

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

85834

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) LARRY AND MONICA BETHKE

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☒ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 11 2022

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Department of Water Resources
Eastern Region

Name of Applicant(s) LARRY AND MONICA BETHKE Phone _____
Mailing address 2745 BREDDING RD; AMERICAN FALLS, ID 83211 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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.

Larry Bethke
Signature of Applicant or Authorized Representative

LARRY Bethke Owner
Print Name and Title if applicable

2/8/2022
Date

Monica Bethke
Signature of Applicant or Authorized Representative

Monica BETHKE Owner
Print Name and Title if applicable

2/8/2022
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code §42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Change the place of use to cover irrigated land currently not covered by a water right. Points of diversion are incorrectly described on water rights applications proposes to correct points of diversion discrepancy. The points of diversions used are located in SWNE, Section 14 and SWNW, Section 13 07S, 29E. The points of diversion not used are located in NWNE, Section 14 and NENE Section 13, 07S, 29E.

STATE OF IDAHO
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APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	35-7161A	2.64/728	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	35-7162A	2.64/732	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	35-7977B	1.23/312	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-8046	1.0/203.2	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	35-8050	0.81/161.6	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	35-9036	0.80/160	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 9.12 cfs and/or 2296.8 acre-feet.

2. Total amount of water proposed to be transferred or changed 9.12 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	NW	13	07S	29E	Power	Ground Water	WMIS # 600571
			SW	NE	14	07S	29E	Power	Ground Water	WMIS # 600572

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

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	
07S	29E	13					39.0	38.0	37.0	37.0	39.0	39.0	39.0	34.0					302.0
07S	29E	14	34.0	33.0	29.2	38.0	35.0	34.0	34.0	35.0									272.2
Total Acres (for irrigation use)																			574.2

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

5. 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:

Two interconnected wells to several pivots. Points of diversion are equipped with magnetic flow meters.

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

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Land will not be irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. 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 leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

1/27/2022

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LARRY S BETHKE 2745 BREDDING RD AMERICAN FALLS, ID 83211 (208) 226-2201

Current Owner MONICA BETHKE
2745 BREDDING RD
AMERICAN FALLS, ID 83211
(208) 226-2201

Status: Active

Tributary

Sources

GROUND WATER

Volume

Total Diversion

2.640 CFS

728.0 AF

Sec. 13, Twp 07S, Rge 29E, POWER County

IRRIGATION within POWER County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	29E	13					33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0					264.0
07S	29E	14	33.4	33.4	20.0	33.0	37.2	37.2	38.0	38.0									270.2

Right Acre Limit: 182.0

PQU Total Acres: 534.2

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 534.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-07161A, 35-07162A, 35-07977B, 35-08046, 35-08050
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.32 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2136.8 AF. COMBINED RIGHT NOS.: 35-07161A, 35-07162A, 35-07977B, 35-08046 AND 35-08050.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 182 ACRES WITHIN THE PLACE

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- OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
TRANSFER NO. 5369 BY AUGUST 6, 2000.
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. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 35-07161A, 35-07162A, 35-07977B, 35-08046
AND 35-08050.
RIGHTS 35-07161B AND 35-07162B ARE ALSO DIVERTED THROUGH THE POINT
OF DIVERSION IN TWP 07S RNG 29E SECT 13 NE1/4NE1/4.

Dates and Other Information

Decreed Date: 1/31/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 120
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.320	2,136.8	534.2
35-8046 ,35-8050 ,35-7161A ,35-7162A ,35-7977B		

SubCase:

SubCaseNumber: 35-7161A
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 6/2/1999
Objection Status: Active

Water Supply Bank:

N/A

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Water Right 35-7162A

Owner Type **Name and Address**
Current Owner MONICA BETHKE
2745 BREDDING RD
AMERICAN FALLS, ID 83211
(208) 226-2201

Current Owner LARRY S BETHKE
2745 BREDDING RD
AMERICAN FALLS, ID 83211
(208) 226-2201

Priority Date: 1/13/1971

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	2.640 CFS	732.0 AF
	<u>Total Diversion</u>		2.640 CFS	732.0 AF

