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AUG 12 2016

Department of Water Resources  
Eastern RegionSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 80829

## MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

AMENDED

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](http://www.idwr.idaho.gov).

Name of Applicant(s) DeLoy Ward and Viola WardCheck 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](http://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: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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Department of Water Resources  
Eastern Region

AMENDED

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) DeLoy & Viola Ward, Neal and Shelly Ward Phone (208) 356-5190  
Mailing address 1305 S. 200 E., Rexburg, Idaho 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, HKHC Phone (208) 523-0620  
Mailing address P.O. 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

August 12, 2016  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
Date

### A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

2. 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**.

This transfer is in response to a potential unauthorized water use letter and to also generally clean up the shapefiles for the water rights listed in the transfer and to cover a small mini pivot recently installed by the applicant.

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.**

| I.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use  | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|----------------|--------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> |              |                       |               |                |                    |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-2314      | 6.65/1640             | IRRIGATION    | 04/01 to 10/31 | GROUND WATER       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-2441      | 3.94/788              | IRRIGATION    | 04/01 to 10/31 | GROUND WATER       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-13601     | 0.4/92                | IRRIGATION    | 04/01 to 10/31 | GROUND WATER       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-13639     | 0.68/136              | IRRIGATION    | 04/01 to 10/31 | GROUND WATER       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-13968     | 0.29/57.3             | IRRIGATION    | 04/01 to 11/01 | GROUND WATER       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-13965     | 0.59/127.8            | IRRIGATION    | 04/01 to 10/31 | GROUND WATER       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-13962     | 0.67/284.4            | IRRIGATION    | 04/01 to 10/31 | GROUND WATER       |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |

Total authorized under rights 12.05 (cmbd) cfs and/or 2976 (cmbd) acre-feet.

2. Total amount of water proposed to be transferred or changed 12.05 cubic feet per second and/or 2976 acre-feet per year.

3. Point(s) of Diversion:

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

| New ? | Lot | ¼ | ¼ | ¼ | Sec | Twp | Rge | County | Source | Local name or tag # |
|-------|-----|---|---|---|-----|-----|-----|--------|--------|---------------------|
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |

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

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

| Twp                              | Rge | Sec | NE ¼ |     |     |    | NW ¼ |     |     |     | SW ¼ |    |    |    | SE ¼ |    |    |    | Acre Totals |
|----------------------------------|-----|-----|------|-----|-----|----|------|-----|-----|-----|------|----|----|----|------|----|----|----|-------------|
|                                  |     |     | NE   | NW  | SW  | SE | NE   | NW  | SW  | SE  | NE   | NW | SW | SE | NE   | NW | SW | SE |             |
|                                  |     |     | SEE  | ATT | ACH | ED |      | SPR | EAD | SHE | ETS  |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |    |      |     |     |     |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |    |      |     |     |     |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |    |      |     |     |     |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |    |      |     |     |     |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |    |      |     |     |     |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |     |     |    |      |     |     |     |      |    |    |    |      |    |    |    | 744         |

**PLACE OF USE DESCRIPTION AFTER PROPOSED CHANGES**

| TWP   | RGE | SEC | NE 1/4 |     |      |      | NW 1/4 |      |      |      | SW 1/4 |      |      |      | SE 1/4 |      |    |     | TOTALS |
|-------|-----|-----|--------|-----|------|------|--------|------|------|------|--------|------|------|------|--------|------|----|-----|--------|
|       |     |     | NE     | NW  | SW   | SE   | NE     | NW   | SW   | SE   | NE     | NW   | SW   | SE   | NE     | NW   | SW | SE  |        |
| 01S   | 34E | 26  |        |     | 36.7 | 23.3 |        | 33.8 | 39.3 | 36.2 | 34.7   | 39.2 | 38.2 | 30.3 | 24.8   | 37.5 |    |     | 374    |
| 01S   | 34E | 34  | 28.9   | 2.2 | 7.7  | 18   |        |      |      |      |        |      |      |      | 19.4   |      |    | 5.6 | 81.8   |
| 01S   | 34E | 35  |        | 6.8 | 17.4 |      | 34.3   | 38.6 | 38.7 | 38.6 | 33.1   | 40   | 27.7 | 12.9 |        | 0.1  |    |     | 288.2  |
|       |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     |        |
|       |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     |        |
|       |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     |        |
|       |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     |        |
|       |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     |        |
| TOTAL |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     | 744    |

80829

### PLACE OF USE DESCRIPTION AFTER PROPOSED CHANGES

| TWP   | RGE | SEC | NE 1/4 |     |      |      | NW 1/4 |      |      |      | SW 1/4 |      |      |      | SE 1/4 |      |    |     | TOTALS |
|-------|-----|-----|--------|-----|------|------|--------|------|------|------|--------|------|------|------|--------|------|----|-----|--------|
|       |     |     | NE     | NW  | SW   | SE   | NE     | NW   | SW   | SE   | NE     | NW   | SW   | SE   | NE     | NW   | SW | SE  |        |
| 01S   | 34E | 26  |        |     | 36.7 | 23.3 |        | 33.8 | 39.3 | 36.2 | 34.7   | 39.2 | 38.2 | 30.3 | 24.8   | 37.5 |    |     | 374    |
| 01S   | 34E | 34  | 28.9   | 2.2 | 7.7  | 18   |        |      |      |      |        |      |      |      | 19.4   |      |    | 5.6 | 81.8   |
| 01S   | 34E | 35  |        | 6.8 | 17.4 |      | 34.3   | 38.6 | 38.7 | 38.6 | 33.1   | 40   | 27.7 | 12.9 |        | 0.1  |    |     | 288.2  |
|       |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     |        |
|       |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     |        |
|       |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     |        |
| TOTAL |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     | 744.0  |

