

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82594

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

JUL 31 2018

Department of Water Resources
Eastern Region

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

Name of Applicant(s) Deloy Ward and Viola Ward

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

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

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

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☒ ☐ #10 Other. Please describe: Filing fee calculation spreadsheet (shift of 16 acres equates to 0.32 cfs for a filing fee of \$250); Aerial maps showing that property has been irrigated as proposed in this transfer since at least 2003.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Deloy Ward and Viola Ward Phone (208) 356-5190
Mailing address 1305 S. 200 E., Rexburg, ID 83440 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 HKHC, P.O. Box 50130, Idaho Falls, Idaho 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

July 30, 2018
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Rearrange current POU
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☒ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
The transfer proposes to rearrange the place of use of Water Right Nos. 35-7237 and 35-8580 to match the shapefile for these water rights to actual irrigation that has occurred on the property since 2003, as shown on the enclosed aerial photos.

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 ☒ ☐	35-7237	2.06 cfs	IRRIGATION	04/01 to 11/01	GROUND WATER
☒ ☐	35-8580	2.72 cfs	IRRIGATION	04/01 to 10/31	GROUND WATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.78 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 4.78 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
NO		NW	SW	SW	11	01S	32E	BINGHAM	GROUND WATER	A0006382

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	32E	10													34	34	34	34	136
01S	32E	11									36	35	34	35		40	16		196
Total Acres (for irrigation use)																			332

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 center pivots and handlines. Well has measuring device.

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

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The authorized place of use of the water rights will be rearranged to match irrigation on the property since at least 2003 (based on a review of aerial imagery).

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None

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

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/6/2018

Water Right 35-8580

Owner Type **Name and Address**
Current Owner DE LOY Z WARD
1305 S 200 E
REXBURG, ID 83440
(208) 356-5190

Current Owner VIOLA J WARD
1305 S 2ND E
REXBURG, ID 83440
(208) 356-5190

Priority Date: 5/30/1985

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	2.720 CFS	
	Total Diversion		2.720 CFS	

Source and Point(s) of Diversion

GROUND WATER NWSWSW Sec. 11, Twp 01S, Rge 32E, BINGHAM County

Place Of Use

IRRIGATION within BINGHAM County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	32E	10													34.0	34.0	34.0	34.0	136.0
01S	32E	11									40.0	37.0	39.0	40.0		40.0			196.0

Right Acre Limit: 136.0

POU Total Acres: 332.0

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-07237 LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.78 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1328 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 35-07237 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 332 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 136 ACRES WITHIN THE PLACE

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/6/2018

4. OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 35-07237 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

Comments:

1. THOMPSON 7/8/1993 CHANGE IN OWNERSHIP
CHANGE IN OWNERSHIP FROM JAMES R BAUER. 7/8/93/JT
2. DCARLSON 11/10/1993 COPIED FROM REMARKS
WELL WAS DRILLED IN 1972 AND HAS BEEN CONSTANTLY USED SINCE. APPLICATION
WAS FILED 5-30-1985.
3. JTHOMPSO 2/21/1996 ADDRESS CHANGE
CHANGED ADDRESS 2/21/96/JT
4. AJU10-DS 7/16/1998 AJU10 CONDITION UPDATE
CONDITION CODE(S) C12 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
5. JHOAGLAN 8/12/1998 ADDRESS CHANGE
CHANGED ADDRESS PER REQUEST
6. kpickett 11/30/2005 POD
Correlated PODID 245768 from SpatialDataID 366771 to SpatialDataID 225186

Dates and Other Information

Decreed Date: 3/4/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 120
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.780	1,328.0	332.0
35-8580 ,35-7237		

Verification Log

SubCase:

SubCaseNumber: 35-8580
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 11/20/1998

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/6/2018

Water Right 35-7237

Owner Type **Name and Address**
Current Owner DE LOY Z WARD
 1305 S 200 E
 REXBURG, ID 83440
 (208) 356-5190

Current Owner VIOLA J WARD
 1305 S 2ND E
 REXBURG, ID 83440
 (208) 356-5190

Priority Date: 7/4/1972

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	2.060 CFS	
	<u>Total Diversion</u>		2.060 CFS	