Source and Point(s) of Diversion

GROUND WATER	SWNW	Sec. 13, Twp 07S, Rge 29E, POWER County
GROUND WATER	NENE	Sec. 13, Twp 07S, Rge 29E, POWER County
GROUND WATER	NWNE	Sec. 14, Twp 07S, Rge 29E, POWER County

Place Of Use

IRRIGATION within POWER 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	
07S	29E	13					33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0					264.0
07S	29E	14	33.4	33.4	20.0	33.0	37.2	37.2	38.0	38.0									270.2

Right Acre Limit: 183.0

POU Total Acres: 534.2

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 534.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-07161A, 35-07162A, 35-07977B, 35-08046, 35-08050
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.32 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2136.8 AF. COMBINED RIGHT NOS.: 35-07161A, 35-07162A, 35-07977B, 35-08046 AND 35-08050.

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3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 183 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 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.
5. THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY TRANSFER NO. 5369 BY AUGUST 6, 2000.
6. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 35-07161A, 35-07162A, 35-07977B, 35-08046 AND 35-08050.
RIGHTS 35-07161B AND 35-07162B ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION IN TWP 07S RNG 29E SECT 13 NE1/4NE1/4.

Dates and Other Information

Decreed Date: 1/31/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 120
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.320	2,136.8	534.2
35-8046 ,35-8050 ,35-7161A ,35-7162A ,35-7977B		

SubCase:

SubCaseNumber: 35-7162A
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 6/2/1999
Objection Status: Active

Water Supply Bank:

N/A

1/27/2022

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LARRY S BETHKE 2745 BREDDING RD AMERICAN FALLS, ID 83211 (208) 226-2201

Status: Active

Tributary

312.0 AF

Sec. 13, Twp 07S, Rge 29E, POWER County
 Sec. 14, Twp 07S, Rge 29E, POWER County
 Sec. 13, Twp 07S, Rge 29E, POWER County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	29E	13					33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0					264.0
07S	29E	14	33.4	33.4	20.0	33.0	37.2	37.2	38.0	38.0									270.2

POU Total Acres: 534.2

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 534.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-07161A, 35-07162A, 35-07977B, 35-08046, 35-08050
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.32 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2136.8 AF. COMBINED RIGHT NOS.: 35-07161A, 35-07162A, 35-07977B, 35-08046 AND 35-08050.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 78 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 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

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5. OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
TRANSFER NO. 5369 BY AUGUST 6, 2000.
6. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 35-07161A, 35-07162A, 35-07977B, 35-08046
AND 35-08050.
RIGHTS 35-07161B AND 35-07162B ARE ALSO DIVERTED THROUGH THE POINT
OF DIVERSION IN TWP 07S RNG 29E SECT 13 NE1/4NE1/4.

Dates and Other Information

Decreed Date: 10/2/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.320	2,136.8	534.2
35-8046 ,35-8050 ,35-7161A ,35-7162A ,35-7977B		

SubCase:

SubCaseNumber: 35-7977B
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed:
Objection Status:

Water Supply Bank:

N/A

1/27/2022

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LARRY S BETHKE 2745 BREDDING RD AMERICAN FALLS, ID 83211 (208) 226-2201

Status: Active

Tributary

203.2 AF

Sec. 14, Twp 07S, Rge 29E, POWER County
Sec. 13, Twp 07S, Rge 29E, POWER County
Sec. 13, Twp 07S, Rge 29E, POWER County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	29E	13					33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0					264.0
07S	29E	14	33.4	33.4	20.0	33.0	37.2	37.2	38.0	38.0									270.2

POU Total Acres: 534.2

<u>Conditions of Approval:</u>		
1.	067	The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2.	R64	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3.	052	Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
4.	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.
5.	R55	This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho

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7. T07 Code.
 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
 The total instantaneous diversion of water from all points of diversion under Transfer 5369 shall not exceed 8.32 cfs, nor a total combined annual volume of 2136.8 af.
 Right 35-08046 is limited to the irrigation of 50.8 acres in the place of use described above in a single irrigation season.

