

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84358

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) Perry Ward and Holly Ward

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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

RECEIVED
AUG 31 2020
Department of Water Resources
Eastern Region

Name of Applicant(s) Perry Ward and Holly Ward Phone 208-604-1255
Mailing address 998 N. 1500 W. Blackfoot, Idaho 83221-5123 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**.

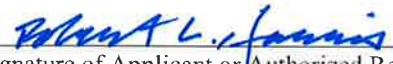
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Robert L. Harris Phone 208-253-0620
Mailing address HKHC, P.O. Box 50130, Idaho Falls, Idaho 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.

<u></u> Signature of Applicant or Authorized Representative	<u>Robert L. Harris, Attorney</u> Print Name and Title if applicable	<u>August 31, 2020</u> Date
_____ Signature of Applicant or Authorized Representative	_____ Print Name and Title if applicable	_____ Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.
3. 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**.
This transfer proposes to move water rights to cover a 38.9 acre pivot. 30 acres are being moved from 35-8977 and 35-2253A, and 8.9 acres are being moved from 35-14458 and 35-14459.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 11 2020
Department of Water Resources
Eastern Region

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"/>	35-8977	0.16/11.7	Irrigation	4/1 to 10/31	Ground water
<input type="checkbox"/> <input checked="" type="checkbox"/>	35-2253A	0.32/108.3	Irrigation	4/1 to 10/31	Ground water
<input type="checkbox"/> <input type="checkbox"/>				to	
<input checked="" type="checkbox"/> <input type="checkbox"/>	35-14458	0.1/35.6	Irrigation	4/1 to 10/31	Ground water
<input checked="" type="checkbox"/> <input type="checkbox"/>	35-14459	cmbd	Irrigation	4/1 to 10/31	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	

Total authorized under rights 0.61 cfs and/or 155.6 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.61 cubic feet per second and/or 155.6 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 #
No		SE	NE	NW	9	01S	33E	BINGHAM	GROUND WATER	A0007135

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	
01S	33E	9												6.1			0.3		6.4
01S	33E	16		9.9			22.6												32.5
Total Acres (for irrigation use)																			38.9

	PLACE OF USE DESCRIPTION <u>AFTER</u> PROPOSED CHANGES
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TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01S	33E	31										33	18.4	18.2	33.1	38	30	28.3	39.6	238.6
01S	33E	32											17.5	36.1	25.2					78.8

PLACE OF USE DESCRIPTION <u>BEFORE</u> PROPOSED CHANGES	
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100	100

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	33E	31									38	24.1	24.7	38.8	38	37.1	36.1	39.7	276.5
01S	33E	32										16	33.9	21					70.9

CHANGE IN ACRES	
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TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01S	33E	31										-5	-5.7	-6.5	-5.7		-7.1	-7.8	-0.1	-37.9
01S	33E	32											1.5	2.2	4.2					7.9
																TOTAL				-30
																Total positive change in acres				7.9
																Total negative change in acres				-37.9

84358

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**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 pivot.

- 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. 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: The Bank of Commerce. Mortgage. Applicant is in the process of obtaining consent.

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:

Identified acres where water is being moved from will no longer be irrigated. The 38.9 acre pivot is operating.

- 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:

Those identified in this transfer and 35-7476A are from area where 30 acres of reduced irrigation from removed corner arms on pivots has occurred. For 9 acres area, POU has been rearranged. At new POU, 35-7421, 35-14133, and 35-14135 are authorized to divert water from same POD as proposed.

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

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:



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WATER RIGHT REPORT

8/31/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-8977

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HOLLY WARD 998 N 1500 W BLACKFOOT, ID 83221-5123 2087458976
Current Owner	PERRY WARD 3689 E 100 N RIGBY, ID 83442 2087458976
Original Owner	RONALD H BAIR 1954 W TABER RD BLACKFOOT, ID 83221 2086844149
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 01/15/1992

Basis: License

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>
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84358

IRRIGATION	04/01	10/31	1.89 CFS	136 AFA
Total Diversion			1.89 CFS	136 AFA

Location of Point(s) of Diversion:

GROUND WATER|SWNWSE|Sec. 31|Township 01S|Range 33E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	33E	31		NESW	38	3	NWSW	24.1	4	SWSW	24.7		SESW	38.8
				NESE	38		NWSE	37.1		SWSE	36.1		SESE	39.7
		32		NWSW	16		SWSW	33.9		SESW	21			

Total Acres: 347.4

Conditions of Approval:

1. X35 Rights 35-02253A and 35-08977 when combined shall not exceed the irrigation of 347.4 acres.
2. R05 Use of water under this right will 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.
3. 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.
4. X36 Right 35-02253A is also diverted through the point of diversion described above.
5. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date: 08/30/2002

Decreed Date:

Permit Proof Due Date: 5/3/1993

Permit Proof Made Date: 5/19/1992

Permit Approved Date: 4/14/1992

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

84358

Application Received Date: 01/15/1992

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: AND

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 368

Combined Volume Limit:

Combined Rate Limit:

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

84358



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WATER RIGHT REPORT

8/31/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-2253A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HOLLY WARD 998 N 1500 W BLACKFOOT, ID 83221-5123 2087458976
Current Owner	PERRY WARD 3689 E 100 N RIGBY, ID 83442 2087458976
Original Owner	NEW FRONTIER FARMS INC C/O JACK NOONAN PRES BLACKFOOT, ID 83221
Original Owner	WILLARD H SHILLINGTON PO BOX 535 RUPERT, ID 83350 2083245048
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 09/15/1952

Basis: Decreed

Status: Active

Source | Tributary

84358

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	3.68 CFS	1253.6 AFA
Total Diversion			3.68 CFS	1245.6 AFA
Location of Point(s) of Diversion:				1253.6 AFA

GROUND WATER|SWNWSE|Sec. 31|Township 01S|Range 33E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01S	33E	31		NESW	38	3	NWSW	24.1	4	SWSW	24.7		SESW	38.8
				NESE	38		NWSE	37.1		SWSE	36.1		SESE	39.7
		32		NWSW	10		SWSW	26.9						

Total Acres: 313.4

Conditions of Approval:

1. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

84358

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 368

Combined Volume Limit:

Combined Rate Limit:

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



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WATER RIGHT REPORT

8/31/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14458

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HOLLY WARD
Current Owner	PERRY WARD
	998 N 1500 W
	BLACKFOOT, ID 83221-5123
	2087458976

Priority Date: 02/10/1975

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	04/01	10/31	0.1 CFS	35.6 AFA
Total Diversion			0.1 CFS	35.6 AFA

