
From: Mark Menlove, State Director of the Idaho Business Unit
Date: November 21, 2023



DELEGATION OF AUTHORITY

In my capacity as State Director, of the Idaho Business Unit, I delegate to you in your capacity as Director of Finance and Operations, authority to approve real estate and non-real estate contracts and other agreements and transactions ("transactions") that relate to the responsibilities of your position, effective the date of this memorandum and subject to the following conditions:

1. Scope. You may approve:
 - a. all transactions described in the delegation to The Nature Conservancy's President by the Board of Directors of The Nature Conservancy (Presidential Delegation) as set forth in the Board of Directors resolution dated June 10, 2021 (a copy of which is attached) that do not exceed \$100,000 and
 - b. commitment of up to \$10,000 for an option to purchase, or as a down payment for a contract or other agreement to purchase land, for real estate transactions that exceed the authority delegated in paragraph 1.a.
2. Policies and Procedures. This delegation of authority is subject to compliance with TNC's policies and procedures in effect from time to time.
3. Sub-delegation. You may not further delegate the authority delegated to you.
4. Ministerial Duties. Any authority hereunder and delegated hereunder, unless otherwise stated, shall also include the authority to delegate to any person the ministerial duties of implementing any action taken pursuant to this delegation, including the execution, delivery, or acceptance of legal documents. The ministerial delegation should be documented in an appropriate manner.
5. Approval Requirements. This delegation of authority shall be subject to (a) "Board Approval Requirements" contained in the Board's delegation of authority to The Nature Conservancy's President, (b) other guidelines established from time to time by the Board or any committee thereof, (c) the Conservation Project Review and Approval Process memo dated May 10, 2018, as amended by the Conservation Project Approval Process Framework, dated July 1, 2021, and any further supplements or amendments thereto, and (d) any other applicable guidelines and procedures that may be established from time to time.
6. Legal Review. Project approval does not imply or convey approval of any legal document

involved in completion of the project. All legal documents which create legal obligations regarding real estate transactions without further Conservancy action (e.g., purchase agreements, deeds, leases, rights of first refusal, easements, management agreements or management leases) must be approved by a Conservancy attorney before execution regardless of prior project approval. Agreements that do not involve real estate transactions may require legal review under applicable standard operating procedures.

7. Rescission. The above authority delegated to you rescinds and supersedes any prior delegation of authority. This delegation of authority is only to you in your position described above. It will automatically rescind in the event you cease to hold this position. I reserve the right to rescind this delegation of authority at any time.

Please refer any questions you may have concerning your authority or interpretation of this delegation directly to your assigned TNC attorney.

LEGAL

Delegation of Authority from the Board of Directors

PURPOSE:

To provide the Board of Directors ultimate responsibility for all business of the Conservancy.

POLICY:

All non-real estate and real estate project and loan authority vests in the Board of Directors, with certain levels of such authority delegated to the staff (see attached delegation document).

In situations where a delegation of authority does not suffice to meet a host country's legal requirements, staff must work with the Worldwide Office Legal Function to ensure that the delegation is enforceable.

ORIGIN:

Approved by the Board of Directors March 15, 1996. Revised: September 24, 1998, February 5, 1999, June 7, 2002, June 10, 2005, and October 21, 2006. Reference Section Updated: October 2017, July 2021.

REFERENCES, RESOURCES, and EXPLANATORY NOTES:

For authorization details, see the Presidential Delegation Authority (attached below), which is part of and incorporated in this Policy.

For information about the Delegation of Authority database, templates, sources of authority, real estate project authority levels, and evidence of authority outside of the United States, see the Legal Connect site, [Delegation of Authority](#).

Other Resources

For information on what determines the level of authority required to approve assists with other organizations, see [Authority for Assists Memo from Phil Tabas](#), dated March 19, 2008.

RESPONSIBLE PARTY:

General Counsel

RESOLUTION

WHEREAS, per the attached Delegation, the Board of Directors of The Nature Conservancy has delegated to the Chief Executive Officer authority to spend or commit up to one hundred-thousand dollars (\$100,000) as consideration for an option to purchase, or as a down payment for a contract or other agreement to purchase land, for real estate transactions not within the Chief Executive Officer's delegated authority; and

WHEREAS, the Board of Directors now wishes to amend its delegation to increase the amount of consideration or down payment the Chief Executive Officer is authorized to approve on projects for which Board approval must be obtained, from one hundred thousand dollars (\$100,000) to two and a half million dollars (\$2,500,000); all other terms and provisions of the attached Delegation remaining in full force and effect.

NOW THEREFORE, BE IT RESOLVED THAT:

The attached Amended and Restated Delegation of Authority is hereby approved.

In the event TNC forfeits consideration or a down payment in excess of \$100,000 on a project not previously approved by the Board Project Review Committee (BPRC), the project and the reason for the forfeiture will be reported to and reviewed by the BPRC.

Approved by
Board of Directors
June 10, 2021

Delegation Authority
AMENDED AND RESTATED PRESIDENTIAL
DELEGATION AUTHORITY
As Amended June --2021

Real Estate and Project Loan Authority

The President and CEO (the "President") is hereby authorized on behalf of the Conservancy, or any subsidiary corporation of the Conservancy currently established or to be established in the future, to:

1. Acquire and/or transfer any real estate in any transaction provided that the purchase price does not exceed twenty-five million dollars (\$25,000,000).
2. Authorize the use of Conservancy funds for any real estate transaction authorized pursuant to this delegation.
3. Authorize the borrowing of money from any Conservancy line of credit, or any other lending sources including other banks, insurance companies, credit unions, corporations, foundations, or private individuals for any real estate transaction authorized pursuant to this delegation.
4. Authorize fund raising for any real estate transaction.
5. Spend or commit up to two and a half million dollars (\$2,500,000) as consideration for an option to purchase, or as a down payment for a contract or other agreement to purchase land, for real estate transactions not authorized under this delegation.
6. Authorize loans or grants to other conservation organizations for land protection activities provided that such loans or grants will not exceed twenty-five million dollars (\$25,000,000).
7. Authorize additional actions on Board approved real estate transactions, provided that such actions are taken in accordance with the "Board Approval Requirements" section of this delegation, all applicable laws and all Conservancy policies and standard operating procedures and provided that such actions do not materially increase the legal, reputational or financial risk to the Conservancy and do not cause the transaction to exceed the delegation contained herein.
8. Execute and deliver documents including, but not limited to, deeds, conservation easements, contracts, agreements, leases, licenses, assignments, options, mortgages, deeds of trust, notes, loan agreements, and affidavits, and take such further actions as the President may consider appropriate to affect any action taken pursuant to this delegation.

This authority can be delegated by the President to any other staff of the Conservancy.

Any authority hereunder and delegated hereunder, unless otherwise stated, will also include the authority to delegate to any person the ministerial duties of implementing any action taken pursuant to this delegation, including the execution, delivery, or acceptance of legal documents.

When used in this delegation, the term "real estate" will include, but not be limited to, fee title, any undivided or other partial interest, remainder interest, conservation easement, land dedication, lease, water right, mineral right, timber right, development right, restrictive covenant, or other similar real estate interests in land or structures.

Non-Real Estate Project and Loan Authority

Subject to the "Board Approval Requirements" of this delegation, the President is hereby authorized on behalf of the Conservancy, or any subsidiary corporation of the Conservancy currently established or to be established in the future, to:

1. Enter into any non-real estate contract or other agreement or transaction provided that the contract does not exceed twenty-five million dollars (\$25,000,000).
2. Authorize fund raising for any non-real estate transaction.
3. Authorize loans or grants to other conservation organizations for conservation activities provided that such loans or grants will not exceed twenty-five million dollars (\$25,000,000).
4. Authorize additional actions on Board approved transactions, provided that such actions are taken in accordance with the "Board Approval Requirements" section of this delegation, all applicable laws and all Conservancy policies and standard operating procedures and provided that such actions do not materially increase the legal reputational or financial risk to the Conservancy and do not cause the transaction to exceed the delegation contained herein.
5. Authorize the use of Conservancy funds for any non-real estate contract or agreement authorized pursuant to this delegation.
6. Authorize the borrowing of money from any Conservancy line of credit, or any other lending sources including other banks, insurance companies, credit unions, corporations, foundations, or private individuals for any contract or agreement authorized pursuant to this delegation.

