

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 05 2019

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)** South Interchange Properties, LLC; Natural Guardian, LLC Phone _____

2. MAILING ADDRESS 4609 W 65th St. City Idaho Falls

State _____ ID _____ Zip 83405 Email _____

- ☐ 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) 35-13537, 35-13975, 35-14484, 35-14485, 35-14486, 35-14266, 35-14267

- ☒ 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 0.332 cubic feet per second and/or _____ 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*.

[illegible]

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:

A new well will be drilled with a pump into pressurized pipe. A measuring device and lockable controlling works will be installed.

- b. Who owns the property at the point(s) of diversion? South Interchange Properties, LLC

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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

Luke H. Marchant Luke H. Marchant, Attorney July 31, 2019
Signature of applicant or authorized agent Print name and title if applicable Date

Signature of applicant or authorized agent Print name and title if applicable 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](#).

TRANSFER \$500, o/c \$50

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by SC Date 8/15/19
Fee paid 440 ~~\$550~~ Date 8/15/19 Received by SC Receipt # 1045222 ~~1045222~~ 1045223

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)

IDAHO Department of Water Resources



WATER RIGHT REPORT

7/31/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13537

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTH INTERCHANGE PROPERTIES LLC 4609 W 65TH ST IDAHO FALLS, ID 83405 2085230620

Priority Date: 07/15/2005

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>
COMMERCIAL	01/01	12/31	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

GROUND WATER | NWNE | Sec. 08 | Township 01N | Range 37E | BONNEVILLE County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL BONNEVILLE 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>
01N	37E	8		NWNE										

Conditions of Approval:

1. X01 Commercial use is for restrooms and drinking fountains in a distribution center.
2. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
3. 071 The commercial use authorized under this right shall not exceed 2,500 gallons per day.

Dates:

Licensed Date: 09/27/2012

Decreed Date:

Permit Proof Due Date: 8/1/2006

Permit Proof Made Date: 4/13/2006

Permit Approved Date: 8/29/2005

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: 07/15/2005

Protest Deadline Date: 08/22/2005

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

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

IDAHO Department of Water Resources



WATER RIGHT REPORT

7/31/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13975

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NATURAL GUARDIAN LLC PO BOX 50277 IDAHO FALLS, ID 83402 2085286635

Priority Date: 02/16/1972

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	29.2 AFA
Total Diversion			0.1 CFS	

Location of Point(s) of Diversion:

GROUND WATER | NWNE | Sec. 08 | Township 01N | Range 37E | BONNEVILLE County

IRRIGATION Use:

Acre Limit: 7.3

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE 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>
01N	37E	8		NENE	0.8		NWNE	5.1		SWNE	13.3		SENE	3.8
				NENW	0.8									

Total Acres: 23.8

Conditions of Approval:

1. X27 This right is limited to the irrigation of 7.3 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13975, 35-14484, 35-14485 and 35-14486 when combined shall not exceed the irrigation of 23.8 acres.
3. 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.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 214 Prior to the diversion and use of water under Transfer approval 81240, 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.
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. 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.
8. 004 This right does not grant any right-of-way or easement across the land of another.
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.
11. 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: 02/15/2002

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

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

IDAHO Department of Water Resources



WATER RIGHT REPORT

7/31/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14484

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NATURAL GUARDIAN LLC PO BOX 50277 IDAHO FALLS, ID 83405 2085286635

Priority Date: 02/16/1972

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	0.09 CFS	26 AFA
Total Diversion			0.09 CFS	

Location of Point(s) of Diversion:

GROUND WATER | NWNE | Sec. 08 | Township 01N | Range 37E | BONNEVILLE County

IRRIGATION Use:

Acre Limit: 6.5

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE 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>
01N	37E	8		NENE	0.8		NWNE	5.1		SWNE	13.3		SENE	3.8
				NENW	0.8									

Total Acres: 23.8

Conditions of Approval:

1. X27 This right is limited to the irrigation of 6.5 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13975, 35-14484, 35-14485 and 35-14486 when combined shall not exceed the irrigation of 23.8 acres.
3. 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.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 214 Prior to the diversion and use of water under Transfer approval 81240, 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.
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. 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.
8. 004 This right does not grant any right-of-way or easement across the land of another.
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.
11. 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: 02/15/2002

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

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

IDAHO Department of Water Resources



WATER RIGHT REPORT

7/31/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14485

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTH INTERCHANGE PROPERTIES LLC 3910 W YELLOWSTONE HWY IDAHO FALLS, ID 83402
Original Owner	ALICE HEYREND
Original Owner	PAUL HEYREND PO BOX 169 ARTOIS, CA 95913 5309343010

Priority Date: 11/29/1971

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	0.02 CFS	6.3 AFA
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNE|Sec. 08|Township 01N|Range 37E|BONNEVILLE County

IRRIGATION Use:

Acre Limit: 1.8

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE 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>

01N	37E	8	NENE 0.8	NWNE 5.1	SWNE 13.3	SENE 3.8
			NENW 0.8			

Total Acres: 23.8

Conditions of Approval:

1. X27 This right is limited to the irrigation of 1.8 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-14485 and 35-14486 when combined shall not exceed the irrigation of 2.0 acres.
3. X35 Rights 35-13975, 35-14484, 35-14485 and 35-14486 when combined shall not exceed the irrigation of 23.8 acres.
4. 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.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 81240, 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.
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. 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.
9. 004 This right does not grant any right-of-way or easement across the land of another.
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: 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

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

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

IDAHO Department of Water Resources



WATER RIGHT REPORT

7/31/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14486

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTH INTERCHANGE PROPERTIES LLC 3910 W YELLOWSTONE HWY IDAHO FALLS, ID 83402
Original Owner	BLAINE L LARSEN
Original Owner	CONNIE L LARSEN PO BOX 188 HAMER, ID 83425-0188 2086625501

Priority Date: 11/29/1971

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	0.002 CFS	0.7 AFA
Total Diversion			0.002 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNE|Sec. 08|Township 01N|Range 37E|BONNEVILLE County

IRRIGATION Use:

Acre Limit: 0.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE 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>

01N	37E	8	NENE 0.8	NWNE 5.1	SWNE 13.3	SENE 3.8
			NENW 0.8			

Total Acres: 23.8

Conditions of Approval:

1. X27 This right is limited to the irrigation of 0.2 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-14485 and 35-14486 when combined shall not exceed the irrigation of 2.0 acres.
3. X35 Rights 35-13975, 35-14484, 35-14485 and 35-14486 when combined shall not exceed the irrigation of 23.8 acres.
4. 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.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 81240, 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.
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. 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.
9. 004 This right does not grant any right-of-way or easement across the land of another.
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: 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

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

IDAHO Department of Water Resources



WATER RIGHT REPORT

7/31/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14266

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DIXIE BUNDY PO BOX 522 LANDER, WY 82520 3073355120
Original Owner	METROPOLITAN LIFE INSURANCE CO
Original Owner	JOHN HOUTMAN PO BOX 992 BLACKFOOT, ID 83221

Priority Date: 08/05/1969

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	0.02 CFS	8 AFA
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

GROUND WATER | NWNE | Sec. 08 | Township 01N | Range 37E | BONNEVILLE County

IRRIGATION Use:

Acre Limit: 2

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE 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>

01N	37E	8	NENE 0.8	NWNE 5.1	SWNE 13.3	SENE 3.8
			NENW 0.8			

Total Acres: 23.8

Conditions of Approval:

1. X27 This right is limited to the irrigation of 2 acres within the authorized place of use in a single irrigation season.
2. 206 This right is limited to the irrigation of a specific 2.0 acres within the 23.8 acre place of use authorized by this right in a single irrigation season. The specific 2.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2.0 acres to be irrigated within the 23.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. 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.
4. 214 Prior to the diversion and use of water under Transfer approval 82526, 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.
5. 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.
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. 004 This right does not grant any right-of-way or easement across the land of another.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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.
10. T19 Pursuant to Idaho Code § 42-1412(6), 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: 02/15/2002

