

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84343

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) Randy L. Wanner and Jill Wanner

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

RECEIVED

AUG 31 2020

Department of Water Resources
Laramie, Idaho

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Randy L. Wanner and Jill Wanner Phone 208-851-0670
Mailing address 1008 E 4800 S, Preston, ID 83263 Email randy.wanner@yahoo.com

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

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

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

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

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Randy Wanner
Signature of Applicant or Authorized Representative

Randy L Wanner
Print Name and Title if applicable

8-28-2020
Date

Jill Wanner
Signature of Applicant or Authorized Representative

Jill Wanner
Print Name and Title if applicable

8-28-2020
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☒ Other Update Ownership
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
This transfer proposes to update the place of use for water rights 13-227, 13-314 and 13-2161 - consolidating the rights onto a 125-acre place of use. The transfer also clarifies that water right 13-227 from the unnamed drain is diverted after it flows into Worm Creek at the same location (pump station) as water right 13-2161.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	13-227	0.50 / 214	Irrigation	4/1 to 11/1	Unnamed Drain
☒ ☐	13-314	97 af	Irrigation Storage	1/1 to 12/31	Worm Creek
☐ ☐			Irrigation from Storage	4/1 to 11/1	Worm Creek
☒ ☐	13-2161	2.18 / 532	Irrigation	4/1 to 11/1	Worm Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.68 cfs and/or 532 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.94 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			SW	NW	25	16S	39E	Franklin	Worm Creek	Worm Creek Dam
N			SE	NW	25	16S	39E	Franklin	Worm Cr / Unnamed Drain	Pump Station

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	
16S	39E	25					35.5	30	16	33	10.5								125
Total Acres (for irrigation use)																			125

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:
Points of diversion are regulated by watermaster for Water District 13A. Pump station can be equipped with a flow meter if required in the future.

- 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: N/A Water rights are remaining on property.

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:
Moving forward, water rights will be used to irrigate 125 acres. Remaining acres will be dried up, or will be irrigated with water from some other source. Some of the neighboring properties own shares in Cub River Irrigation Company.
- 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:
None.

- 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:

Water rights are used to the fullest extent possible every year. In some years, there is not enough water to irrigate all of the acres.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/29/2020

Water Right 13-227

Owner Type **Name and Address**
 Current Owner ERVIN VAN ORDEN
 LEWISTON, UT 84320

Current Owner NEAL VAN ORDEN
 LEWISTON, UT 84320

Priority Date: 4/1/1943

Basis: Decreed

Status: Active

Source
 UNNAMED DRAIN

Tributary
 WORM CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.500 CFS	214.0 AF
	<u>Total Diversion</u>		0.500 CFS	214.0 AF

Source and Point(s) of Diversion

UNNAMED DRAIN NWNW Sec. 25, Twp 16S, Rge 39E, FRANKLIN County

Place of Use

IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	39E	25					37.0	35.0	38.0	35.0	7.0								152.0

POU Total Acres: 152.0

Conditions of Approval:

1. THIS RT. WHEN COMBINED WITH RTS. 13-2161 AND 13-0314 SHALL PROVIDE NO MORE THAN 3.5 AF/AC OR 532.0 AF/YR.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/29/2020

Water Right 13-314

Owner Type **Name and Address**
 Current Owner NEAL VAN ORDEN
 LEWISTON, UT 84320

Current Owner ERVIN VAN ORDEN
 LEWISTON, UT 84320

Priority Date: 3/9/1965

Basis: Decreed

Status: Active

Source
 WORM CREEK

Tributary
 CUB RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01		97.0 AF
IRRIGATION STORAGE	4/01	11/01		97.0 AF
	<u>Total Diversion</u>			97.0 AF

Source and Point(s) of Diversion

WORM CREEK

SWNW

Sec. 25, Twp 16S, Rge 39E, FRANKLIN County

Place of Use

IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	39E	25					37.0	35.0	38.0	35.0	7.0								152.0