Dates and Other Information

Licensed Date: 10/17/1997

Water District Number: 120

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.320	2,136.8	534.2
35-8046 ,35-8050 ,35-7161A ,35-7162A ,35-7977B		

SubCase:

N/A

Water Supply Bank:

N/A

1/27/2022

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LARRY S BETHKE 2745 BREDDING RD AMERICAN FALLS, ID 83211 (208) 226-2201

Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.810 CFS	161.6 AF
	Total Diversion		0.810 CFS	161.6 AF

GROUND WATER	SWNW	Sec. 13, Twp 07S, Rge 29E,	POWER County
GROUND WATER	NWNE	Sec. 14, Twp 07S, Rge 29E,	POWER County
GROUND WATER	NENE	Sec. 13, Twp 07S, Rge 29E,	POWER County

IRRIGATION within POWER County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	29E	13					33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0					264.0
07S	29E	14	33.4	33.4	20.0	33.0	37.2	37.2	38.0	38.0									270.2

POU Total Acres: 534.2

Conditions of Approval:		
1.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2.	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.
3.		All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively. The total instantaneous diversion of water from all points of diversion under Transfer 5369 shall not exceed 8.32 cfs, nor a total combined annual volume of 2136.8 af. Right 35-08050 is limited to the irrigation of 40.4 acres in the place of use described above in a single irrigation season.
4.	R64	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5.	052	Diversion and use of water under this right is subject to an annual use fee if rules are

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

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- subsequently promulgated which provide for the submittal of the fee.
6. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
7. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Dates and Other Information

Licensed Date: 10/17/1997

Water District Number: 120

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.320	2,136.8	534.2
35-8046 ,35-8050 ,35-7161A ,35-7162A ,35-7977B		

SubCase:

N/A

Water Supply Bank:

N/A

1/27/2022

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LARRY S BETHKE 2745 BREDDING RD AMERICAN FALLS, ID 83211 (208) 226-2201

Status: Active

Sources

GROUND WATER

160.0 AF

Sec. 14, Twp 07S, Rge 29E, POWER County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	29E	13					5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0					40.0

POU Total Acres: 40.0

Conditions of Approval		
1.	T07	The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2.	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.
3.		The total instantaneous diversion of water from all points of diversion under Transfer No. 5077 shall not exceed 0.80 cfs, nor total combined annual volume of 160.0 af for irrigation use under Right No. 35-09036. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5.	T09	Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

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Dates and Other Information

Licensed Date: 5/6/1997

Water District Number: 120

Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (WaterBalance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

FOR DEPARTMENT USE ONLY

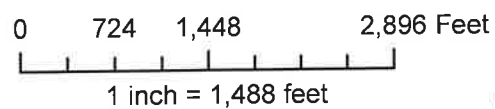
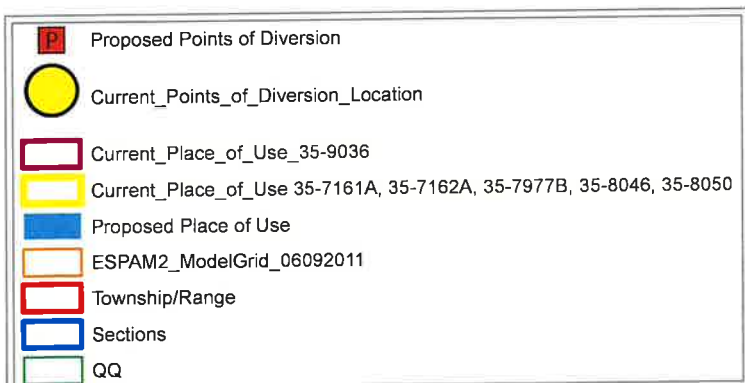
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$ 1,220.00 Date 2/11/2022 Received by _____ Receipt # 6047800