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

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

IDAHO Department of Water Resources



WATER RIGHT REPORT

7/31/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14267

Owner Type Name and Address

Current Owner DIXIE BUNDY
PO BOX 522
LANDER, WY 82520
3073355120

Original Owner METROPOLITAN LIFE INSURANCE CO

Original Owner JOHN HOUTMAN
PO BOX 992
BLACKFOOT, ID 83221

Priority Date: 08/05/1969

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.06 CFS	24 AFA
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

GROUND WATER | NWNE | Sec. 08 | Township 01N | Range 37E | BONNEVILLE County

IRRIGATION Use:

Acre Limit: 6

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres

01N	37E	8	NENE	0.8	NWNE	5.1	SWNE	13.3	SENE	3.8
			NENW	0.8						

Total Acres: 23.8

Conditions of Approval:

1. X27 This right is limited to the irrigation of 6 acres within the authorized place of use in a single irrigation season.
2. 206 This right is limited to the irrigation of a specific 6.0 acres within the 23.8 acre place of use authorized by this right in a single irrigation season. The specific 6.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 6.0 acres to be irrigated within the 23.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. 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.
4. 214 Prior to the diversion and use of water under Transfer approval 82526, 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.
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7. 004 This right does not grant any right-of-way or easement across the land of another.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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.
10. T19 Pursuant to Idaho Code § 42-1412(6), 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: 02/15/2002

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

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

Instrument # 701843

BINGHAM COUNTY
10-31-2018 02:09:33 PM No. of Pages: 2
Recorded for : 1895 IDAHO WATER COMPANY
PAMELA W. ECKHARDT Fee: 13.00
Ex-Officio Recorder Deputy

SPECIAL WATER RIGHTS DEED

Dixie Bundy of BLACKFOOT ID

(Grantor) does hereby grant, bargain, sell, assign, and convey unto Idaho Water Company LLC and to Grantee's heirs and assigns forever, all of Grantors' right, title, and interest in Water Right No. 35-14266 and 35-14267, (the "Water Rights"). A total of 8 acres or 32 acre feet per annum of the attached water rights are included.

Grantor covenants and warrants to Grantee as follows:

- A. Grantor is the owner of the Water Rights;
- B. Grantor has not conveyed the Water Rights to anyone other than Grantee;
- C. The Water Rights are being conveyed free from all liens, claims or encumbrances; and
- D. Grantor has the authority to convey the Water Rights to Grantee.

Grantor makes no other covenants, representations or warranties as to the Water Rights.

No land is included in or conveyed by this grant.

IN WITNESS WHEREOF, the undersigned Grantor has caused its name to be hereunto subscribed this 29th day of OCTOBER, 2018

By: Dixie A. Bundy

[acknowledgement on next page]

STATE OF IDAHO)

County of Bingham) ss.

Special Water Rights Deed - 1

On this 20th day of October, before me, a Notary Public for said County and State, personally appeared, Dixie Bundy known or identified to me.

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



Stacey Martin
NOTARY PUBLIC FOR IDAHO

Residing at: Blackfoot, Id.

My commission expires: 7-14-2022

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Luke H. Marchant
Holden, Kidwell, Hahn, & Crapo, P.L.L.C.
PO Box 50130
Idaho Falls, ID 83405

Instrument # 1605443
Bonneville County, Idaho Falls, Idaho
04/05/2019 08:33:56 AM No. of Pages: 6
Recorded for: HOLDEN KIDWELL HAHN & CRAPO PLLC
Penny Manning Fee: \$15.00
Ex-Officio Recorder Deputy
Index to: DEED, WARRANTY

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Idaho Water Company, LLC, and Idaho Limited Liability Company, whose address is 1135 Valley Rd. South, Eden, ID 83325 (hereinafter collectively "Grantor") does hereby grant, bargain, sell, assign, and convey unto **South Interchange Properties, LLC**, an Idaho limited liability company, whose address is 4609 W 65th S, Idaho Falls, ID 83402 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in Water Right Nos. 35-14266 and 35-14267 described on Exhibit A attached hereto (hereinafter the "Water Rights").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Rights;
- (B) Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (C) The Water Rights are free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Rights to Grantee.