Location of Point(s) of Diversion:

GROUND WATER | NWSE | Sec. 22 | Township 01N | Range 32E | BINGHAM County

IRRIGATION Use:

Acre Limit: 7

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

84358

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	32E	22		NENE	34		SWNE	6		SENE	39			
				NESW	36		NWSW	33		SWSW	35		SESW	37
				NESE	39		NWSE	39		SWSE	40		SESE	40
		23		NENW	0.9		NWNW	35		SWNW	40		SESW	8.5
				NESW	8.5		NWSW	40		SWSW	36		SESW	1.1

Total Acres: 548

Conditions of Approval:

1. X27 This right is limited to the irrigation of 7 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-14458 and 35-14459 when combined shall not exceed a total diversion rate of 0.10 cfs and a total annual maximum diversion volume of 35.6 af at the field headgate.
3. X35 Rights 35-7476B, 35-14458, and 35-14459 when combined shall not exceed a total diversion rate of 6.55 cfs, a total annual maximum diversion volume of 2236.4 af at the field headgate, and the irrigation of 548 acres.
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. R05 Use of water under this right will 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.
6. 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.
7. 214 Prior to the diversion and use of water under Transfer approval 80795, 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.
8. 004 This right does not grant any right-of-way or easement across the land of another.
9. F06 The following rights are diverted through point(s) of diversion described above: 35-7476B, 35-14458, and 35-14459.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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.
12. 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: 03/08/2002

84358

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

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

84358



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

8/31/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14459

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HOLLY WARD
Current Owner	PERRY WARD
	998 N 1500 W
	BLACKFOOT, ID 83221-5123
	2087458976

Priority Date: 05/25/1976

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	04/01	10/31	0.04 CFS	7.6 AFA
Total Diversion			0.04 CFS	7.6 AFA

Location of Point(s) of Diversion:

GROUND WATER | NWSE | Sec. 22 | Township 01N | Range 32E | BINGHAM County

IRRIGATION Use:

Acre Limit: 1.9

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

84358

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	32E	22		NENE	34		SWNE	6		SENE	39			
				NESW	36		NWSW	33		SWSW	35		SESW	37
				NESE	39		NWSE	39		SWSE	40		SESE	40
		23		NENW	0.9		NWNW	35		SWNW	40		SENW	8.5
				NESW	8.5		NWSW	40		SWSW	36		SESW	1.1

Total Acres: 548

Conditions of Approval:

1. X27 This right is limited to the irrigation of 1.9 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-14458 and 35-14459 when combined shall not exceed a total diversion rate of 0.10 cfs and a total annual maximum diversion volume of 35.6 af at the field headgate.
3. X35 Rights 35-7476B, 35-14458, and 35-14459 when combined shall not exceed a total diversion rate of 6.55 cfs, a total annual maximum diversion volume of 2236.4 af at the field headgate, and the irrigation of 548 acres.
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. R05 Use of water under this right will 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.
6. 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.
7. 214 Prior to the diversion and use of water under Transfer approval 80795, 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.
8. 004 This right does not grant any right-of-way or easement across the land of another.
9. F06 The following rights are diverted through point(s) of diversion described above: 35-7476B, 35-14458, and 35-14459.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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.
12. 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: 03/08/2002

84358

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

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

84358

Attachment No. 4

Power of Attorney

[Search again](#)

Results (as of 8/30/20)

Robert Lynn Harris

Status

Active

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

Bar Email Address

rharris@holdenlegal.com

Website Address

www.holdenlegal.com

Court eService Email

efiling@holdenlegal.com

Need a correction?

Is something not correct? Please use the [Address Change Form](#)

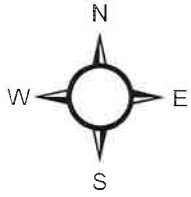
The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your own listing, please use the online [Address Change Form](#) or send an email to the Licensing Department. Please notify the Licensing Department if you find that another attorney's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

Attachment No. 5
ESPA Analysis and Mitigation
Plan

ATTACHMENT 5.1

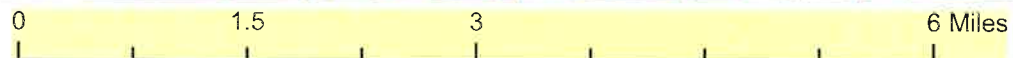
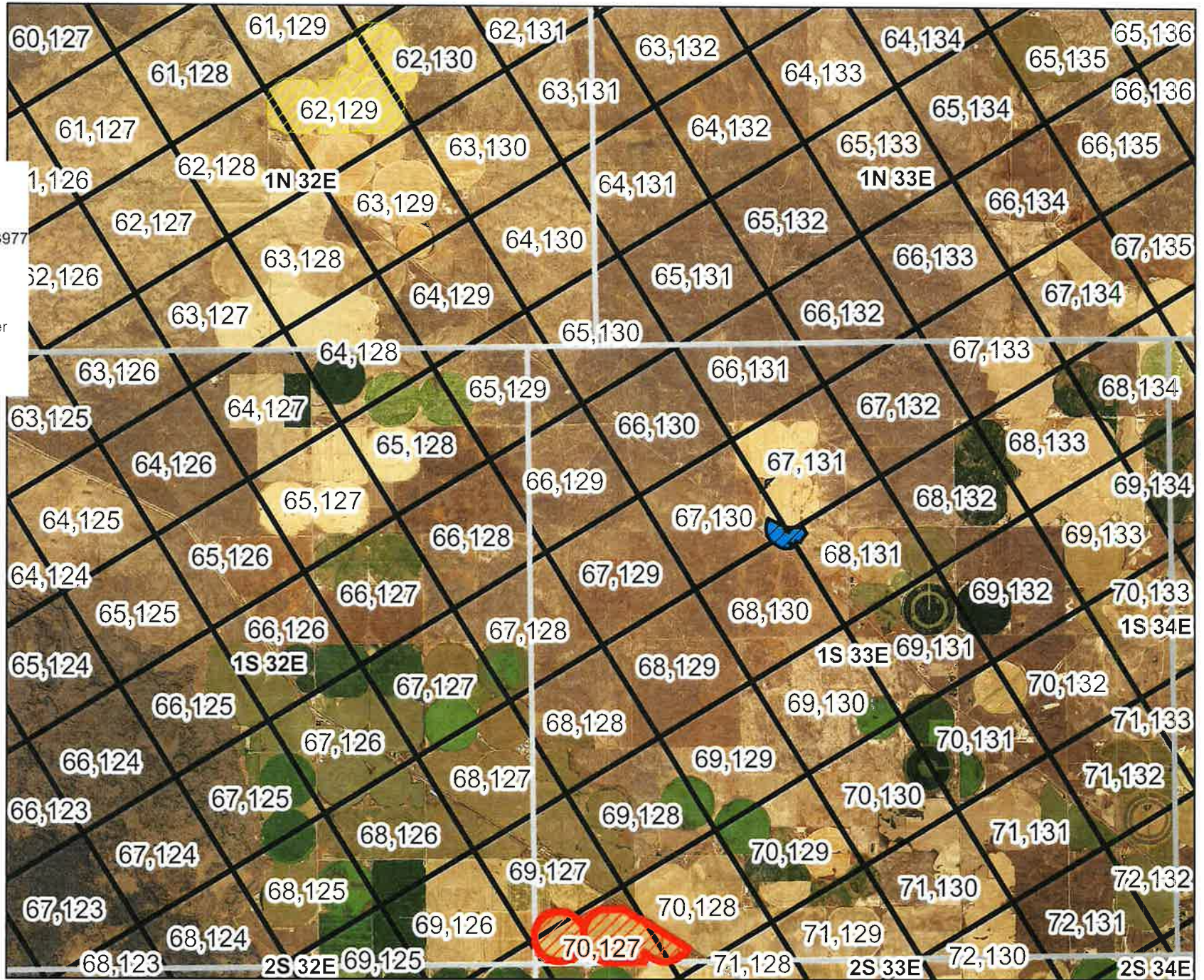
Water Modeling – Data Entry

