

AMENDED

RECEIVED

SEP 24 2021

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

Department of Water Resources
Eastern 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.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Thomas Carl Laughlin & Barbara Ann Laughlin Revocable Trust Phone 307-690-27522. **MAILING ADDRESS** PO Box 111 City KanabState Utah Zip 84741 Email tomclaughlin@earthlink.net

- ☐ 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)** 22-13273

- ☒ 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 0.26 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			SE	NW	11	05N	44E	Teton	Groundwater	
N		NW	SE	SW	2	05N	44E	Teton	Groundwater	

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:
Pumping water to sprinkler system. When required I will add a measuring device and or lockable controlling works.

- 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.

Thomas Laughlin
Signature of applicant or authorized agent

Thomas Laughlin
Print name and title if applicable

9/20/2021
Date

Barbara Laughlin
Signature of applicant or authorized agent

Barbara Laughlin
Print name and title if applicable

9/20/2021
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 \$500.00 Date 9/20/21 Received by CAH Receipt # E047376

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

Water Right 22-13273

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS CARL LAUGHLIN & BARBARA ANN LAUGHLIN REVOCABLE TRUST PO BOX 111 KANAB, UT 84741 (307) 690-2752

Priority Date: 5/9/1978

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.260 CFS	54.0 AF
	<u>Total Diversion</u>		0.260 CFS	54.0 AF

<u>Source and Point(s) of Diversion</u>		
GROUND WATER	NWSESW	Sec. 2, Twp 05N, Rge 44E, TETON County

Place Of Use

IRRIGATION within TETON County

T05N R44E S11	SENW	18.0
POU Total Acres:		18.0

Conditions of Approval:

1. S37 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 15 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 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.
2. P21 This right is a split from former right 22-13255.
3. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 22-7279A, 22-7279B, 22-13188, 22-13262, 22-13263, 22-13256, 22-13273, 22-13275, 22-13276.
4. This right is a split from original right 22-7279.
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: 11/24/2008
Civil Case Number: 39576
Judicial District: FIFTH
Water District Number: TBD
Mitigation Plan: False

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT – POINT(S)**

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SEP 20 2021

DEPARTMENT OF WATER RESOURCES

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1. **APPLICANT(S)** Thomas & Barbra Laughlin Phone 307-690-2752

2. MAILING ADDRESS PO BOX 111 City Kanab

State UT Zip 84741 Email tomclaughlin@earthlink.net

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3. LIST WATER RIGHT NUMBER(S) 22-13256

- ☒ 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 .22 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*.

[illegible]

Nebeker, Jake

From: Tom Laughlin <tomclaughlin@earthlink.net>
Sent: Friday, September 24, 2021 9:37 AM
To: Nebeker, Jake
Subject: Re: Transfer application

Jake,
As per our conversation yesterday, you have my consent to make the three changes to the application. 1. Correct the spelling for Barbara Laughlin. 2. Correct the water right number to the correct parcel. 3. Adding a point of diversion to the application instead of a transfer of point of diversion.
I appreciate your diligence in catching these errors!
Tom

Tom Laughlin
Sent from my iPad

On Sep 23, 2021, at 12:59 PM, Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov> wrote:

Tom,

Per our conversation over the phone. I made the changes you requested. Take a look over the amendment and let me know if it looks good. Thanks

Jake

From: Nebeker, Jake
Sent: Thursday, September 23, 2021 11:17 AM
To: Tom Laughlin <tomclaughlin@earthlink.net>
Subject: RE: Transfer application

Tom,

My supervisor handed your application to me to process. Thanks for the note, this helps me conceptualize your intentions. It sounds like you might want to add a point of diversion rather than change it. If that is what you would like to do, then we can amend the application.

It looks like an amendment will be needed anyways to correct a Barbara's name and it looks like I might have gotten confused between the two water rights that I printed for you. Just to verify, is the place of use designated on the map the water right you wish to change? If it is then I can draft up a new page one with edits to fields 1-5.

Please call if you have any questions.

Jake
208-497-3782

From: Tom Laughlin <tomclaughlin@earthlink.net>
Sent: Tuesday, September 21, 2021 9:17 AM
To: Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov>
Subject: Fwd: Transfer application

Jake,

Thanks for the help filling out the transfer application yesterday. Here is the application for the transfer of point of diversion that I told you about yesterday. As far as I know and from looking at your map yesterday this is the only well in that vicinity. For now I am fine with the point of diversion at this location, as I may in the future decide to use this point of diversion to irrigate my property. Let me know if there are any concerns!

Thanks again,
Tom

Tom Laughlin
Sent from my iPad

Begin forwarded message:

From: "Jordan, Blake" <Blake.Jordan@idwr.idaho.gov>
Date: August 13, 2021 at 11:04:54 AM MDT
To: tomclaughlin@earthlink.net
Subject: Transfer application

Hi Tom,
Attached is the transfer application that was filed in 2013

Thanks,

Blake Jordan
Water Rights Supervisor
Idaho Dept. of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls, ID 83402
208-497-3777

<20210923125447.pdf>



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

October 14, 2021

THOMAS CARL LAUGHLIN & BARBARA ANN LAUGHLIN REVOCABLE TRUST
PO BOX 111
KANAB, UT 84741

RE: Transfer No. 85349
Water Right No(s). 22-13273

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 TETON VALLEY NEWS on 10/20/2021 and 10/27/2021. 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: Thursday, October 14, 2021 9:39 AM
To: legalnotices@postregister.com
Subject: Legal Notice for Teton Valley News
Attachments: 85349 Teton Valley News.docx

LEGAL NOTICE DEPARTMENT
TETON VALLEY NEWS
80 E LITTLE AVE
DRIGGS, ID 83422

RE: Transfer No. 85349
Water Right No(s). 22-13273

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 11/8/2021. 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. 85349**

THOMAS CARL LAUGHLIN & BARBARA ANN LAUGHLIN REVOCABLE TRUST, PO BOX 111, KANAB, UT 84741 has filed Application No. 85349 for changes to the following water rights within TETON County(s): Right No(s). 22-13273; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: add a point of diversion. The proposed points of diversion are in NWSESW Sec 2 and SENW (new) Sec 11, T05N R44E for 0.26 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 11/8/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/20/2021 and 10/27/2021