

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 07 2019

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) John & Deborah Bender Trust Phone (661) 201-7292
Mailing address 29551 Merced Ave. Shafter, CA 93263 Email janddbender@gmail.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 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
Signature of Applicant or Authorized Representative

Robert L. Harris, Attorney
Print Name and Title if applicable

October 2, 2019
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 proposed only to rearrange the place of use for the listed water rights. The changes are necessary to accommodate the planned installation of a new center pivot and to ensure that the updated GIS shapefile matches with current and planned irrigation on the property.

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.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	35-2420	5.45	Irrigation	04/01 to 11/01	Ground water
☒ ☐	35-7768	1.63	Irrigation	04/01 to 10/31	Ground water
☒ ☐	35-11213	5.19	Irrigation	04/01 to 10/31	Ground water
☒ ☐	35-8926	0.3	Irrigation	04/01 to 10/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 7.15 (cmbd) cfs and/or 2352 (cmbd) acre-feet.

2. Total amount of water proposed to be transferred or changed 7.15 cubic feet per second and/or 2352 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 #

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	19												23			27	0.5	50.5
		30		1.5	28	14	36	24	26	40	40	26	13	36	37	40	40	29	430.5
		31	40	35	4	28													107
Total Acres (for irrigation use)																			588

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 mainlines and pivots. Well has a measuring device and lockable controlling works.

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

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

- c. 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:

The place of use is only being slightly amended.

- 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:

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:

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 no margins, text, or other markings on the paper.

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$500.00 Date 10/7/19 Received by CH Receipt # E045375

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

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

12/31/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN & DEBORAH BENDER TRUST 29551 MERCED AVE SHAFTER, CA 93263-9747 (661) 201-7292

Status: Active

Tributary

Volume

Sec. 30, Twp 01S, Rge 33E, BINGHAM County

[illegible]

POU Total Acres: 588.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/31/2019

7. 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.
8. 214 Prior to the diversion and use of water under Transfer approval 81915, 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.
9. 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.
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 and Other Information

Decreed Date: 1/31/2002

State or Federal: S

Water District Number: 120

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 4.0

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.150	1,416.0	563.4
35-8926 ,35-7768 ,35-2420		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.080	2,352.0	588.0
35-11213 ,35-7768 ,35-2420		

SubCase:

SubCaseNumber: 35-2420

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: License

Date Filed: 11/20/1998

Objection Status: Active

Water Supply Bank:

N/A

12/31/2019

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/31/2019

- use.
7. 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.
 8. 214 Prior to the diversion and use of water under Transfer approval 81915, 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.
 9. 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.
 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 and Other Information

Decreed Date: 1/31/2002

State or Federal: S

Water District Number: 120

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 4.0

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.150	1,416.0	563.4
35-8926 ,35-7768 ,35-2420		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.080	2,352.0	588.0
35-11213 ,35-7768 ,35-2420		

SubCase:

SubCaseNumber: 35-7768

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: License

Date Filed: 11/20/1998

Objection Status: Active

Water Supply Bank:

N/A

12/31/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN & DEBORAH BENDER TRUST 29551 MERCED AVE SHAFTER, CA 93263-9747 (661) 201-7292

Status: Active

Tributary

Volume

Total Diversion 5.190 CFS

Sec. 30, Twp 01S, Rge 33E, BINGHAM County

IRRIGATION within BINGHAM County

Right Acre Limit: 268.0

POU Total Acres: 588.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/31/2019

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 81915, 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. 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.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. 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.

Dates and Other Information

Licensed Date: 5/20/1997

Water District Number: 120

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 4.0

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.150	1,416.0	563.4
35-8926 ,35-7768 ,35-2420		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/31/2019

Water Right 35-11213

Owner Type **Name and Address**
Current Owner JOHN & DEBORAH BENDER TRUST
29551 MERCED AVE
SHAFTER, CA 93263-9747
(661) 201-7292

Priority Date: 6/1/1980

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.300 CFS	
	<u>Total Diversion</u>		0.300 CFS	

Source and Point(s) of Diversion

GROUND WATER NWSENW Sec. 30, Twp 01S, Rge 33E, BINGHAM County

Place Of Use

IRRIGATION within BINGHAM 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	
01S	33E	19												23.0			18.0		41.0
01S	33E	30			27.0	13.0	26.0	25.0	26.0	40.0	40.0	26.0	13.0	37.0	38.0	40.0	40.0	35.0	426.0
								L1	L2				L3	L4					
01S	33E	31	40.0	37.0	4.0	28.0	12.0												121.0

