

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 83247

RECEIVED

MAY 17 2019

Department of Water Resources
Eastern Region**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Wayne Properties LLC**Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.****Yes N/A** * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☒ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☒ ☐ #10 Other. Please describe: Consent of HOAs for Black Hawk and Iron Rim Subdivisions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Wayne Properties LLC Phone _____

Mailing address 9103 Alta Drive Unit 207, Las Vegas, NV 89145 Email _____

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

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

☐ No Representative

Name of Representative Robert L. Harris Phone (208) 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

May 14, 2019
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

☒ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- 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.2**.
 The purpose of this transfer is to change the point of diversion and place of use for a portion (5 acres) of Water Right No. 35-8021. The portion of Water Right No. 35-8021 that is being transferred will be limited to the irrigation of 5 acres within a 353.9 acre place of use.

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 ☐ ☒	35-8021	0.1cfs/20 ac-ft	Irrigation	04/01 to 11/01	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.1 cfs and/or 20 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.1 cubic feet per second and/or 20 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 #
			NE	SE	11	01N	38E	Bonneville	Ground water	
			NE	SE	11	01N	38E	Bonneville	Ground water	

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	
01N	38E	11													14.2		15.8	34.4	64.4
		12										29.5	34.3						63.8
		13						32.5	33.8	1.7	4.4	26.9	25.3	0.3					124.9
		14																0.3	0.3
		23	11.1			5.6													16.7
		24					1.4	32.8	34.6	5.3	1.3	8.4							83.8
Total Acres (for irrigation use)																			353.9

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 pressurized pipeline.

- b. Who owns the property at the point(s) of diversion? Lot owners of Black Hawk and Iron Rim Ranch Subdivisions.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
The HOAs of the Black Hawk Subdivision and Iron Rim Ranch Subdivision have an agreement with the Applicant to purchase portions of 35-8021 after such portions are moved to the subdivisions. See Att. 10 (Consent).

- 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:
It will no longer be irrigated.

- 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:
Water Right Nos. 25-14274, 25-7669, 25-14305, 25-14307, 25-14308, 25-14312, 25-14315, 25-14460, and 25-14461, & 25-14463 are all diverted from the proposed POD. Water Right Nos. 25-7669, 25-14305, 25-14307, 25-14308, 25-14312, 25-14315, 25-14460, 25-14461, and 25-14463 are also used at the proposed POU.

- 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. DESCRIPTION OF RIGHT(S) AS RECORDED

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- Right Number: 35-8021

- [illegible]

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

☒ 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 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.

☐ If you propose to change the nature of use or period of use of all or part of the right(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**.

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:

[illegible]

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Attachment No. 1
Documentation Identifying
Officers Authorized to Sign

HOME

About Agency
Secretary's Letter
Newsroom
Frequent Questions
Related Links
Contact Us
Office Location

[View Search Results](#)

[Allowing Characters](#)

SERVICES

Pay Taxes
File UCC's
Delaware Laws Online
Name Reservation
Entity Search
Status
Validate Certificate
Customer Service Survey

INFORMATION

Corporate Forms
Corporate Fees
UCC Forms and Fees
Taxes
Expedited Services
Service of Process
Registered Agents
Get Corporate Status
Submitting a Request
How to Form a New Business Entity
Certifications, Aposilles & Authentication of Documents

Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

[File Number](#)

5905081

[Incorporation Date](#)

3/23/2014

[Formation Date](#)

(mm/dd/yyyy)

[Entity Name](#)

WAYNE PROPERTIES LLC

[Entity Kind](#)

Limited
Liability
Company

[Entity Type](#)

General

[Residency](#)

Domestic

[State](#): DELAWARE

REGISTERED AGENT INFORMATION

Name:

THE FIRST STATE REGISTERED AGENT COMPANY

Address:

1925 LOVERING AVE

City:

WILMINGTON

County:

New Castle

State:

DE

Postal Code:

19806

Phone:

302-652-2900

Additional information is available for a fee. You can retrieve Status information for \$1.00 or more detailed information including current market value assessment, current filing history, and more for a fee of \$20.00.

Would you like ☐ Status ☐ Status, Tax & History Information

[Back to Entity Search](#)

For help on a particular field click on the Field Tag to take you to the help area.

