

AMENDED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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) McCullough Ranch LLC

Mailing Address 73 McCullough Rd. Dubois, ID 83423

Email* twinkie@swaffordlaw.com Phone 208-374-5281

Name of Representative (if any) _____

Mailing Address _____

Email* _____ Phone _____

*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.

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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.

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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	

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:

Application proposes to change points of diversion, change place of use, and update water records to reflect current practices and ownership.

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
☒ ☐	31-31	1.5 cfs	Irrigation	4/15 to 10/31	Dry Creek
☒ ☐	31-31	.07 cfs	Stockwater	01/01 to 12/31	Dry Creek
☒ ☐	31-28A	1.3 cfs	Irrigation	4/15 to 10/31	Dry Creek
☒ ☐	31-28A	.07 cfs	Stockwater	01/01 to 12/31	Dry Creek
☐ ☐				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: 2.8 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.

Proposed Points of Diversion			
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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 is for a water right that is not a new water right.

Proposed Place of Use

Total Irrigated Acres: 123

PART 4 – ADDITIONAL INFORMATION

Transfer No. 90123 Page 5

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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.
None
2. Identify any other water right(s) diverted at the proposed point(s) of diversion.
None
3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 31. ☐ 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.

90123

AMENDED**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.
N/A

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.
N/A

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)?

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Rev. 11/24

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.
Diverted from Dry Creek to diversion pond. A 34 hp pump and booster diverts water from pond to 12" lines and finally to 4 pivots.

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.

[Signature]
Signature of Applicant or Representative*

Dwan
Print Name and Title, if applicable

10/8/2025
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: \$ _____ Receipt #: _____ Date: _____ Received by: _____
Add'l Paid: \$ _____ Receipt #: _____ Date: _____ Received by: _____

Transfer No.

Date

90123

ATTACHMENT 1B and 1C

Recorded at request of:
Swafford Law, P.C.
Box 1745
Idaho Falls ID 83403

WARRANTY DEED

FOR VALUE RECEIVED BYRON TAVENNER, a single person, dealing with his sole and separate property, whose address is 73 McCullough Rd., Dubois, Idaho 83423, hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto McCULLOUGH RANCH, LLC, hereinafter referred to as Grantee, whose address is 73 McCullough Rd., Dubois, Idaho 83423, the following described premises:

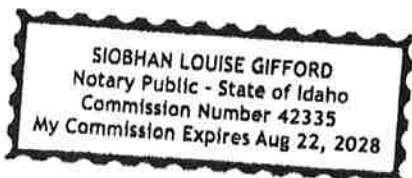
ATTACHMENT A

TO HAVE AND TO HOLD The premises, with its appurtenances unto said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, the Grantor is the owner in fee simple of said premises; that said premises 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 the U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, if any, of record and current years taxes, levies and assessments, including irrigation and utility assessments, if any, which are not yet due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated this October 1, 2025.


BYRON TAVENNER
Grantor

Subscribed and affirmed before me this October 1, 2025.



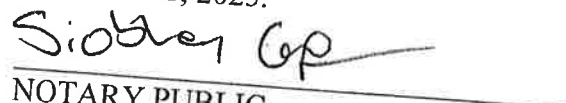

NOTARY PUBLIC
IDAHO FALLS ID

Exhibit A

Parcel 1

Township 12 North, Range 36 E.B.M., Clark County, Idaho

Section 23: That portion of the SE1/4 lying W. of the right-of-way of the Union Pacific Railroad, EXCEPTING THEREFROM: the right-of-way of Highway #91 and I-15 Interstate Highway

Section 26: That portion of the N1/2NE1/4 lying W. of the right-of-way of the Union Pacific Railroad, and those portions of the SE1/4NE1/4 and NE1/4SE1/4 lying W. of the right-of-way of I-15 Interstate Highway, EXCEPTING from all of the above, the right-of-way of Highway #91 and I-15 Interstate Highway

Section 35: Those portions of the NW1/4NE1/4SE1/4; W1/2SW1/4SE1/4 and SE1/4SW1/4 lying N. and W. of the right-of-way of the Union Pacific Railroad, EXCEPTING THEREFROM: the right-of-way of I-15 Interstate Highway

Township 11 North, Range 36 E.B.M., Clark County, Idaho

Section 2: That portion of the NW1/4 lying N. and W. of the right-of-way of the Union Pacific Railroad, EXCEPTING THEREFROM: the right-of-way of I-15 Interstate Highway

Section 3: E1/2NE1/4; SW1/4NE1/4 and that portion of the SE1/4 lying N. and W. of the right-of-way of the Union Pacific Railroad; EXCEPTING THEREFROM: the right-of-way of Highway #91 and I-15 Interstate Highway.