Right Acre Limit: 24.6

POU Total Acres: 588.0

Conditions of Approval:

1. X35 Rights 35-2420, 35-7768 and 35-11213 when combined shall not exceed a total diversion rate of 7.08 cfs.
2. X35 Rights 35-2420, 35-7768, 35-8926 and 35-11213 when combined shall not exceed a total diversion rate of 7.15 cfs, a total annual maximum diversion volume of 2352 af at the field headgate, and the irrigation of 588 acres.
3. K02 This right is based upon an enlargement of Right Nos. 35-2420 and 35-7768 pursuant to Section 42-1426, Idaho Code.
4. K09 This right is for an enlargement of 24.6 acres within the place of use described for this right.
5. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/31/2019

6. 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.
7. 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.
8. 214 Prior to the diversion and use of water under Transfer approval 81915, 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.
9. 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.
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 and Other Information

Decreed Date: 1/31/2002
Enlargement Statute Priority Date: 4/12/1994
State or Federal: S
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.080	2,352.0	588.0
35-11213 ,35-7768 ,35-2420		

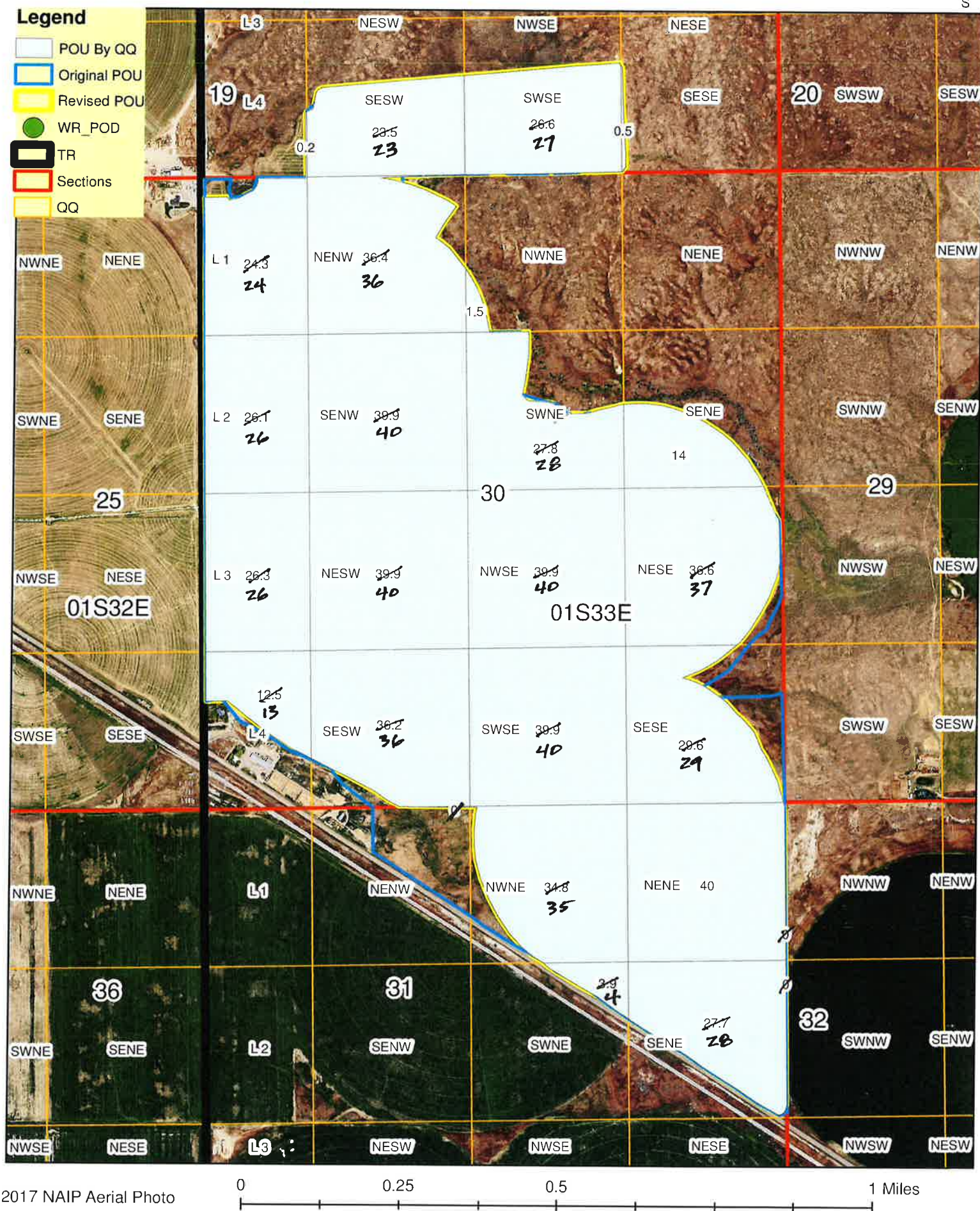
SubCase:

SubCaseNumber: 35-11213
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Beneficial Use
Date Filed: 11/20/1998
Objection Status: Active

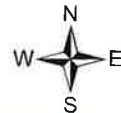
Water Supply Bank:

N/A

BENDER

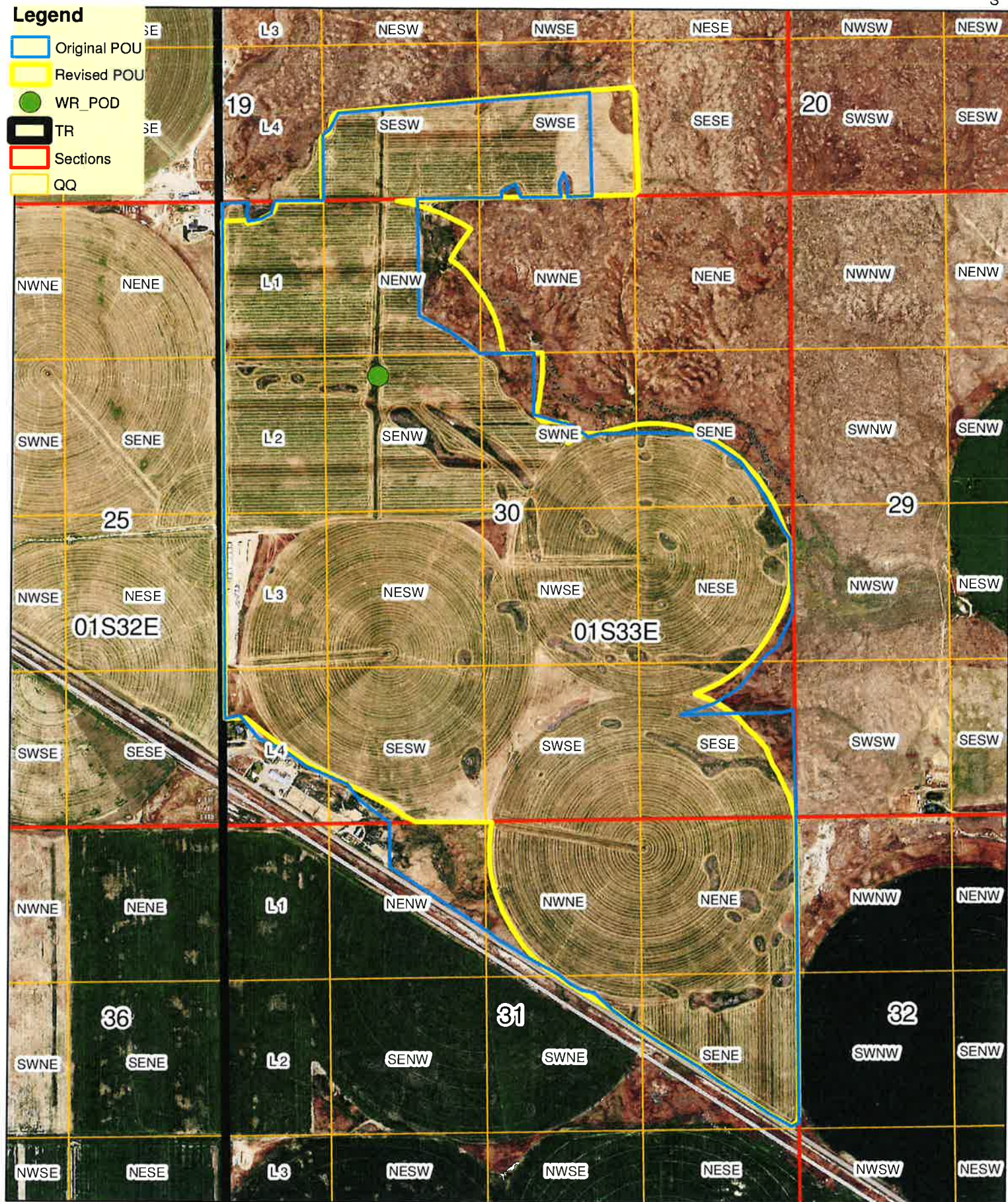


BENDER



Legend

-  Original POU
 Revised POU
 WR_POD
 TR
 Sections
 QQ



2017 NAIP Aerial Photo



PLACE OF USE DESCRIPTION <u>BEFORE</u> PROPOSED CHANGES (listed on current water right report)	
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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	19												23		18		41	
		30			27	13	26	25	26	40	40	26	13	37	38	40	40	426	
		31	40	37	4	28	12											121	