Source and Point(s) of Diversion

GROUND WATER NWSWSW Sec. 11, Twp 01S, Rge 32E, BINGHAM County

Place Of Use

IRRIGATION within BINGHAM County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	32E	10													34.0	34.0	34.0	34.0	136.0
01S	32E	11									40.0	37.0	39.0	40.0		40.0			196.0

Right Acre Limit: 196.0

POU Total Acres: 332.0

Conditions of Approval:

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2. USE OF THIS RIGHT WITH RIGHT NO. 35-08580 LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.78 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1328 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 35-08580 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 332 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 196 ACRES WITHIN THE PLACE

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/6/2018

4. OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 35-08580 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

Comments:

1. THOMPSON 7/8/1993 CHANGE IN OWNERSHIP
CHANGE IN OWNERSHIP FROM JAMES BAUER 7-8-93/JT
2. MCCARTHY 2/4/1994 MODIFIED RECORD
35-08580, AS OF THIS DATE, HAS NOT BEEN LICENSED. THIS RECORD HAS BEEN
CHANGED TO EXCLUDE REFERENCE TO 35-08580.
3. JTHOMPSO 2/21/1996 ADDRESS CHANGE
CHANGED ADDRESS 2/21/96/JT
4. AJU10-DS 7/16/1998 AJU10 CONDITION UPDATE
CONDITION CODE(S) C12 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
5. JHOAGLAN 8/12/1998 ADDRESS CHANGE
CHANGED ADDRESS PER REQUEST
6. kpickett 11/30/2005 POD
Correlated PODID 240371 from SpatialDataID 366771 to SpatialDataID 225186

Dates and Other Information

Decreed Date: 3/4/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 120
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.780	1,328.0	332.0
35-8580 ,35-7237		

Verification Log

SubCase:

SubCaseNumber: 35-7237
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/6/2018

Water Right 35-8580

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 1305 S 200 E
 REXBURG, ID 83440
 (208) 356-5190

Current Owner VIOLA J WARD
 1305 S 2ND E
 REXBURG, ID 83440
 (208) 356-5190

Priority Date: 5/30/1985

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	2.720 CFS	
	<u>Total Diversion</u>		2.720 CFS	

Source and Point(s) of Diversion

GROUND WATER NWSWSW Sec. 11, Twp 01S, Rge 32E, BINGHAM County

Place Of Use

IRRIGATION within BINGHAM County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	32E	10													34.0	34.0	34.0	34.0	136.0
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8/6/2018

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RIGHT NO. 35-07237 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

Comments:

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Dates and Other Information

Decreed Date: 3/4/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 120
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.780	1,328.0	332.0
35-8580 ,35-7237		