Parcel 2

NE1/4 of the NW1/4, and N1/2 of the NE1/4, SE1/4 of the NE1/4 and E1/2 of the SE1/4, and SW1/4 of the SE1/4, and NW1/4 of SE1/4 and SW1/4 of NE1/4 of Section 34, Township 12, Range 36, Clark County, Idaho.

Parcel 3

The West half of the East half (W1/2 E1/2) and the East half of the West half (E1/2 W1/2) of Section 15, Township 10 North, Range 34, Clark County, Idaho.

Parcel 4

SE1/4 of SW1/4 of Section 27, Township 12, Range 36, Clark County, Idaho.

ATTACHMENT 1D



0006372588



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

For Office Use Only

-FILED-

File #: 0006372588

Date Filed: 7/28/2025 4:16:11 PM

Entity Name and Mailing Address:

Entity Name:

The file number of this entity on the records of the Idaho
Secretary of State is:

Address

MCCULLOUGH RANCH LLC
0000566398

PO BOX 157
DUBOIS, ID 83423-0157

Entity Details:

Entity Status

This entity is organized under the laws of:

If applicable, the old file number of this entity on the records of
the Idaho Secretary of State is:

Active-Existing

IDAHO

W187482

The registered agent on record is:

Registered Agent

BYRON TAVENNER
Registered Agent
Physical Address
73 MCCULLOUGH RD
DUBOIS, ID 83423
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
BYRON W TAVENNER	Manager	73 MCCULLOUGH RD DUBOIE, ID 83423

The annual report must be signed by an authorized signer of the entity.

Job Title: Owner

Byron W Tavenner

Sign Here

07/28/2025

Date

B1035-5791 07/28/2025 4:16 PM Received by Office of the Idaho Secretary of State

ATTACHMENT 2B and C1

Tavener Transfer

POU before and after Transfer

- Proposed POU
- WaterRight Place of Use
- WaterRights Point of Diversion
- Township
- Sections
- QQ



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/29/2024

Water Right 31-28A

Owner Type
Current Owner

Name
THOMAS MC CULLOUGH

Priority Date: 3/23/1914

Basis: Decreed

Status: Active

Source
DRY CREEK

Tributary
BEAVER CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.300 CFS	150.5 AF
STOCKWATER	01/01	12/31	0.070 CFS	3.4 AF
	<u>Total Diversion</u>		1.300 CFS	153.9 AF

Source and Point(s) of Diversion:

DRY CREEK NENENW

Sec. 34, Twp 12N, Rge 36E, CLARK County

Place Of Use:

IRRIGATION within CLARK County

T12N R36E S34	NENE	17.0
T12N R36E S34	NWNE	1.1
T12N R36E S34	SWNE	32.0
T12N R36E S34	SENE	29.0
T12N R36E S34	NESE	4.7
T12N R36E S34	NWSE	22.0
T12N R36E S34	SWSE	1.3
T12N R36E S35	NENW	3.9
T12N R36E S35	NWNW	12.0
	Right Acre Limit	80.00
	POU Total Acres	123.00

STOCKWATER Same as IRRIGATION

Conditions of Approval:

1. 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.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL

IDAHO DEPARTMENT OF WATER RESOURCES

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Proof Report

- BENEFICIAL USE.
4. F06 STOCKWATER, 250 CATTLE
5. 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.
6. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 123 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-28A, 31-31
7. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. F05 RIGHT NO. 31-31 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
9. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
10. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 31, Mud Lake and Tributaries.
11. T07 The right holder shall accomplish the change authorized by transfer 69619 by March 21,2003.

