

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 84458

## 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 [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Name of Applicant(s) Wayne Properties LLC

**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 [www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm](http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm).
- ☐ ☒ #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: Consent of HOAs for Black Hawk and Iron Rim Subdivisions.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 19 2020

Department of Water Resources  
Eastern Region

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Wayne Properties LLC Phone 208-569-8194  
Mailing address PO Box 2906, Idaho Falls, ID 83403-2906 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 Robert L. Harris Phone (208) 523-0620  
Mailing address PO Box 50130, Idaho Falls, ID 83405 Email rharris@holdenlegal.com

- ☐ 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.**

Robert L. Harris Robert L. Harris, Attorney October 14, 2020  
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative Print Name and Title if applicable 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 \_\_\_\_\_
- 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.2**.  
The purpose of this transfer is to change the point of diversion and place of use for a portion (5 acres) of Water Right No. 35-8021. The portion of Water Right No. 35-8021 that is being transferred will be limited to the irrigation of 5 acres within a 353.9 acre place of use.

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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 <input type="checkbox"/> <input checked="" type="checkbox"/>	35-8021	0.1cfs/20 ac-ft	Irrigation	04/01 to 11/01	Ground water
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 0.1 cfs and/or 20 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.1 cubic feet per second and/or 20 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 #
			NE	SE	11	01N	38E	Bonneville	Ground water	
			NE	SE	11	01N	38E	Bonneville	Ground water	

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	
01N	38E	11													14.2		15.8	34.4	64.4
		12										29.5	34.3						63.8
		13						32.5	33.8	1.7	4.4	26.9	25.3	0.3					124.9
		14																0.3	0.3
		23	11.1			5.6													16.7
		24					1.4	32.8	34.6	5.3	1.3	8.4							83.8
Total Acres (for irrigation use)																			353.9

STATE OF IDAHO  
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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:  
Well and pump into pressurized pipeline.

- b. Who owns the property at the point(s) of diversion? Lot owners of Black Hawk and Iron Rim Ranch Subdivisions.  
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:  
The HOAs of the Black Hawk Subdivision and Iron Rim Ranch Subdivision have an agreement with the Applicant to purchase portions of 35-8021 after such portions are moved to the subdivisions. See Att. 10 (Consent).

- 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:  
It will no longer 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:

Water Right Nos. 25-14274, 25-7669, 25-14305, 25-14307, 25-14308, 25-14312, 25-14315, 25-14460, and 25-14461, & 25-14463 are all diverted from the proposed POD. WR Nos. 25-7669, 25-14305, 25-14307, 25-14308, 25-14312, 25-14315, 25-14460, 25-14461, 25-14463, 25-14473, & 25-14476 at POU.

- 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:**



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to [call ahead for an appointment.](#)

## WATER RIGHT REPORT

10/14/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-8021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WAYNE PROPERTIES LLC PO BOX 2906 IDAHO FALLS, ID 83403-2906 2085698194
Original Owner	ROBERT LEE SMITH 663 E 1275 N SHELLEY, ID 83274 2083573041

Priority Date: 02/19/1982

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	4/01	11/01	4.16 CFS	832 AFA
Total Diversion			4.16 CFS	832 AFA

Location of Point(s) of Diversion:

GROUND WATER | SESESE | Sec. 05 | Township 01S | Range 36E | BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

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Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	36E	4		SWNW	9.4		SENW	20.5						
				NESW	4.7		NWSW	5.4		SWSW	31		SESW	1
		5		SENE	3									
				NESE	21		NWSE	2		SWSE	8		SESE	25
		8		NENE	8		NWNE	12		SWNE	1		SENE	19
				NESE	30		NWSE	1		SESE	2			
		9		NWSW	4									

Total Acres: 208

Conditions of Approval:

1. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
2. 214 Prior to the diversion and use of water under Transfer approval 82859, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
3. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
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 place of use.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 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.
8. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 04/30/2002

Permit Proof Due Date: 5/1/1983

Permit Proof Made Date: 4/28/1983

Permit Approved Date: 4/15/1982

Permit Moratorium Expiration Date:

**84458**

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 02/19/1982

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

**84458**





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

- 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.

## 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 or a sheet of stationery.

8 4 4 5 8

**Attachment No. 1**  
**Documentation Identifying**  
**Officers Authorized to Sign**

## Department of State: Division of Corporations

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UCC Forms and Fees  
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Expedited Services  
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Registered Agents  
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Submitting a Request  
How to Form a New Business Entity  
Certifications, Apostilles & Authentication of Documents

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## Entity Details

**THIS IS NOT A STATEMENT OF GOOD STANDING**

**File Number:** 5505881 **Incorporation Date / Formation Date:** 3/26/2014 (mm/dd/yyyy)  
**Entity Name:** WAYNE PROPERTIES LLC  
**Entity Kind:** Limited Liability Company **Entity Type:** General  
**Residency:** Domestic **State:** DELAWARE

## REGISTERED AGENT INFORMATION

**Name:** THE FIRST STATE REGISTERED AGENT COMPANY  
**Address:** 1925 LOVERING AVE  
**City:** WILMINGTON **County:** New Castle  
**State:** DE **Postal Code:** 19806  
**Phone:** 302-652-2900

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like ☐ Status ☐ Status, Tax & History Information

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**Attachment No. 4**  
**Power of Attorney**

Search again

## Results (as of 1/4/18)

**Robert Lynn Harris**

**Status**

Active

**ISB Membership Number**

7018

**Admittance Date**

09/30/2004

**Firm**

Holden, Kidwell, Hahn & Crapo, PLLC

**Mailing Address**

PO Box 50130 Idaho Falls, ID 83405

**Phone**

(208) 523-0620

**Phone Ext**

**Fax**

(208) 523-9518

**Email Address**

rharris@holdenlegal.com

**Website Address**

www.holdenlegal.com

### Need a correction?

Is something not correct? Please use the Address Change Form

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your own listing, please use the online Address Change Form or send an email to the Licensing Department. Please notify the Licensing Department if you find that another attorney's information is incorrect. Questions on attorney status and good standing should also be directed to the Licensing Department at (208) 334-4500.

<https://isb.idaho.gov/licensing-mcle/attorney-roster-search/>

**Attachment No. 5**  
**ESPA Analysis and Mitigation**  
**Plan**

# **ATTACHMENT 5.1**

## **Water Modeling – Data Entry**

# ENHANCED GROUND-WATER RIGHTS TRANS

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPT

Cells this color are  
set up for user entries

ENTER STARTING DATE FOR  
SIMULATION. THEN PUSH  
"UPDATE DATES" BUTTON  
YEAR: 1982  
SEASON: WINTER  
TRANSFER NO:  
TRANSFER NAME:

1 2 3

4

ENTER WELL LOCATIONS

TO WELL	FROM1 WELL	FROM2 WELL	FROM3 WELL
ROW	79	75	
COLUMN	162	146	

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use of TRIMESTER	With Transfer of TRIMESTER	Without Transfer of TRIMESTER	With Transfer of TRIMESTER	Without Transfer of TRIMESTER	With Transfer of TRIMESTER	Without Transfer of TRIMESTER
WIN 1982	0	7	7	0	0	0	0
SPR 1983	0	7	7	0	0	0	0
SUM 1983	0	7	7	0	0	0	0
WIN 1984	0	7	7	0	0	0	0
SPR 1984	0	7	7	0	0	0	0
SUM 1984	0	7	7	0	0	0	0
WIN 1985	0	7	7	0	0	0	0
SPR 1985	0	7	7	0	0	0	0
SUM 1985	0	7	7	0	0	0	0
WIN 1986	0	7	7	0	0	0	0
SPR 1986	0	7	7	0	0	0	0
SUM 1986	0	7	7	0	0	0	0
WIN 1987	0	7	7	0	0	0	0
SPR 1987	0	7	7	0	0	0	0
SUM 1987	0	7	7	0	0	0	0
WIN 1988	0	7	7	0	0	0	0
SPR 1988	0	7	7	0	0	0	0
SUM 1988	0	7	7	0	0	0	0
WIN 1989	0	7	7	0	0	0	0
SPR 1989	0	7	7	0	0	0	0
SUM 1989	0	7	7	0	0	0	0
WIN 1990	0	7	7	0	0	0	0
SPR 1990	0	7	7	0	0	0	0
SUM 1990	0	7	7	0	0	0	0
WIN 1991	0	7	7	0	0	0	0
SPR 1991	0	7	7	0	0	0	0
SUM 1991	0	7	7	0	0	0	0
WIN 1992	0	7	7	0	0	0	0
SPR 1992	0	7	7	0	0	0	0
SUM 1992	0	7	7	0	0	0	0
WIN 1993	0	7	7	0	0	0	0
SPR 1993	0	7	7	0	0	0	0
SUM 1993	0	7	7	0	0	0	0
WIN 1994	0	7	7	0	0	0	0
SPR 1994	0	7	7	0	0	0	0
SUM 1994	0	7	7	0	0	0	0
WIN 1995	0	7	7	0	0	0	0
SPR 1995	0	7	7	0	0	0	0
SUM 1995	0	7	7	0	0	0	0
WIN 1996	0	7	7	0	0	0	0
SPR 1996	0	7	7	0	0	0	0

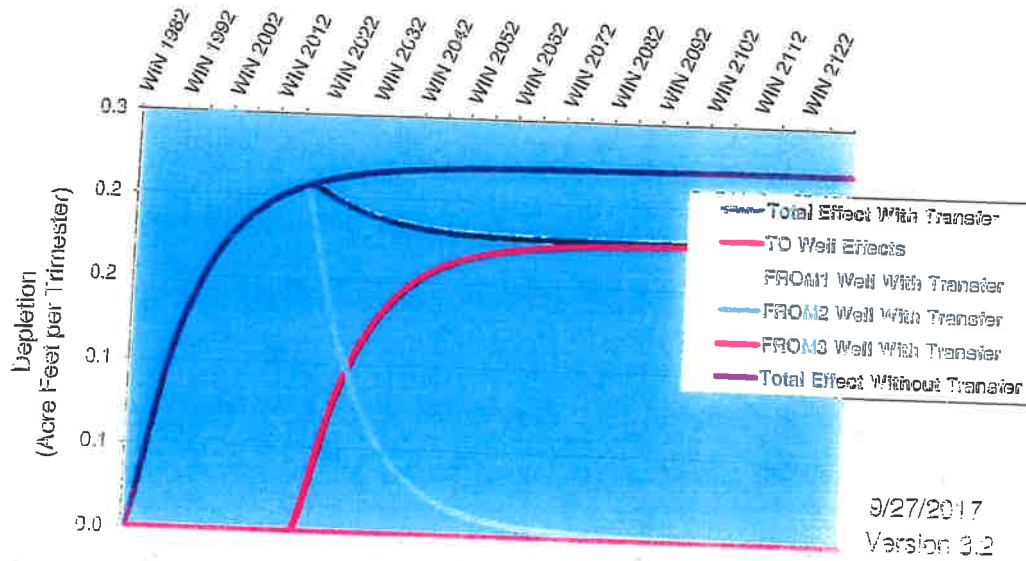




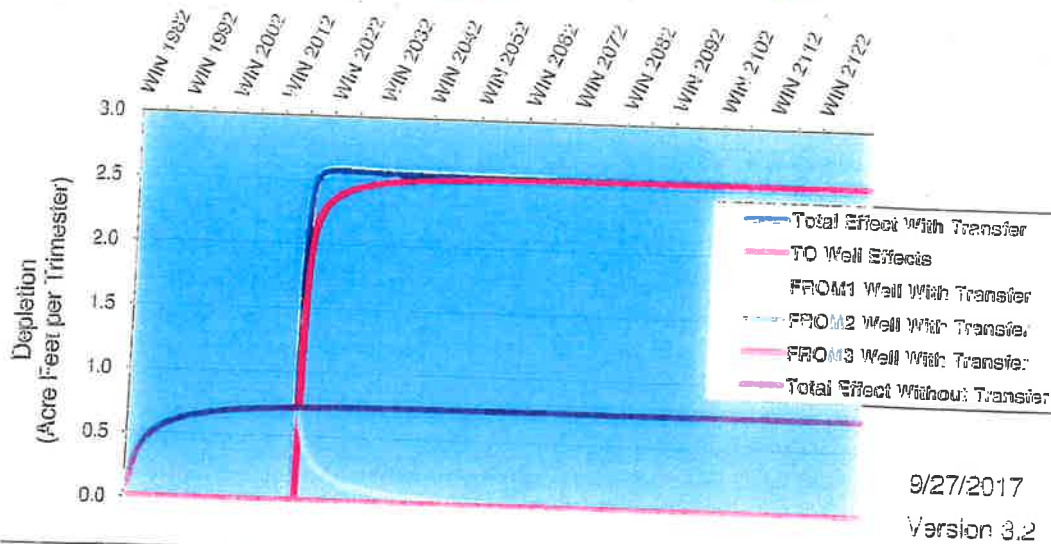
**ATTACHMENT 5.2**  
**Water Modeling – Graphs**  
**above Milner**