PERRY & HOLLY WARD



Legend

- 35-2253A&35-8977
- Revised 35-2253A&8977
- 38.9 acre POU
- POUbyQQ
- 7476B_After_Transfer
- TR Lines_2014
- modelgrid



Prepared by:
Robert L. Harris
2019 Photo

84358

ENHANCED GROUND-WATER RIGHTS TRANSFER

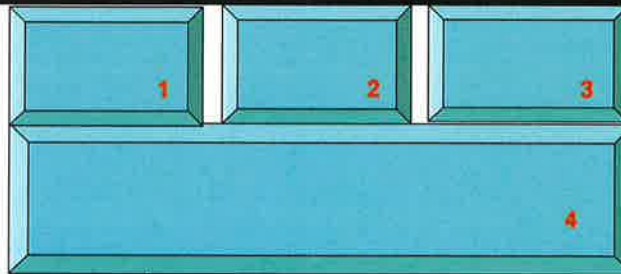
UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

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

YEAR: 1952 TRANSFER NO.:

SEASON: SUMMER TRANSFER NAME: Ward



ENTER CELL LOCATIONS:				
	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	67	62	70	
COLUMN	131	129	127	

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
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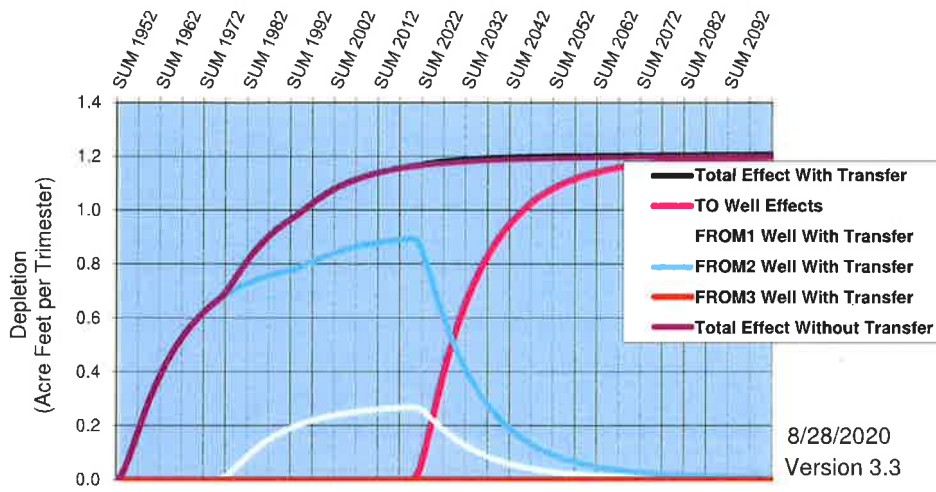
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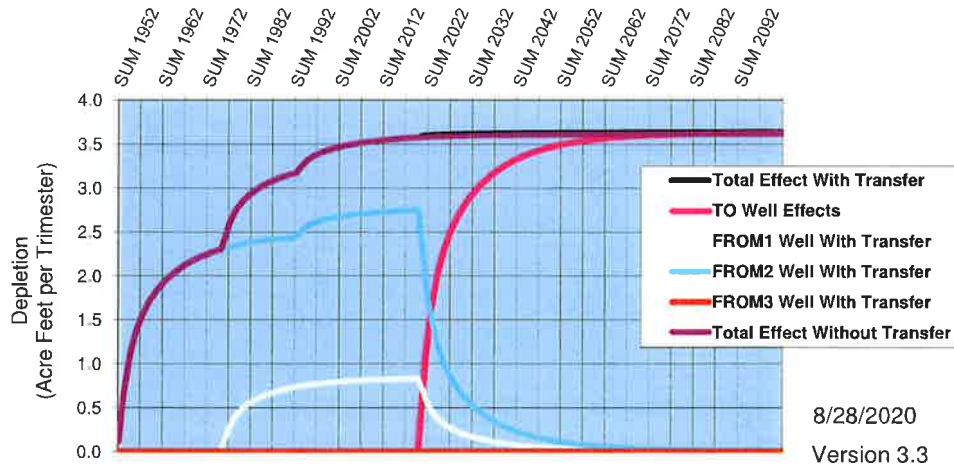
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SUM 2034	52	0	12	0	40	0	0
WIN 2034	52	0	12	0	40	0	0
SPR 2035	52	0	12	0	40	0	0
SUM 2035	52	0	12	0	40	0	0
WIN 2035	52	0	12	0	40	0	0
SPR 2036	52	0	12	0	40	0	0
SUM 2036	52	0	12	0	40	0	0
WIN 2036	52	0	12	0	40	0	0