PLACE OF USE DESCRIPTION AFTER PROPOSED CHANGES

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	19												23			27	0.5	50.5
		30		1.5	28	14	36	24	26	40	40	26	13	36	37	40	40	29	430.5
		31	40	35	4	28													107
																TOTAL			588

DIFFERENCE IN ACRES

[illegible]

Total positive change in acres	23.0	Used for calculating filing fee
Total negative change in acres	-23.0	
Total WR Allowed Diversion Rate	7.15	
WR Rate/Acre	0.0122	
Diversion Rate for Positive Change in Acres	0.2797	
Diversion Rate for Negative Change in Acres	0.2797	
Filing Fee Based on Positive Change	\$500.00	
Filing Fee Based on Negative Change	\$500.00	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 04 2019

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?
35-2420 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-7768 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-11213 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-8926 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: 2 W Lands LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): John and Deborah Bender Trust
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 29551 Merced Ave. Shafter Ca 93263
Mailing address City State ZIP
- (661) 201-7292 Janetbender@gmail.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: 1/4/19
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):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o 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 # 35-2420

8. Signature: [Signature] Owner (Trustee) 1/4/19
Signature of new owner/claimant Title, if applicable Date
- Signature: [Signature] Owner (Trustee) 1/4/19
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 1/4/2019 Receipt No. E044625 Receipt Amt. \$100. -

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 JB Processed by CR Date 1/8/2019

JAN 08 2019

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

Instrument # 703617

BINGHAM COUNTY, IDAHO
2019-01-04 02:44:17 PM No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - BLACKFO
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy GPerschon
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 699968-B (vb)

Date: December 31, 2018

For Value Received, 2-W Lands, LLC, an Idaho limited liability company, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto John T. Bender and Deborah L. Bender, Trustees of the John & Deborah Bender Trust, an Inter vivos trust dated May 12, 2005, hereinafter called the Grantee, whose current address is 29551 Merced Ave, Shafter, CA 93263, the following described premises, situated in Bingham County, Idaho, to-wit:

TOWNSHIP 1 SOUTH, RANGE 33 E.B.M., BINGHAM COUNTY, IDAHO
SECTION 19: N $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$

SECTION 30: ALL LYING NORTH AND EAST OF THE NORTHEASTERLY LINE OF THE RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD COMPANY

SECTION 31: ALL THAT PART OF THE N $\frac{1}{2}$ LYING NORTH AND EAST OF THE NORTHEASTERLY LINE OF THE RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD COMPANY.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Page 1 of 2

I hereby certify this to be a true and correct copy of the original.
FIRST AMERICAN TITLE COMPANY
BY: 

Date: 12/31/2018

Warranty Deed
- continued

File No.: 69968-B (vb)

2-W Lands, LLC, an Idaho limited liability company

By: Byron F Wood
Name: Byron F Wood
Title: Managing MemberBy: Carol Ann Whitehead
Name: Carol Ann Whitehead
Title: Managing MemberSTATE OF Arizona)
COUNTY OF Maricopa) ss.

On this 02 day of January, 2019, before me, a Notary Public in and for said State, personally appeared Carol Ann Whitehead, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the 2-W Lands, LLC, which is known or identified to me to be the entity whose name is subscribed to the within Instrument and acknowledged to me that she executed the same in said Limited Liability Company's name.

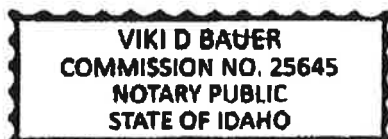


Celeste N. Wyatt
Notary Public of Arizona
Residing at: Chandler, AZ
Commission Expires: 07/12/2022

STATE OF Idaho)
COUNTY OF Bingham) ss.

On this Fourth day of January, 2019, before me, a Notary Public in and for said State, personally appeared Byron F Wood, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the 2-W Lands, LLC, which is known or identified to me to be the entity whose name is subscribed to the within Instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.