### PLACE OF USE DESCRIPTION BEFORE PROPOSED CHANGES

| TWP   | RGE | SEC | NE 1/4 |     |      |      | NW 1/4 |      |      |      | SW 1/4 |      |      |      | SE 1/4 |      |    |     | TOTALS |
|-------|-----|-----|--------|-----|------|------|--------|------|------|------|--------|------|------|------|--------|------|----|-----|--------|
|       |     |     | NE     | NW  | SW   | SE   | NE     | NW   | SW   | SE   | NE     | NW   | SW   | SE   | NE     | NW   | SW | SE  |        |
| 01S   | 34E | 26  |        |     | 37   | 23.3 |        | 33.7 | 39.3 | 36.2 | 34.7   | 39.4 | 37.3 | 30.4 | 24.9   | 37.6 |    |     | 373.8  |
| 01S   | 34E | 34  | 30     | 2.2 | 0.5  | 18   |        |      |      |      |        |      |      |      | 19.2   |      |    | 5.5 | 75.4   |
| 01S   | 34E | 35  |        | 8.4 | 18.3 |      | 34.8   | 38.6 | 38.9 | 38.8 | 33.8   | 40   | 28.9 | 14.3 |        |      |    |     | 294.8  |
|       |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     |        |
|       |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     |        |
|       |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     |        |
| TOTAL |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     | 744.0  |

### 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   | 34E | 26  |        |      | -0.3 |    |        | 0.1 |      |      |        | -0.2 | 0.9  | -0.1 | -0.1   | -0.1 |    |     | 0.2    |
| 01S   | 34E | 34  | -1.1   |      | 7.2  |    |        |     |      |      |        |      |      |      | 0.2    |      |    | 0.1 | 6.4    |
| 01S   | 34E | 35  |        | -1.6 | -0.9 |    | -0.5   |     | -0.2 | -0.2 | -0.7   |      | -1.2 | -1.4 |        | 0.1  |    |     | -6.6   |
|       |     |     |        |      |      |    |        |     |      |      |        |      |      |      |        |      |    |     |        |
|       |     |     |        |      |      |    |        |     |      |      |        |      |      |      |        |      |    |     |        |
|       |     |     |        |      |      |    |        |     |      |      |        |      |      |      |        |      |    |     |        |
| TOTAL |     |     |        |      |      |    |        |     |      |      |        |      |      |      |        |      |    |     | 0.0    |

62808

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:

Wells and pump into pivot and handline corner systems. System has or will accommodate measuring devices.

- 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 irrigated acres will be rearranged as depicted on the enclosed maps.

- 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:

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

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

8/12/2016

WATER RIGHT NO. 35-2314

| <u>Owner Type</u> | <u>Name and Address</u>                                                                  |
|-------------------|------------------------------------------------------------------------------------------|
| Current Owner     | DE LOY Z WARD<br>1305 S 200 E<br>REXBURG, ID 83440<br>(208)356-5190                      |
| Current Owner     | NEAL D WARD                                                                              |
| Current Owner     | SHELLY M WARD                                                                            |
| Current Owner     | VIOLA J WARD<br>1305 S 2ND E<br>REXBURG, ID 83440<br>(208)356-5190                       |
| Original Owner    | BOYD E WILLIAMS<br>374 E SANDHILL RD<br>BLACKFOOT, ID 83221<br>(208)785-6416             |
| Original Owner    | KEY BANK OF IDAHO<br>802 W BANNOCK ST<br>PO BOX 2757<br>BOISE, ID 83701<br>(208)334-7155 |

Priority Date: 03/26/1953

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     | 6.56 CFS              | 1640 AFA      |
| Total Diversion       |             |           | 6.56 CFS              |               |

Location of Point(s) of Diversion:

GROUND WATER|NESWNW|Sec. 26|Township 01S|Range 34E|BINGHAM County  
GROUND WATER|SWSWNE|Sec. 35|Township 01S|Range 34E|BINGHAM County  
GROUND WATER|SWNW|Sec. 35|Township 01S|Range 34E|BINGHAM County

IRRIGATION Use:

Acre Limit: 410

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             | 34E          | 26             |            | SWNE         | 37           |            | SENE         | 23.3         |            |              |              |            |              |              |
|                 |              |                |            | NWNW         | 33.7         |            | SWNW         | 39.3         |            | SENE         | 36.2         |            |              |              |
|                 |              |                |            | NESW         | 34.7         |            | NWSW         | 39.4         |            | SWSW         | 37.3         |            | SESW         | 30.4         |
|                 |              |                |            | NESE         | 24.9         |            | NWSE         | 37.6         |            |              |              |            |              |              |
|                 |              | 34             |            | NENE         | 30           |            | NWNE         | 2.2          |            | SWNE         | 0.5          |            | SENE         | 18           |
|                 |              |                |            | NESE         | 19.2         |            | SESE         | 5.5          |            |              |              |            |              |              |
|                 |              | 35             |            | NWNE         | 8.4          |            | SWNE         | 18.3         |            |              |              |            |              |              |
|                 |              |                |            | NENW         | 34.8         |            | NWNW         | 38.6         |            | SWNW         | 38.9         |            | SENE         | 38.8         |
|                 |              |                |            | NESW         | 33.8         |            | NWSW         | 40           |            | SWSW         | 28.9         |            | SESW         | 14.3         |

Total Acres: 744

Conditions of Approval:

1. X27 This right is limited to the irrigation of 410.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-2314, 35-2441, 35-13601 and 35-13639 when combined shall not exceed a total diversion rate of 10.5 cfs, a total annual maximum diversion volume of 2656.0 af, and the irrigation of 664.0 acres.
3. X35 Rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total diversion rate of 12.05 cfs, a total annual maximum diversion volume of 2976.0 af, and the irrigation of 744.0 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 77195, 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. K01 Right Nos. 35-13601 and 35-13639 are an enlargement of Right Nos. 35-2314 and 35-2441 pursuant to Section 42-1426, Idaho Code.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. 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.
13. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 10/22/2009

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

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:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 664