**84458**

# Hydrologic Response--Ashton to Rexburg Customer Name: 35-8021 Transfer No:

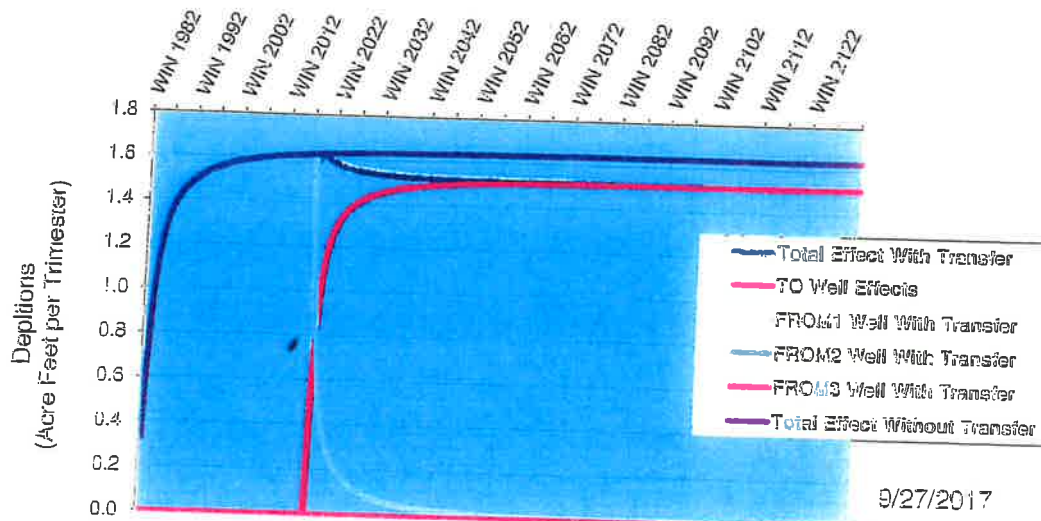


# Hydrologic Response--Heise to Shelley Customer Name: 35-8021 Transfer No:



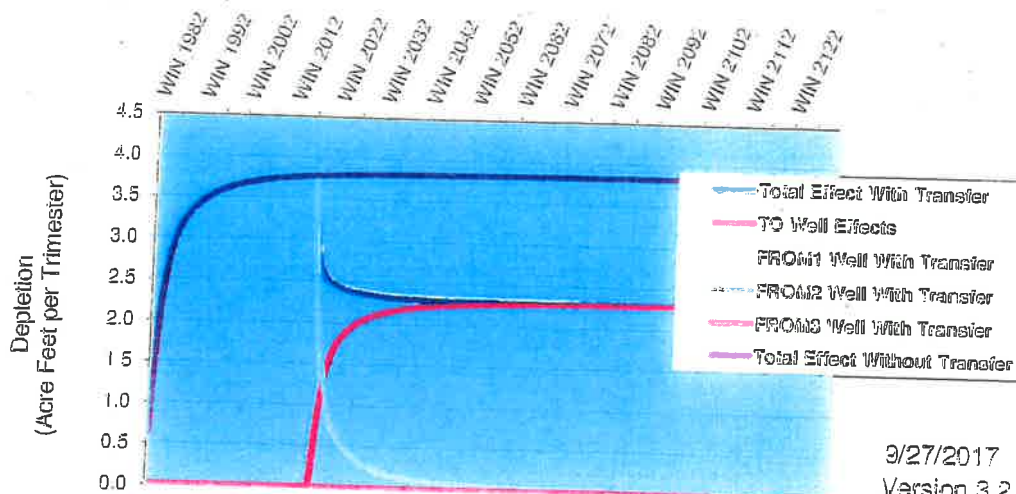


# Hydrologic Response--Shelley to Near Blackfoot Customer Name: 35-8021 Transfer No:

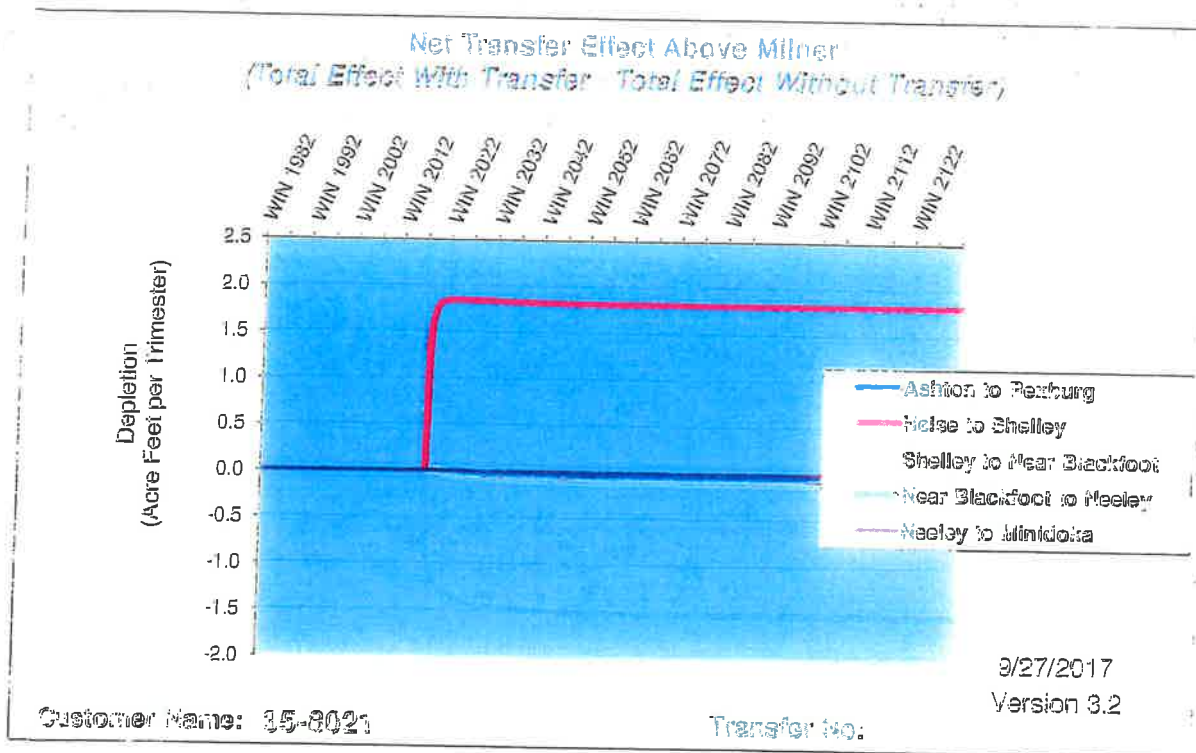
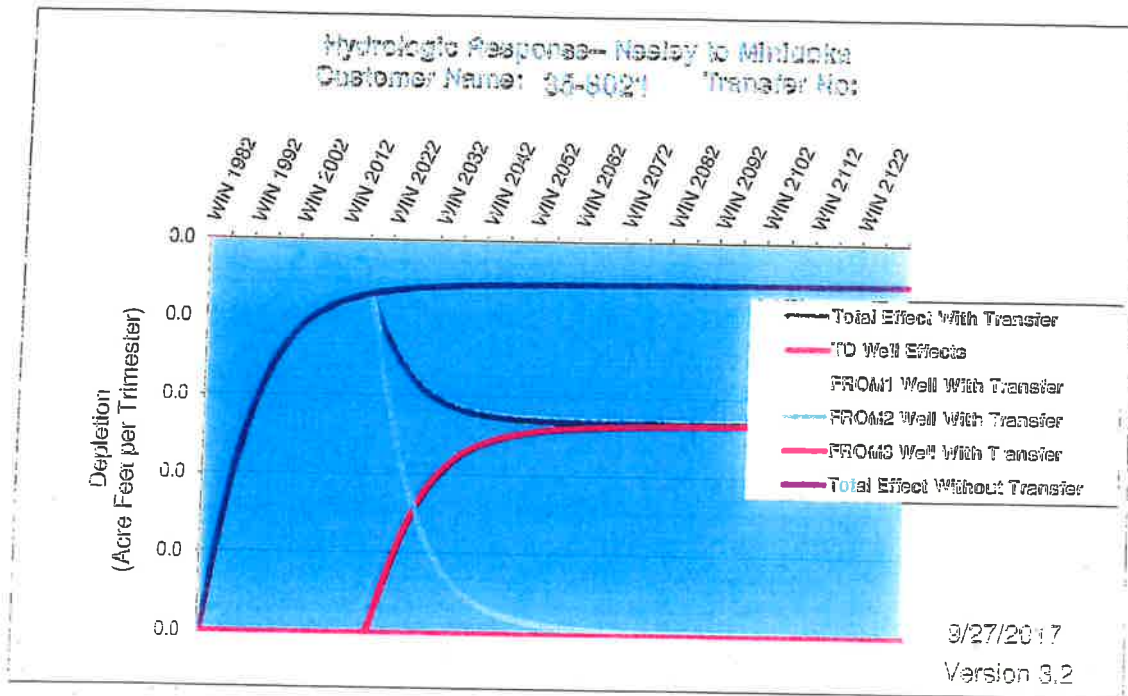