Verification Log

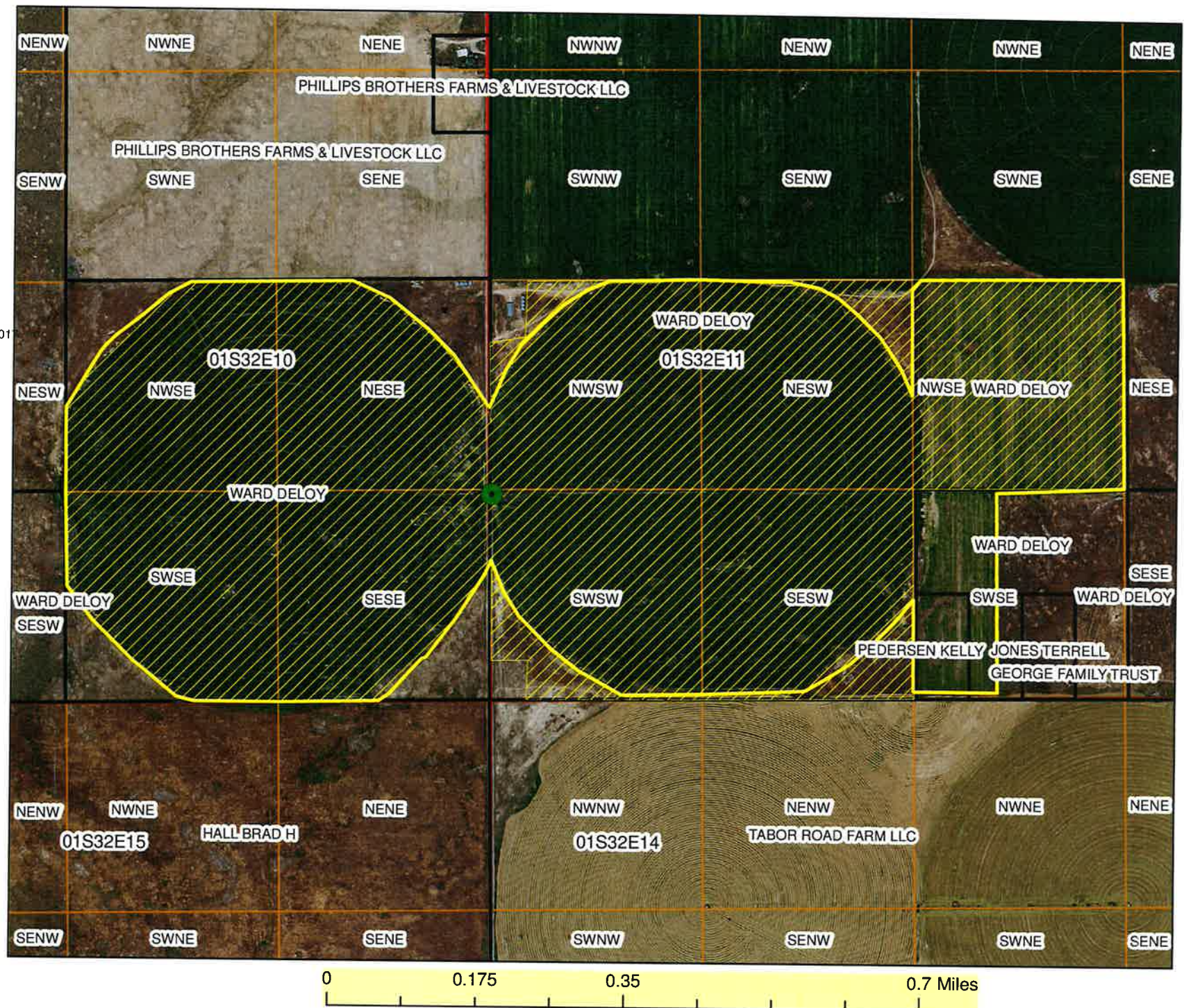
SubCase:

SubCaseNumber: 35-8580
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 11/20/1998

82594

- 4W_Well
- New_POU
- Old_POU
- Bingham_Parcel_0913201
- Section_Lines
- Quarter-quarters