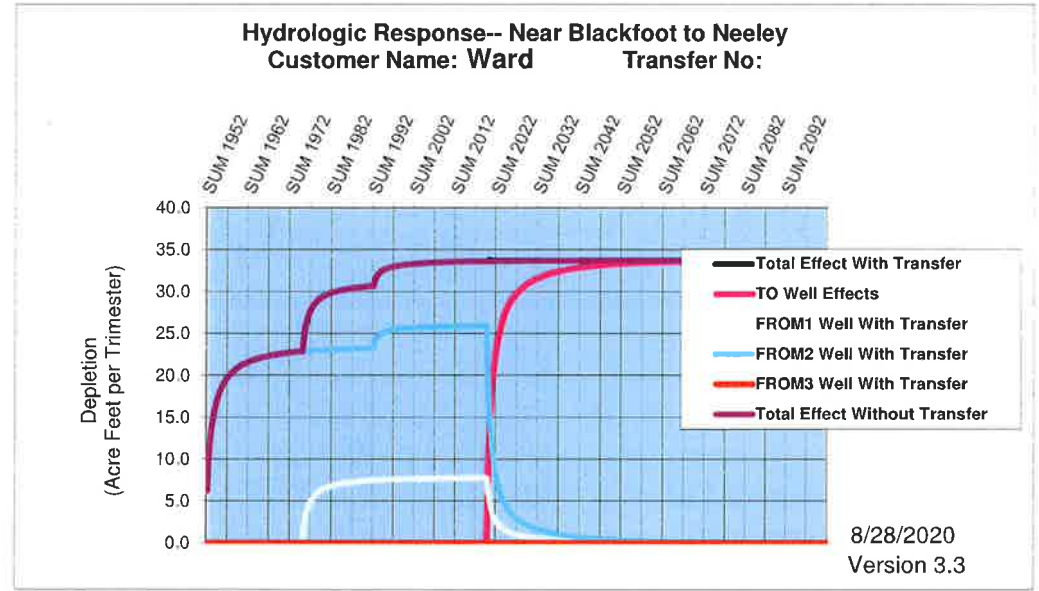
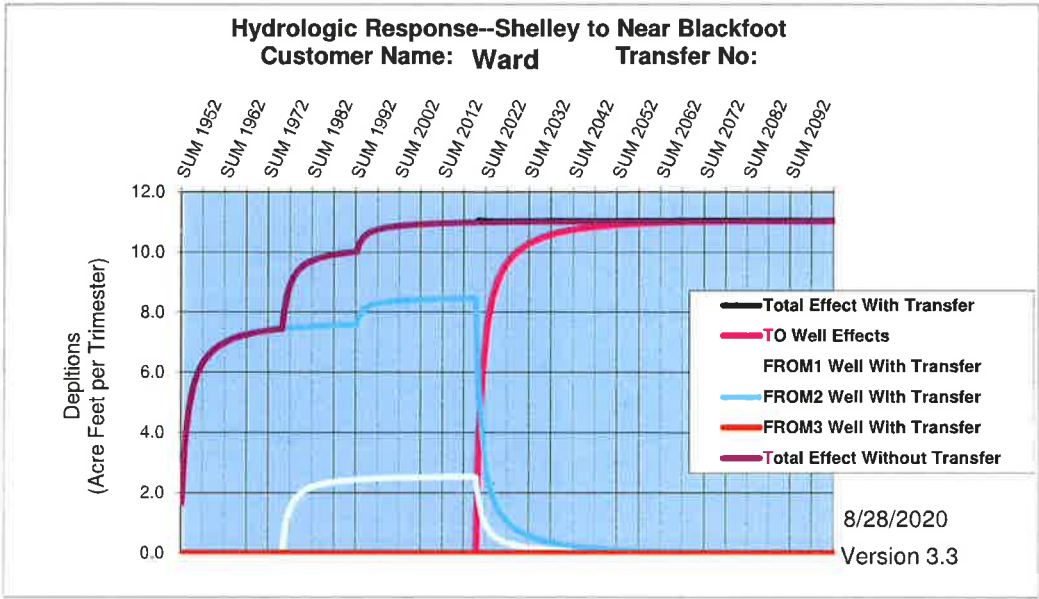
ATTACHMENT 5.2
Water Modeling – Graphs
above Milner

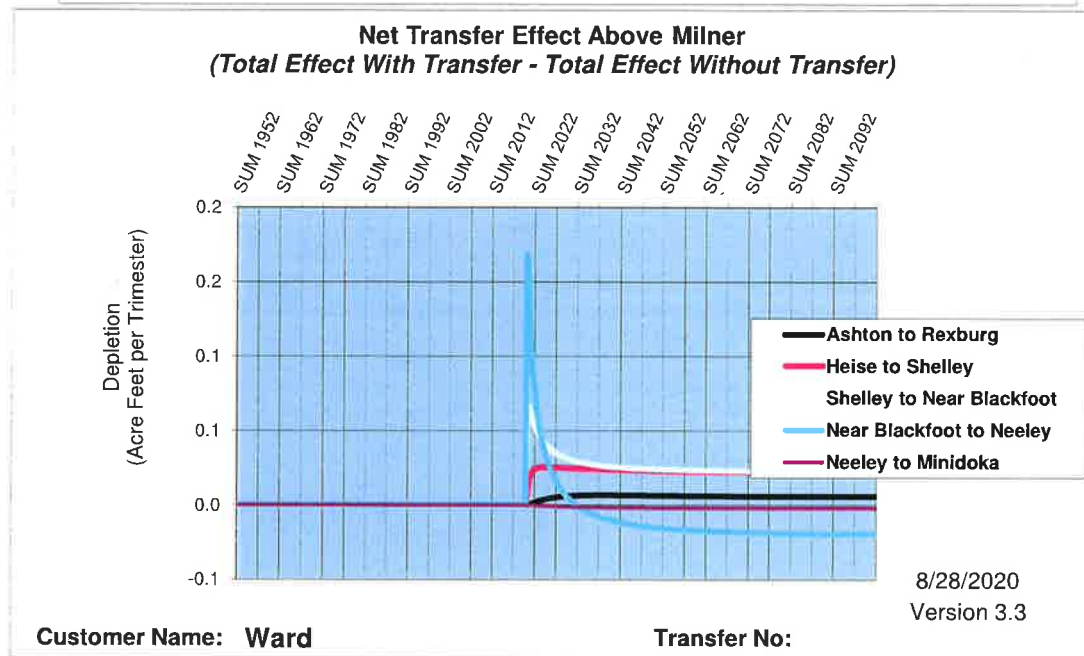
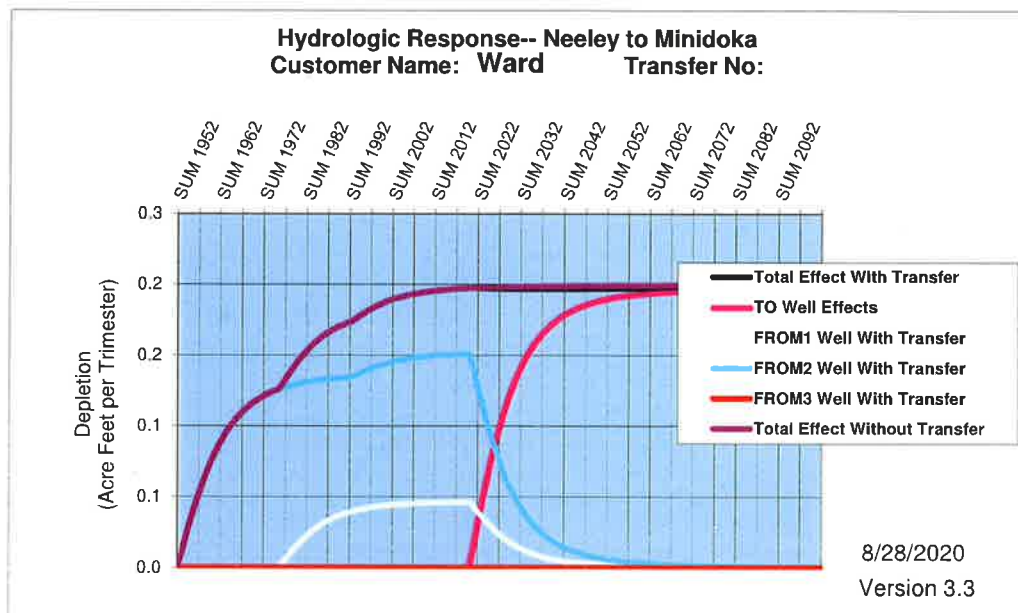
Hydrologic Response--Ashton to Rexburg
Customer Name: Ward **Transfer No:**