Viki D Bauer
Notary Public of Idaho
Residing at: Blackfoot, ID
Commission Expires: 3/29/20



Page 2 of 2

703617



First American Title Company
168 West Pacific Street/PO Box 868, Blackfoot, ID 83221
(208)785-0320- Fax (208)785-6276

FAX TRANSMITTAL

DATE: **01/04/2019 1:56:30 PM**

FILE NO.: **699968-B**

TO: **State of Idaho Water Resources**
Attn: [Empty_Value]

FAX: **(208)525-7177**

FROM: **Juanita C Monson**

Special Instructions/Comments: **RE: JOHN & DEBORAH BENDER**
CONTACT #661-201-7292

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt for disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address.

Thank You For Your Business! We Know You Have A Choice.

IMPORTANT NOTICE:

Should any of these papers require an **ORIGINAL SIGNATURE** and your fax machine produces the facsimile on thermal paper, please **PHOTOCOPY** then sign the photocopy.

We will "not" accept an Original Signature on THERMAL fax paper.

Thank you for your cooperation in this matter.

**IF TRANSMISSION OF ALL PAGES IS NOT COMPLETE OR IF AN ORIGINAL IS NEEDED,
PLEASE CONTACT THE SENDER.**



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

January 08, 2019

JOHN & DEBORAH BENDER TRUST
29551 MERCED AVE
SHAFTER CA 93263-9747

Re: Change in Ownership for Water Right No(s): 35-2420, 35-7768, 35-11213, 35-8926

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 525-7161.

Sincerely,

Cher Ramos
Technical Records Specialist 1

Enclosure(s)

cc: Bingham Ground Water District
Water District 120



[Home](#) / [Licensing & MCLE](#) / Attorney Roster Search

Attorney Roster Search

Type the last name or the beginning of the last name of the attorney you are trying to find. Use more letters to narrow your search. If you cannot find the attorney you are looking for, contact the Licensing Department at (208) 334-4500.

[Current Status Definitions](#)

Search again

Results (as of **9/29/19**)

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.

[Current Status Definitions](#)

Disciplinary History

Contact the Bar Counsel's Office at (208) 334-4500 to request a disciplinary history on an attorney.

Former Members

Information on former members of the Idaho State Bar is limited to name, admission date and status. The online records include former members going back to approximately 1994. Records on former members from before 1994 are not available online. Please contact the Licensing Department for more information on former members.



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

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

October 2, 2019

RECEIVED
OCT 07 2019
Department of Water Resources
Eastern Region

Blake Jordan
Eastern Region Office
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402

Re: *Transfer to Rearrange the Place of Use for Water Right Nos. 35-2420, 35-7768, 35-11213, and 35-926.*

Dear Blake:

Enclosed for processing is a completed *Application for Transfer* that simply proposes to rearrange the place of use for the above-referenced water rights. As explained in the transfer itself, the changes are necessary to accommodate installation of a future center pivot and to make other changes to match the current irrigation.

Because the transfer is not proposing to change the point of diversion of the water rights, it is our understanding under current Department policy that it will not be advertised. As shown in the enclosed documents, the transfer only results in the shifting of twenty-three (23) acres, and for that reason we have included a filing fee of \$500.00 as the rate per acre for these water rights (0.0122 multiplied by the shifting of 23 acres for a total of 0.28 cfs) falls within the 0.2 cfs to 1.00 cfs category for this fee.

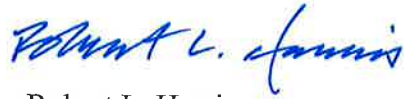
Please note on the map found at Attachment 7A that the acres per quarter-quarter have been hand-written in black for each quarter-quarter. As has been my historic practice, I prefer to round acres per quarter-quarter to a round number for quarter-quarters with greater than ten (10) acres authorized for irrigation. The original acreage calculations were performed by GIS, and the hand-written acreage simply rounds those figures to the appropriate amount in order for the total acres to be 588 as authorized under the water rights.

Finally, I assume you will assign processing of this transfer to another agent within the Department and once you do, please have the agent email me and I will email the shapefile for the revised place of use. We appreciate your assistance in this matter. Please let me know if you have any questions or concerns.

Established in 1896

Blake Jordan
October 2, 2019
Page 2 of 2

Best regards,



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

Enclosures

g:\wpdata\rlh\20672-000 bender trust\2019.10.02 jordan.docx