

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED
OCT 29 2019
Water Resources
Eastern Region

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

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☒ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Randy Hickman and Tamera Hickman Phone 208-201-3785
2. **MAILING ADDRESS** 136 N. 150 W. City Blackfoot
State Idaho Zip 83221 Email hickory_63@live.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 35-8843

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.18 cubic feet per second and/or 38 acre-feet per annum.

(diversion rate)
(storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
Yes		~~SE~~	SE	SE	9	04S	33E	Bingham	groundwater	
		NW								

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Well pump and sprinkling system. Diversion to home and irrigation.

- b. Who owns the property at the point(s) of diversion? Randy Hickman and Tamera Hickman

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

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

Yes No

☐ ☒

undergone a period of five or more consecutive years of non-use,

☐ ☒

currently used in a mitigation plan limiting the use of water under the right(s), or

☐ ☒

currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

☐

If yes and there are multiple owners, attach a [Lessor Designation](#) form.

☐

If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).

(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights*, *Water Right Transfers*, *File a Transfer Application*, *Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Randy Hickman
Signature of applicant or authorized agent

Randy Hickman
Print name and title if applicable

10/29/19
Date

Tamera Hickman
Signature of applicant or authorized agent

Tamera Hickman
Print name and title if applicable

10/29/19
Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers*, *Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$225.- Date 10/29/2019 Received by JB Receipt # E045419

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)



WATER RIGHT REPORT

10/28/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-8843

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DALLIN CARTER
Current Owner	LAURA S CARTER 717 SOUTH 1400 WEST PINGREE, ID 83262 2087164917
Original Owner	DANNY BYINGTON
Original Owner	SHIRLEEN BYINGTON 776 S 1500 W PINGREE, ID 83262 2086845538

Priority Date: 09/12/1989

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>
IRRIGATION	04/01	10/31	0.18 CFS	38 AFA
Total Diversion			0.18 CFS	38 AFA

Location of Point(s) of Diversion:

GROUND WATER | NESESE | Sec. 09 | Township 04S | 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>
04S	33E	9		SESE	9.5									

Total Acres: 9.5

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 120.
2. 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.
3. 050 Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.
4. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Dates:

Licensed Date: 06/05/2002

Decreed Date:

Permit Proof Due Date: 4/1/1992

Permit Proof Made Date: 4/28/1992

Permit Approved Date: 3/5/1990

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 08/16/1989

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

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:



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 # 703039
BINGHAM COUNTY, IDAHO
2018-12-13 01:07:12 PM No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - BLACKFO
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy DWootton
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **707053-B (Id)**

Date: **December 11, 2018**

For Value Received, **Dallin L Carter and Laura M Carter, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Randy Hickman and Tamera Hickman, husband and wife**, hereinafter called the Grantee, whose current address is **136 North 150 West, Blackfoot, ID 83221**, the following described premises, situated in **Bingham County, Idaho**, to-wit:

BEGINNING AT THE IRON PIN MARKING THE SE CORNER OF SAID SECTION 9, TOWNSHIP 4 SOUTH, RANGE 33 E.B.M., BINGHAM COUNTY, IDAHO, THENCE N. 00°18'45" E. 660.50 FEET ALONG THE EASTERLY SECTION LINE OF SAID SECTION 9 TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE N. 00°18'45" E. 330.25 FEET; THENCE S. 89°48'15" W. 1333.34 FEET; THENCE S. 00°15'54" W. 330.33 FEET; THENCE N. 89°48'02" E. 1333.07 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY OF THE ABOVE DESCRIBE PARCEL LYING WITHIN THE FOLLOWING DESCRIBED 2 PARCELS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 33 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO AND RUNNING THENCE NORTH 00°18'45" EAST 344.76 FEET ALONG THE SECTION LINE TO THE TRUE POINT OF BEGINNING, AND RUNNING THENCE SOUTH 89°49'26" WEST 669.96 FEET ALONG A FENCE LINE TO A FENCE CORNER; THENCE NORTH 00°28'07" EAST 330.19 FEET TO A FENCE LINE; NORTH 89°49'00" EAST 669.06 FEET ALONG A FENCE LINE TO THE SECTION LINE; THENCE SOUTH 00°18'45" WEST 330.27 FEET ALONG SAID SECTION LINE TO THE POINT OF BEGINNING.