This authority can be delegated by the President to any other staff of the Conservancy.

Any authority hereunder and delegated hereunder, unless otherwise stated, will also include the authority to delegate to any person the ministerial duties of implementing any action taken pursuant to this delegation, including the execution, delivery, or acceptance of legal documents.

Board Approval Requirements

The entering into real estate or non-real estate contracts or other agreements or transactions (each, a "transaction") for which authority is not delegated to the President herein requires approval of the Board pursuant to procedures, policies and processes which may be established by the Board.

In addition, if: (a) the transaction creates material financial reputational and/or legal risk under the guidelines which shall be separately established by the Board (or by a Committee of the Board with delegated authority to act on behalf of the Board in such instance); or (b) in the reasonable judgment of the President a transaction which, even if within the authority delegated herein, creates material financial reputational and/or legal risk to the Conservancy, *such transaction shall be brought by the President to the Board for review and approval pursuant to procedures, policies and processes which may be established by the Board. The President shall put in place the necessary management safeguards to assist him or her in determining the existence of material financial, legal or reputational risk for purposes of determining the need for Board approval.*

This authority, as implemented, hereby supersedes any prior Presidential Authority resolutions approved by the Board of Directors. Interpretations of this document will be the responsibility of, and at the direction of, the General Counsel.

Legal Access.

The current delivery system conveys water through open ditches. The proposed pipeline will be installed through state or federal lands either within the rights-of-way or inside the existing ditch system. A copy of the BLM Right-of-Way Grant is included in this attachment.

Three quarter-quarters are proposed to remain within the POU that are on state or federal land: T10N R32E Section 24 NESW, Section 25 SWSE, and Section 36 SENE. These quarter-quarters are already within the water right place of use and will continue to be used under historical agreements.

Installation of this pipeline system is part of a collaborative effort by multiple agencies as explained in the cover letter.



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Upper Snake Field Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401
(208) 524-7500



In Reply Refer To:
IDID106714067

April 21, 2025

CERTIFIED MAIL 7020 2450 0002 0417 6547
RETURN RECEIPT REQUESTED

DECISION

The Nature Conservancy
950 W Bannock St, Suite 210
Boise, Idaho 83702

Right-of-Way Grant IDID106714067

Right-of-Way Grant IDID106714067 Issued
Cost Recovery Waived
Rent Waived

Enclosed is a copy of your right-of-way (ROW) grant, serial number IDID106714067, which allows the use of public land for the installation, operation, and maintenance of a buried water pipeline in Clark County, Idaho. It was approved by the BLM on April 21, 2025.

Cost recovery fee, processing and monitoring, were waived in accordance with regulations found at 43 CFR 2804.21. Annual rental fees were waived in accordance with regulations found at 43 CFR 2806.15.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

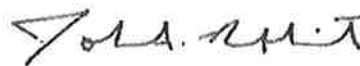
If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Scott Minnie, Rangeland Management Specialist, at (208) 524-7553.



John Reffit
Field Manager

Enclosures
Right-of-Way Grant IDID106714067
BLM Form 1842-1

FORM 2800-14
(August 1985)

Issuing Office:
UPPER SNAKE FIELD OFFICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER IDID106714067

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

THE NATURE CONSERVANCY
950 W Bannock Street, Suite 210
BOISE, IDAHO 83702

receives a right to construct, operate, maintain, and terminate A BURIED
WATER PIPELINE AND ACCESS ROAD on public lands described as follows:

Boise Meridian, Idaho Clark County

T. 10 N., R. 32 E., Segment 1 (approximately 8,080 feet in length)
sec. 24, W1/2NW1/4, SE1/4NW1/4, E1/2SW1/4,
sec. 25, SE1/4SE1/4.

T. 10 N., R. 32 E., Segment 2 (approximately 5,580 feet in length)
sec. 24, NW1/4NE1/4, S1/2NE1/4, NE1/4SE1/4.

T. 10 N., R. 33 E.,
sec. 30, E1/2NW1/4.

T. 10 N., R. 32 E., Ditch (approximately 930 feet in length)
sec. 10, NE1/4NE1/4

b. The right-of-way area granted herein is 14 feet wide, approximately 14,590 feet in length and contains 4.7 acres, more or less.

c. This instrument shall terminate on December 31, 2055, approximately 30 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified

Attachment 1G

pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental: WAIVED

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days or otherwise disposed of as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The map set forth in Figures 1-4, dated April 9, 2025, attached hereto, is incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
- f. Holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. No repeated or sustained behavioral disturbance (e.g., use of heavy equipment, noise over

Attachment 1G
10 dBS, etc.) to lekking birds from 6:00pm to 9:00am within 2 miles (3.2 km) of leks during the lekking season, March 1 through May 31.

- h. The holder shall avoid mechanized anthropogenic disturbance, installation and maintenance activities using heavy equipment, during the greater sages-grouse nesting season, between April 20 – June 30.**
- i. The holder shall avoid using mechanized equipment for installation and maintenance activities to protect wintering greater sage-grouse between November 1 – March 20.**
- j. To the extent possible, operations and maintenance activities will be conducted either prior to or following the affected migratory bird nesting season (April 1 – June 30) to avoid and/or minimize take of migratory birds as defined in the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. § 703 et seq.) as amended. If any ground disturbing activities must occur during the nesting season (e.g., soil disturbance or vegetation removal), the Holder will coordinate with the BLM to determine appropriate measures to comply with the MBTA.**
- k. The Holder will conduct all activities associated with the construction, operation, maintenance, and termination of the ROW within the authorized limits of the ROW. If at any time the Holder wishes to reconstruct or relocate any portion of the ROW, or the improvements thereon, in a manner that has been determined to be a substantial deviation, prior written authorization must be obtained from the Authorized Officer.**
- l. Holder will remove only the minimum amount of vegetation and/or topsoil necessary for the construction and/or maintenance of structures and facilities.**
- m. The Holder shall seed all disturbed areas with an agreed upon seed mixture, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the third growing season.**
- n. Construction or maintenance activities will not be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 3 inches deep, the soil will be deemed too wet to adequately support construction equipment.**
- o. New access roads or cross-country vehicle travel, outside the ROW, will not be permitted without prior written approval by the Authorized Officer. The Holder will obtain a ROW to use any roads outside the ROW that require surface-disturbing repair or maintenance.**
- p. The right-of-way will be maintained in a sanitary condition at all times; waste materials will be disposed of promptly at an appropriate waste disposal site. 'Waste' is defined as all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ash, and equipment that are a result of the Holder's activities.**
- q. Holder shall maintain the ROW in a safe, usable condition, as directed by the authorized officer.**

- r. **The Holder shall permit free and unrestricted public access upon the ROW for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the ROW.**
- s. **Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.**
- t. **Pursuant to 43 CFR 10.4(g), the holder of this authorization must immediately notify the authorized officer by telephone, with written confirmation, upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.**
- u. **The Holder shall be responsible for weed control, including noxious weeds and non-native invasive plants that result from construction, use, or maintenance authorized in the Holder's ROW grant. The Holder must coordinate with the Authorized Officer and/or local authorities for acceptable weed control measures (within limits imposed in the grant stipulations) prior to implementing weed treatments. If herbicides are to be used for weed control, the applicator(s) shall hold a current State of Idaho applicator's license or be under the direct supervision of a licensed applicator.**
- v. **The Holder is responsible for ensuring the undercarriages of equipment and/or vehicles used within the ROW are free of all soil and plant material prior to operating on public lands to reduce the establishment of new invasive, non-native species and/or the spread of existing species to new areas.**
- w. **Use of all pesticides (including fungicides, herbicides, insecticides, etc.) shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.**
- x. **The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration**

or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

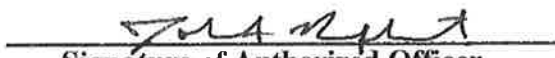
- y. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way.) This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
- z. Ninety (90) days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant.