9/27/2017  
Version 3.2

# Hydrologic Response--Near Blackfoot to Neeley Customer Name: 35-8021 Transfer No:

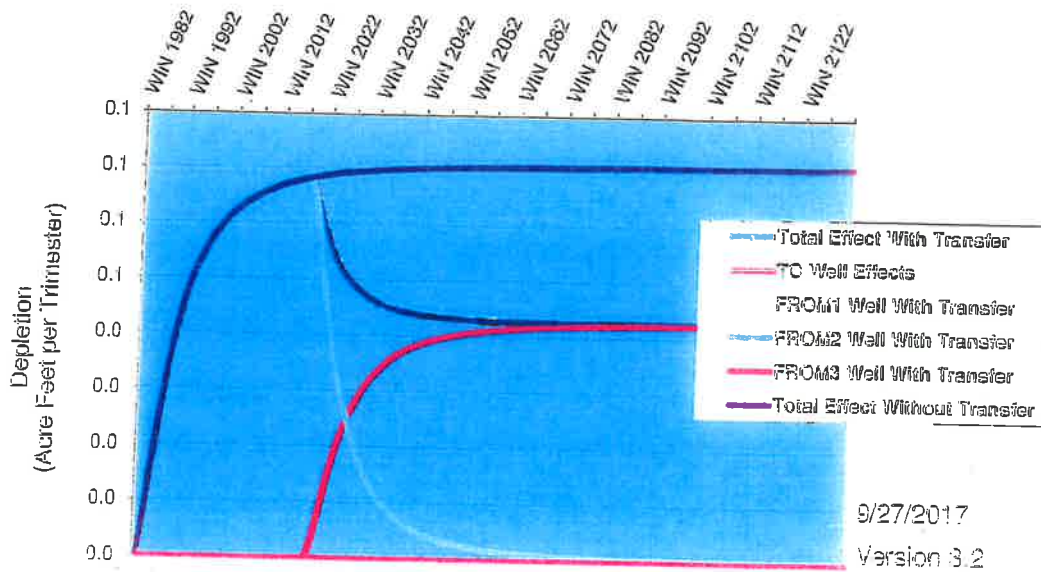


9/27/2017  
Version 3.2

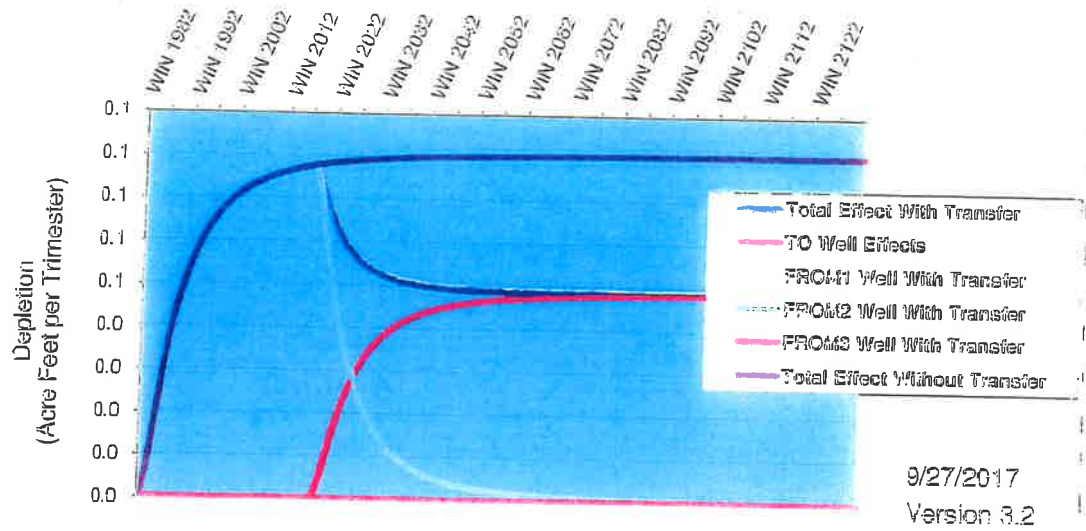


**ATTACHMENT 5.3**  
**Water Modeling – Graphs**  
**below Milner**

Hydrologic Response--Devil's Washbowl to Bush  
 Customer Name: 33-8021 Transfer No:

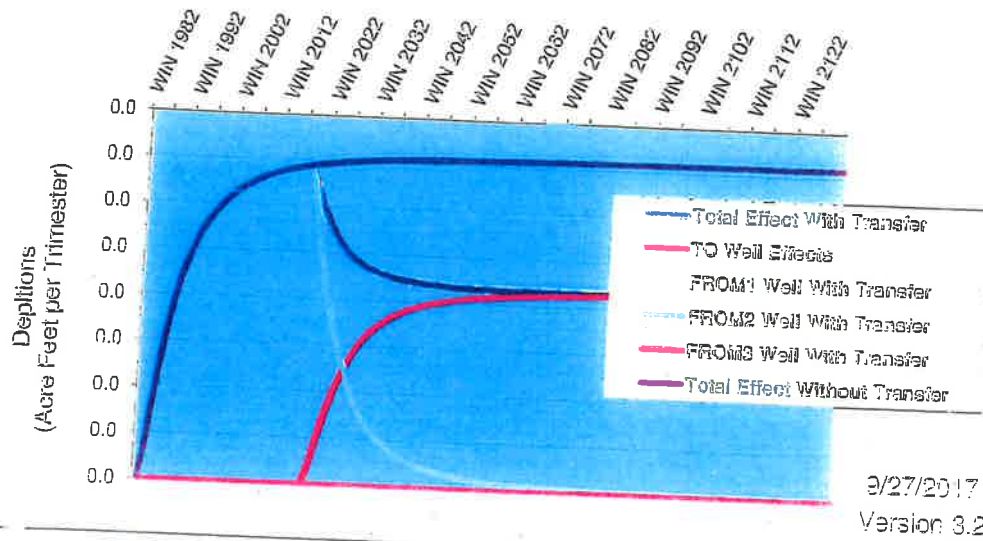


Hydrologic Response--Bush to Thousand Springs  
 Customer Name: 35-8021 Transfer No:

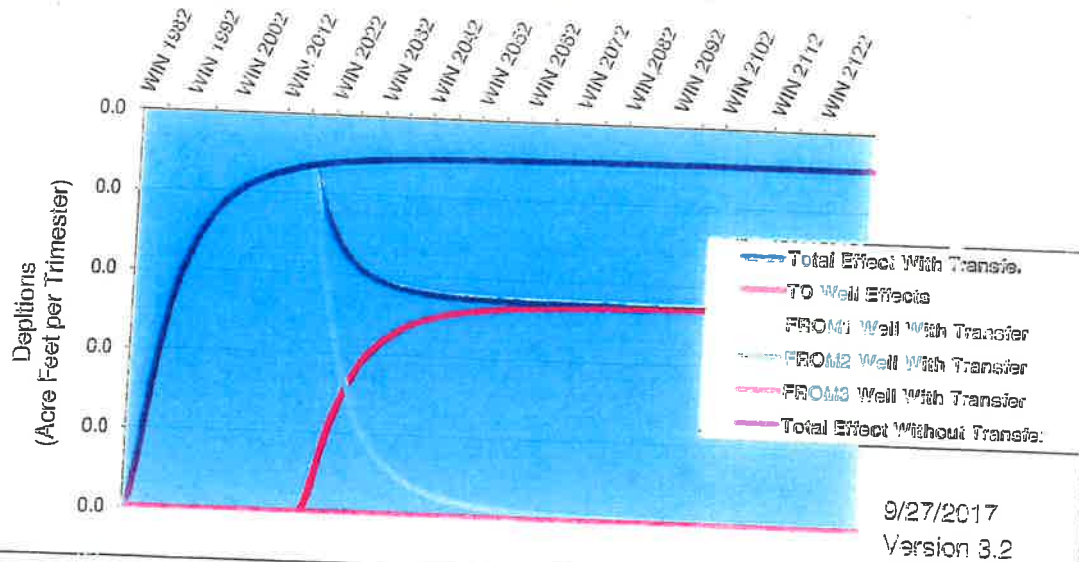




Hydrologic Response--Thousand Springs  
Customer Name: 35-2021 Transfer No:

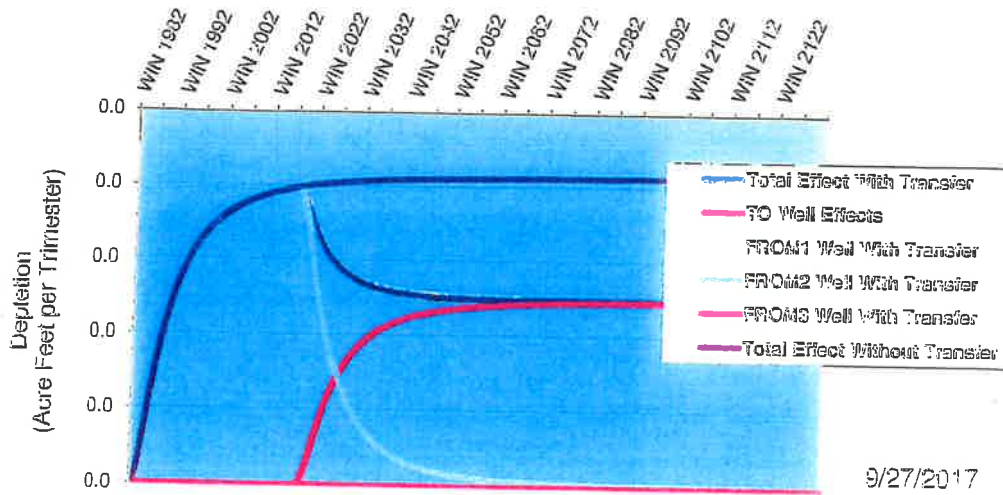


Hydrologic Response--Thousand Springs to Malad  
Customer Name: 35-6021 Transfer No:





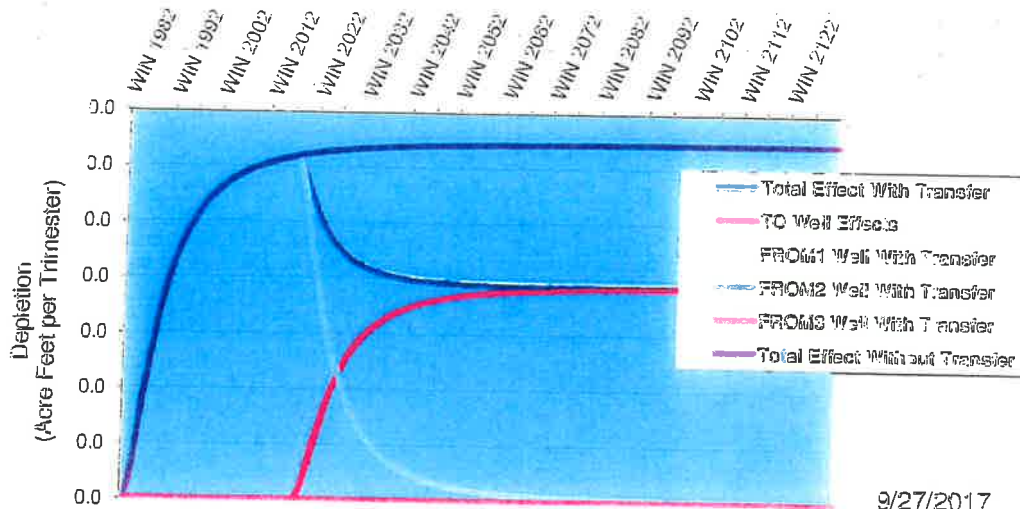
Hydrologic Response- Malad  
Customer Name: 35-8021 Transfer No:



9/27/2017

Version 3.2

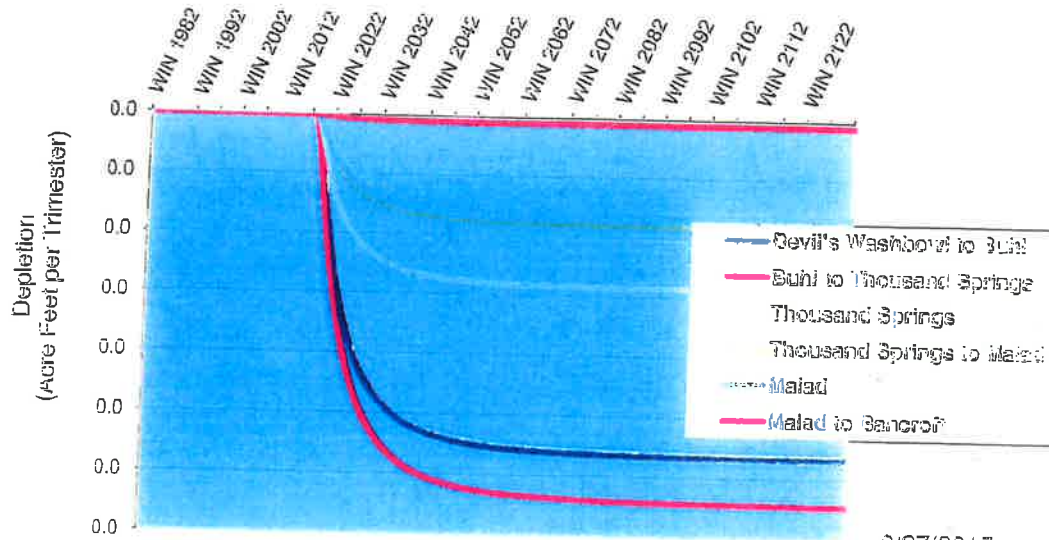
Hydrologic Response- Malad to Bancroft  
Customer Name: 35-8021 Transfer No:



9/27/2017

Version 3.2

# Net Transfer Effect Below Millner (Total Effect With Transfer - Total Effect Without Transfer)



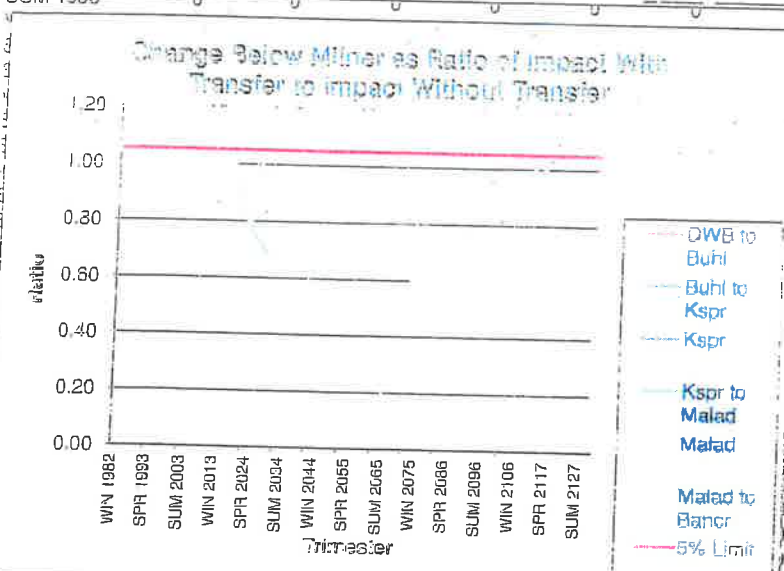
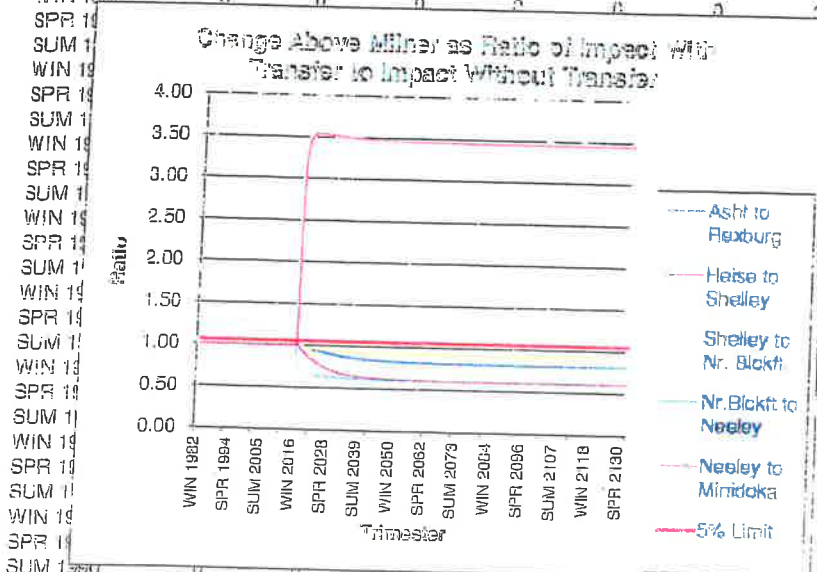
Customer Name 35-8021

Transfer No:

9/27/2017  
Version 3.2

# **ATTACHMENT 5.4**

## **Water Modeling – Change Ratio**

[illegible][illegible]

**ATTACHMENT 5.5**  
**Water Modeling – Calculated**  
**Effects**

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Match: 456

[illegible]

**ATTACHMENT 5.6**  
**Water Modeling – Mitigation**  
**Analysis**

Enter information for First Transfer Here

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
<b>Transfer 1: Input Water Right Conditions Prior to Transfer</b>							
35-8021	0.1		5.0	2/19/1982		20 6.7	75,146
<b>Transfer 1: Input Water Right Conditions Following Transfer</b>							
35-8021	0.1	0	5	2/19/1982	0	20 6.7	79,162

Impact by Reach (AF/Trimester)

Ashton to Rexburg	Halse to Shelley	Shelley to Nr Bickit	Nr Bickit To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kopr	Kopr	Kopr to Malad	Malad	Malad to Bancroft
0.22	0.74	1.64	3.83	0.02	0.07	0.08	0.04	0.02	0.02	0.00
0.18	2.55	1.52	2.29	0.01	0.04	0.06	0.02	0.01	0.01	0.00
0.22	0.74	1.64	3.83	0.02	0.07	0.08	0.04	0.02	0.02	0.00
0.21	2.58	1.61	3.31	0.02	0.07	0.08	0.03	0.02	0.02	0.00

Steady State Analysis

Mitigation Check 1 - >10% of Historical:	-19.8%	244.6%	-7.4%	-40.2%	-40.0%	-39.9%	-39.9%	-39.9%	-39.9%	-39.9%	-39.9%
Mitigation Check 2: > 2 AF/T:	0.0	1.8	-0.1	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total:	2.7%	38.1%	22.7%	34.2%	0.2%	0.6%	0.7%	0.3%	0.2%	0.2%	0.0%
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	1.8	-0.1	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Transient State Analysis

Mitigation Check 1 - >10% of Historical:	-7.0%	248.0%	-1.6%	-13.4%	-4.1%	-4.0%	-4.0%	-4.0%	-4.0%	-4.1%	-4.2%
Mitigation Check 2: > 2.01 AF/T:	0.0	1.8	0.0	-0.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	1.8	0.0	-0.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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**Attachment No. 7a**  
**GIS Maps**

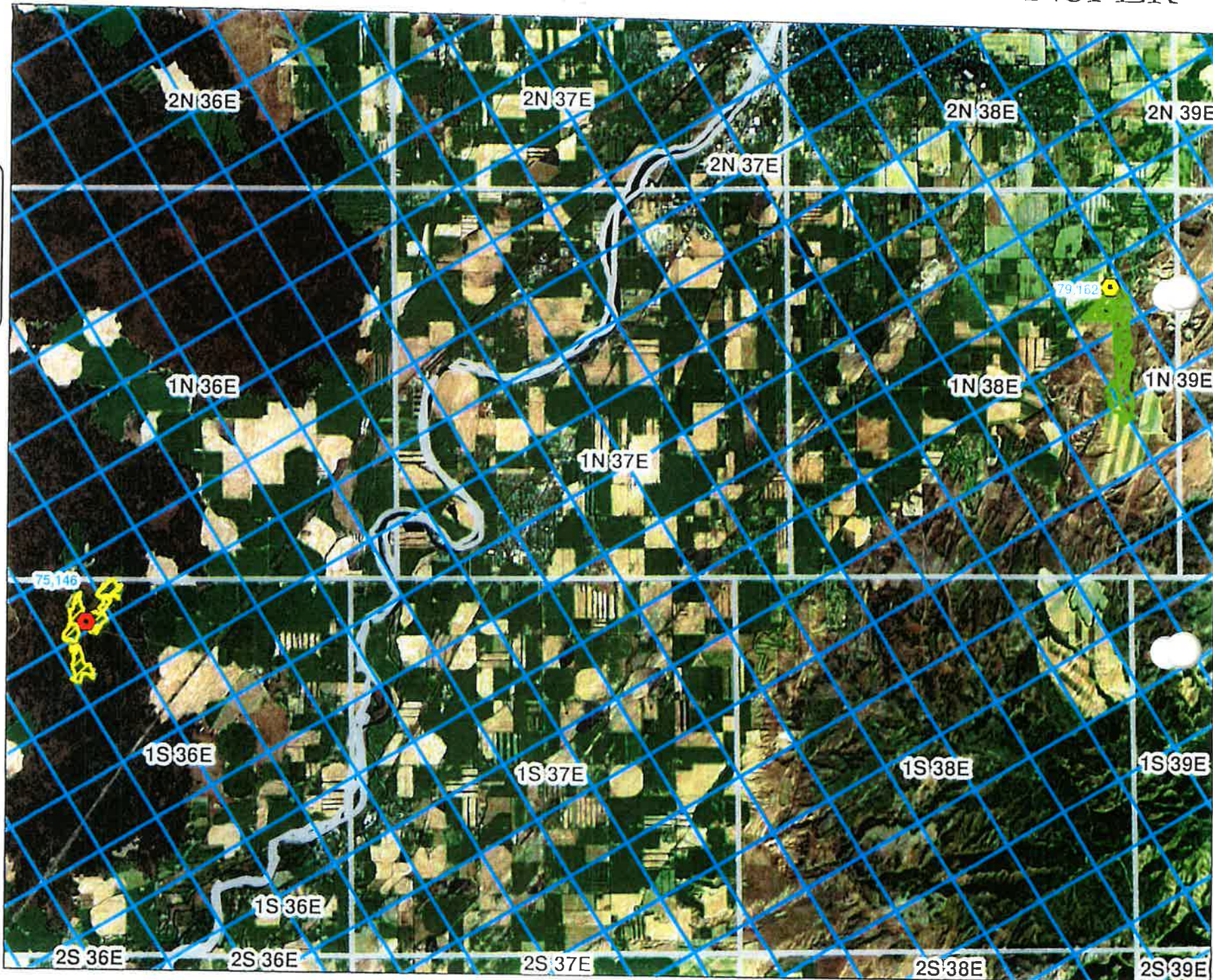


# WATER RIGHT NO. 35-8021 APPLICATION FOR TRANSFER



## Legend

- Proposed POD
- Current POD
- Black Hawk POU
- Current POU
- modelgrid
- TR Lines