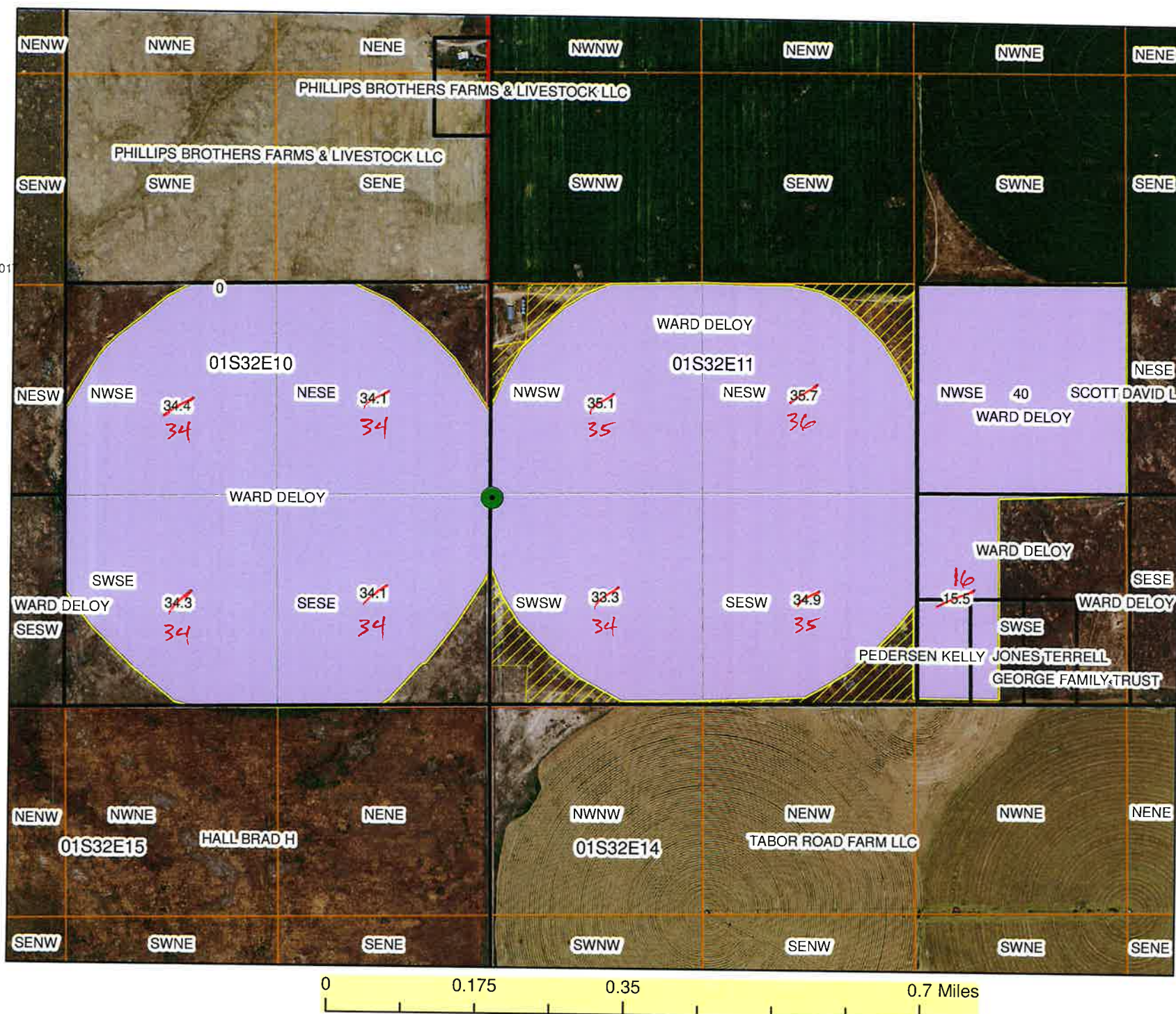
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Prepared by:
Robert L. Harris
2017 Photo

 4W_Well
 Bingham_Parcels_0913201
 New_POU_QQ
 New_POU
 Old_POU
 Section_Lines
 Quarter-quarters

4568



Prepared by:
Robert L. Harris
2017 Photo

PLACE OF USE DESCRIPTION <u>AFTER</u> PROPOSED CHANGES	
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PLACE OF USE DESCRIPTION <u>BEFORE</u> PROPOSED CHANGES	
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100	100

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	32E	10													34	34	34	34	136
01S	32E	11										40	37	39	40		40		196
															TOTAL				332

CHANGE IN ACRES

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	32E	10																	
01S	32E	11										-4	-2	-5	-5		16		
																TOTAL		0	
																Total positive change in acres		16	
																Total negative change in acres		-16	

Used for calculating
filing fee

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5
6
4

Untitled Map

Write a description for your map.

Legend



2003 Google Earth Image

82594

Untitled Map

Write a description for your map.

Legend



Google Earth

Image USDA Farm Service Agency

N 2000 W

N

2000 ft

2004 GOOGLE EARTH IMAGE

82594

Untitled Map

Write a description for your map.