Hydrologic Response--Heise to Shelley
Customer Name: Ward **Transfer No:**







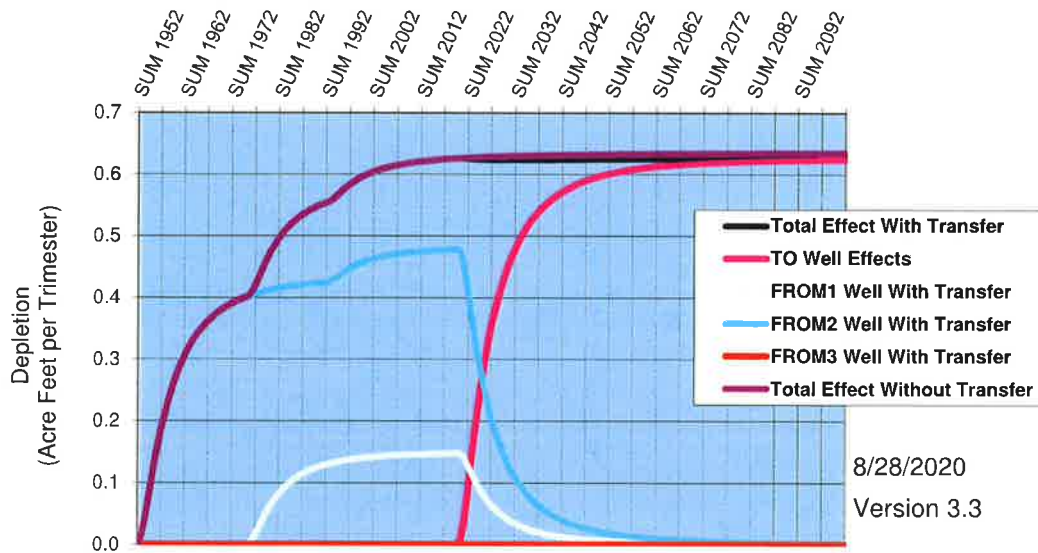
ATTACHMENT 5.3

Water Modeling – Graphs below Milner

Hydrologic Response--Devil's Washbowl to Buhl

Customer Name: **Ward**

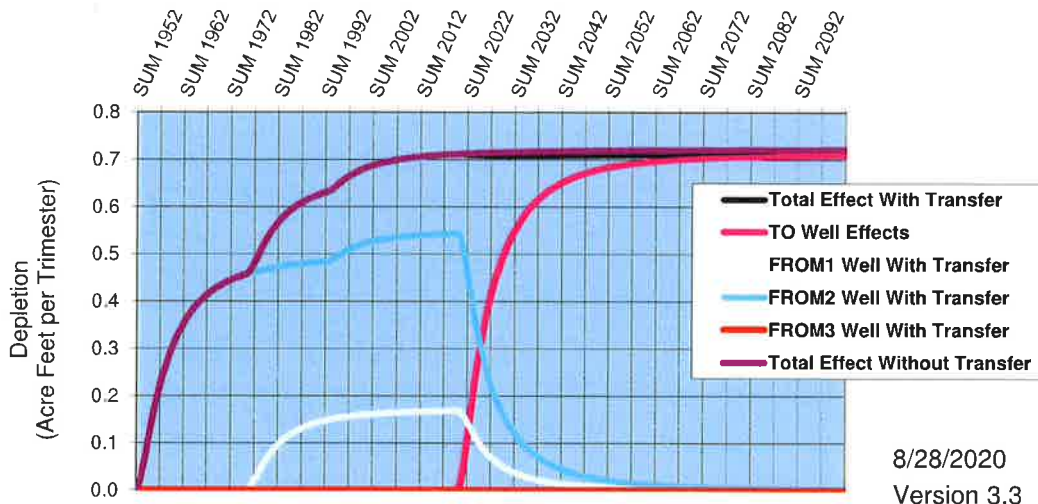
Transfer No:



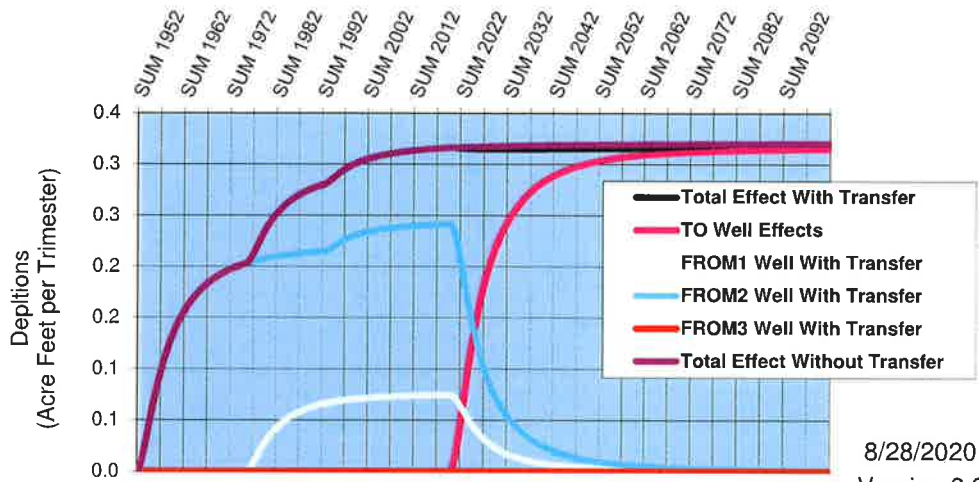
Hydrologic Response--Buhl to Thousand Springs

Customer Name: **Ward**

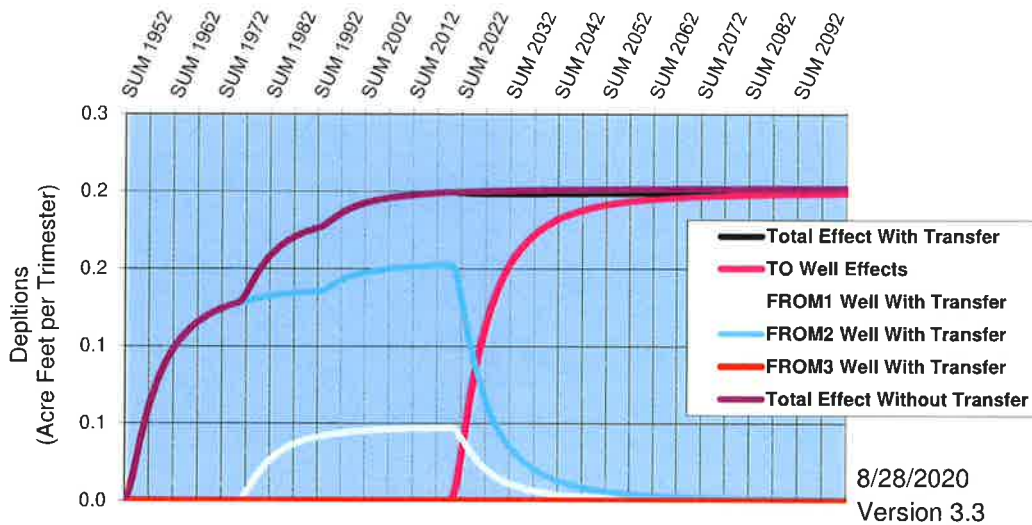
Transfer No:



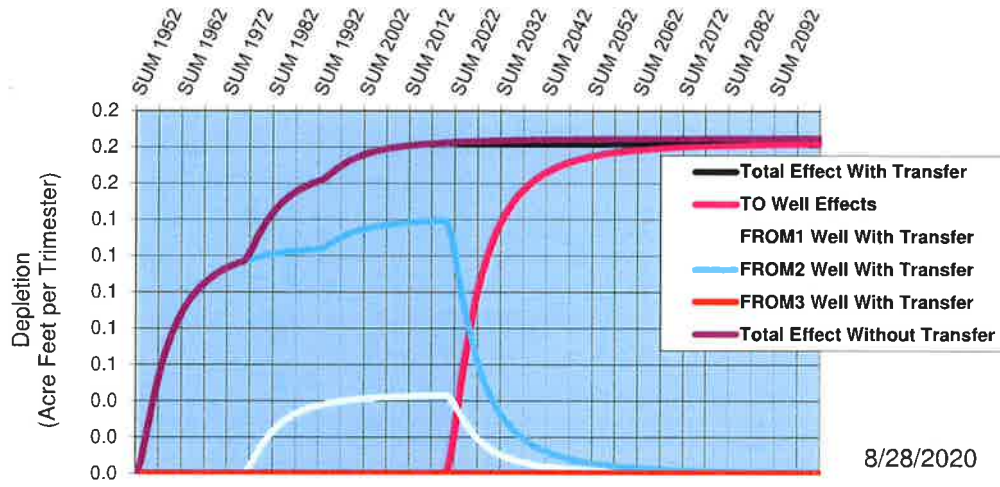
Hydrologic Response--Thousand Springs
Customer Name: Ward Transfer No:



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



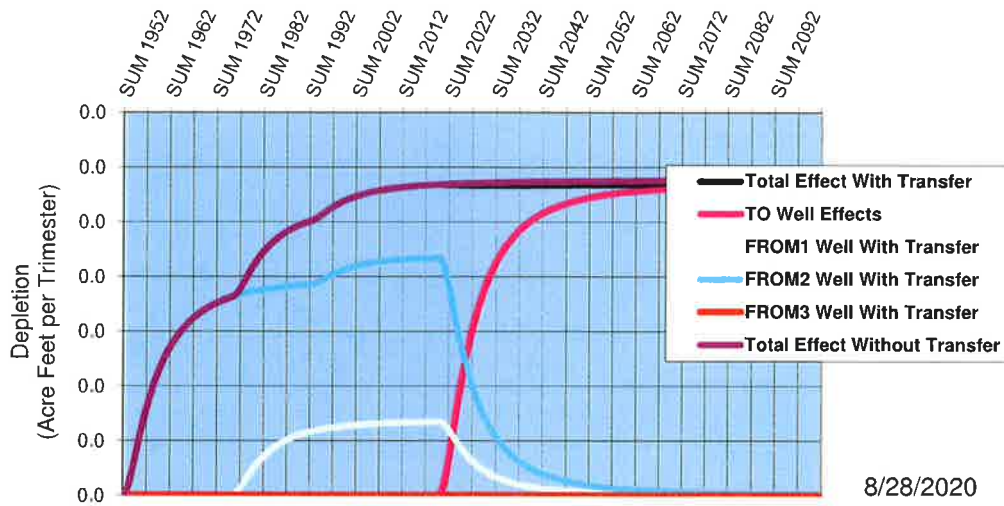
Hydrologic Response-- Malad
Customer Name: Ward **Transfer No:**