Combined Volume Limit: 2656

Combined Rate Limit: 10.5

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

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

8/12/2016

WATER RIGHT NO. 35-2441

| <u>Owner Type</u> | <u>Name and Address</u>                                                                  |
|-------------------|------------------------------------------------------------------------------------------|
| Current Owner     | DE LOY Z WARD<br>1305 S 200 E<br>REXBURG, ID 83440<br>(208)356-5190                      |
| Current Owner     | NEAL D WARD                                                                              |
| Current Owner     | SHELLY M WARD                                                                            |
| Current Owner     | VIOLA J WARD<br>1305 S 2ND E<br>REXBURG, ID 83440<br>(208)356-5190                       |
| Original Owner    | BOYD E WILLIAMS<br>374 E SANDHILL RD<br>BLACKFOOT, ID 83221<br>(208)785-6416             |
| Original Owner    | KEY BANK OF IDAHO<br>802 W BANNOCK ST<br>PO BOX 2757<br>BOISE, ID 83701<br>(208)334-7155 |

Priority Date: 10/21/1955

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     | 3.94 CFS              | 788 AFA       |
| Total Diversion       |             |           | 3.94 CFS              |               |

80829

Location of Point(s) of Diversion:

GROUND WATER|NESWNW|Sec. 26|Township 01S|Range 34E|BINGHAM County  
 GROUND WATER|SWSWNE|Sec. 35|Township 01S|Range 34E|BINGHAM County  
 GROUND WATER|SWNW|Sec. 35|Township 01S|Range 34E|BINGHAM County

IRRIGATION Use:

Acre Limit: 197

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             | 34E          | 26             |            | SWNE         | 37           |            | SENE         | 23.3         |            |              |              |            |              |              |
|                 |              |                |            | NWNW         | 33.7         |            | SWNW         | 39.3         |            | SENE         | 36.2         |            |              |              |
|                 |              |                |            | NESW         | 34.7         |            | NWSW         | 39.4         |            | SWSW         | 37.3         |            | SESW         | 30.4         |
|                 |              |                |            | NESE         | 24.9         |            | NWSE         | 37.6         |            |              |              |            |              |              |
|                 |              | 34             |            | NENE         | 30           |            | NWNE         | 2.2          |            | SWNE         | 0.5          |            | SENE         | 18           |
|                 |              |                |            | NESE         | 19.2         |            | SESE         | 5.5          |            |              |              |            |              |              |
|                 |              | 35             |            | NWNE         | 8.4          |            | SWNE         | 18.3         |            |              |              |            |              |              |
|                 |              |                |            | NENW         | 34.8         |            | NWNW         | 38.6         |            | SWNW         | 38.9         |            | SENE         | 38.8         |
|                 |              |                |            | NESW         | 33.8         |            | NWSW         | 40           |            | SWSW         | 28.9         |            | SESW         | 14.3         |

Total Acres: 744

Conditions of Approval:

1. X27 This right is limited to the irrigation of 197.0 acres within the authorized place of use in a single irrigation season.  
Rights 35-2314, 35-2441, 35-13601 and 35-13639 when combined shall not exceed a total diversion
2. X35 rate of 10.5 cfs, a total annual maximum diversion volume of 2656.0 af, and the irrigation of 664.0 acres.  
Rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13968, 35-13965, and 35-13962 when combined
3. X35 shall not exceed a total diversion rate of 12.05 cfs, a total annual maximum diversion volume of 2976.0 af, and the irrigation of 744.0 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 77195, 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. K01 Right Nos. 35-13601 and 35-13639 are an enlargement of Right Nos. 35-2314 and 35-2441 pursuant to Section 42-1426, Idaho Code.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. 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.
13. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**Dates:**

Licensed Date:

Decreed Date: 10/22/2009

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

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:

Protest Deadline Date:

Number of Protests: 0

**Other Information:**

State or Federal: S

Owner Name Connector: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 664

Combined Volume Limit: 2656

Combined Rate Limit: 10.5

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

Close

8 0 8 2 9

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

8/12/2016

WATER RIGHT NO. 35-13601

| <u>Owner Type</u> | <u>Name and Address</u>                                             |
|-------------------|---------------------------------------------------------------------|
| Current Owner     | DE LOY Z WARD<br>1305 S 200 E<br>REXBURG, ID 83440<br>(208)356-5190 |
| Current Owner     | NEAL D WARD                                                         |
| Current Owner     | SHELLY M WARD                                                       |
| Current Owner     | VIOLA J WARD<br>1305 S 2ND E<br>REXBURG, ID 83440<br>(208)356-5190  |

Priority Date: 04/01/1984

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     | 0.4 CFS               | 92 AFA        |
| Total Diversion       |             |           | 0.4 CFS               |               |

Location of Point(s) of Diversion:

|              |        |         |              |           |                |
|--------------|--------|---------|--------------|-----------|----------------|
| GROUND WATER | NESWNW | Sec. 26 | Township 01S | Range 34E | BINGHAM County |
| GROUND WATER | SWSWNE | Sec. 35 | Township 01S | Range 34E | BINGHAM County |
| GROUND WATER | SWNW   | Sec. 35 | Township 01S | Range 34E | BINGHAM County |

IRRIGATION Use:

80829

Acre Limit: 23

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             | 34E          | 26             |            | SWNE         | 37           |            | SENE         | 23.3         |            |              |              |            |              |              |
|                 |              |                |            | NWNW         | 33.7         |            | SWNW         | 39.3         |            | SENE         | 36.2         |            |              |              |
|                 |              |                |            | NESW         | 34.7         |            | NWSW         | 39.4         |            | SWSW         | 37.3         |            | SESW         | 30.4         |
|                 |              |                |            | NESE         | 24.9         |            | NWSE         | 37.6         |            |              |              |            |              |              |
|                 |              | 34             |            | NENE         | 30           |            | NWNE         | 2.2          |            | SWNE         | 0.5          |            | SENE         | 18           |
|                 |              |                |            | NESE         | 19.2         |            | SESE         | 5.5          |            |              |              |            |              |              |
|                 |              | 35             |            | NWNE         | 8.4          |            | SWNE         | 18.3         |            |              |              |            |              |              |
|                 |              |                |            | NENW         | 34.8         |            | NWNW         | 38.6         |            | SWNW         | 38.9         |            | SENE         | 38.8         |
|                 |              |                |            | NESW         | 33.8         |            | NWSW         | 40           |            | SWSW         | 28.9         |            | SESW         | 14.3         |