Legend

82094

Google Earth

Image USDA Farm Service Agency

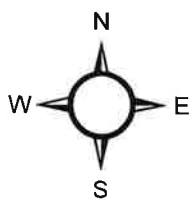
N 2000 ft



2000 ft

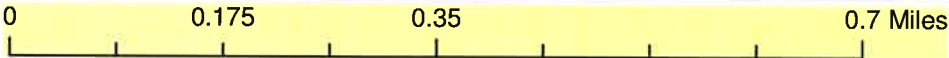
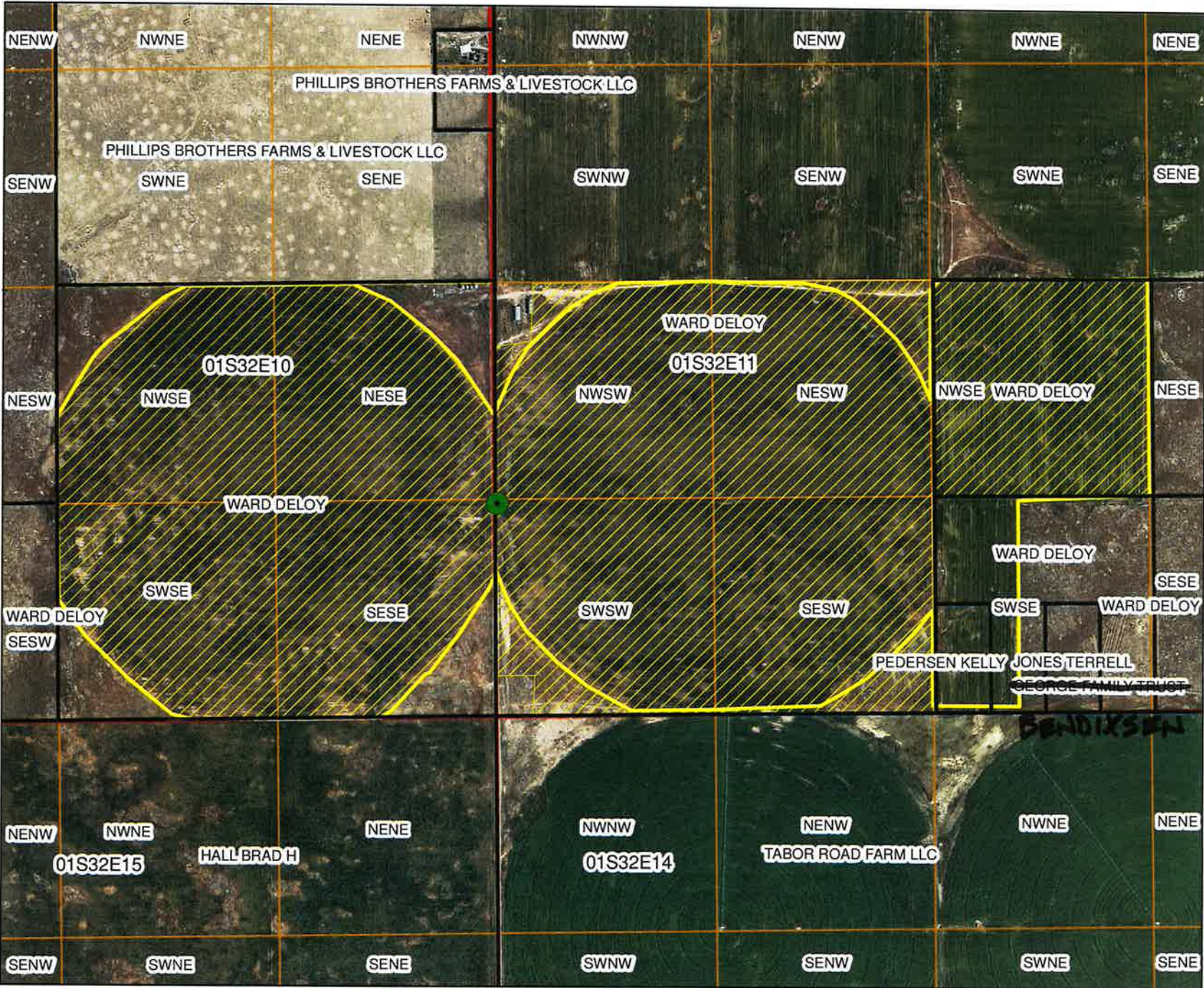
2006 Google Earth Image

4W FARMS



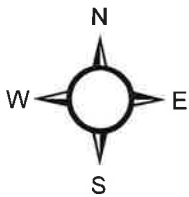
- Legend**
- 4W_Well
 - Bingham_Parcels_0913201
 - New_POU
 - Old_POU
 - Section_Lines
 - Quarter-quarters