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**Attachment No. 2a
Water Right Ownership
Documentation**

IDAHO Department of Water Resources



WATER RIGHT REPORT

5/14/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-8021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WAYNE PROPERTIES LLC 9103 ALTA DR UNIT 207 LAS VEGAS, NV 89145 (208)569-8194
Original Owner	ROBERT LEE SMITH 663 E 1275 N SHELLEY, ID 83274 2083573041

Priority Date: 02/19/1982

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	4/01	11/01	4.36 CFS	872 AFA
Total Diversion			4.36 CFS	

Location of Point(s) of Diversion:

GROUND WATER | SESESE | Sec. 05 | Township 01S | Range 36E | BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01S	36E	4	3	NENW	2		SWNW	10		SENW	24			
				NESW	5		NWSW	9		SWSW	31		SESW	1
		5		SENE	3									

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		N E	21		NWSE	2		SV	8		SESE	25
	8	NENE	8		NWNE	12		SWNE	1		SENE	19
		NESE	30		NWSE	1		SESE	2			
	9	NWSW	4									

Total Acres: 218

Conditions of Approval:

1. 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.
2. 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.
3. 214 Prior to the diversion and use of water under Transfer approval 82859, 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.
4. 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.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 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.
8. 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: 04/30/2002

Permit Proof Due Date: 5/1/1983

Permit Proof Made Date: 4/28/1983

Permit Approved Date: 4/15/1982

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: 02/19/1982

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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

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Attachment No. 4
Power of Attorney

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[Search again](#)

Results (as of 1/4/18)

Robert Lynn Harris

Status

Active

ISB Membership Number

7018

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

Email Address

rharris@holdenlegal.com

Website Address

www.holdenlegal.com

Need a correction?

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

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

Attachment No. 5
ESPA Analysis and Mitigation
Plan

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ATTACHMENT 5.5
Water Modeling – Calculated
Effects

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Match: 456

[illegible]

ATTACHMENT 5.6
Water Modeling – Mitigation
Analysis

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Enter Information for First Transfer Here

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
Transfer 1: Input Water Right Conditions Prior to Transfer							
35-8021	0.1		5.0	2/19/1982		20 6.7	75,146

Transfer 1: Input Water Right Conditions Following Transfer

35-8021	0.1	0	5	2/19/1982	0	20 6.7	79,162
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Impact by Reach (AF/Trimester)

Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blackfoot	Nr Blackfoot to Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
0.22	0.74	1.64	3.83	0.02	0.07	0.08	0.04	0.02	0.02	0.00
0.18	2.55	1.52	2.29	0.01	0.04	0.05	0.02	0.01	0.01	0.00
0.22	0.74	1.64	3.83	0.02	0.07	0.08	0.04	0.02	0.02	0.00
0.21	2.58	1.61	3.31	0.02	0.07	0.08	0.03	0.02	0.02	0.00

Steady State Analysis

Mitigation Check 1 - >10% of Historical:	-19.8%	244.6%	-7.4%	-40.2%	-40.0%	-39.9%	-39.9%	-39.9%	-39.9%	-39.9%	-39.9%
Mitigation Check 2: > 2 AF/T:	0.0	1.8	-0.1	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total:	2.7%	38.1%	22.7%	34.2%	0.2%	0.6%	0.7%	0.3%	0.2%	0.2%	0.0%
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	1.8	-0.1	-1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0