THE NATURE CONSERVANCY

BUREAU OF LAND MANAGEMENT


 Signature of Holder
Director of Finance
 Title
4/14/2025
 Date


 Signature of Authorized Officer
Field Manager
 Title
4/21/2025
 Effective Date of Grant

Form 1842-1
(September 2006)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF
APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL..... U.S. Department of the Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way
Boise, ID 83709

WITH COPY TO
SOLICITOR.....

U.S. Department of the Interior, Office of the Solicitor, Boise Field Office, 960 Broadway Avenue, Suite 400, Boise, ID 83706

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO
SOLICITOR.....

U.S. Department of the Interior, Office of the Solicitor, Boise Field Office, 960 Broadway Avenue, Suite 400, Boise, ID 83706

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

Close

Water Right Report : 32-11127(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	THE NATURE CONSERVANCY	381 SHOUP AVE STE 203	IDAHO FALLS	ID	83402
Original Owner	RICKS, R REED	8432 E MANGUN RD	MESA	AZ	85207-1349
Original Owner	RICKS, NADINE N	HWY 63 BOX 2102	MONTEVIEW	ID	83435

Water Right Status

Priority Date : 1/15/1962

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	10N	32E	2	0		SW	SW	CLARK	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER	1/01	12/31	0.20 CFS	
TOTAL			0.20 CFS	

Places of Use

Printable View

Page 1 of 1

Place of Use Legal Description : STOCKWATER (CLARK county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
10N	32E	25			NE	NW	
10N	32E	25			SW	SE	
10N	32E	36			SE	NE	
10N	32E	36			SE	SW	
10N	33E	30			SE	SE	

Conditions

Code Conditions

N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

STOCKWATER, 850 CATTLE RIGHT NO. 32-02113B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates

Licensed Date :
Decreed Date : 12/1/1998
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 : NWD
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
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

1/3/2025

Close

Water Right Report : 32-11240(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	THE NATURE CONSERVANCY	381 SHOUP AVE STE 203	IDAHO FALLS	ID	83402
Original Owner	RICKS, R REED	8432 E MANGUN RD	MESA	AZ	85207-1349
Original Owner	RICKS, ROBERT R	8432 E MANGUN RD	MESA	AZ	85207-1349

Water Right Status

Priority Date : 4/1/1940
 Basis : Decreed
 Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
CROOKED CREEK		SINKS	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
CROOKED CREEK	10N	32E	3	0	SW	NW	SE	CLARK	

Water Uses

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

Places of Use

Previous View Find Place

Place of Use Legal Description : STOCKWATER (CLARK county)

Show entries

Search:

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
10N	32E	11			NW	NE	
10N	32E	11			SW	NE	
10N	32E	11			NE	NW	
10N	32E	11			NW	NW	
10N	32E	11			SW	NW	
10N	32E	11			SE	NW	
10N	32E	11			NE	SW	
10N	32E	11			NE	SE	
10N	32E	11			NW	SE	
10N	32E	11			SW	SE	

Showing 1 to 10 of 20 entries

Previous

1

2

Next

Conditions**Code Conditions**

- N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- TWO POINTS OF DIVERSION LOCATED IN T10N, R32E, S03, SWNWSE.
- C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
- N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- STOCKWATER, 850 CATTLE

Dates

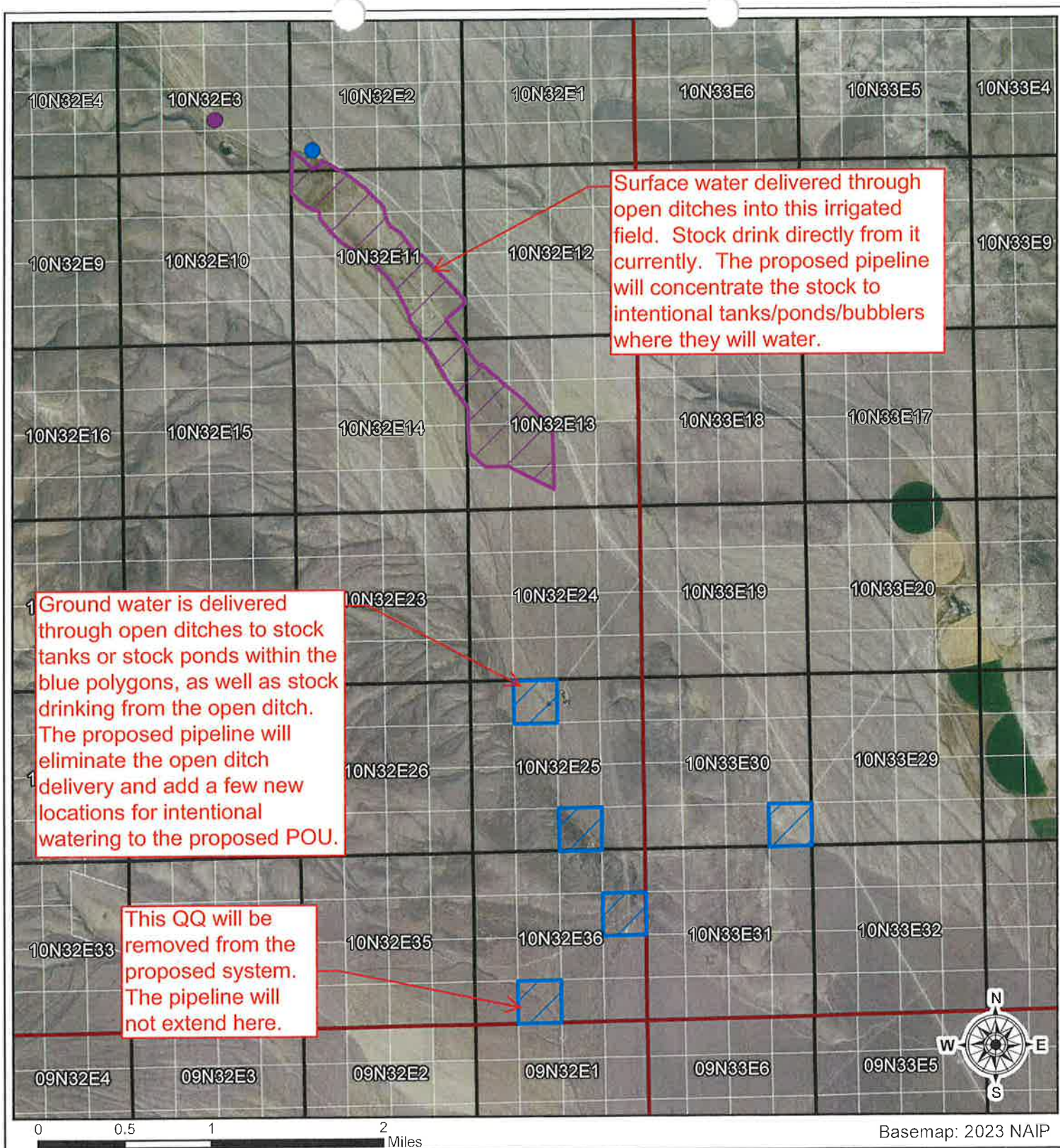
Licensed Date :
 Decreed Date : 10/27/2000
 Permit Proof Due Date :
 Permit Proof Made Date :
 Permit Approved Date :
 Permit Moratorium Expiration Date :
 Enlargement Use Priority Date :
 Enlargement Statute Priority Date :
 Application Received Date:
 Protest Deadline Date:

Other Information

State or Federal : S
 Water District Number : NWD
 Generic Max Rate Per Acre : 0
 Generic Max Volume Per Acre : 0
 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