82594



Prepared by:
Robert L. Harris
2009 Photo

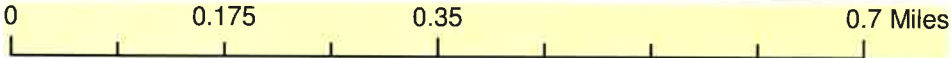
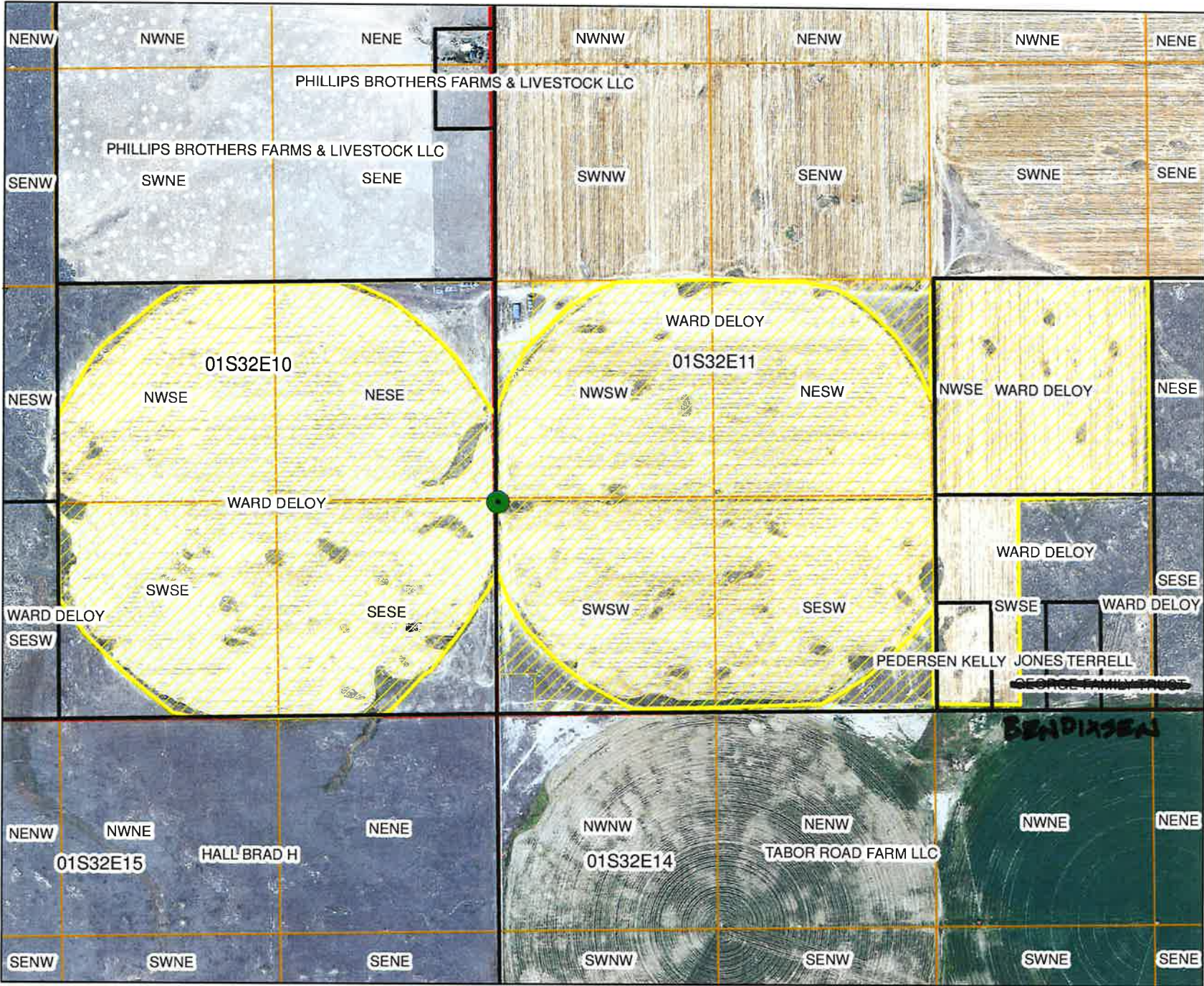
4W FARMS



- Legend**
- 4W_Well
 - Bingham_Parcels_0913201
 - New_POU
 - Old_POU
 - Section_Lines
 - Quarter-quarters

82594

Prepared by:
Robert L. Harris
2013 Photo



[Search again](#)

Results (as of 7/20/18)

Robert Lynn Harris

Status

Active

Admittance Date

09/30/2004

Firm

Holden, Kidwell, Hahn & Crapo, PLLC

Mailing Address

PO Box 50130

Idaho Falls, ID 83405

Phone

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Phone Ext**Fax**

(208) 523-9518

Bar Email Address

rharris@holdenlegal.com

Website Address

www.holdenlegal.com

Court eService Email

rharris@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.



