

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 26 2022

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

DIVISION OF WATER RESOURCES
SOUTHERN REGION

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

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to Idaho Code § 42-221.0.8. Attach an explanation and any supporting documentation.

1. APPLICANT(S) Thomas H. Bingham, Candice Bingham Phone 208-358-39652. MAILING ADDRESS 1710 S. 2150 E. City GoodingState Idaho Zip 83330 Email he.bingham@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

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

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 37-7160

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

4. TOTAL AMOUNT OF WATER transferred is 0.050 cubic feet per second and/or 16.0 acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

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

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
<u>Y</u>		<u>NW</u>	<u>NE</u>		<u>34</u>	<u>05S</u>	<u>15E</u>	<u>Gooding</u>	<u>Ground Water</u>	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

- b. Who owns the property at the point(s) of diversion? Applicant(s)

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

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

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

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

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

T. Helaman Bingham

Signature of applicant or authorized agent

T. Helaman Bingham

Print name and title if applicable

5/25/2022

Date

Candice Bingham

Signature of applicant or authorized agent

Candice Bingham

Print name and title if applicable

5/25/2022

Date

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

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$200- Date 5/26/22 Received by _____ Receipt # SP 39251

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

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

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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/28/2022

Water Right 37-7160

Owner Type **Name and Address**
Current Owner THOMAS H BINGHAM
1710 S 2150 E
GOODING, ID 83330-5144
(208) 358-3965

Current Owner CANDICE BINGHAM
1710 S 2150 E
GOODING, ID 83330-5144
(208) 358-3965

Priority Date: 9/14/1972

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/15	0.050 CFS	16.0 AF
	<u>Total Diversion</u>		0.050 CFS	16.0 AF

Source and Point(s) of Diversion:

GROUND WATER NENWNE Sec. 34, Twp 05S, Rge 15E, GOODING County

Place Of Use:

IRRIGATION within GOODING County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	15E	34		4.0															4.0

POU Total Acres: 4.0

Conditions of Approval:

1. S05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.
2. S40 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/28/2022

4. N05 STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
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.

Dates and Other Information:

Decreed Date: 12/11/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 130
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

SubCaseNumber: 37-7160
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 10/11/2002
Objection Status: Active

Water Supply Bank:

N/A

To Whom It May Concern:

Our neighbor Ted McQuire has been watering our pasture for us (from the current point of ~~diversion~~ diversion) for the past 4 years.

Candice Bingham

RECEIVED

MAY 26 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

POD Transfer: Current, Proposed POD & POU



9:41 PM Wed May 25

80%



Search here



E 1700 S

E 1700 S

S 2150 E

S 2150 E

S 2150 E

S 2150 E

Google

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Transfer No. 86289

Customer Ad Proof

164-60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 128383

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	78.84
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	78.84
Fax			
Section	Legals	Start/End Dates	06/16/2022 - 06/23/2022
SubSection		Insertions	2
Category	50 Legal	Size	48
Ad Key	128383-1	Salesperson(s)	Legal Notices
Keywords	NOTICE/PROPOSED CHANGE TRANSFER NO.	Taken By	Reba Davis
Notes			

Ad Proof

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86289**

THOMAS H BINGHAM and CANDICE BINGHAM, 1710 S 2150 E, GOODING, ID 83330-5144 has filed Application No. 86289 for changes to the following water rights within GOODING County(s): Right No(s). 37-7160; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/water-rights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes moving a 0.05 cfs, 4 acre irrigation ground water right to an existing well located on the applicant's property. Current point of diversion (POD) is located approximately 1.9 miles north and 2.7 miles east of the intersection of Hwy 46 and Hwy 26 in Gooding. Proposed POD is located approximately 285 yards to the west of the current well. No changes to place of use are proposed.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **July 5, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on June 16th & 23rd, 2022

Proof of legal notice received
from Times News 6/9/2022

✓ SM 6-9-2022



IDAHO DEPARTMENT OF
WATER RESOURCES

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

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

Governor Brad Little

Director Gary Spackman

June 9, 2022

THOMAS H BINGHAM
CANDICE BINGHAM
1710 S 2150 E
GOODING, ID 83330-5144

RE: Transfer No. 86289
Water Right No(s). 37-7160

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 6/16/2022 and 6/23/2022**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **July 5, 2022**.

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

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

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 9, 2022 11:07 AM
To: Ragan, Brian
Subject: Comment Letter for Transfer No. 86289 - Thomas & Candice Bingham
Attachments: Comment letter to WD130 for 86289.docx; Transfer No. 86289 - Bingham.pdf

Hi Brian,

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

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

Thank you in advance,

Denise @ Southern

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



IDAHO DEPARTMENT OF
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Governor Brad Little

Director Gary Spackman

June 9, 2022

WATER DISTRICT 130
BRIAN RAGAN
PO BOX 83720
BOISE ID 83720-0098

RE: Application for Transfer No(s): 86289 (Thomas & Candice Bingham)

Dear Brian:

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

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

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 9, 2022 9:30 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find **(1)** legal notice being submitted for publication on June 16th & 23rd, 2022. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

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



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Governor Brad Little

Director Gary Spackman

June 9, 2022

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 86289
Water Right No(s). 37-7160

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 7/5/2022. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86289**

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For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **July 5, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on June 16th & 23rd, 2022

MEMORANDUM

Date: June 2, 2022
To: Transfer 86289 File
From: William Mills
Re: Transfer Proposal

Application for transfer proposes moving a 0.05 cfs, 4 acre irrigation ground water right to an existing well located on the applicant's property. Current point of diversion (POD) is located approximately 1.9 miles north and 2.7 miles east of the intersection of Hwy 46 and Hwy 26 in Gooding. Proposed POD is located approximately 285 yards to the west of the current well. No changes to place of use are proposed.

Points of diversion (PODs) are located in Water District 130 and Watermaster comments will be solicited. PODs are also located in the Eastern Snake Plain Aquifer. No modeling is required as the proposed well is located in the same modeling cell as the current POD.

M E M O R A N D U M

Date: June 2, 2022
To: Transfer 86289
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #86289 were based on the on the current transfer fee schedule and included \$200.00 for the 0.05 cfs being transferred in the application (Receipt No. S039251).