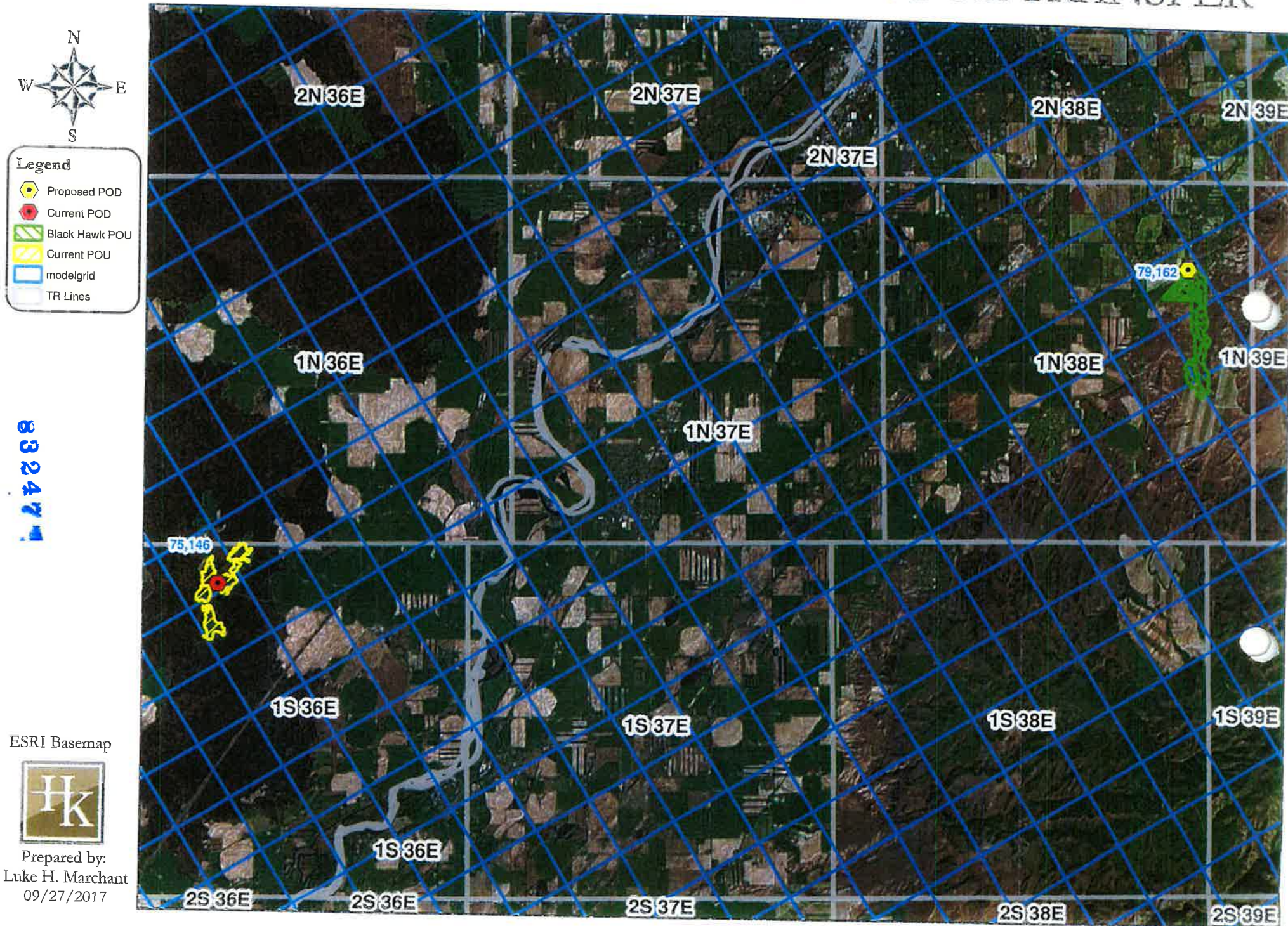
Transient State Analysis

Mitigation Check 1 - >10% of Historical:	-7.0%	248.0%	-1.6%	-13.4%	-4.1%	-4.0%	-4.0%	-4.0%	-4.0%	-4.1%	-4.2%
Mitigation Check 2: > 2.01 AF/T:	0.0	1.8	0.0	-0.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	1.8	0.0	-0.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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Attachment No. 7a
GIS Maps

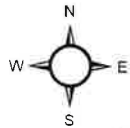
WATER RIGHT NO. 35-8021 APPLICATION FOR TRANSFER