Total Acres: 744

Conditions of Approval:

1. K09 This right is for an enlargement of 23.0 acres within the place of use described for this right. Rights 35-2314, 35-2441, 35-13601 and 35-13639 when combined shall not exceed a total diversion rate of 10.5 cfs, a total annual maximum diversion volume of 2656.0 af, and the irrigation of 664.0 acres.
2. X35 Rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total diversion rate of 12.05 cfs, a total annual maximum diversion volume of 2976.0 af, and the irrigation of 744.0 acres.
3. X35 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. R05 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. R02 Prior to the diversion and use of water under Transfer approval 77195, 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. 214 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. 213 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. R64 This right is based upon an enlargement of Right Nos. 35-2314 and 35-2441 pursuant to Section 42-1426, Idaho Code.
9. K02 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10. C11

11. 004 This right does not grant any right-of-way or easement across the land of another.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. 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.
14. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**Dates:**

**Licensed Date:**

**Decreed Date:** 10/22/2009

**Enlargement Use Priority Date:**

**Enlargement Statute Priority Date:** 4/12/1994

**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:**

**Owner Name Connector:** Or

**Water District Number:** 120

**Generic Max Rate per Acre:** 0.02

**Generic Max Volume per Acre:** 4

**Combined Acres Limit:** 664

**Combined Volume Limit:** 2656

**Combined Rate Limit:** 10.5

**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

**Close**

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

8/12/2016

WATER RIGHT NO. 35-13639

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                       |
|-------------------|---------------------------------------------------------------------------------------------------------------|
| Current Owner     | DE LOY Z WARD<br>1305 S 200 E<br>REXBURG, ID 83440<br>(208)356-5190                                           |
| Current Owner     | NEAL D WARD                                                                                                   |
| Current Owner     | SHELLY M WARD                                                                                                 |
| Current Owner     | VIOLA J WARD<br>1305 S 2ND E<br>REXBURG, ID 83440<br>(208)356-5190                                            |
| Attorney          | ROBERT L HARRIS<br>HOLDEN KIDWELL HAHN & CRAPO<br>PO BOX 50130<br>IDAHO FALLS, ID 83405-0130<br>(208)523-0620 |

Priority Date: 04/01/1987

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     | 0.68 CFS              | 136 AFA       |
| Total Diversion       |             |           | 0.68 CFS              |               |

Location of Point(s) of Diversion:

NESWNW

80829

GROUND WATER | S 26 | Township 01S | Range 34E | BINGHAM County

GROUND WATER | SWSWNE | Sec. 35 | Township 01S | Range 34E | BINGHAM County

GROUND WATER | SWNW | Sec. 35 | Township 01S | Range 34E | BINGHAM County

IRRIGATION Use:

Acre Limit: 34

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 01S      | 34E   | 26      |     | SWNE  | 37    |     | SENE  | 23.3  |     |       |       |     |       |       |
|          |       |         |     | NWNW  | 33.7  |     | SWNW  | 39.3  |     | SENE  | 36.2  |     |       |       |
|          |       |         |     | NESW  | 34.7  |     | NWSW  | 39.4  |     | SWSW  | 37.3  |     | SESW  | 30.4  |
|          |       |         |     | NESE  | 24.9  |     | NWSE  | 37.6  |     |       |       |     |       |       |
|          |       | 34      |     | NENE  | 30    |     | NWNE  | 2.2   |     | SWNE  | 0.5   |     | SENE  | 18    |
|          |       |         |     | NESE  | 19.2  |     | SESE  | 5.5   |     |       |       |     |       |       |
|          |       | 35      |     | NWNE  | 8.4   |     | SWNE  | 18.3  |     |       |       |     |       |       |
|          |       |         |     | NENW  | 34.8  |     | NWNW  | 38.6  |     | SWNW  | 38.9  |     | SENE  | 38.8  |
|          |       |         |     | NESW  | 33.8  |     | NWSW  | 40    |     | SWSW  | 28.9  |     | SESW  | 14.3  |

Total Acres: 744

Conditions of Approval:

1. K09 This right is for an enlargement of 34.0 acres within the place of use described for this right.
2. X35 Rights 35-2314, 35-2441, 35-13601 and 35-13639 when combined shall not exceed a total diversion rate of 10.5 cfs, a total annual maximum diversion volume of 2656.0 af, and the irrigation of 664.0 acres.
3. X35 Rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total diversion rate of 12.05 cfs, a total annual maximum diversion volume of 2976.0 af, and the irrigation of 744.0 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 77195, 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. K02 This right is based upon an enlargement of Right Nos. 35-2314 and 35-2441 pursuant to Section 42-1426, Idaho Code.
10. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. 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.
14. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**Dates:**

Licensed Date:

Decreed Date: 10/22/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

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:

Owner Name Connector: Or

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 664

Combined Volume Limit: 2656

Combined Rate Limit: 10.5

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

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

8/12/2016

WATER RIGHT NO. 35-13968

| <u>Owner Type</u> | <u>Name and Address</u>                                                |
|-------------------|------------------------------------------------------------------------|
| Current Owner     | DE LOY Z WARD<br>1305 S 200 E<br>REXBURG, ID 83440<br>(208)356-5190    |
| Current Owner     | NEAL D WARD                                                            |
| Current Owner     | SHELLY M WARD                                                          |
| Current Owner     | VIOLA J WARD<br>1305 S 2ND E<br>REXBURG, ID 83440<br>(208)356-5190     |
| Original Owner    | JAMES D WHEELER<br>693 W 700 N<br>BLACKFOOT, ID 83221<br>(208)684-4775 |