1/3/2025



Attachment 2B - Current Water Right Locations

Legend

- POD 32-11127
- POD 32-11240
- POU 32-11127
- POU 32-11240
- Twp & Rng
- Section
- QQ

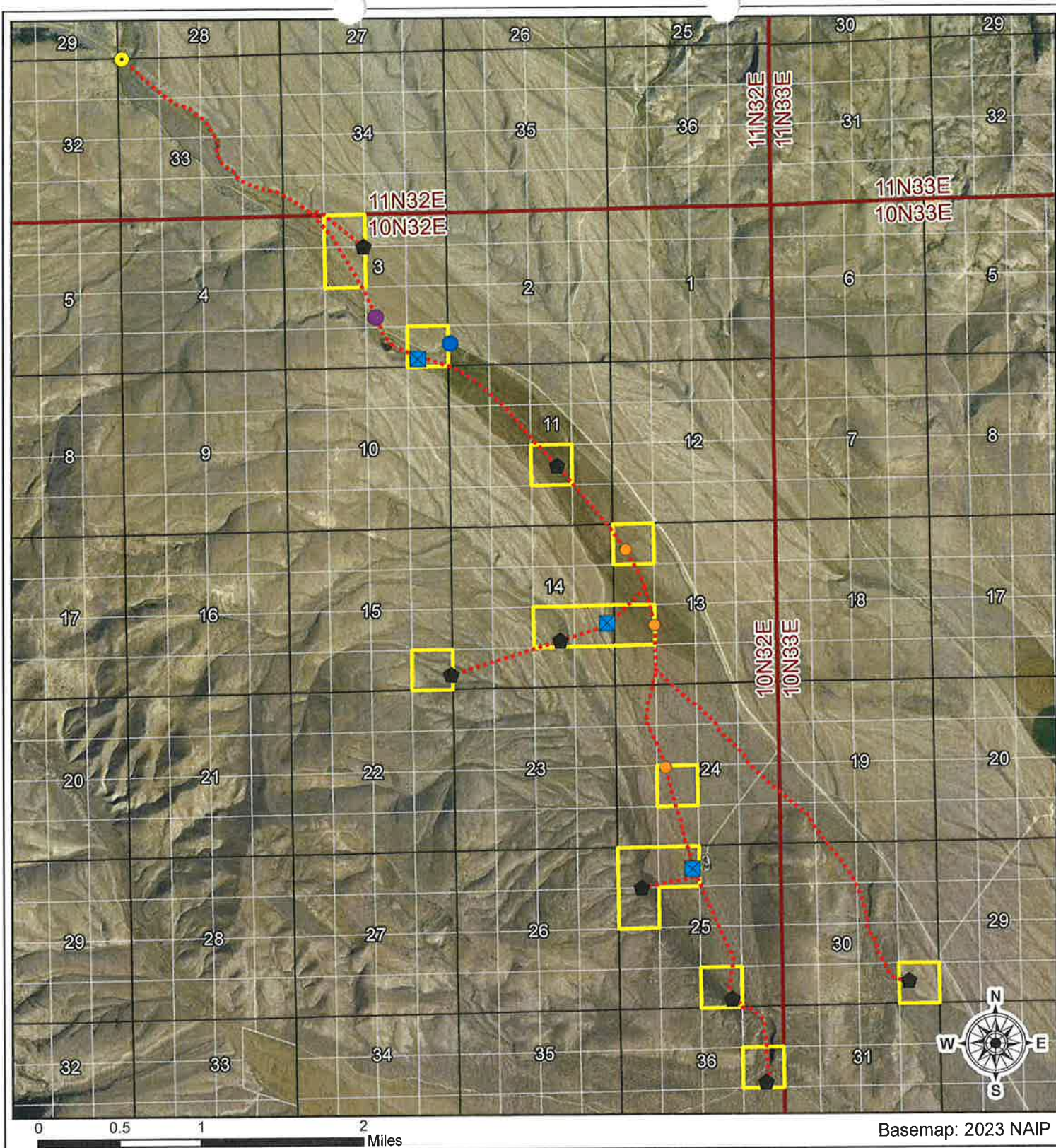
The Nature Conservancy
Application for Transfer of
Water Right Nos.:
32-11127 & 32-11240

Date: 2/26/2025

RMEA #: 24-0130

Drafted by: KM





Attachment 3C Pg. 1 - Proposed Locations Overview

- Proposed New POD
- POD 32-11127
- POD 32-11240
- ⬢ Trough
- ⬢ Existing Pond
- Wildlife Outlet
- Approx. Pipeline
- Proposed POU
- Twp & Rng
- Section
- QQ

The Nature Conservancy
Application for Transfer of
Water Right Nos:
32-11240 & 32-11127