Attachment No. 7b
GIS Shapefile

**(Will be sent via email upon
request from IDWR)**

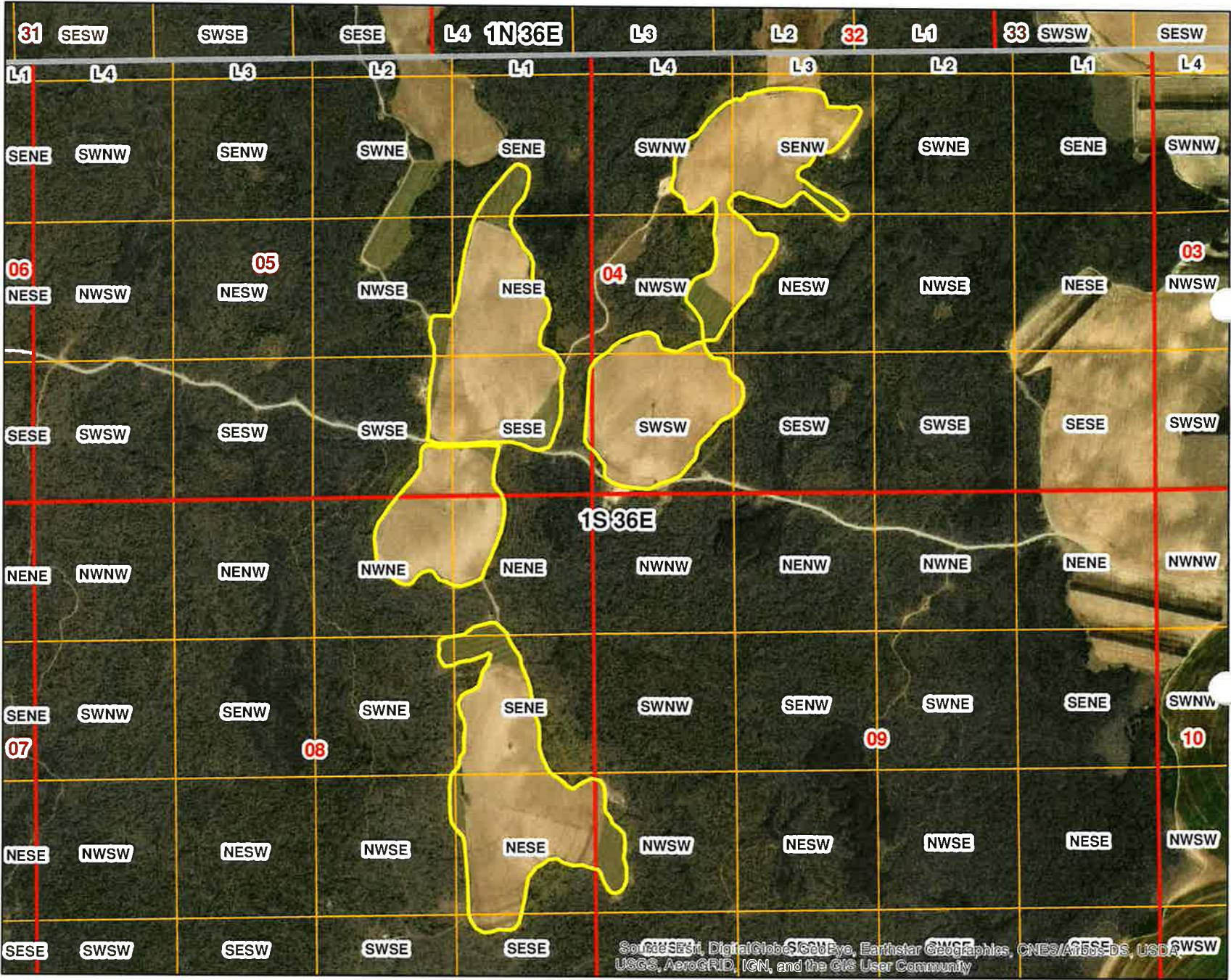
WAYNE HOLDINGS LLC WATER RIGHT



Legend

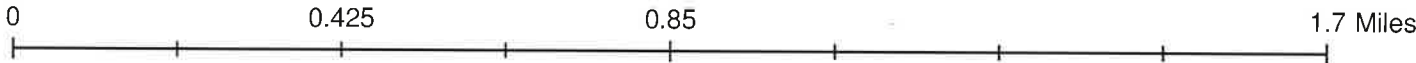
- 35-8021 213 acres
- TR Lines_2014
- Section Lines_2014
- Quarter Quarters_2014