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

Email: rharris@holdenlegal.com

July 31, 2018

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

RECEIVED
JUL 31 2018

Department of Water Resources
Eastern Region

**Re: Application for Water Right Transfer for Water Right Nos. 35-7237 and 35-8580
in the Name of DeLoy and Viola Ward.**

Dear Amanda:

Enclosed for processing is an *Application for Transfer* to amend the above described water rights in response to a letter dated November 21, 2017 describing unauthorized water use (#E2017-1254). I previously emailed you a map proposing to rearrange the shape file for these water rights to cover the 15 acres at issue, but did not receive firm confirmation that this would be an acceptable solution. Based upon my review of aerial photography, it is very clear that the property has been irrigated in this manner since at least 2003. The water rights subject to the transfer were decreed in 2002, so there is no forfeiture issue that is present as the transfer is being filed to make the shape consistent with how the property is irrigated. We have enclosed a check in the amount of \$250 as the filing fee, as our analysis indicates that there is only shifting of 16 acres. At a rate of .02 cfs per acre, \$250 is the appropriate filing fee.

Please note that part of the shape file will cover property owned by Kelly Pedersen and Lee and Virginia Bendixsen. We are in the process of obtaining the consents from these individuals to allow the shape file to be on their properties. We will provide them to you as soon as we receive the consents.

If you have any questions or concerns, please let me know.

Best regards,

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

Enclosures

g:\wpdata\rlh\ward delay\2018.07.31 ltr to amanda fowler.docx

RECEIVED

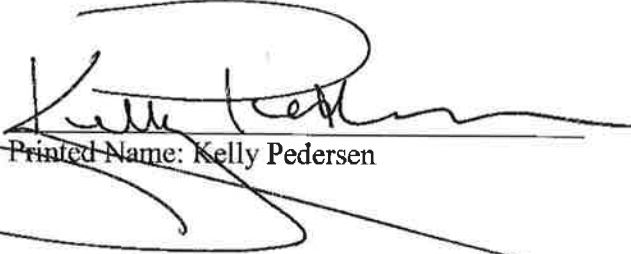
NOV 20 2018

Department of Water Resources
Eastern Region

August 22, 2018

To: Idaho Department of Water Resources
From: Kelly Pedersen
Subject: Transfer Application Filed By Deloy and Viola Ward (Water Right Nos. 35-7237 and 35-8580).

I am the owner of property in Bingham County, Idaho, located within the SW1/4SE1/4 of Section 11, Township 1N., Range 32E., Boise Meridian. The property is 5 acres in size and has been numbered as Bingham County tax parcel number RP0073600. The property is depicted on the map below. I understand that Deloy and Virginia Ward would like to have a portion of their water rights cover most of my property as depicted on the map below. I have no objection to the Wards' application for water rights transfer to include my property within the authorized place of use of their water rights. I understand that the water rights will remain in their name, and that they are not transferring title to the water rights to me. I also understand that I am not obligated to allow the Wards to irrigate my property merely because the water rights are authorized to be exercised on my property.


Printed Name: Kelly Pedersen

State of IDAHO)
State of Nevada)
County of Clark)

This record was acknowledged before me on this 22 day of August, 2018, by **Kelly Pedersen**.




Signature of Notary Public
My commission expires 5 April 2020

82594

RECEIVED

APR 09 2019

Department of Water Resources
Eastern Region

4/4/2019, 2019

To: Idaho Department of Water Resources

From: Lee and Virginia Bendixsen

Subject: Transfer Application Filed By Deloy and Viola Ward (Water Right Nos. 35-7237 and 35-8580).