Priority Date: 06/07/1957

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       | 11/01     | 0.29 CFS              | 57.3 AFA      |
| Total Diversion       |             |           | 0.29 CFS              |               |

Location of Point(s) of Diversion:

|              |        |         |              |           |                |
|--------------|--------|---------|--------------|-----------|----------------|
| GROUND WATER | NESWNW | Sec. 26 | Township 01S | Range 34E | BINGHAM County |
| GROUND WATER | SWSWNE | Sec. 35 | Township 01S | Range 34E | BINGHAM County |

80829

IRRIGATION Use:  
Acre Limit: 14.3

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             | 34E          | 26             |            | SWNE         | 37           |            | SENE         | 23.3         |            |              |              |            |              |              |
|                 |              |                |            | NWNW         | 33.7         |            | SWNW         | 39.3         |            | SENE         | 36.2         |            |              |              |
|                 |              |                |            | NESW         | 34.7         |            | NWSW         | 39.4         |            | SWSW         | 37.3         |            | SESW         | 30.4         |
|                 |              |                |            | NESE         | 24.9         |            | NWSE         | 37.6         |            |              |              |            |              |              |
|                 |              | 34             |            | NENE         | 30           |            | NWNE         | 2.2          |            | SWNE         | 0.5          |            | SENE         | 18           |
|                 |              |                |            | NESE         | 19.2         |            | SESE         | 5.5          |            |              |              |            |              |              |
|                 |              | 35             |            | NWNE         | 8.4          |            | SWNE         | 18.3         |            |              |              |            |              |              |
|                 |              |                |            | NENW         | 34.8         |            | NWNW         | 38.6         |            | SWNW         | 38.9         |            | SENE         | 38.8         |
|                 |              |                |            | NESW         | 33.8         |            | NWSW         | 40           |            | SWSW         | 28.9         |            | SESW         | 14.3         |

Total Acres: 744

Conditions of Approval:

1. X27 This right is limited to the irrigation of 14.3 acres within the authorized place of use in a single irrigation season.
  2. X35 Rights 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total annual maximum diversion volume of 320.0 af, and the irrigation of 80.0 acres.
  3. X35 Rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total diversion rate of 12.05 cfs, a total annual maximum diversion volume of 2976.0 af, and the irrigation of 744.0 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 77195, 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. 004 This right does not grant any right-of-way or easement across the land of another.
  9. 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.
- The right holder shall accomplish the change authorized by this transfer within one year of the date of

10. T07 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**Dates:**

**Licensed Date:**

**Decreed Date:** 05/20/2002

**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:** And

**Water District Number:** 120

**Generic Max Rate per Acre:** 0.02

**Generic Max Volume per Acre:** 3.5

**Combined Acres Limit:** 80

**Combined Volume Limit:** 320

**Combined Rate Limit:**

**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

**Close**

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

8/12/2016

WATER RIGHT NO. 35-13965

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | DELOY Z WARD            |
| Current Owner     | NEAL D WARD             |
| Current Owner     | SHELLY M WARD           |
| Current Owner     | VIOLA J WARD            |
|                   | 1305 S 2ND E            |
|                   | REXBURG, ID 83440       |
|                   | (208)356-5190           |
| Original Owner    | JAMES D WHEELER         |
|                   | 693 W 700 N             |
|                   | BLACKFOOT, ID 83221     |
|                   | (208)684-4775           |

Priority Date: 02/24/1953

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     | 0.59 CFS              | 127.8 AFA     |
| Total Diversion       |             |           | 0.59 CFS              |               |

Location of Point(s) of Diversion:

|              |        |         |              |           |                |
|--------------|--------|---------|--------------|-----------|----------------|
| GROUND WATER | NESWNW | Sec. 26 | Township 01S | Range 34E | BINGHAM County |
| GROUND WATER | SWSWNE | Sec. 35 | Township 01S | Range 34E | BINGHAM County |
| GROUND WATER | SWNW   | Sec. 35 | Township 01S | Range 34E | BINGHAM County |

IRRIGATION Use:  
Acre Limit: 32

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             | 34E          | 26             |            | SWNE         | 37           |            | SENE         | 23.3         |            |              |              |            |              |              |
|                 |              |                |            | NWNW         | 33.7         |            | SWNW         | 39.3         |            | SENE         | 36.2         |            |              |              |
|                 |              |                |            | NESW         | 34.7         |            | NWSW         | 39.4         |            | SWSW         | 37.3         |            | SESW         | 30.4         |
|                 |              |                |            | NESE         | 24.9         |            | NWSE         | 37.6         |            |              |              |            |              |              |
|                 |              | 34             |            | NENE         | 30           |            | NWNE         | 2.2          |            | SWNE         | 0.5          |            | SENE         | 18           |
|                 |              |                |            | NESE         | 19.2         |            | SESE         | 5.5          |            |              |              |            |              |              |
|                 |              | 35             |            | NWNE         | 8.4          |            | SWNE         | 18.3         |            |              |              |            |              |              |
|                 |              |                |            | NENW         | 34.8         |            | NWNW         | 38.6         |            | SWNW         | 38.9         |            | SENE         | 38.8         |
|                 |              |                |            | NESW         | 33.8         |            | NWSW         | 40           |            | SWSW         | 28.9         |            | SESW         | 14.3         |

Total Acres: 744

Conditions of Approval:

1. X27 This right is limited to the irrigation of 32.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total annual maximum diversion volume of 320.0 af, and the irrigation of 80.0 acres.
3. X35 Rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total diversion rate of 12.05 cfs, a total annual maximum diversion volume of 2976.0 af, and the irrigation of 744.0 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 77195 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 42-12(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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**Dates:**

Licensed Date:

Decreed Date: 04/30/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 80

Combined Volume Limit: 320

Combined Rate Limit:

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

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

8/12/2016

WATER RIGHT NO. 35-13962

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | DELOY Z WARD            |
| Current Owner     | NEAL D WARD             |
| Current Owner     | SHELLY M WARD           |
| Current Owner     | VIOLA J WARD            |
|                   | 1305 S 2ND E            |
|                   | REXBURG, ID 83440       |
|                   | (208)356-5190           |
| Original Owner    | JAMES D WHEELER         |
|                   | 693 W 700 N             |
|                   | BLACKFOOT, ID 83221     |
|                   | (208)684-4775           |