Combined Use Limits:**Rate****Volume****Acres**

123.0

Water Rights

31-31 ,31-28A

SubCase:

SubCaseNumber: 31-28A

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: Decreed

Date Filed: 9/7/2001

Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/29/2024

Water Right 31-31

Owner Type
Current Owner

Name
THOMAS MC CULLOUGH

Priority Date: 4/1/1894

Basis: Decreed

Status: Active

Source
DRY CREEK

Tributary
BEAVER CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.500 CFS	280.0 AF
STOCKWATER	01/01	12/31	0.070 CFS	3.4 AF
	<u>Total Diversion</u>		1.500 CFS	283.4 AF

Source and Point(s) of Diversion:

DRY CREEK NENENW

Sec. 34, Twp 12N, Rge 36E, CLARK County

Place Of Use:

IRRIGATION within CLARK County

T12N R36E S34	NENE	17.0
T12N R36E S34	NWNE	1.1
T12N R36E S34	SWNE	32.0
T12N R36E S34	SENE	29.0
T12N R36E S34	NESE	4.7
T12N R36E S34	NWSE	22.0
T12N R36E S34	SWSE	1.3
T12N R36E S35	NENW	3.9
T12N R36E S35	NWNW	12.0
	Right Acre Limit	80.00
	POU Total Acres	123.00

STOCKWATER Same as IRRIGATION

Conditions of Approval:

1. STOCKWATER, 250 CATTLE
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE

IDAHO DEPARTMENT OF WATER RESOURCES

8/29/2024

Proof Report

- 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.
4. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 123 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-28A, 31-31
 5. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
 6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 7. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
 8. T07 The right holder shall accomplish the change authorized by transfer 69619 by March 21, 2003.
 9. R04 Use of water under this water right will be regulated by the watermaster of State Water District No.31, Mud Lake and Tributaries.
 10. F06 THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 31-28A, 31-31
 11. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Combined Use Limits:**Rate****Volume****Acres****Water Rights**

123.0

31-31 ,31-28A

SubCase:

SubCaseNumber: 31-31

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: Decreed

Date Filed: 9/7/2001

Objection Status: Active

Water Supply Bank:

N/A

RECEIVED

OCT 06 2025

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT. 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 changes which are proposed (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and a confirmation that the information provided is accurate (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) McCullough Ranch LLC
Mailing Address 73 McCullough Rd. Dubois ID 83423
Email* twinkiecsuaffordlaw.com Phone 208-374-5281

Name of Representative (if any) _____
Mailing Address _____
Email* _____ Phone _____

*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.

90123

SUPERCEDED

- A. Representative.** If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents (such as the Power of Attorney) 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 business entity currently registered with the state of Idaho?
- ☒ 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.

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. *Attached*
- 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 this 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. *Attached*

SUPERCEDED

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

See Attachment 2C

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 included on transfer applications. Identify the changes proposed in this application:

- ☒ Change point(s) of diversion
☐ Add point(s) of diversion
☐ Change nature of use

- ☒ Change place of use
☐ Change period of use
☒ Update water right ownership records

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

Application proposes to change points of diversion; Change place of use; and update water records to reflect current practices and ownership.

SUPERCEDED**C. Summary of Proposed Changes.***See Attachment 2B+21*

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) for storage uses or the rate (in cubic feet per second) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ 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: _____ 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.

SUPERCEDED

☐ 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

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 a 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	
12N	36E	216												4					
12N	36E	35					32.8	4.6											
12N	36E	34	11.3	0.3	20.8	29.8									1.4	1		4	

Total Irrigated Acres: 123

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 be used 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

SUPERCEDED

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 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.

☒ No.

B. Injury to Other Water Rights

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

N/A

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

N/A

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 31. ☐ No.

4. 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. N/A

6. If this application proposes to change 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 in a time-series format, evaluating impacts 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. N/A

C. Enlargement in Use**SUPERCEDED**

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.

N/A

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.

N/A

3. If this application proposes to change 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. 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>) N/A

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>) N/A

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. N/A

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)?

SUPERCEDED**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. *N/A*

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.

*Diverted Dry Creek to pond. Pond to pump (34h)
12" lines to pivots (4). Booster pump takes to pivots.*

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.

[Signature]

Signature of Applicant or Representative*

Print Name and Title, if applicable

10/1/25

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.