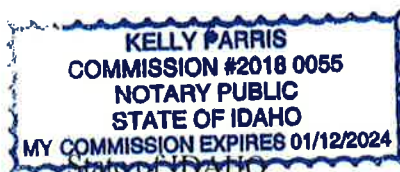
We are the owners of property in Bingham County, Idaho, located within the SW1/4SE1/4 of Section 11, Township 1N., Range 32E., Boise Meridian. The property is 5 acres in size and has been numbered as Bingham County tax parcel number RP0073600. The property is depicted on the map below. We understand that Deloy and Virginia Ward would like to have a portion of their water rights cover a portion of our property as depicted on the map below. We have no objection to the Wards' application for water rights transfer to include this portion of our property within the authorized place of use of their water rights. We understand that the water rights will remain in their name, and that they are not transferring title to the water rights to us. We also understand that we are not obligated to allow the Wards to irrigate our property merely because the water rights are authorized to be exercised on our property.

Lee Bendixsen
Printed Name: Lee Bendixsen

Virginia Bendixsen
Printed Name: Virginia Bendixsen

State of IDAHO)
County of Bingham)

This record was acknowledged before me on this 4th day of April, 2019, by Lee Bendixsen.



State of IDAHO)
County of Bingham)

K. Parris
Signature of Notary Public
My commission expires 01-12-2024

This record was acknowledged before me on this 4th day of April, 2019, by Virginia Bendixsen.

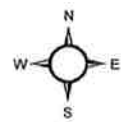


K. Parris
Signature of Notary Public
My commission expires 01-12-2024

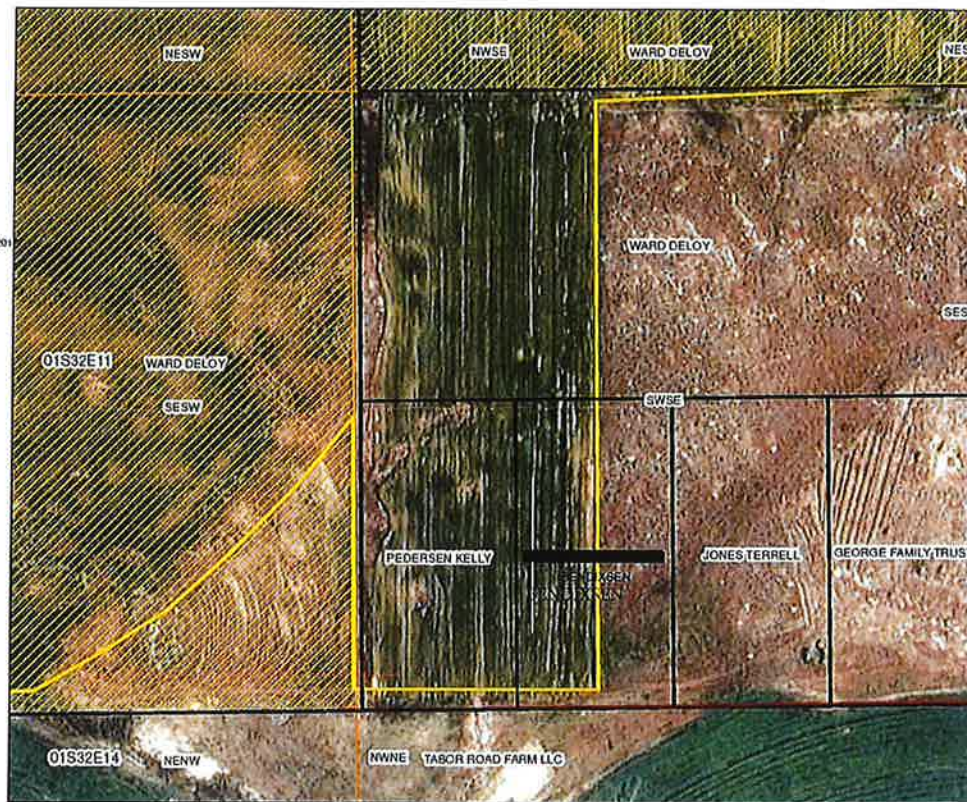
82594

APR 09 2019

4W FARMS

 WILEY

- ☐ Boroughs_Parcels_09132011
☐ New_FOU
☐ Old_FOU
☐ Section_Lines
☐ Quarter_quarters



Prepared by:
Robert L. Harris
2009 Photo



82594