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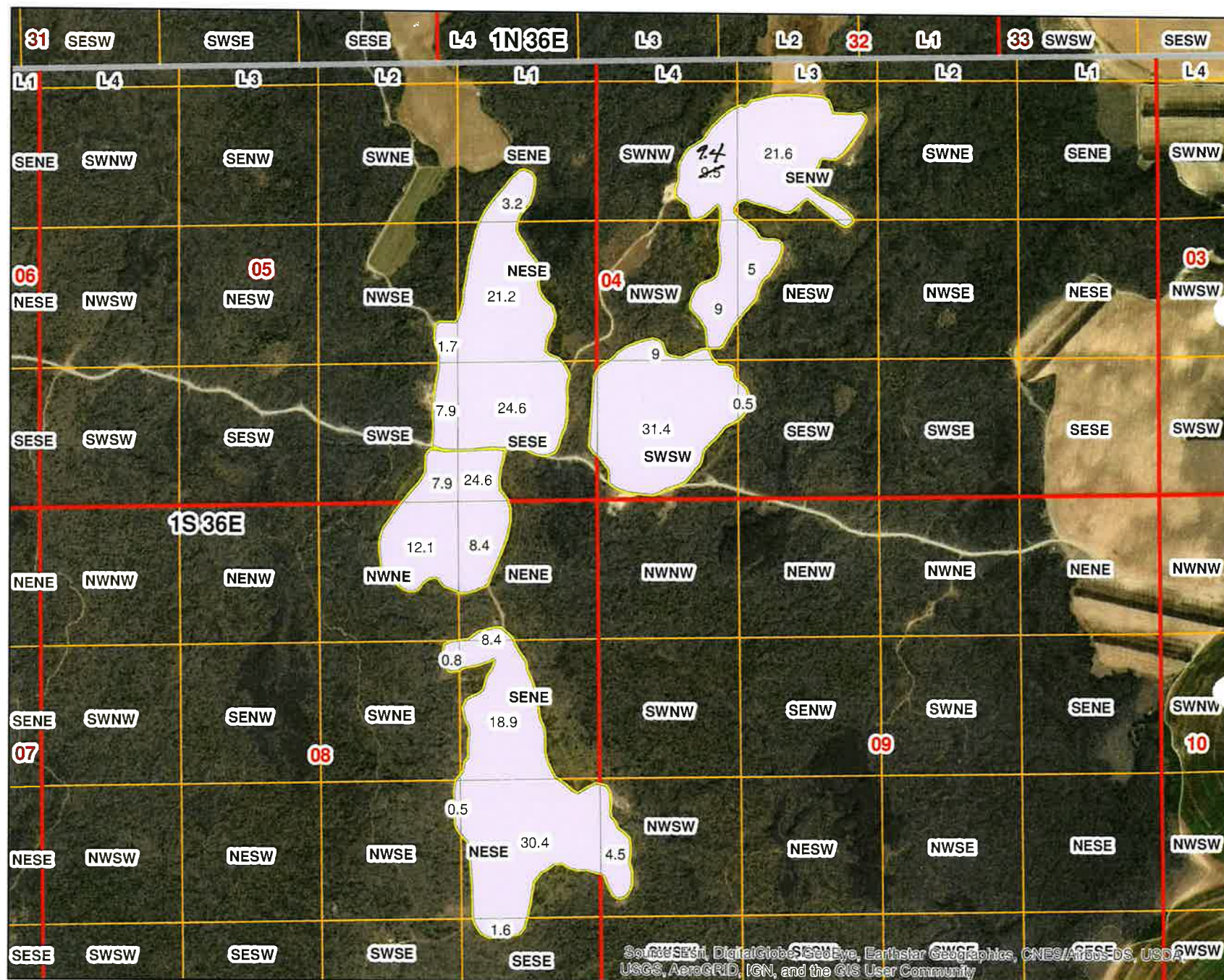
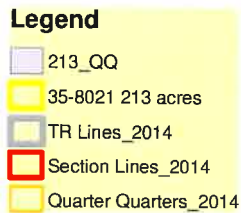


Source: ESRI, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

ESRI Basemap



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Source: ESRI, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

ESRI Basemap

A horizontal number line representing distance in miles. The line starts at 0 and ends at 1.7 Miles. There are tick marks at 0, 0.425, 0.85, and 1.7. The segment between 0 and 0.425 is shaded light blue.

Attachment No. 10
Other

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January 11, 2018

To: The Idaho Department of Water Resources

From: Black Hawk Homeowner's Association, Inc. and Iron Rim Ranch Home Owners Association, Inc.