10-6-25 E051198 810.00 (710.00 this App) mpetten



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

October 15, 2025

MCCULLOUGH RANCH LLC
73 MCCULLOUGH RD
DUBOIS, ID 83423

RE: Transfer No. 90123
Water Right No(s). 31-28A, 31-31

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 10/22/2025 and 10/29/2025. 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:
TWINKIE SWAFFORD
4383 E 49 S
IDAHO FALLS, ID 83406

Henman, Christina

From: Henman, Christina
Sent: Wednesday, October 15, 2025 11:57 AM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for Post Register
Attachments: 90123, 90092 Post Register.docx

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

RE: Transfer No. 90123, 90092

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 11/10/2025. 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. 90123**

MCCULLOUGH RANCH LLC, 73 MCCULLOUGH RD, DUBOIS, ID 83423 has filed Application No. 90123 for changes to the following water rights within CLARK County(s): Right No(s). 31-28A, 31-31; 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: change point of diversion and place of use. Proposed point of diversion is in SESW Sec 27 T12N R36E for 2.8 cfs from Dry Creek. Proposed place of use is in SWSE Sec 26 T12N R36E, NENE, NWNE, SWNE, SENE, NESE and NWSE Sec 34 T12N R36E, and NENW and NWNW Sec 35 T12N R36E

TRANSFER NO. 90092

FALLS WATER CO INC, 2180 N DEBORAH DR, IDAHO FALLS, ID 83401-6223 has filed Application No. 90092 for changes to the following water rights within BONNEVILLE County(s): Right No(s). 35-14923; 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: change nature of use, period of use, points of diversion, and place of use and add points of diversion. Proposed nature of use is Municipal from 1/1 to 12/31. Proposed points of diversion are in L4 (NWNW) Sec 2, NENW Sec 9, SESW and NESE Sec 10, SWNW Sec 11, and SWSW and three wells in NESW Sec 14, T02N R38E for 0.05 cfs from Ground Water. Proposed place of use is a municipal service boundary in Sec 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, 23, and 24 T02N R38E; and Sec 33, 34, and 35 T03N R38E.

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 11/10/2025. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 10/22/2025 and 10/29/2025

Re: Map and acres description-TAVENNER FILINGS

From Swafford Twinkie <twinkie@swaffordlaw.com>
Date Thu 10/9/2025 10:02 AM
To Davidson, Jon <Jon.Davidson@idwr.idaho.gov>

 1 attachment (553 KB)
TAVENNER APPLICATION FOR TRANSFER OF WATER RIGHT SIGNED.pdf;

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.

Jon: Mr. Tavenner has signed the corrected Application and its attached to this email.

Thank you for all your time and assistance.

Twinkie

From: Davidson, Jon <Jon.Davidson@idwr.idaho.gov>
Sent: Wednesday, October 8, 2025 10:38 AM
To: Swafford Twinkie <twinkie@swaffordlaw.com>
Cc: Ronald Swafford <rons@swaffordlaw.com>
Subject: Re: Map and acres description-TAVENNER FILINGS

Hello,

The application was brought to me after allocations looked it over. Unfortunately, I may not have been clear that the information in the boxes needed to be filled out and the attachments are meant to add to that information.

I filled out a new form with your information from the original application and finished filling in the boxes. On the last page, a part of the application seems to have been omitted. The "For department use only" section was not on there. The form/application cannot be edited except in the provided boxes or with included pages for description. Double check contact information for me, please.

If you approve, please have Byron sign this application and date it and then scan back to me/or bring in, I will submit the amendment and we should be good to go.

Thanks,

Jon Davidson
Water Resource Agent
IDWR-Eastern
208-497-3796

From: Swafford Twinkie <twinkie@swaffordlaw.com>
Sent: Monday, October 6, 2025 11:29 AM
To: Davidson, Jon <Jon.Davidson@idwr.idaho.gov>
Cc: Ronald Swafford <rons@swaffordlaw.com>
Subject: Re: Map and acres description-TAVENNER FILINGS

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.

Jon: Byron Tavenner's son Dirk is going to drop off a new check for \$810.00. I have transmitted with this email is the corrected *Notice of Change in Water Right Ownership* which now includes all four water rights.

If there is anything further you need from me, please call or email me.

Thank you for all of your time and consideration in this matter.