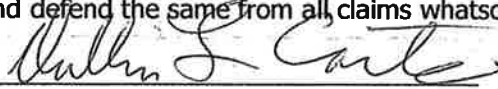
ALSO:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 4 SOUTH, RANGE 33 EAST OF THE BOISE MERIDIAN, BINGHAM COUNTY, IDAHO AND RUNNING THENCE SOUTH 89°59'05" WEST 1039.58 FEET ALONG THE SECTION LINE TO THE TRUE POINT OF BEGINNING, AND RUNNING THENCE SOUTH 89°59'05" WEST 293.31 FEET ALONG SAID SECTION LINE; THENCE NORTH 00°28'39" EAST 671.14 FEET TO A FENCE LINE; THENCE NORTH 89°49'00" EAST 661.93 FEET ALONG A FENCE LINE; THENCE SOUTH 00°28'07" WEST 14.80 FEET; THENCE SOUTH 89°49'00" WEST 302.80 FEET; THENCE SOUTH 00°41'33" WEST 313.57 FEET; THENCE WEST 63.34 FEET TO A FENCE CORNER; THENCE SOUTH 00°41'33" WEST 343.86 FEET ALONG A FENCE LINE TO THE POINT OF BEGINNING.

TOGETHER WITH: One (1) Division/Building Right (s) as referenced in Instrument #702893 recorded December 7, 2018 in the County of Bingham, Idaho.

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.


Dallin L Carter


Laura M Carter

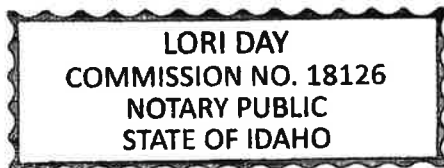
BUYER(S):

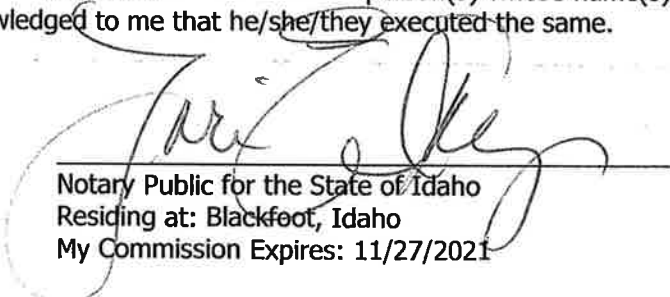

Randy Hickman


Tamera Hickman

STATE OF Idaho)
COUNTY OF Bingham)
ss.

On this **13th day of December, 2018**, before me, a Notary Public in and for said State, personally appeared **Dallin L Carter and Laura M Carter**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.




Notary Public for the State of Idaho
Residing at: Blackfoot, Idaho
My Commission Expires: 11/27/2021

Date: **11/26/2018**

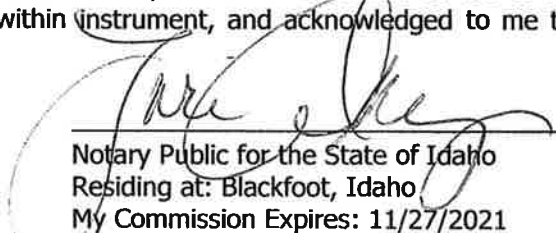
Warranty Deed
- continued

File No.: **707053-B (Id)**

STATE OF Idaho)
COUNTY OF Bingham)
SS.

On this **11th day of December, 2018**, before me, a Notary Public in and for said State, personally appeared **Randy Hickman and Tamera Hickman**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

LORI DAY
COMMISSION NO. 18126
NOTARY PUBLIC
STATE OF IDAHO


Notary Public for the State of Idaho
Residing at: Blackfoot, Idaho
My Commission Expires: 11/27/2021



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 6, 2019

RANDY HICKMAN
TAMERA HICKMAN
136 N 150 W
BLACKFOOT, ID 83221

RE: Transfer No. 83735
Water Right No(s). 35-8843

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 MORNING NEWS on 11/14/2019 and 11/21/2019. 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,

A handwritten signature in blue ink, appearing to read 'CH' followed by a stylized surname, likely Christina Henman.

Christina Henman
Administrative Assistant

November 6, 2019

MAY CONTAIN MORE THAN 1 PAGE

Legal Notice Department

Morning News
PO Box 70
Blackfoot ID 83221

RE: Transfer No. 83735,
Water Right No(s): 35-8843

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 12/2/2019. Your cooperation is appreciated.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure(s)

Christina Henman
Administrative Assistant
Department of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161
208-525-7177 – fax

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83735**

RANDY HICKMAN and TAMERA HICKMAN, 136 N 150 W, BLACKFOOT, ID 83221; has filed Application No. 83735 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-8843; 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. The point of diversion will be in NWSESE Sec 9 T4S R33E for 0.18 cfs from ground water. The place of use remains the same.

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 12/2/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 11/14/2019 and 11/21/2019