POU Total Acres: 152.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/29/2020

Water Right 13-2161

Owner Type **Name and Address**
Current Owner ERVIN VAN ORDEN
 LEWISTON, UT 84320

Current Owner NEAL VAN ORDEN
 LEWISTON, UT 84320

Priority Date: 3/7/1952

Basis: Decreed

Status: Active

Source
WORM CREEK

Tributary
CUB RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	2.180 CFS	532.0 AF
	<u>Total Diversion</u>		2.180 CFS	532.0 AF

Source and Point(s) of Diversion

WORM CREEK SENW Sec. 25, Twp 16S, Rge 39E, FRANKLIN County

Place of Use

IRRIGATION within FRANKLIN County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	39E	25					37.0	35.0	38.0	35.0	7.0								152.0

POU Total Acres: 152.0

Conditions of Approval:

1. 016 See remarks for additional conditions of approval.
2. THIS RT. WHEN COMBINED WITH RTS. 13-0227 AND 13-0314 SHALL PROVIDE
NO MORE THAN 3.5 AF/AC OR 532.0 AF/YR.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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

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

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

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

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by CH Date 8/31/20 Preliminary check by _____ Date _____

Fee paid \$275 Date 8/31/20 Received by CH Receipt # E046240

Add'l fee paid \$225 Date 6/18/20 Received by CH Receipt # E046033

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

\$75

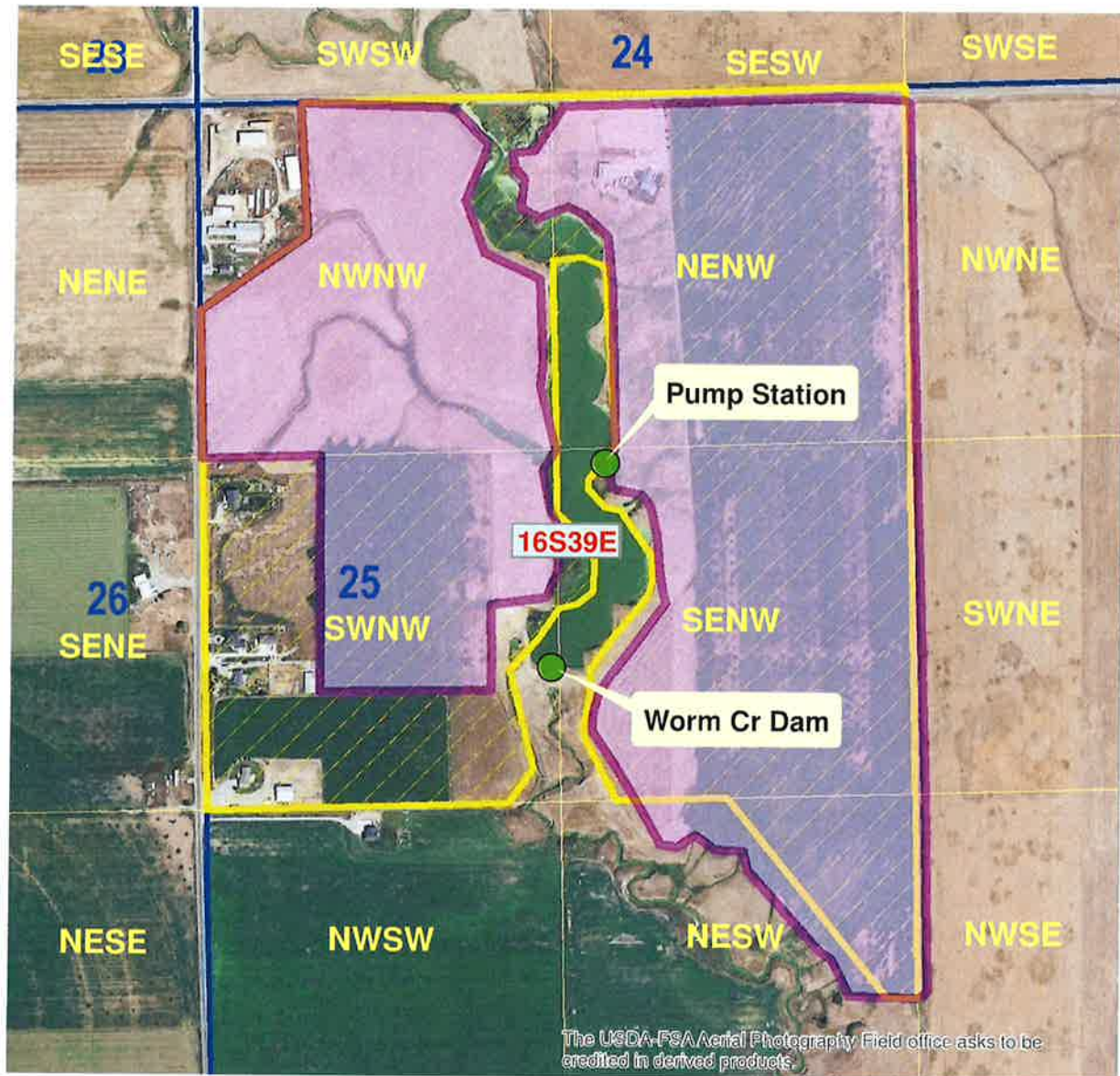
5/4/20

Page 6

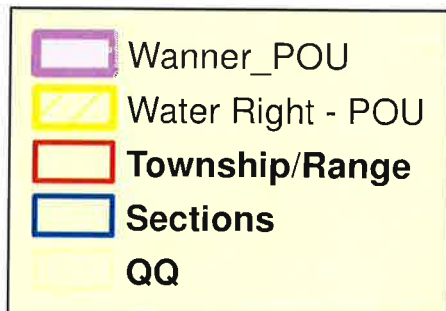
E045866

84343

Application for Transfer Randy and Jill Wanner



2017 Aerial Photo



0 1,000 2,000 Feet



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 24 2020
Department of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
13-2161 <u>OK</u>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
13-227 <u>OK</u>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
