

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 06 2022

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

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

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Simone Hardin Phone 208-554-3807
 2. **MAILING ADDRESS** PO Box 619 City Moore
 State ID Zip 83255 Email _____

- ☐ 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)** 34-2447B, 34-10930B. A portion of these rights will be moved to another property in a transfer application filed at the same time.

- ☒ 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 0.34 cubic feet per second and/or _____ acre-feet per annum.
 (diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

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

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			SW	SW	4	05N	26E	Butte	Ground Water	D0021253

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:

Ground water well supplies water to a single pivot. Well is regulated by Water District 34. Meter will be installed if one is required.

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

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

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

Yes No

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

If yes, describe:

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

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

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, *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.

Simone Hardin
Signature of applicant or authorized agent

Print name and title if applicable

4-5-2022
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *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 700.00 Date 4-6-22

Received by M. Pether

Receipt # E047988

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 ☐

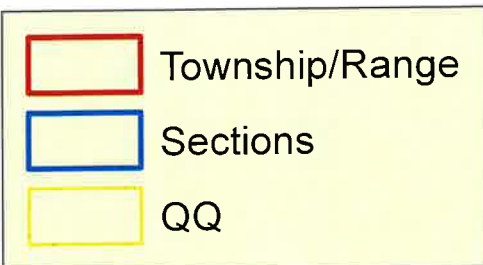
(Do NOT scan the W-9 – confidential information is held by fiscal only)

\$500 for this app.

Hardin Application for Transfer



2009 Imagery



0 125 250 500 Feet



86041

3/28/2022

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SIMONE HARDIN PO BOX 619 MOORE, ID 83255-0619

Status: Active

Source
GROUND WATER

IRRIGATION

Sec. 5, Twp 05N, Rge 26E, BUTTE County

Twp			NE				NW				SW				SE				Totals
Rng	Sec		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	26E	4											37.0						37.0

Right Acre Limit: 23.50
POU Total Acres: 37.0

Conditions of Sale		
1.	X27	This right is limited to the irrigation of 23.5 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 34-2447B and 34-10930B when combined shall not exceed a total diversion rate of 0.47 cfs, a total annual maximum diversion volume of 129.5 af at the field headgate, and the irrigation of 37 acres.
3.	X35	Rights 34-320A, 34-428C, 34-894B, 34-2447B and 34-10930B when combined shall not exceed a total diversion rate of 1.24 cfs and the irrigation of 37 acres.
4.	K01	Right No. 34-10930B is an enlargement of this right pursuant to Idaho Code § 42-1426.
5.		The following rights are diverted through the point of diversion described above: 34-2447A, 34-2447B, 34-2447C, 34-10930A, 34-10930B, 34-10930C.
6.	C05	Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
7.	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. Idaho Code § 42-1412(6).

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/28/2022

Water Right 34-10930B

Owner Type **Name and Address**
Current Owner SIMONE HARDIN
 PO BOX 619
 MOORE, ID 83255-0619

Priority Date: 8/6/1987

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	4/01	10/31	0.260 CFS	
	<u>Total Diversion</u>		0.260 CFS	

Source and Point(s) of Diversion:
GROUND WATER NWNWSE Sec. 5, Twp 05N, Rge 26E, BUTTE County

Place Of Use:
IRRIGATION within BUTTE 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	
05N	26E	4											37.0						37.0

POU Total Acres: 37.0

Conditions of Approval:

1. K06 This right is limited to the irrigation of 13.5 acres within the place of use described above in a single irrigation season.
2. X35 Rights 34-2447B and 34-10930B when combined shall not exceed a total diversion rate of 0.47 cfs, a total annual maximum diversion volume of 129.5 af at the field headgate, and the irrigation of 37 acres.
3. X35 Rights 34-320A, 34-428C, 34-894B, 34-2447B and 34-10930B when combined shall not exceed a total diversion rate of 1.24 cfs and the irrigation of 37 acres.
4. C05 Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
5. K02 This right is based upon an enlargement of Right No. 34-2447B pursuant to Idaho Code § 42-1426.
6. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
7. 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. Idaho Code § 42-1412(6).

34-10930B

86041



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 Gary Spackman

April 20, 2022

SIMONE HARDIN
PO BOX 619
MOORE, ID 83255-0619

RE: Transfer No. 86041
Water Right No(s). 34-10930B, 34-2447B

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 ARCO ADVERTISER on 4/28/2022 and 5/5/2022. 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

Henman, Christina

From: Henman, Christina
Sent: Wednesday, April 20, 2022 10:45 AM
To: arcoadv@aol.com
Subject: Legal Notice for Arco Advertiser
Attachments: 85980, 86040, 86041 Arco Advertiser.docx

LEGAL NOTICE DEPARTMENT
ARCO ADVERTISER
PO BOX C
ARCO, ID 83213

RE: Transfer No. 85980, 86040, 86041
Water Right No(s). 34-12367, 34-13580, 34-165A, 34-2382B, 34-2423, 34-753, 34-800C, 34-10930B, 34-14829, 34-14830, 34-14831, 34-2447B, 34-10930B, 34-2447B

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 5/16/2022. 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. 85980**

MAURICE DUANE HANEY, 3457 N 3350 W, MOORE, ID 83255-8763; KODY HANEY, 3388 W 2900 N, MOORE, ID 83255-5001 has filed Application No. 85980 for changes to the following water rights within BUTTE County(s): Right No(s). 34-12367, 34-13580, 34-165A, 34-2382B, 34-2423, 34-753, 34-800C; 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. The proposed point of diversion is in SENW Sec 9 T05N R26E for 2.27 cfs from ground water. The proposed place of use is in Sec 9 T05N R26E for 249.0 acres.

TRANSFER NO. 86040

SCOTT D COBURN, 651 S COLFAX ST, BOISE, ID 83709-0246; SIMONE HARDIN, PO BOX 619, MOORE, ID 83255-0619; TAMI ARCHER, 3346 W 2700 N, MOORE, ID 83255-8719 has filed Application No. 86040 for changes to the following water rights within BUTTE County(s): Right No(s). 34-10930B, 34-14829, 34-14830, 34-14831, 34-2447B; 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. The proposed point of diversion for 0.13 cfs from ground water is in SWSE Sec 4 T05N R26E. The point of diversion for 0.67 cfs from Big Lost River will not change. The proposed place of use is in NWSE and SWSE Sec 4 T05N R26E for 24 acres.

TRANSFER NO. 86041

SIMONE HARDIN, PO BOX 619, MOORE, ID 83255-0619 has filed Application No. 86041 for changes to the following water rights within BUTTE County(s): Right No(s). 34-10930B, 34-2447B; 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. The proposed point of diversion is in SWSW Sec 4 T05N R26E for 0.34 cfs from ground water.

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 5/16/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/28/2022 and 5/5/2022