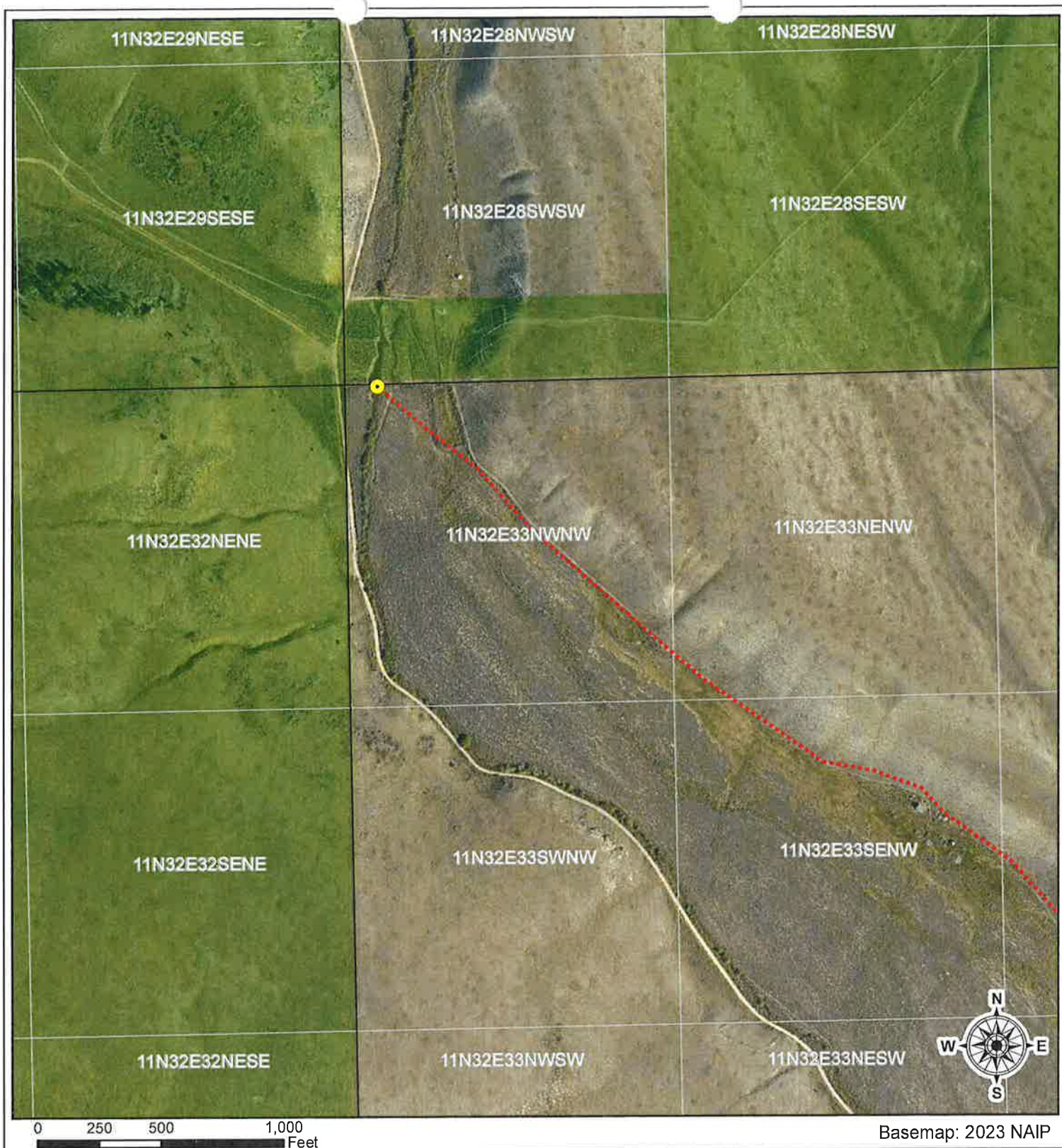
Date: 4/9/2025

RMEA #: 24-0130

Drafted by: KM



89818



Attachment 3C Pg. 2- Proposed Locations POD

Legend

- Proposed New POD
- Pipeline
- Twp & Rng
- Section
- QQ
- BLM
- STATE
- USFS

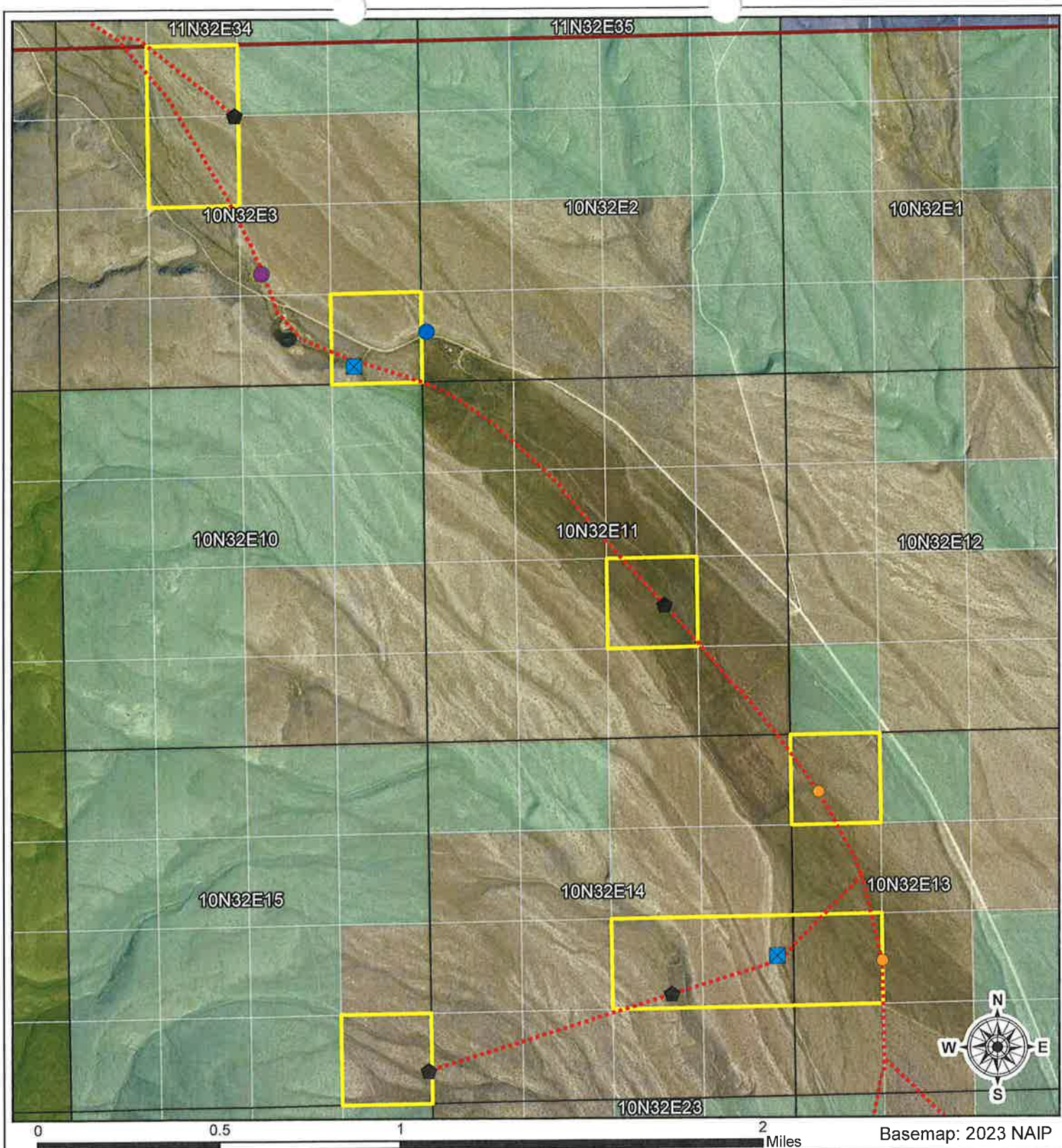
The Nature Conservancy
Application for Transfer of
Water Right Nos.:
32-11127 & 32-11240

Date: 4/9/2025

RMEA #: 24-0130

Drafted by: KM





Attachment 3C Pg. 3- Proposed Locations North

Legend

- | | | |
|-------------------|----------------|-------|
| ● POD 32-11127 | Pipeline | BLM |
| ● POD 32-11240 | ■ Proposed POU | STATE |
| ⬠ Trough | ▭ Twp & Rng | USFS |
| ⊠ Existing Pond | ▭ Section | |
| ● Wildlife Outlet | ▭ QQ | |

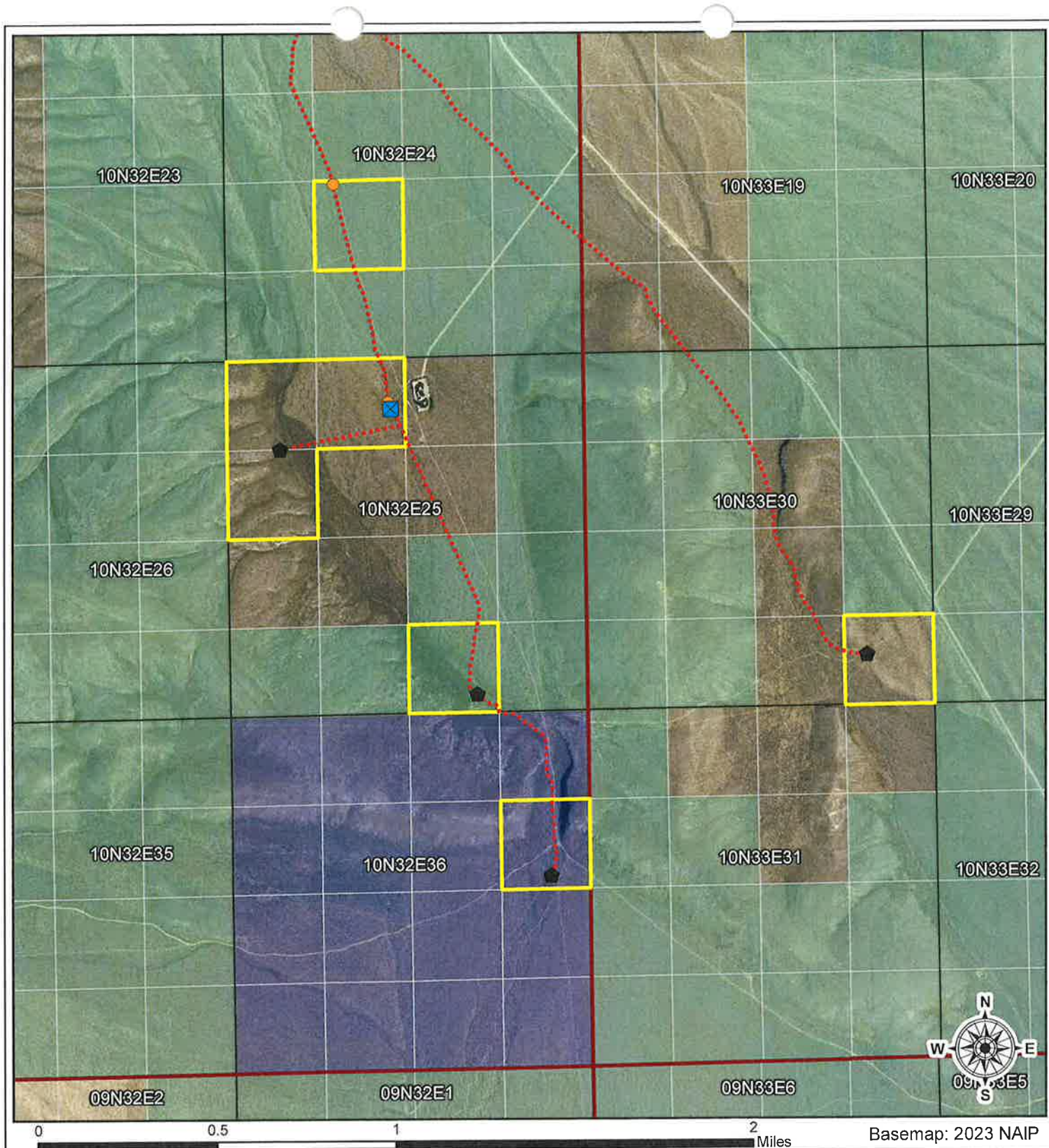
The Nature Conservancy
Application for Transfer of
Water Right Nos.:
32-11127 & 32-11240