13-314 <u>OK</u>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Ervin Van Orden/Neial Van Orden
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Randy Wanner
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 1008 E 4800 S Preston ID 83263
Mailing address City State ZIP
- 208-851-0670 randy.wanner@yahoo.com
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☒ 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.

5. Date you acquired the water rights and/or claims listed above: aprox 1996

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☐ Filing fee (see instructions for further explanation):
- ☐ \$25 per *undivided* water right.
 - ☐ \$100 per *split* water right.
 - ☐ No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 13-214

8. Signature: Randy Wanner Title, if applicable: _____ Date: 4-30-20
Signature of new owner/claimant Title, if applicable Date
- Signature: _____ Title, if applicable: _____ Date: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by et h Date 5/4/2020 Receipt No. E046033 Receipt Amt. \$225.-
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by _____ Processed by _____ Date _____

84343

196750-2

Recorded at the request

Steven R Fuller

WARRANTY DEED

a.m. AUG 07 1996 4:30

FOR VALUE RECEIVED

NEAL A. VAN ORDEN, a single man, Grantor,

V. ELLIOTT LARSEN, REC'D

By Camille Larsen D
FRANKLIN COUNTY, IDAHO

does hereby grant, bargain, sell and convey unto

RANDY L. WANNER and JILL WANNER, husband and wife,

whose current address is: 50 East 8800 South, Paradise, UT 84328,
the Grantees, the following described premises in Franklin County,
Idaho to wit:

See Exhibit "A" attached hereto

TO HAVE AND TO HOLD the said premises, with their appurtenances
unto the Grantees, their heirs and assigns forever. And the said
Grantor does hereby covenant to and with the said Grantees, that he
is the owner in fee simple of said premises; that they are free
from all encumbrances and that he will warrant and defend the same
from all lawful claims whatsoever.