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



ENHANCED GROUND-WATER MODEL

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH CENTER

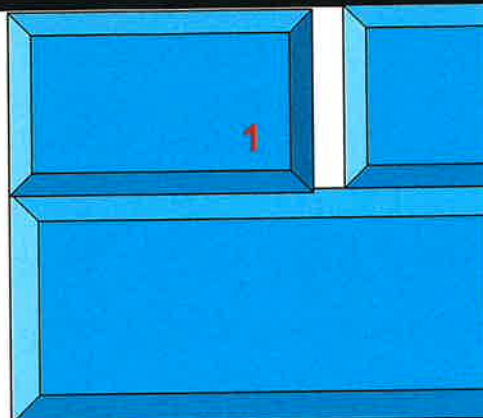
Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

TRANSFER NO:

YEAR TRANSFER NAME:

SEASON



ENTER CELL LOCATIONS:				
	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	88	88	0	0
COLUMN	93	95	0	0

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 W
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER
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SPR 1972	0.00	574.20	574.20	0.00
SUM 1972	0.00	574.20	574.20	0.00
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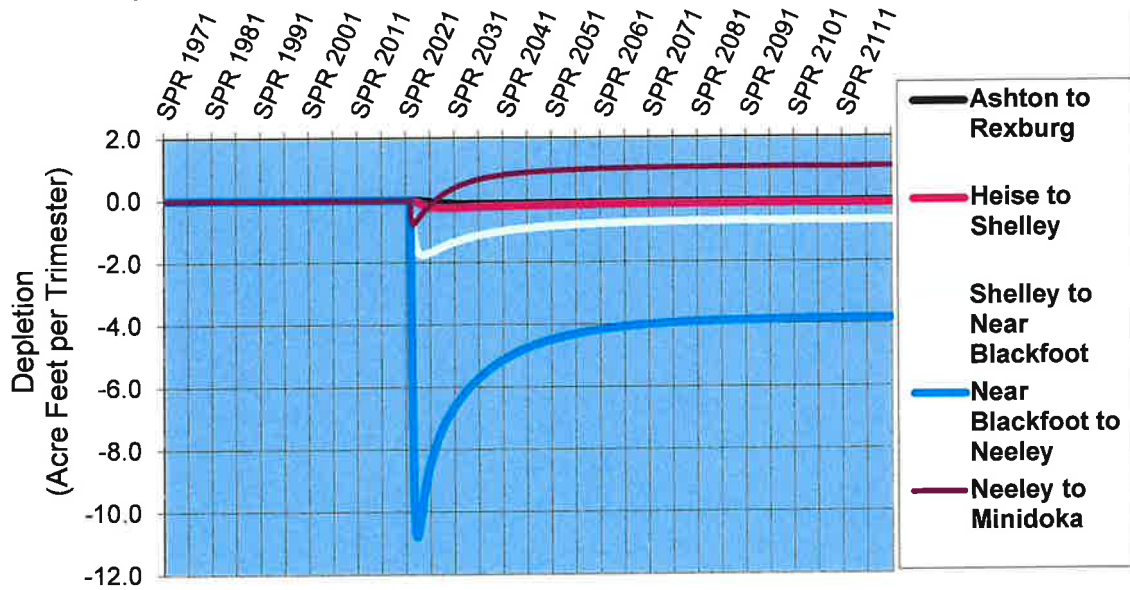
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SPR 1979	0.00	574.20	574.20	0.00
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WIN 1979	0.00	574.20	574.20	0.00
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WIN 1980	0.00	574.20	574.20	0.00
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SPR 1982	0.00	574.20	574.20	0.00
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WIN 1982	0.00	574.20	574.20	0.00
SPR 1983	0.00	574.20	574.20	0.00
SUM 1983	0.00	574.20	574.20	0.00
WIN 1983	0.00	574.20	574.20	0.00
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WIN 1984	0.00	574.20	574.20	0.00
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SPR 1995	0.00	574.20	574.20	0.00
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WIN 1995	0.00	574.20	574.20	0.00
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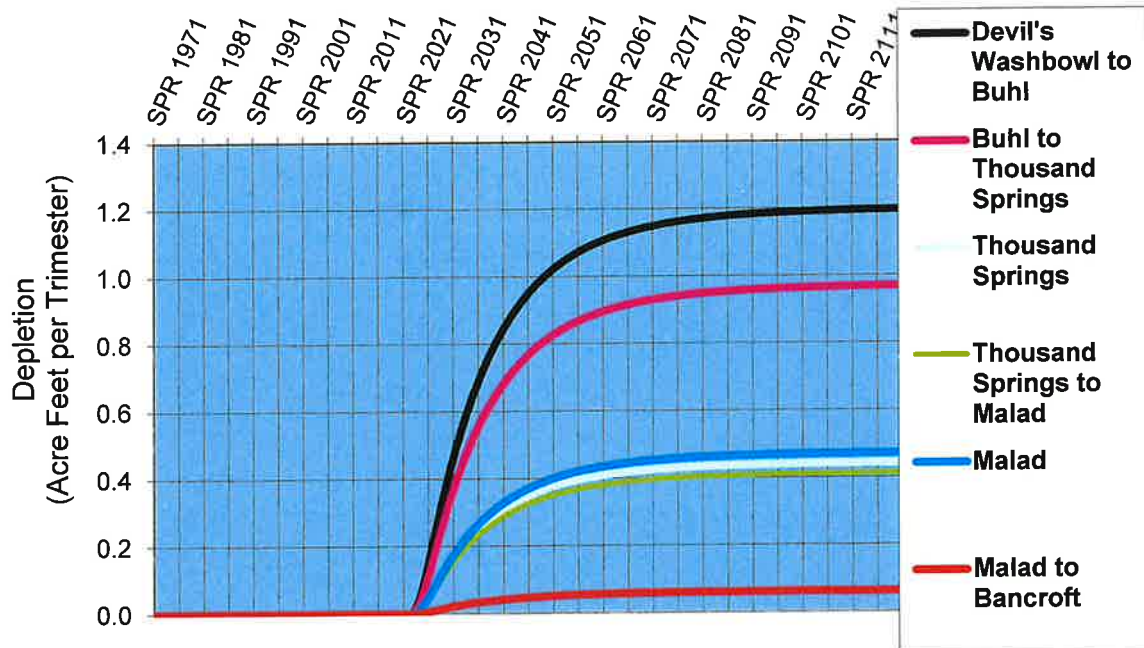
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SPR 2037	574.20	0.00	574.20	0.00
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WIN 2040	574.20	0.00	574.20	0.00
SPR 2041	574.20	0.00	574.20	0.00