Date: 4/9/2025

RMEA #: 24-0130

Drafted by: KM





Attachment 3C Pg. 4- Proposed Locations South

Legend

- | | | |
|-------------------|----------------|-------|
| ● POD 32-11127 | Pipeline | BLM |
| ● POD 32-11240 | ■ Proposed POU | STATE |
| ⬢ Trough | ▬ Twp & Rng | USFS |
| ⊗ Existing Pond | ▭ Section | |
| ● Wildlife Outlet | ▭ QQ | |

The Nature Conservancy
Application for Transfer of
Water Right Nos.:
32-11127 & 32-11240

Date: 4/9/2025

RMEA #: 24-0130

Drafted by: KM



Crooked Creek Watershed Restoration and Water Resilience Improvements

Water Distribution System Project Description

Dusty Perkins, Land Stewardship Program Manager

Project Area

The Crooked Creek watershed (Figure 1) is approximately 18 miles west of Dubois in Clark County, situated within the Medicine Lodge fine-scale area of the Mountain Valleys Idaho Sage Grouse Conservation Area, draining from the Beaverhead Range into the northeastern Snake River Plain. The watershed features a patchwork of creeks, springs, and other mesic areas. Not surprisingly, area provides nesting, brood-rearing, breeding, and wintering habitat for Greater sage grouse (*Centrocercus urophasianus*) and a variety of other sagebrush and aquatic obligates. Furthermore, Crooked Creek is identified entirely as Core Sagebrush Area and Growth Opportunity Area, per the USGS Sagebrush Conservation Design publication (Doherty et. al, 2022).

In the Crooked Creek drainage, legacy effects of watershed manipulation, conversion, and historic incompatible land use practices have negatively impacted watershed integrity and connectivity, water quality, and the quality and quantity of riparian and wet-meadow habitat. Historically, Crooked Creek was removed from the ancestral channel and relocated into ditch along much of the lower watershed to increase the water volume and reliability to support livestock and agricultural operations on the ranch (Figure 2). This stream channel diversion/relocation, coupled with historic patterns of overuse by livestock has caused degradation; negatively impacting the quantity and quality of sage grouse and wildlife habitat in the Crooked Creek drainage. TNC seeks to maintain and improve ecological integrity of the ranch and surrounding landscape through sustainable ranch and water management and by promoting natural processes that operate in healthy aquatic, terrestrial, and landscape ecosystems.

Past and Ongoing Sage Grouse Conservation Projects

TNC has worked with a variety of partners on Conservation actions on the Crooked Creek Ranch and surrounding public lands on cooperative management and restoration projects designed to reduce population stressors and to maintain and improve sage grouse habitat. TNC has partnered with the United States Forest Service (USFS), Bureau of Land Management (BLM), and private landowners to develop a multi-party, landscape-level cooperative rotational grazing effort that has reduced the number of grazing livestock in the watershed by over 1/3 and has improved watershed function and wildlife habitat across private and public land. TNC was instrumental in designating the 11,091-acre USFS Crystal Slate allotment as a forage reserve that is used to help mitigate for the effects of drought and fire while reducing grazing pressure on critical sage grouse and wildlife habitat.

TNC and partners have invested over \$300,000 since 2021 on wildlife habitat restoration projects at Crooked Creek including, restoration of over a mile Crooked Creek on the TNC property, developing over 23 acres of wet meadow habitat to support sage grouse brood rearing and other wildlife, springs protection, and fence projects to excluding livestock from sensitive habitat areas, and promote wildlife movement across the property.

Concurrently, the USFS is working on improving Crooked Creek functionality, upgradient from the Ranch by returning 1.8 miles of Crooked Creek (on USFS administered land) to its historic channel, developing 10.8 acres of associated wet meadow and riparian habitat by removing a diversion associated with historic irrigation and

relocating the designated travel route (Figure 3). USFS also will add springs protection exclosures and water gap hardening on the Shamrock Springs complex within the upper Crooked Creek Watershed.

Water System Project Details

TNC and partners have secured funding to develop a collaborative water delivery and infrastructure system that will improve water delivery efficiency on the BLM public allotments as well as TNC Crooked Creek Ranch (Figure 2). The collaborative project will reduce water withdrawal by ranching operations to promote greater in-stream flows in Crooked Creek and benefit stream and riparian systems for increased wildlife habitat quality and quantity. The project will also ensure that water can be supplied to important sage grouse habitat areas during the critical brooding period even under extreme droughts. This project adds to existing and ongoing investments in the Crooked Creek watershed made by TNC that leverage partnerships and landowner relationships to achieve watershed-scale restoration at Crooked Creek. TNC and collaborators represent the majority of land ownership/management, water users, and management interests within the Crooked Creek watershed. The project will improve water conservation, watershed function, and wildlife habitat while also addressing key threats to water quality, water supply resilience, and wildlife habitat in the watershed.

Expected outcomes

- The project will reduce the demand/diversion rate on Crooked Creek from 1.5 CFS to 0.2 CFS to improve in-stream flows, water quality, and wildlife habitat on Crooked Creek and in associated wet meadows.
- The water system will provide redundancy to allow TNC to supply water to important sage grouse habitat areas (Identified by Idaho Fish and Game, BLM and USFWS biologists) during the critical brooding period.
- The project will promote conditions for restoration projects totaling over 2.8 miles of stream and 34 acres of wet meadow and riparian habitat; with potential for future projects to accomplish an additional 1.2 miles of historic channel re-connection and associated riparian restoration.
- Improved water distribution, will significantly reduce livestock use of Crooked Creek itself, promoting bank stability through desirable vegetation establishment and thereby expediting processes-based restoration.
- The project will improve riparian and upland habitat quality and quantity to benefit a multitude of species of conservation concern, including but not limited to: Greater sage grouse (*Centrocercus urophasianus*), Brewer's Sparrow (*Spizella breweri*), Sage Sparrow (*Amphispiza belli*), Sage Thrasher (*Oreoscoptes montanus*), Loggerhead Shrike (*Lanius ludivisianus*), Pygmy Rabbit (*Brachylagus idahoensis*), Pronghorn Antelope (*Antilocapra americana*), Ferruginous Hawk (*Buteo regalis*), and Western Bumblebee (*Bombus occidentalis*), Monarch Butterfly (*Danaus plexippus*), and Yellowstone cutthroat trout (*Oncorhynchus clarkii bouvieri*).

Figure 1: Crooked Creek Ranch, Clark County, Idaho, and associated federal and state grazing allotments.