Twinkie Swafford, Paralegal

From: Davidson, Jon <Jon.Davidson@idwr.idaho.gov>
Sent: Monday, October 6, 2025 9:54 AM
To: Swafford Twinkie <twinkie@swaffordlaw.com>
Subject: Re: Map and acres description-TAVENNER FILINGS

208-497-3796
Call anytime

From: Swafford Twinkie <twinkie@swaffordlaw.com>
Sent: Monday, October 6, 2025 9:53 AM
To: Davidson, Jon <Jon.Davidson@idwr.idaho.gov>
Subject: Re: Map and acres description-TAVENNER FILINGS

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.

Good Morning: Is it ok to call you at this time?

From: Davidson, Jon <Jon.Davidson@idwr.idaho.gov>
Sent: Monday, October 6, 2025 9:52 AM
To: Swafford Twinkie <twinkie@swaffordlaw.com>
Subject: Re: Map and acres description-TAVENNER FILINGS

Hello,

Following up on this email so we can get the transfer processed. Thoughts?

Jon

From: Davidson, Jon <Jon.Davidson@idwr.idaho.gov>
Sent: Friday, October 3, 2025 10:54 AM
To: Swafford Twinkie <twinkie@swaffordlaw.com>
Subject: Re: Map and acres description-TAVENNER FILINGS

Hello,

So, we received the check... but we cannot make out what the amount should be for. Some see \$735 and some see \$785. I calculated \$710 for the transfer which includes \$50 for the ownership change of 31-31 and 31-28A (\$25/water right). Then, we should have 4 water rights that are just ownership change w/o the transfer which would be an additional \$100. The ownership change form you provided did not list 31-30, which is that one for the corrals there at Byrons place.

If the check is for \$785, that should cover all the documents we received, leaving out 31-30 from the ownership change. If you want to provide a new check or write a second check to cover this additional water right the total would be \$810 or \$25. You would also need to provide a new signed ownership change document with the additional water right included.

Let me know how you want to proceed and what we should do/consider for the amount on the check you provided.

Jon

From: Swafford Twinkie <twinkie@swaffordlaw.com>
Sent: Thursday, October 2, 2025 3:02 PM
To: Davidson, Jon <Jon.Davidson@idwr.idaho.gov>
Subject: Fw: Map and acres description-TAVENNER FILINGS

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.

Jon: I go by your office at 9:00 a.m. in morning to catch a plane. Is it ok if I drop the documents off in the morning as I go by?

Thanks. Twinkie

From: Swafford Twinkie <twinkie@swaffordlaw.com>
Sent: Thursday, October 2, 2025 12:11 PM
To: Davidson, Jon <Jon.Davidson@idwr.idaho.gov>
Subject: Re: Map and acres description

Jon: Byron has reviewed the map and is fine with its contents. We will be asking for the water right changes to be in McCullough Ranch, LLC. Byron signed a Deed from himself to the LLC yesterday. We are sending the Deed to Clark County for recording today. Once I receive the recorded Deed back I will send to you asap. I will however bring a copy of the Deed with the papers and check today.

If there is anything further you need from me, please let me know.

Thank you for all of your help and consideration in this matter.

Twinkie

From: Davidson, Jon <Jon.Davidson@idwr.idaho.gov>
Sent: Thursday, October 2, 2025 10:24 AM
To: Swafford Twinkie <twinkie@swaffordlaw.com>
Subject: Map and acres description

Hello,

Here is the map I made for the place of use rearranged. Please take a look and let me know if anything is out of order. The map shows 123 acres drawn out for irrigation based on the pivots and satellite imagery showing irrigated ground. It does cover ground that we have discussed may not be productive, however, I don't want to take acres away from the shape file. This map should show previous place of use and the new place of use so can be used on Sec. 4 pg 5 and Sec. C page 4. I have also included the points for the points of diversion and proposed points of diversion at the holding pond. Below is the acre description for the **proposed place of use**. If you are ok with the map, then put these acres into the boxes on Sec. 4 Pg 5.

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW
12N	36E	26														
12N	36E	35														
12N	36E	34	11.3	0.3	20.8	29.8	32.8	4.6							4	
															1.4	1

Feel free to call with any questions on the map.