8/28/2020

Version 3.3

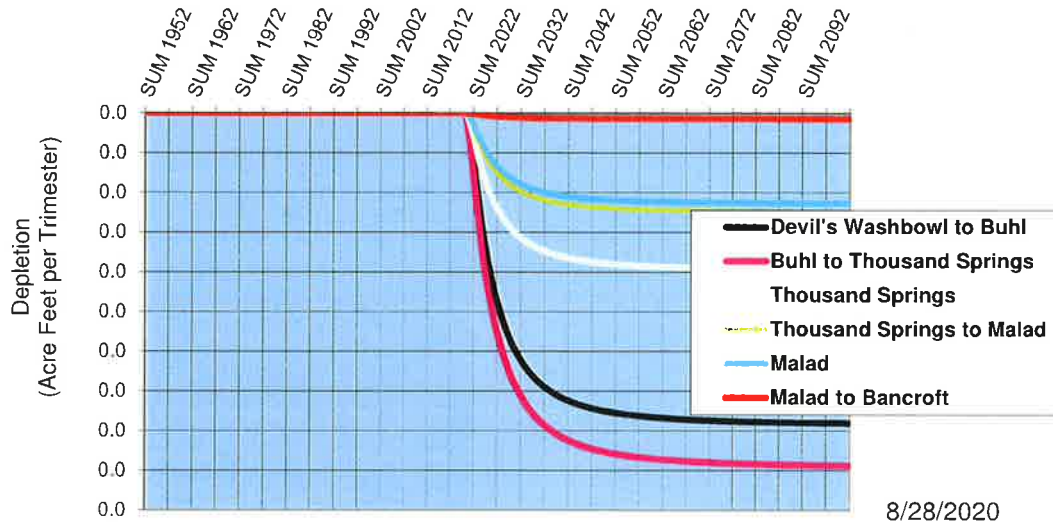
Hydrologic Response-- Malad to Bancroft
Customer Name: Ward **Transfer No:**



8/28/2020

Version 3.3

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



8/28/2020
Version 3.3

Customer Name: **Ward**

Transfer No:

ATTACHMENT 5.4

Water Modeling – Mitigation Analysis

84358

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
Transfer: Proposed Steady State Impacts following Transfer							
Transfer 1: Worst Case Transient State Impacts following Transfer							
0	0	0	0	1/0/1900	0	0.0 0	0
0	0	0	0	1/0/1900	0	0.0 0	0

Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blckft	Nr Blckft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
1.2	3.6	11.0	33.7	0.2	0.6	0.7	0.3	0.2	0.2	0.0
1.2	3.6	11.0	33.7	0.2	0.6	0.7	0.3	0.2	0.2	0.0
1.2	3.6	11.0	33.7	0.2	0.6	0.7	0.3	0.2	0.2	0.0
1.2	3.6	11.0	33.8	0.2	0.6	0.7	0.3	0.2	0.2	0.0

[illegible]

Attachment No. 6
Lien Holder Authorization

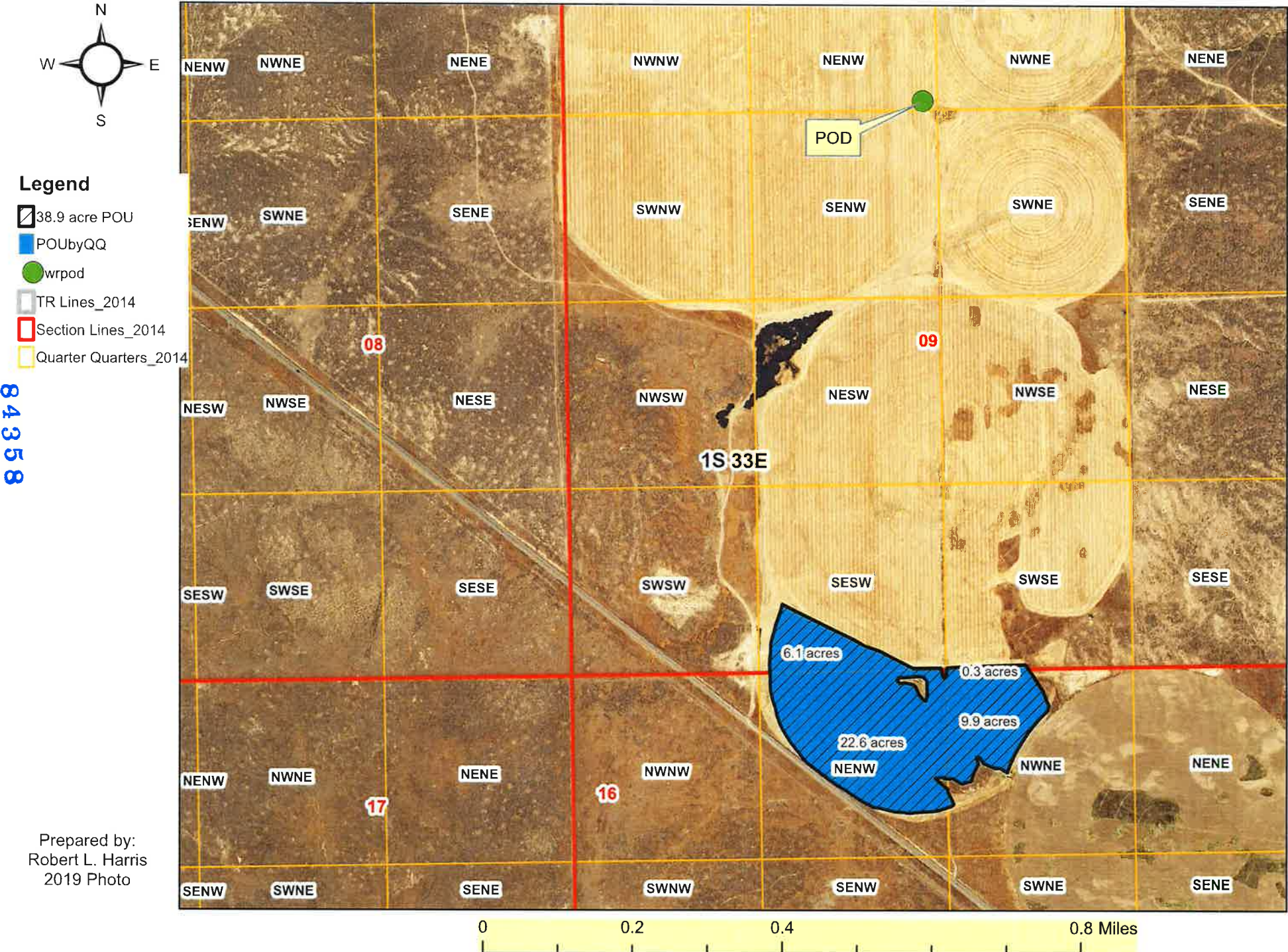
Lien holder consent is in the process of being obtained.