Subject: Transfers of Portions of Water Right No. 35-8021—owned by Wayne Properties LLC—to Black Hawk Subdivision and Iron Rim Ranch Subdivision

This letter will serve to convey our consent to transfer applications filed by Wayne Properties LLC of portions of Water Right No. 35-8021 in the aggregate amount of 28 acres to the Black Hawk Subdivision and Iron Rim Ranch Subdivision.

The Black Hawk Homeowner's Association, Inc. and Iron Rim Ranch Home Owners Association, Inc. have an agreement with Wayne Properties LLC for the movement and purchase of water rights transferred to the subdivisions.

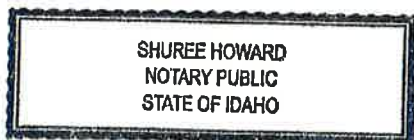
**BLACK HAWK HOMEOWNER'S
ASSOCIATION, INC.**

By: Colvin Jergins
Colvin Jergins, President

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 11th day of January, 2018, before me, a Notary Public for said County and State, personally appeared COLVIN JERGINS, known or identified to me, to be the president of the BLACK HAWK HOMEOWNER'S ASSOCIATION, INC., an Idaho limited liability company, and the president who subscribed said corporation's name to the foregoing instrument, and acknowledged to me that he executed the same in said corporation's name.

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



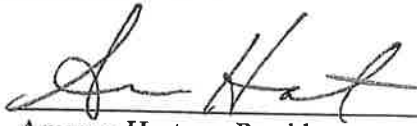
Shuree Howard
NOTARY PUBLIC FOR IDAHO
Residing at: Bonneville County
My commission expires: _____

My Commission Expires:
September 25, 2023

83247

IRON RIM RANCH HOMEOWNER'S
ASSOCIATION, INC.

By:


Ammon Hartner, President

STATE OF IDAHO)

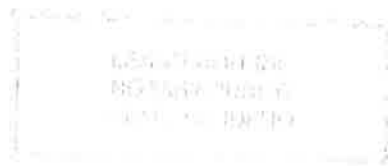
) ss.

County of Bonneville)

On this 25th day of January, 2018, before me, a Notary Public for said County and State, personally appeared AMMON HARTNER, known or identified to me, to be the president of the ~~BLACK HAWK~~ HOMEOWNER'S ASSOCIATION, INC., an Idaho limited liability company, and the president who subscribed said corporation's name to the foregoing instrument, and acknowledged to me that he executed the same in said corporation's name.

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


NOTARY PUBLIC FOR IDAHO
Residing at: Ammon
My commission expires: 12/18/18



Iron Rim



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

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

May 14, 2019

RECEIVED
MAY 17 2019

Department of Water Resources
Eastern Region

Blake Jordan
Idaho Department of Water Resources
Eastern Idaho Regional Office
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

**Re: Application for Transfer of Portion of Water Right No. 35-8021 to be
Moved to the Black Hawk and Iron Rim Subdivisions.**

Dear Blake:

Enclosed for processing is a completed *Application for Transfer of Water Right* submitted on behalf of Wayne Properties, LLC. The transfer proposes to move 5 acres of 35-8021 to be used within a permissible place of use consisting of the Black Hawk and Iron Rim Subdivisions. This is similar to prior transfers that have been processed without protest consistent with an existing agreement between the applicant, IGWA, and the Surface Water Coalition. We have also included the required \$200.00 filing fee.

We previously filed and received approval under Transfer No. 82859 to rectify the 35-8021 shapefile with 2017 aerial imagery. The result of that place of use transfer was an accurate 218-acre shapefile for 35-8021. This transfer will reduce the 218-acre shapefile down to 213 acres, and we will email the 213-acre shapefile upon request.

Finally, I am directing this transfer to your attention because you are familiar with these subdivisions. We recognize that you may assign this to be processed by another agent within the Department. If he or she has any questions regarding the transfer, please tell them to give me a call at 208-523-0620. We appreciate your attention to this matter.

Best regards,

Robert L. Harris

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

Enclosures

g:\wpdata\rlh\19881-000 blackhawk - wr transfers\transfer applications\application for transfer #5\2019-05-14, jordan.docx