DATED: August 6, 1996.

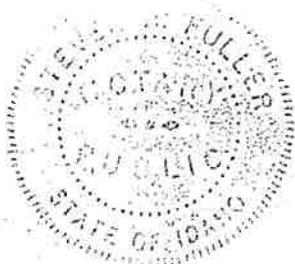
Neal A. Van Orden
NEAL A. VAN ORDEN

STATE OF IDAHO)

County of Franklin)

On this 6th day of August, 1996, before me, the undersigned a
Notary Public in and for said State, personally appeared NEAL A.
VAN ORDEN, known to me to be the person whose name is subscribed to
the within instrument and acknowledged to me that he executed the
same.

Steven R Fuller
NOTARY PUBLIC for State of Idaho
Residing at: Preston, ID
Comm. Exp.: 2/17/99



196750 2-2

EXHIBIT "A"

Township 16 South, Range 39 East of the Boise Meridian, Franklin County, Idaho

Section 25: NW $\frac{1}{4}$, ALSO, beginning 40.25 rods East of the Southwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, and running thence East 39-3/4 rods; thence South 80 rods; thence West 2 rods; thence North 26 rods; thence Northwesterly to the point of beginning.

EXCEPTING THEREFROM: Beginning at a point 2640 feet South of the Northwest corner of Section 25, and running thence East 1320 feet; thence North 429 feet; thence West 1320 feet; thence South 429 feet to the point of beginning.

ALSO EXCEPTING THEREFROM: Beginning at a point 46 rods South of the Northwest corner of Section 25, and running thence North 46 rods to the Northwest corner of said Section 25, thence East 22 rods; thence South 29 rods, more or less, to the North line of a drainage ditch; thence Southwesterly along the Northwesterly line of said natural drainage ditch to the point of beginning.

ALSO EXCEPTING THEREFROM: Commencing at a point 429 feet North of the Southwest corner of the Northwest Quarter of said Section 25, and running thence North 891 feet, thence East 1200 feet, thence South 891 feet, thence West 1200 feet to the point of beginning.

209684¹⁻²

Recorded at the request of

Steven R. Fuller

10:10 a.m. APR 26 2000 p.m.

WARRANTY DEEDV. ELLIOTT LARSEN, RECORDER
By Camille Larsen Deputy
FRANKLIN COUNTY, IDAHO**FOR VALUE RECEIVED****NEAL VAN ORDEN, a married man conveying his sole and separate property,**

does hereby grant, bargain, sell and convey unto

RANDY L. WANNER and JILL WANNER, husband and wife,

whose current address is: 1008 East 4800 South, Preston, Idaho 83263, the Grantees, the following described premises in Franklin County, Idaho to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

DATED: April 14, 2000.

Neal Van Orden
NEAL VAN ORDENSTATE OF IDAHO)
)
County of Franklin)On this 14th day of April, 2000, before me, the undersigned a Notary Public in and for said State, personally appeared **NEAL VAN ORDEN**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.Steven R. Fuller
NOTARY PUBLIC for State of Idaho
Residing at: Preston, Idaho
Comm. Exp.: 2/19/05

EXHIBIT "A"