Priority Date: 08/04/1979

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     | 0.67 CFS              | 284.4 AFA     |
| Total Diversion       |             |           | 0.67 CFS              |               |

Location of Point(s) of Diversion:

|              |        |         |              |           |                |
|--------------|--------|---------|--------------|-----------|----------------|
| GROUND WATER | NESWNW | Sec. 26 | Township 01S | Range 34E | BINGHAM County |
| GROUND WATER | SWSWNE | Sec. 35 | Township 01S | Range 34E | BINGHAM County |
| GROUND WATER | SWNW   | Sec. 35 | Township 01S | Range 34E | BINGHAM County |

IRRIGATION Use:  
Acre Limit: 80

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             | 34E          | 26             |            | SWNE         | 37           |            | SENE         | 23.3         |            |              |              |            |              |              |
|                 |              |                |            | NWNW         | 33.7         |            | SWNW         | 39.3         |            | SENE         | 36.2         |            |              |              |
|                 |              |                |            | NESW         | 34.7         |            | NWSW         | 39.4         |            | SWSW         | 37.3         |            | SESW         | 30.4         |
|                 |              |                |            | NESE         | 24.9         |            | NWSE         | 37.6         |            |              |              |            |              |              |
|                 |              | 34             |            | NENE         | 30           |            | NWNE         | 2.2          |            | SWNE         | 0.5          |            | SENE         | 18           |
|                 |              |                |            | NESE         | 19.2         |            | SESE         | 5.5          |            |              |              |            |              |              |
|                 |              | 35             |            | NWNE         | 8.4          |            | SWNE         | 18.3         |            |              |              |            |              |              |
|                 |              |                |            | NENW         | 34.8         |            | NWNW         | 38.6         |            | SWNW         | 38.9         |            | SENE         | 38.8         |
|                 |              |                |            | NESW         | 33.8         |            | NWSW         | 40           |            | SWSW         | 28.9         |            | SESW         | 14.3         |

Total Acres: 744

Conditions of Approval:

1. X27 This right is limited to the irrigation of 80.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total annual maximum diversion volume of 320.0 af, and the irrigation of 80.0 acres.
3. X35 Rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total diversion rate of 12.05 cfs, a total annual maximum diversion volume of 2976.0 af, and the irrigation of 744.0 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 77195, 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 42-2(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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**Dates:**

Licensed Date:

Decreed Date: 05/20/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 80

Combined Volume Limit: 320

Combined Rate Limit:

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

Close

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 3

**A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)**

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (**GIS**) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

**If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.**

### B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the 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.

### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

Received by \_\_\_\_\_ Date \_\_\_\_\_ Preliminary check by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid 4100.00 Date 3/29/06 Received by SS Receipt # F041973

Add'l fee paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_

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

# **Attachment No. 4**

## **Power of Attorney**



**Holden Kidwell  
Hahn & Crapo** ELL.C.  
LAW OFFICES

**Robert L. Harris**  
Attorney at Law

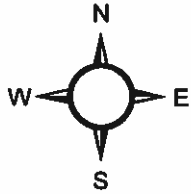
1000 Riverwalk Dr., Ste. 200  
PO Box 50130  
Idaho Falls, Idaho 83405

Tel: (208) 523-0620  
Fax: (208) 523-9518  
[rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)