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ESRI Basemap



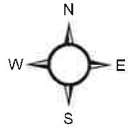
Prepared by:  
Luke H. Marchant  
09/27/2017








**Attachment No. 7b**  
**GIS Shapefile**

**(Will be sent via email upon  
request from IDWR)**

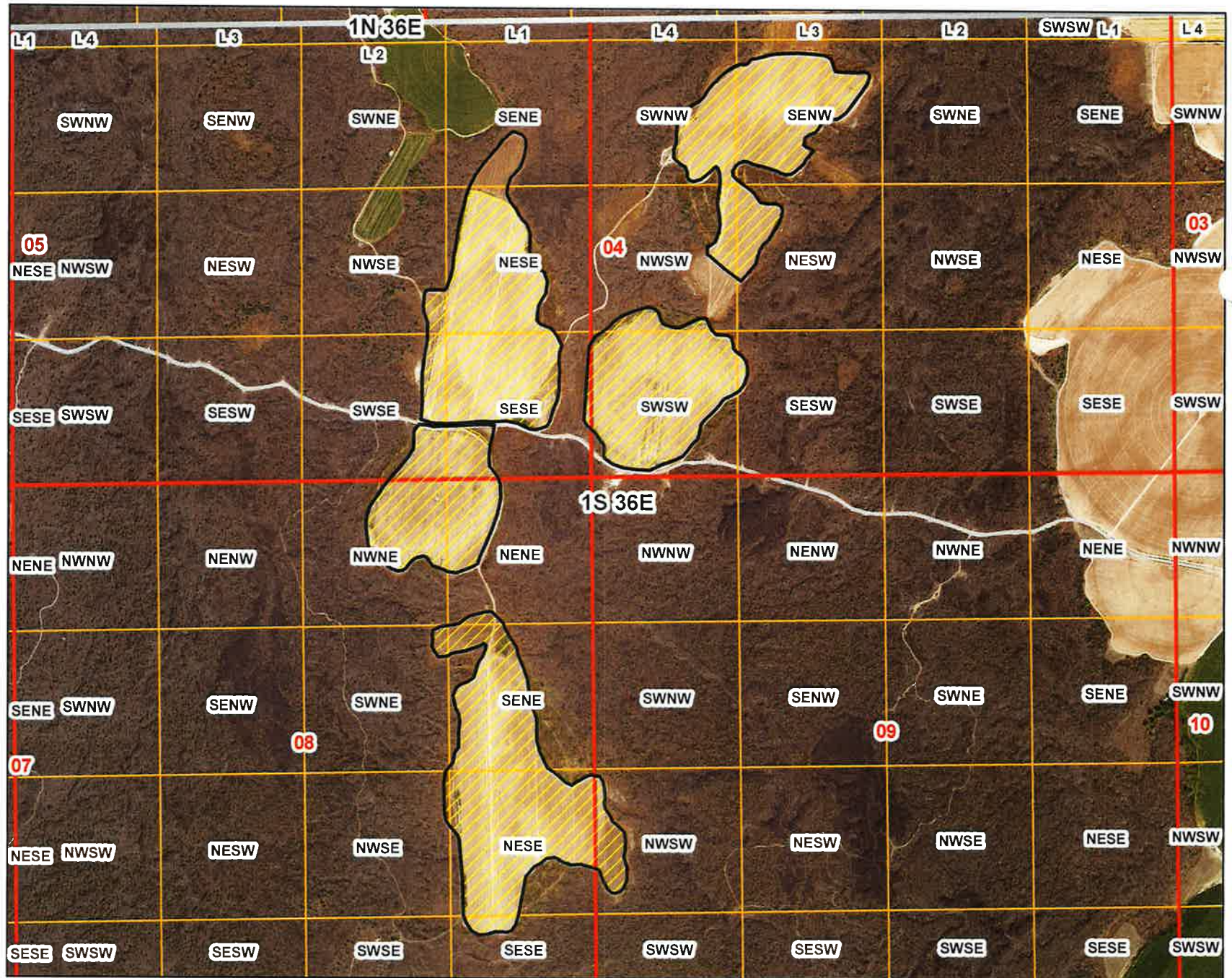
# WAYNE HOLDINGS LLC WATER RIGHT



### Legend

-  35-8021 208 acres  
 35-8021 203 acres  
 TR Lines\_2014  
 Section Lines\_2014  
 Quarter Quarters\_2014

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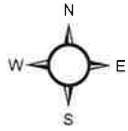