Net Transfer Effect Above Milner (Total Effect With Transfer - Total Effect Without Transfer)



Net Transfer Effect Below Milner (Total Effect With Transfer - Total Effect Without Transfer)





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

February 23, 2022

MONICA BETHKE
LARRY S BETHKE
2745 BREDDING RD
AMERICAN FALLS, ID 83211

RE: Transfer No. 85834

Water Right No(s). 35-7161A, 35-7162A, 35-7977B, 35-8046, 35-8050, 35-9036

Dear Applicants:

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 POWER COUNTY PRESS on 3/2/2022 and 3/9/2022. 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, February 23, 2022 12:08 PM
To: press1@press-times.com
Subject: Legal Notice for Power County Press
Attachments: 85834 Power County Press.docx

LEGAL NOTICE DEPARTMENT
POWER COUNTY PRESS
PO BOX 547
AMERICAN FALLS, ID 83211

RE: Transfer No. 85834
Water Right No(s). 35-7161A, 35-7162A, 35-7977B, 35-8046, 35-8050, 35-9036

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 3/21/2022. 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. 85834

MONICA BETHKE and LARRY S BETHKE, 2745 BREDING RD, AMERICAN FALLS, ID 83211 has filed Application No. 85834 for changes to the following water rights within POWER County(s): Right No(s). 35-7161A, 35-7162A, 35-7977B, 35-8046, 35-8050, 35-9036; 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 the points of diversion and change the place of use. The points of diversion are in SWNW, Section 13, and SWNE, Section 14, T07S, R29E for 9.12 cfs. The place of use is in the W 1/2, Section 13 and N 1/2, Section 14, T07S, R29E for 574.2 acres.

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 3/21/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/2/2022 and 3/9/2022