84358

Attachment No. 7a

Map

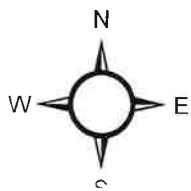
PERRY & HOLLY WARD



**Attachment No. 7b
Map (GIS shapefile)**

***GIS shapefile will be emailed
to IDWR agent.***

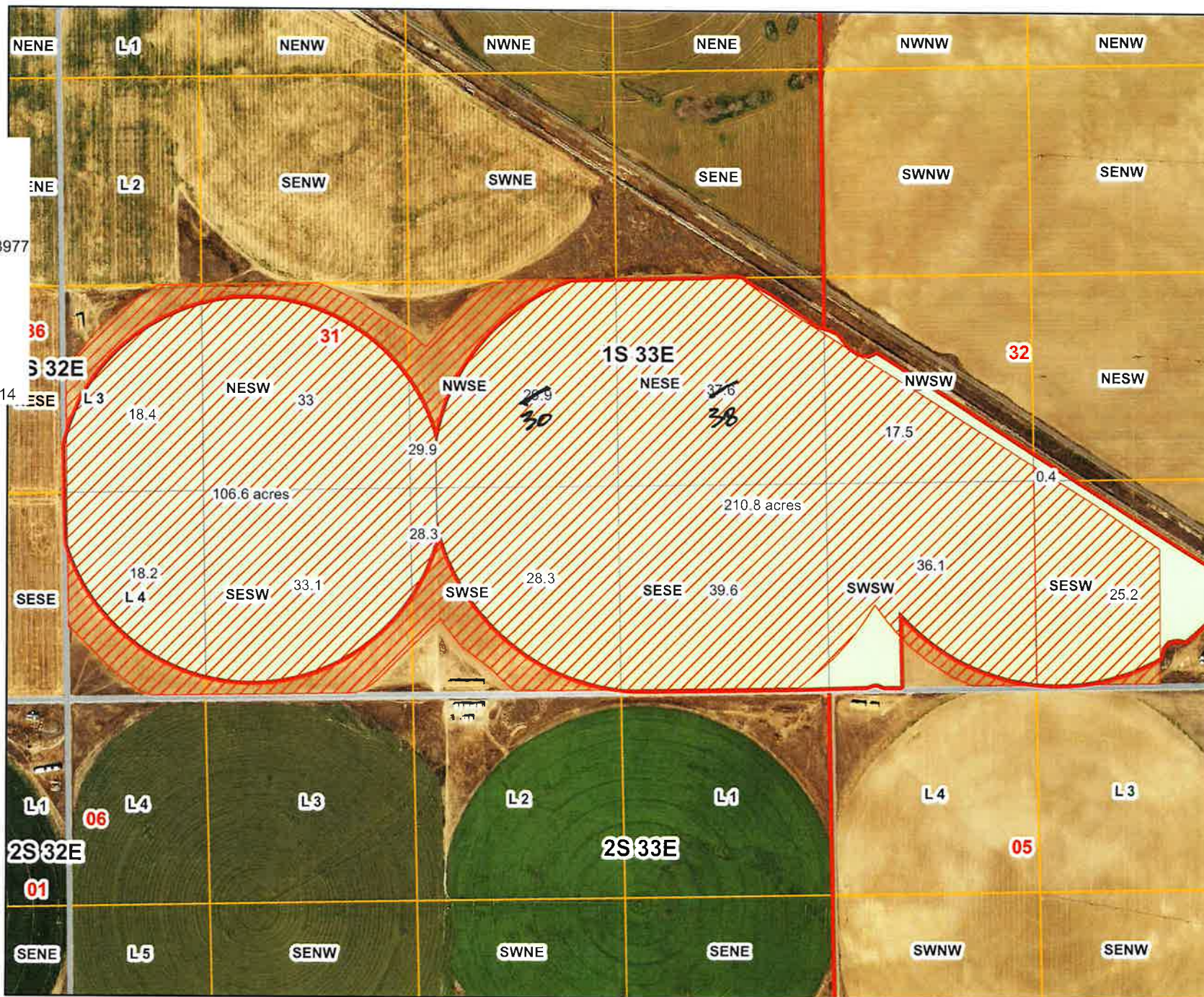
PERRY & HOLLY WARD



Legend

- 35-2253A&35-8977
- POUAfter_Transfer
- Revised 35-2253A&8977
- 38.9 acre POU
- POUbyQQ
- TR Lines_2014
- Section Lines_2014
- Quarter Quarters_2014

84358



Prepared by:
Robert L. Harris
2019 Photo



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

Brad Little
Governor

Gary Spackman
Director

September 16, 2020

PERRY WARD
HOLLY WARD
998 N 1500 W
BLACKFOOT, ID 83221-5123

RE: Transfer No. 84358
Water Right No(s). 35-14458, 35-14459, 35-2253A, 35-8977

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 9/23/2020 and 9/30/2020. 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, September 16, 2020 2:03 PM
To: Bingham News Chronicle (legalnotices@postregister.com)
Subject: Legal Notices for Bingham News Chronicle
Attachments: 84371, 84358 Bingham News Chronicle.docx

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

RE: Transfer No. 84358, 84371

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 10/12/2020. 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. 84358**

PERRY WARD and HOLLY WARD, 998 N 1500 W, BLACKFOOT, ID 83221-5123 has filed Application No. 84358 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-14458, 35-14459, 35-2253A, 35-8977; 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 SENENW Sec 9 T1S R33E for 0.61 cfs from Ground water. The proposed place of use is in SESW and SWSE Sec 9, and NWNE and NENW Sec 16, T1S R 33E for 38.9 acres.

TRANSFER NO. 84371

SNAKE RIVER SCHOOL DISTRICT #52, 103 S 900 W, BLACKFOOT, ID 83221 has filed Application No. 84371 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-2122, 35-7417; 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 Lot 3 (SESW) Sec 31 T2S R34E for 0.09 cfs from Ground water. The proposed place of use is in Lot 3 (SESW) Sec 31 T2S R34E for 6 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 10/12/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/23/2020 and 9/30/2020

Henman, Christina

From: Henman, Christina
Sent: Wednesday, September 16, 2020 12:13 PM
To: Jordan, Blake
Subject: Application for Transfer No. 84358
Attachments: RecommendationForm Transfer34.docx

Watermaster:

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

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

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

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