2019 NAIP Aerial







0 0.4 0.8 1.6 Miles



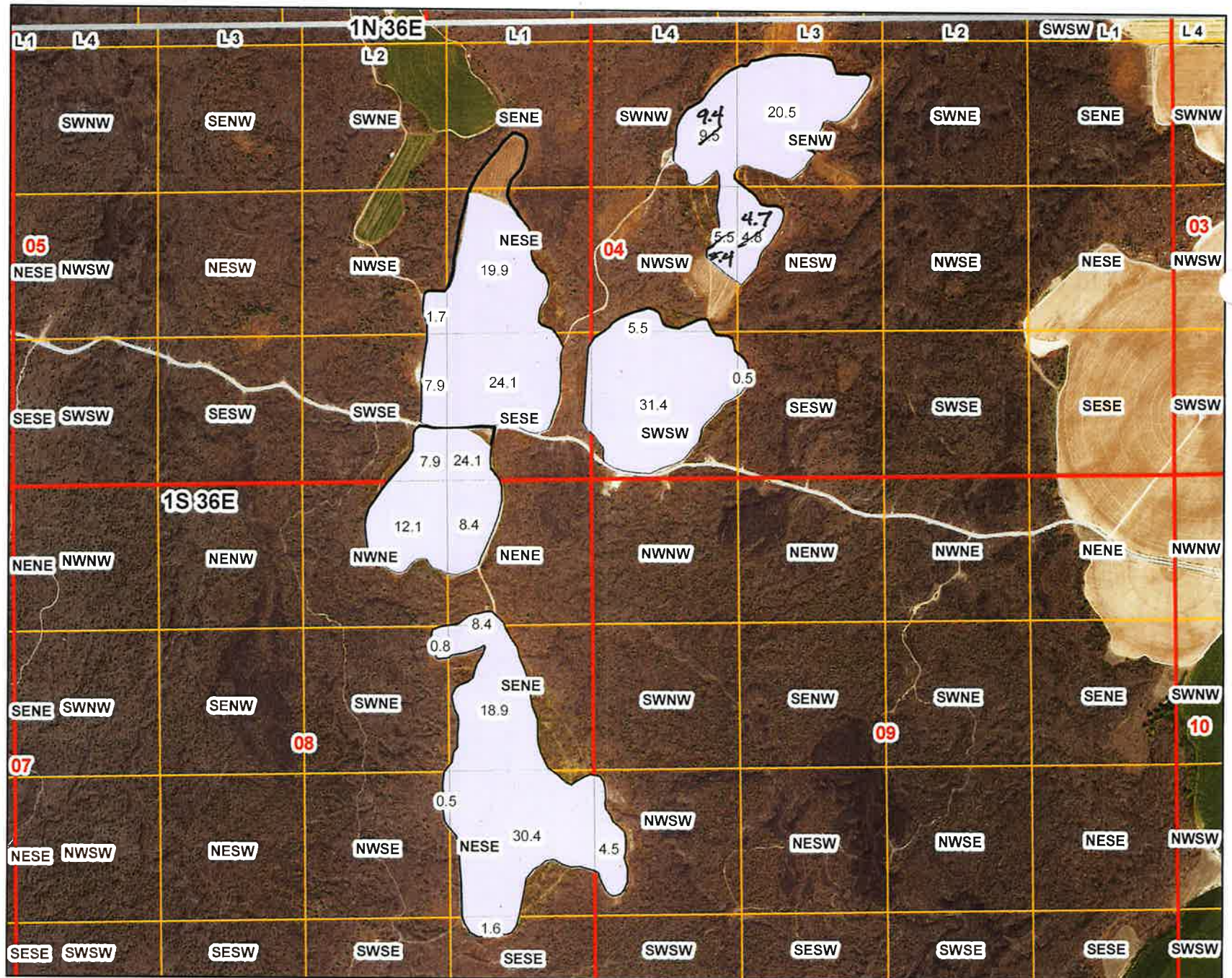
# WAYNE HOLDINGS LLC WATER RIGHT



### Legend

-  203\_QQ
-  35-8021 208 acres
-  35-8021 203 acres
-  TR Lines\_2014
-  Section Lines\_2014
-  Quarter Quarters\_2014

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2019 NAIP Aerial

A horizontal number line representing distance in miles. The line starts at 0 on the left and ends at 1.6 Miles on the right. There are major tick marks at 0, 0.4, 0.8, and 1.6. There are also minor tick marks at 0.2, 0.6, and 1.0, which are not labeled.

**Attachment No. 10**  
**Other**

**84458**



January 11, 2018

To: The Idaho Department of Water Resources

From: Black Hawk Homeowner's Association, Inc. and Iron Rim Ranch Home Owners Association, Inc.

Subject: Transfers of Portions of Water Right No. 35-8021—owned by Wayne Properties LLC—to Black Hawk Subdivision and Iron Rim Ranch Subdivision

This letter will serve to convey our consent to transfer applications filed by Wayne Properties LLC of portions of Water Right No. 35-8021 in the aggregate amount of 28 acres to the Black Hawk Subdivision and Iron Rim Ranch Subdivision.

The Black Hawk Homeowner's Association, Inc. and Iron Rim Ranch Home Owners Association, Inc. have an agreement with Wayne Properties LLC for the movement and purchase of water rights transferred to the subdivisions.

BLACK HAWK HOMEOWNER'S  
ASSOCIATION, INC.

By:

Colvin Jergins  
Colvin Jergins, President

STATE OF IDAHO )  
 ) ss.  
County of Bonneville )

On this 11<sup>th</sup> day of January, 2018, before me, a Notary Public for said County and State, personally appeared COLVIN JERGINs, known or identified to me, to be the president of the BLACK HAWK HOMEOWNER'S ASSOCIATION, INC., an Idaho limited liability company, and the president who subscribed said corporation's name to the foregoing instrument, and acknowledged to me that he executed the same in said corporation's name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Shuree Howard  
NOTARY PUBLIC FOR IDAHO

Residing at: Bonneville County

My commission expires: \_\_\_\_\_

My Commission Expires:  
September 25, 2023

IRON RIM RANCH HOMEOWNER'S  
ASSOCIATION, INC.

By:



Ammon Hartner, President

STATE OF IDAHO )

) ss.

County of Bonneville )

On this 25<sup>th</sup> day of January, 2018, before me, a Notary Public for said County and State, personally appeared AMMON HARTNER, known or identified to me, to be the president of the ~~BLACK HAWK~~ HOMEOWNER'S ASSOCIATION, INC., an Idaho limited liability company, and the president who subscribed said corporation's name to the foregoing instrument, and acknowledged to me that he executed the same in said corporation's name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



NOTARY PUBLIC FOR IDAHO

Residing at: Ammon

My commission expires: 12/18/18





Holden Kidwell  
Hahn & Crapo P.L.L.C.  
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200  
PO Box 50130  
Idaho Falls, Idaho 83405

Tel: (208) 523-0620  
Fax: (208) 523-9518  
www.holdenlegal.com

Email: [rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)

October 14, 2020

Blake Jordan  
Idaho Department of Water Resources  
Eastern Idaho Regional Office  
900 N. Skyline Drive, Suite A  
Idaho Falls, ID 83402-1718

**Re:   *Application for Transfer of Portion of Water Right No. 35-8021 to be  
Moved to the Black Hawk and Iron Rim Subdivisions.***

Dear Blake:

Enclosed for processing is a completed *Application for Transfer of Water Right* submitted on behalf of Wayne Properties, LLC. The transfer proposes to move 5 acres of 35-8021 to be used within a permissible place of use consisting of the Black Hawk and Iron Rim Subdivisions. This is similar to prior transfers that have been processed without protest consistent with an existing agreement between the applicant, IGWA, and the Surface Water Coalition. We have also included the required \$200.00 filing fee.

This transfer will reduce the 208-acre shapefile down to 203 acres, and we will email the 203-acre shapefile upon request.

Finally, I am directing this transfer to your attention because you are familiar with these subdivisions. We recognize that you may assign this to be processed by another agent within the Department. If he or she has any questions regarding the transfer, please tell them to give me a call at 208-523-0620. We appreciate your attention to this matter.

Best regards,

Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

g:\wpdata\rlh\19881-000 blackhawk - wr transfers\transfer applications\application for transfer #7\2020-10-14, jordan.docx



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

October 21, 2020

WAYNE PROPERTIES LLC  
PO BOX 2906  
IDAHO FALLS, ID 83403-2906

RE: Transfer No. 84458  
Water Right No(s). 35-8021

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 BINGHAM NEWS CHRONICLE on 10/28/2020 and 11/4/2020. 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:  
ROBERT L HARRIS  
HOLDEN KIDWELL HAHN & CRAPO PLLC  
PO BOX 50130  
IDAHO FALLS, ID 83405-0130

**Henman, Christina**

---

**From:** Henman, Christina  
**Sent:** Wednesday, October 21, 2020 3:10 PM  
**To:** Bingham News Chronicle (legalnotices@postregister.com)  
**Subject:** Legal Notice for Bingham News Chronicle  
**Attachments:** 84458 Bingham News Chronicle.docx

LEGAL NOTICE DEPARTMENT  
BINGHAM NEWS CHRONICLE  
PO BOX 70  
BLACKFOOT, ID 83221-0070

RE: Transfer No. 84458  
Water Right No(s). 35-8021

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 11/16/2020. Your cooperation is appreciated.

Thank You,

Christina Henman  
Administrative Assistant  
Idaho Dept. of Water Resources, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 497-3793

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 84458**

WAYNE PROPERTIES LLC, PO BOX 2906, IDAHO FALLS, ID 83403-2906 has filed Application No. 84458 for changes to the following water rights within BINGHAM County(s): Right No(s): 35-8021; 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, add point of diversion, and change place of use. The points of diversion (2 wells) are located in NESE Sec 11 T01N R38E for 0.10 cfs from ground water. The place of use is in Sec 11, 12, 13, 14, 23, and 24 T01N R38E for 5 acres within a 353.9-acre permissible place of use.

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 11/16/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/28/2020 and 11/4/2020