# **Attachment No. 7a**

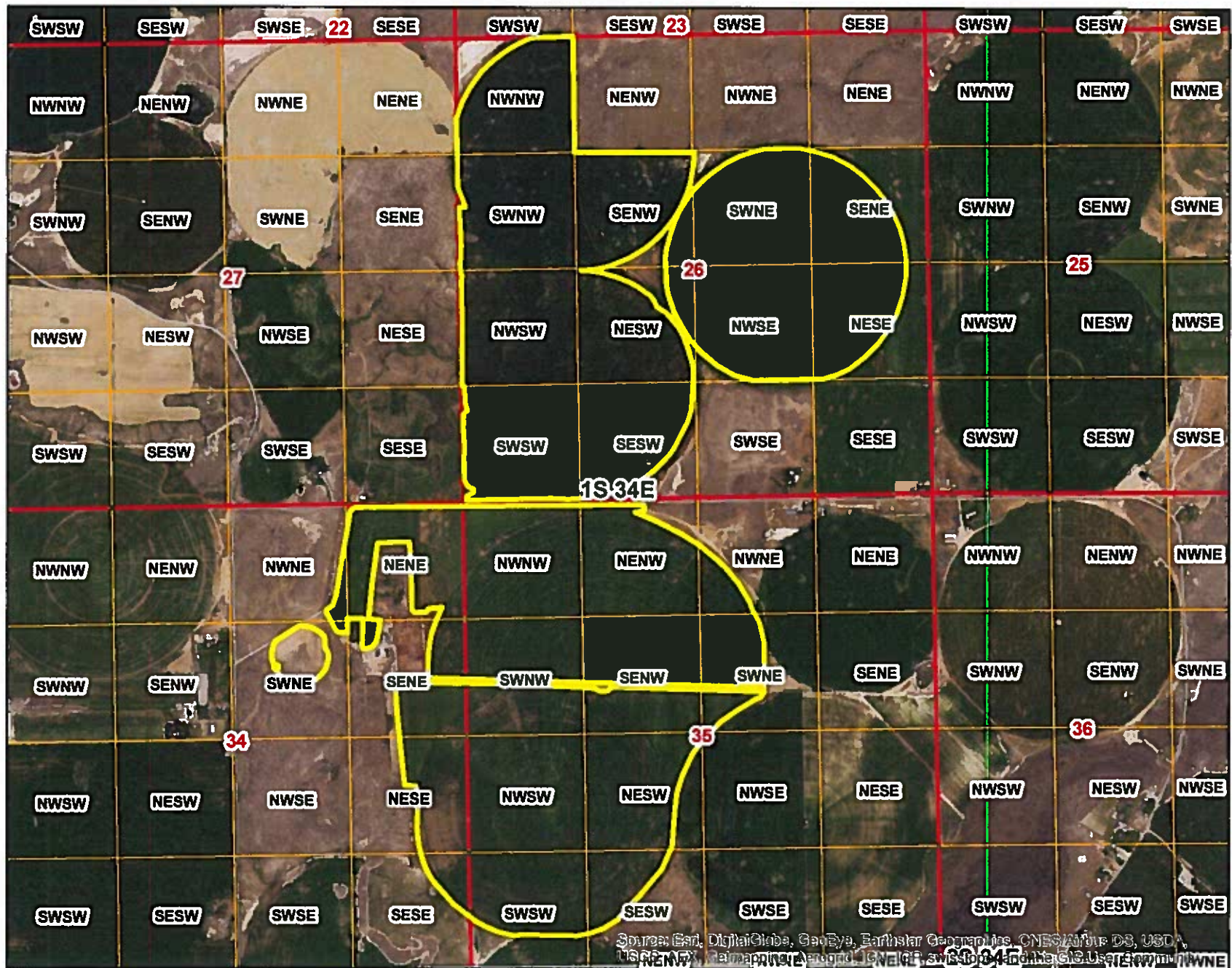
## **Map**

# WARD TRANSFER



## Legend

- 16\_POU\_35-2314\_et\_al
- TR Lines\_2014
- Section Lines\_2014
- Quarter Quarters\_2014



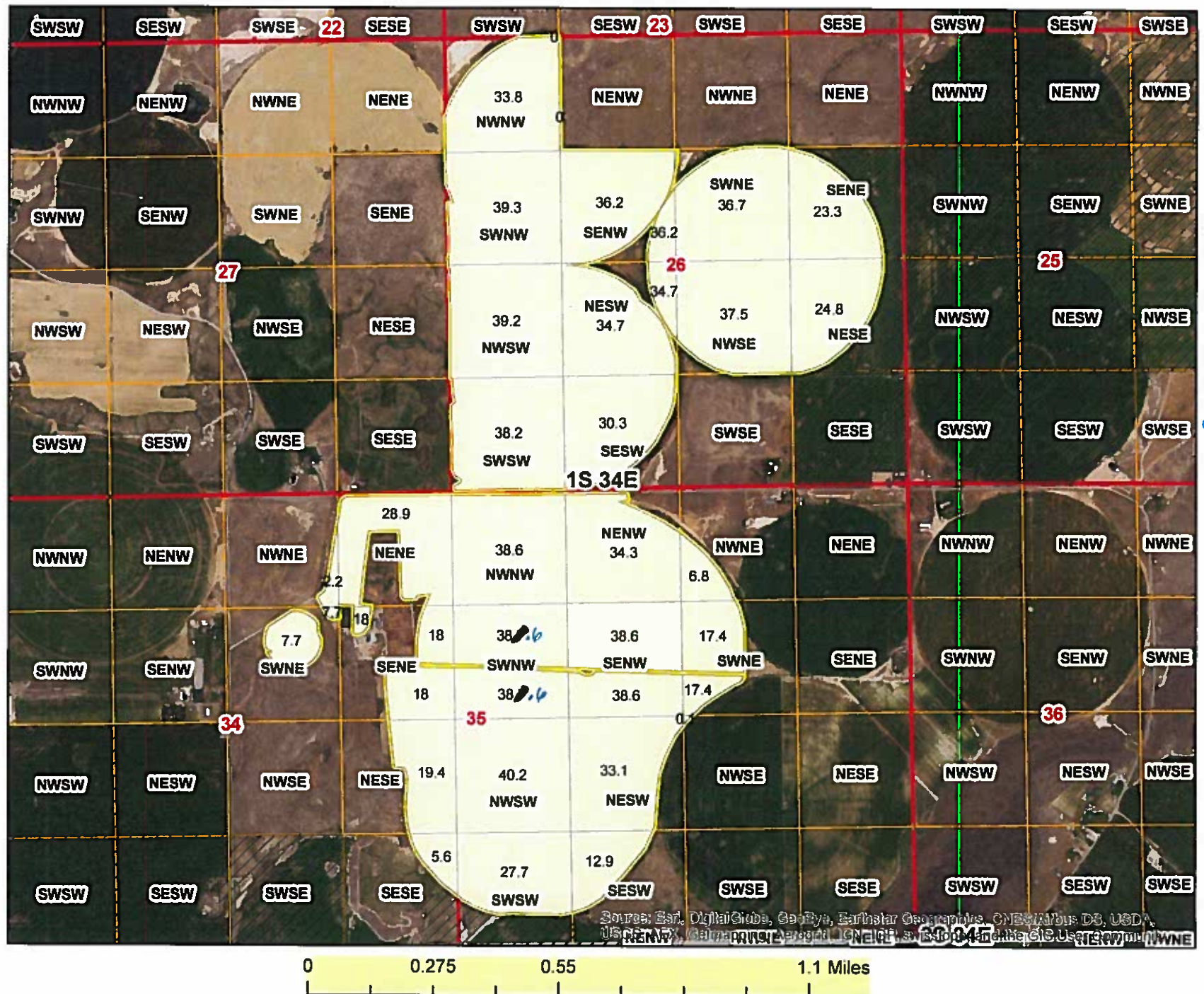
Prepared by:  
Robert L. Harris  
2015 Photo

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, SRTM3, and the NOAA Nautical Data

0 0.275 0.55 1.1 Miles

**Attachment No. 7b**  
**Map (GIS shapefile)**

☐ Acres by QQ  
☒ 2016\_POU\_35-2314\_et\_al  
☐ 'd POU  
☐ rR Lines\_2014  
☒ Section Lines\_2014  
☐ Quarter Quarters\_2014



Prepared by:  
Robert L. Harris  
2015 Photo

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 80829

RECEIVED

MAR 29 2016

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](http://www.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 [www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm](http://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: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) DeLoy & Viola Ward, Neal and Shelly Ward Phone (208) 356-5190

Mailing address 1305 S. 200 E., Rexburg, Idaho 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, HKHC Phone (208) 523-0620

Mailing address P.O. 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

March 29, 2016  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
Date

### A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

2. 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**.