209684²⁻²

A PARCEL OF LAND LOCATED IN SECTION 25, TOWNSHIP 16 SOUTH, RANGE 39 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 25, LOCATED SOUTH 00°50'16" WEST 2667.85 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 25; THENCE NORTH 00°50'16" EAST 429.00 FEET ALONG THE WEST BOUNDARY LINE OF SAID SECTION 25 TO A 5/8" REBAR AND CAP LABELED "BRIAN ALLEN, PLS 9163"; THENCE NORTH 89°39'19" EAST 438.33 FEET TO A 5/8" REBAR AND CAP, THE TRUE POINT OF BEGINNING; THENCE NORTH 01°14'14" EAST 831.13 FEET TO A 5/8" REBAR AND CAP; THENCE SOUTH 89°39'19" WEST 410.03 FEET TO A 5/8" REBAR AND CAP SET ON THE EAST BOUNDARY LINE OF 800 EAST, A COUNTY ROAD; THENCE NORTH 01°14'14" EAST 60.02 FEET ALONG SAID RIGHT OF WAY LINE TO A 5/8" REBAR AND CAP; THENCE NORTH 89°39'19" EAST 1165.49 FEET TO A 5/8" REBAR AND CAP; THENCE SOUTH 00°50'16" WEST 891.00 FEET TO A 5/8" REBAR AND CAP; THENCE SOUTH 89°39'19" WEST 761.67 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING APPROXIMATELY 16.08 ACRES.

TOGETHER WITH A RIGHT OF WAY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN SECTION 25, TOWNSHIP 16 SOUTH, RANGE 39 EAST, BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 25, LOCATED SOUTH 00°50'16" WEST 2667.85 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 25; THENCE NORTH 00°50'16" EAST 1259.99 FEET ALONG THE WEST BOUNDARY LINE OF SAID SECTION 25 TO A 5/8" REBAR AND CAP LABELED "BRIAN ALLEN PLS 9163", THE TRUE POINT OF BEGINNING, THENCE NORTH 00°50'16" EAST 60.01 FEET ALONG THE WEST BOUNDARY LINE OF SAID SECTION 25 TO A 5/8" REBAR AND CAP; THENCE NORTH 89°39'19" EAST 34.51 FEET TO A 5/8" REBAR AND CAP SET ON THE EAST RIGHT OF WAY LINE OF 800 EAST, COUNTY ROAD; THENCE SOUTH 01°14'14" WEST 60.02 FEET ALONG SAID EAST RIGHT OF WAY LINE; THENCE SOUTH 89°39'19" WEST 34.09 FEET TO THE TRUE POINT OF BEGINNING CONTAINING APPROXIMATELY 2058 SQUARE FEET.

ALSO KNOWN AS LOT ONE (1) PHASE ONE (1) OF THE VAN ORDEN SUBDIVISION, AN UNRECORDED SUBDIVISION.



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 9, 2020

RANDY WANNER
JILL WANNER
1008 E 4800 E
PRESTON, ID 83263

RE: Transfer No. 84343
Water Right No(s). 13-2161, 13-227, 13-314

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 PRESTON CITIZEN on 9/16/2020 and 9/23/2020. 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

Henman, Christina

From: Henman, Christina
Sent: Wednesday, September 09, 2020 4:20 PM
To: PRESTON CITIZEN (bjohnson@hjnews.com)
Subject: Legal Notice for Preston Citizen
Attachments: 84343 Preston Citizen.docx

LEGAL NOTICE DEPARTMENT
PRESTON CITIZEN
PO BOX 472
PRESTON, ID 83263

RE: Transfer No. 84343
Water Right No(s). 13-2161, 13-227, 13-314

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 10/5/2020. 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. 84343**

RANDY WANNER, 1008 E 4800 S, PRESTON, ID 83263-5672; JILL WANNER, 1008 E 4800 E, PRESTON, ID 83263 has filed Application No. 84343 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-2161, 13-227, 13-314; 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 points of diversion and place of use. Proposed points of diversion are in SENW Sec 25 T16S R39E (Pump Station) for 2.68 cfs from Worm Creek and Unnamed Drain, and in SWNW Sec 25 T16S R39E (Worm Cr Dam) for irrigation storage of 97 af from Worm Creek. Proposed place of use is in Sec 25 T16S R39E for 125 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 10/5/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/16/2020 and 9/23/2020

Henman, Christina

From: Henman, Christina
Sent: Wednesday, September 09, 2020 10:41 AM
To: 'farmerkirk@hotmail.com'
Subject: Application for Transfer No. 84343
Attachments: RecommendationForm Transfer32.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.