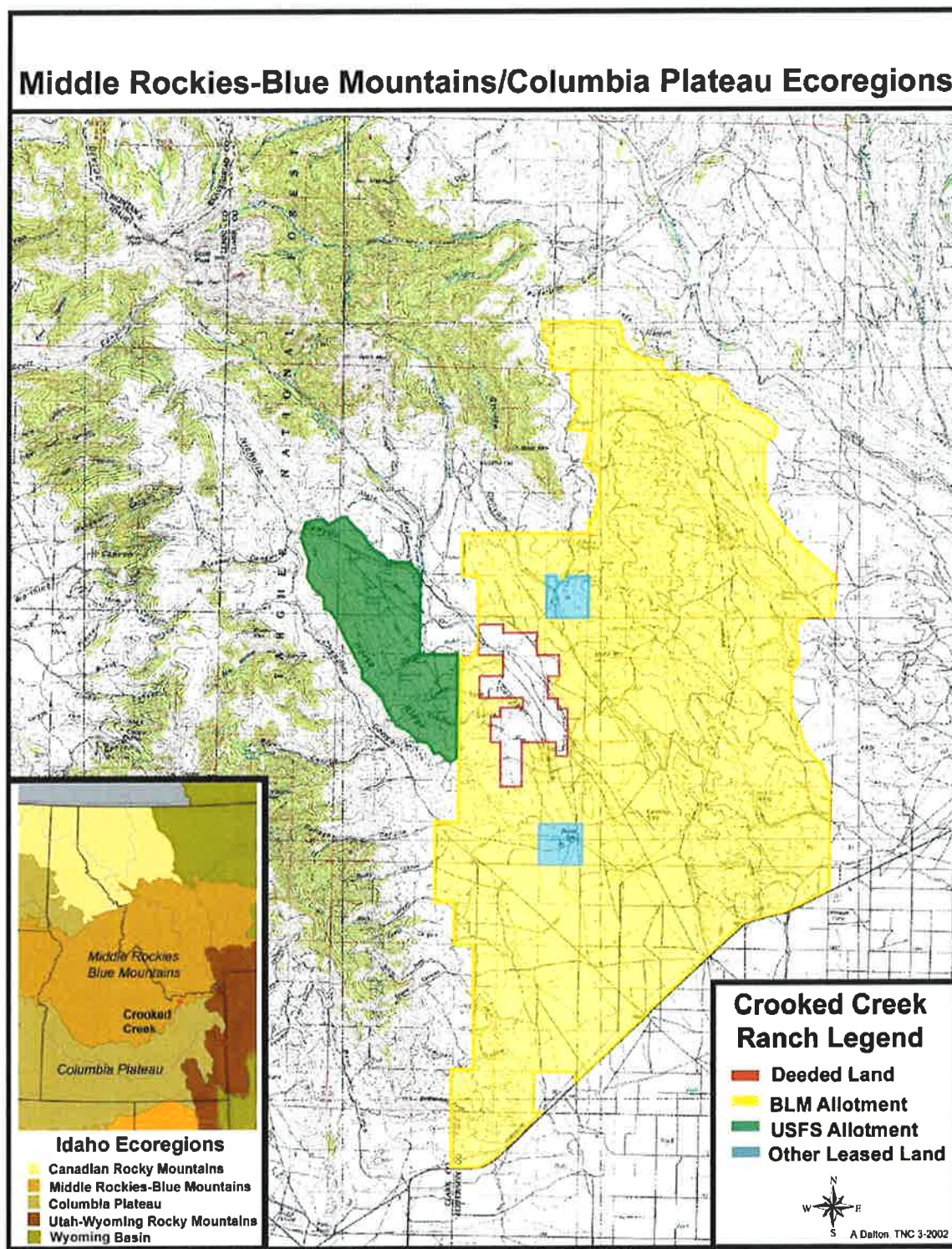


Figure 2. Map of Crooked Creek Water Distribution System

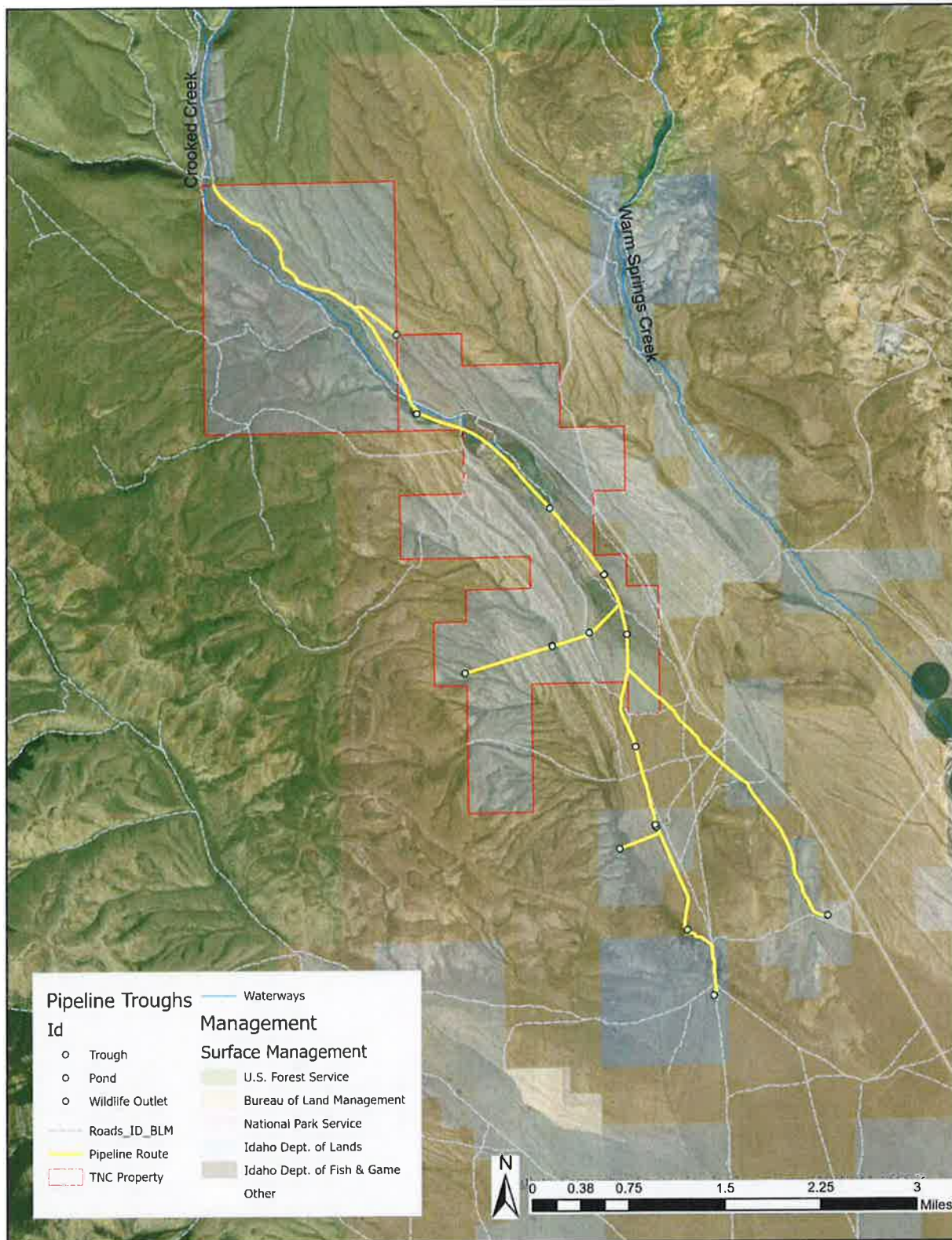
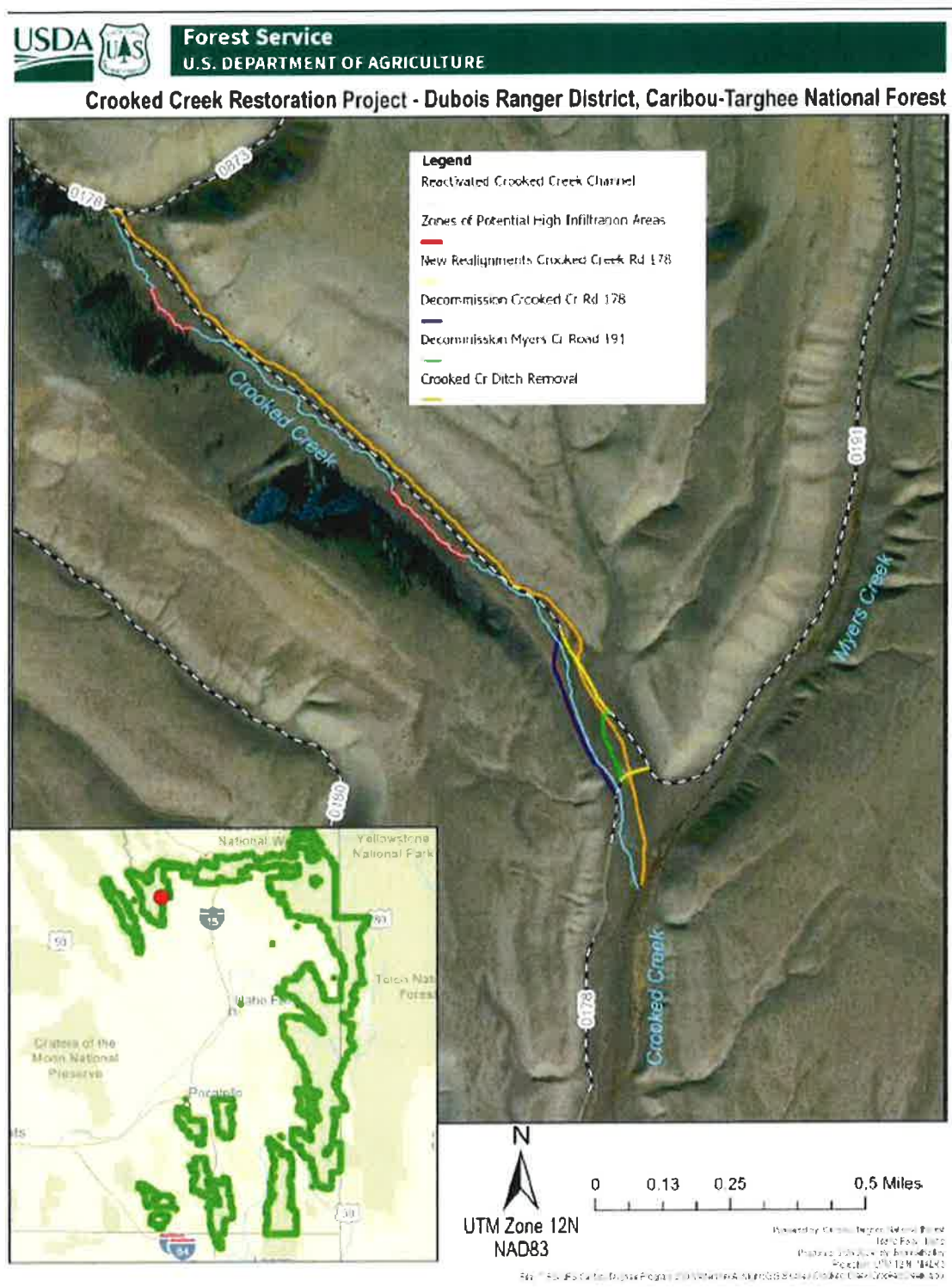