Grantor makes no other covenants or warranties as to the Water Rights.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

[SIGNATURES ON FOLLOWING PAGE]

DATED this 4th day of April, 2019.

"GRANTOR"
IDAHO WATER COMPANY, LLC


By: Delbert G. Kohtz
Its: Member

STATE OF IDAHO)
)ss.
County of Bonneville)

This record was acknowledged before me on the 4th day of April, 2019, by **DELBERT G KOHTZ** as a member of Idaho Water Company, LLC.




Notary Public for Idaho
My Commission Expires: 3/26/24

EXHIBIT A
WATER RIGHT DESCRIPTION

Page 2 of 5

WATER RIGHT NO. 35-14266

As Modified by Transfer No. 82526

In accordance with the approval of Transfer No. 82526, Water Right No. 35-14266 is now described as follows:

Right Holder: DIXIE BUNDY
PO BOX 522
LANDER, WY 82520

Priority Date: 8/5/1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.020 cfs	8.0 af
			0.020 cfs	8.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 8 Twp 01N Rge 37E BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	37E	8	0.8	5.1	13.3	3.8	0.8												23.8

Right Acre Limit: 2.0
POU Total Acres: 23.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 2.0 acres within the 23.8 acre place of use authorized by this right in a single irrigation season. The specific 2.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2.0 acres to be irrigated within the 23.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. 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.

Transfer No. 82526

WATER RIGHT NO. 35-14266

As Modified by Transfer No. 82526

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 82526, 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.
5. 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.
6. 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. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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.

Transfer No. 82526

WATER RIGHT NO. 35-14267

As Modified by Transfer No. 82526

In accordance with the approval of Transfer No. 82526, Water Right No. 35-14267 is now described as follows:

Right Holder: DIXIE BUNDY
PO BOX 522
LANDER, WY 82520

Priority Date: 8/5/1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.060 cfs	24.0 af
			0.060 cfs	24.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 8 Twp 01N Rge 37E BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	37E	8	0.5	5.1	13.3	3.8	0.8												23.8
Right Acre Limit:			6.0																
POU Total Acres:			23.8																

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 6 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 6.0 acres within the 23.8 acre place of use authorized by this right in a single irrigation season. The specific 6.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 6.0 acres to be irrigated within the 23.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. 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.

Transfer No. 82526

WATER RIGHT NO. 35-14267
As Modified by Transfer No. 82526

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 82526, 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.
5. 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.
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8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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.