Figure 3. USFS-led Crooked Creek restoration project.



May 12, 2025

Idaho Department of Water Resources
Eastern Regional Office
900 n Skyline dr Ste a
Idaho Falls ID 83402-1718

RECEIVED

MAY 14 2025

DEPT. OF WATER RESOURCES
EASTERN REGION

Re: IDWR Transfer Application (WR 32-11127 and WR 32-11240)

To whom it may concern,

This letter accompanies our application for transfer of water right (WR 32-11127 and WR 32-11240) that are located in Clark County, Idaho. The Nature Conservancy (TNC) is an international non-profit organization dedicated to protecting the lands and waters on which all life depends. Our work in Idaho has been successful at achieving lasting benefits to natural systems and local economies by partnering with working landscapes that include ranches, rangelands, and forests. We have been working in Eastern Idaho for the last three decades to develop collaborative solutions within the community to manage Idaho's sagebrush steppe ecosystems to promote resilience, economic viability and to protect the natural communities that make this system unique. TNC is one of three BLM grazing permit holders on the Crooked Creek allotment that depends on the aforementioned water rights. TNC has been working closely with the BLM, US Forest Service, and the other grazing permittees to implement a multi-party, landscape-level cooperative rotational grazing effort to provide flexibility and adaptive management for resource protection, wildlife habitat, climate resilience, and producer viability. In addition, TNC and partners have made significant investments and continued investments in restoration projects that improve and maintain and improve wildlife habitat while providing climate resilience to the existing grazing land-use practices.

We are applying to transfer water right components in association with the development of an upgraded water distribution system that will improve water use efficiency. The proposed stock water system is funded by the Idaho Governor's Office of Species Conservation, Sage Grouse Actions team, US Fish and Wildlife Partners program, BLM, TNC, and private landowners. We intend to replace the outdated and inefficient water conveyance/storage infrastructure that has extensive evapotranspiration loss and soil absorption that is not feasible under current streamflow conditions and climate change scenarios. The new system will improve water delivery efficiency, ensuring future livestock operations while balancing water uses to maintain in-stream flows and associated habitat for sage grouse and other fish and wildlife in the Crooked Creek drainage. The proposed system provides public benefit by improving in-stream flows, wildlife habitat and watershed function of the Crooked Creek watershed. Additionally, the system can deliver TNC and BLM-held water rights and will provide a climate resilient benefit to the collective of current and future Crooked Creek Allotment grazing permittees by providing more efficient, reliable, and secure stock water access for grazing operations.

Thank you,



Dusty Perkins
Stewardship Program Manager
The Nature Conservancy Idaho Chapter
dusty.perkins@tnc.org
Cell: (208) 859-7137
950 W. Bannock St. Suite 210
Boise, Idaho 83702



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

June 4, 2025

THE NATURE CONSERVANCY
950 W BANNOCK
BOISE, ID 83702

RE: Transfer No. 89818
Water Right No(s). 32-11127, 32-11240

Dear Applicant:

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 POST REGISTER on 6/11/2025 and 6/18/2025. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Christina Henman
Administrative Assistant

CC:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 4, 2025 2:59 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Post Register
Attachments: 89818 Post Register.docx

LEGAL NOTICE DEPARTMENT
POST REGISTER
PO BOX 1800
IDAHO FALLS, ID 83403-1800

RE: Transfer No. 89818
Water Right No(s). 32-11127, 32-11240

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 6/30/2025. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89818**

THE NATURE CONSERVANCY, 950 W BANNOCK, BOISE, ID 83702 has filed Application No. 89818 for changes to the following water rights within CLARK County(s): Right No(s). 32-11127, 32-11240; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: add point of diversion and change place of use. Proposed points of diversion are in SWSW Sec 2 T10N R32E for 0.20 cfs from Ground Water; and NWSE Sec 3 T10N R32E and NWNW Sec 33 T11N R32E (new) for 0.23 cfs from Crooked Creek. Proposed place of use is in Lot 3 (NENW), SENW and SESE Sec 3, NWSE Sec 11, NWNW and NWSW Sec 13, NESE and NWSE Sec 14, SESE Sec 15, NESW Sec 24, NENW, NWNW, SWNW and SWSE Sec 25, and SENE Sec 36, T10N R32E; and SESE Sec 30 T10N R33E for stockwater.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. 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, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 6/30/2025. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 6/11/2025 and 6/18/2025