Transfer No. 82526

SOUTH INTERCHANGE/NATURAL GUARDIAN TRANSFER



Legend

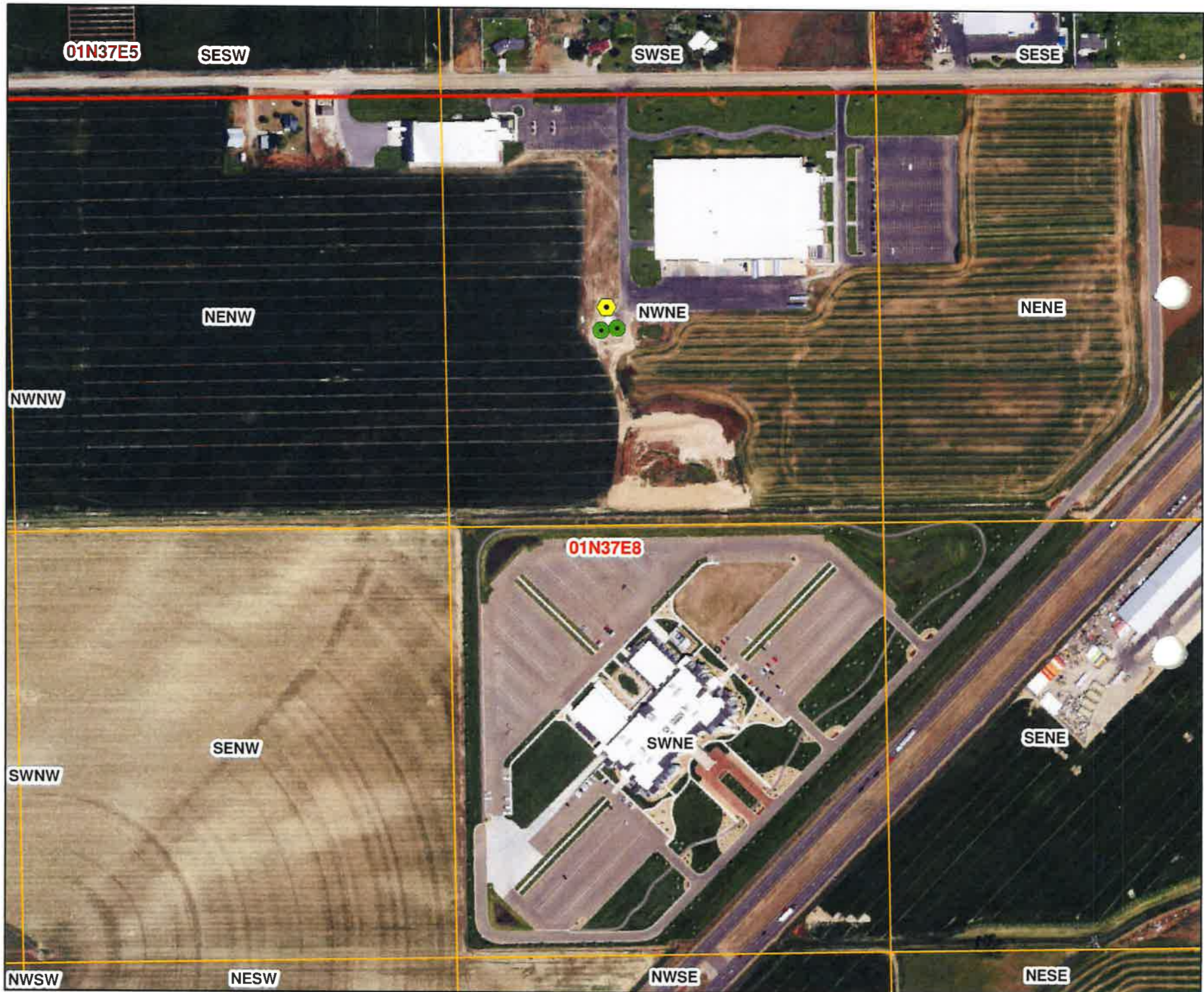
- Proposed POD (New Well)
- Current PODs
- Section Lines
- Quarter Quarters

83518

2017 NAIP Photo



Prepared by:
Luke H. Marchant
07/31/2019





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

RECEIVED
AUG 05 2019

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

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

Email: lmarchant@holdenlegal.com

July 31, 2019

Idaho Department of Water Resources
Eastern Region Office
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re: Application for Transfer and Application for Amendment of Permit.

To Whom It May Concern:

Enclosed for processing is an Application for Transfer and an Application for Amendment of Permit to add a point of diversion to several water rights and a permit owned by South Interchange Properties, LLC and Natural Guardian, LLC. The applicants currently have two (2) wells on the property and wish to drill a new well to be used as a backup well. These applications seek to change the water rights and the permit so that all three (3) wells are shown as authorized points of diversion on the water rights and the permit.

If you have any questions or if you need any additional information, do not hesitate to contact me.

Best regards,

Luke H. Marchant
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

g:\wpdata\rlh\4619-03 melaleuca\2019 transfer to add new well\2019.07.31 idwr.docx