This transfer is in response to a potential unauthorized water use letter and to also generally clean up the shapefiles for the water rights listed in the transfer and to cover a small mini pivot recently installed by the applicant. It also rounds the POU acres per quarter-quarter for authorized acres above 10 acres to whole numbers (with 2 exceptions)

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<br>(cfs/ac-ft) | Nature of Use | Period of Use  | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|----------------|--------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 35-2314      | 6.65/1640             | IRRIGATION    | 04/01 to 10/31 | GROUND WATER       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-2441      | 3.94/788              | IRRIGATION    | 04/01 to 10/31 | GROUND WATER       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-13601     | 0.4/92                | IRRIGATION    | 04/01 to 10/31 | GROUND WATER       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-13639     | 0.68/136              | IRRIGATION    | 04/01 to 10/31 | GROUND WATER       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-13968     | 0.29/57.3             | IRRIGATION    | 04/01 to 11/01 | GROUND WATER       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-13965     | 0.59/127.8            | IRRIGATION    | 04/01 to 10/31 | GROUND WATER       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 35-13962     | 0.67/284.4            | IRRIGATION    | 04/01 to 10/31 | GROUND WATER       |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |

Total authorized under rights 12.05 (cmbd) cfs and/or 2976 (cmbd) acre-feet.

2. Total amount of water proposed to be transferred or changed 12.05 cubic feet per second and/or 2976 acre-feet per year.

3. Point(s) of Diversion:

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

| New ? | Lot | ¼ | ¼ | ¼ | Sec | Twp | Rge | County | Source | Local name or tag # |
|-------|-----|---|---|---|-----|-----|-----|--------|--------|---------------------|
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |

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

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

| Twp                              | Rge | Sec | NE ¼ |     |     |    | NW ¼ |     |     |     | SW ¼ |    |    |    | SE ¼ |    |    |    | Acre Totals |
|----------------------------------|-----|-----|------|-----|-----|----|------|-----|-----|-----|------|----|----|----|------|----|----|----|-------------|
|                                  |     |     | NE   | NW  | SW  | SE | NE   | NW  | SW  | SE  | NE   | NW | SW | SE | NE   | NW | SW | SE |             |
|                                  |     |     | SEE  | ATT | ACH | ED |      | SPR | EAD | SHE | ETS  |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |    |      |     |     |     |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |    |      |     |     |     |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |    |      |     |     |     |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |    |      |     |     |     |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |     |     |    |      |     |     |     |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |     |     |    |      |     |     |     |      |    |    |    |      |    |    |    | 744         |

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:

Wells and pump into pivot and handline corner systems. System has or will accommodate measuring devices.

- 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 irrigated acres will be rearranged as depicted on the enclosed maps.

- 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:

**PLACE OF USE DESCRIPTION AFTER PROPOSED CHANGES**

| TWP          | RGE | SEC | NE 1/4 |     |      |    | NW 1/4 |    |    |    | SW 1/4 |    |    |      | SE 1/4 |     |    |     | TOTALS     |
|--------------|-----|-----|--------|-----|------|----|--------|----|----|----|--------|----|----|------|--------|-----|----|-----|------------|
|              |     |     | NE     | NW  | SW   | SE | NE     | NW | SW | SE | NE     | NW | SW | SE   | NE     | NW  | SW | SE  |            |
| 01S          | 34E | 26  |        |     | 36   | 23 |        | 34 | 39 | 36 | 35     | 39 | 38 | 31   | 25     | 38  |    |     | 373.8      |
| 01S          | 34E | 34  | 29     | 2.2 | 7.9  | 18 |        |    |    |    |        |    |    |      | 19     |     |    | 5.6 | 75.4       |
| 01S          | 34E | 35  |        | 6.9 | 17.4 |    | 34     | 38 | 39 | 39 | 33     | 40 | 28 | 12.9 |        | 0.1 |    |     | 294.8      |
|              |     |     |        |     |      |    |        |    |    |    |        |    |    |      |        |     |    |     |            |
|              |     |     |        |     |      |    |        |    |    |    |        |    |    |      |        |     |    |     |            |
|              |     |     |        |     |      |    |        |    |    |    |        |    |    |      |        |     |    |     |            |
| <b>TOTAL</b> |     |     |        |     |      |    |        |    |    |    |        |    |    |      |        |     |    |     | <b>744</b> |

**PLACE OF USE DESCRIPTION BEFORE PROPOSED CHANGES**

| TWP          | RGE | SEC | NE 1/4 |     |      |      | NW 1/4 |      |      |      | SW 1/4 |      |      |      | SE 1/4 |      |    |     | TOTALS     |
|--------------|-----|-----|--------|-----|------|------|--------|------|------|------|--------|------|------|------|--------|------|----|-----|------------|
|              |     |     | NE     | NW  | SW   | SE   | NE     | NW   | SW   | SE   | NE     | NW   | SW   | SE   | NE     | NW   | SW | SE  |            |
| 01S          | 34E | 26  |        |     | 37   | 23.3 |        | 33.7 | 39.3 | 36.2 | 34.7   | 39.4 | 37.3 | 30.4 | 24.9   | 37.6 |    |     | 373.8      |
| 01S          | 34E | 34  | 30     | 2.2 | 0.5  | 18   |        |      |      |      |        |      |      |      | 19.2   |      |    | 5.5 | 75.4       |
| 01S          | 34E | 35  |        | 8.4 | 18.3 |      | 34.8   | 38.6 | 38.9 | 38.8 | 33.8   | 40   | 28.9 | 14.3 |        |      |    |     | 294.8      |
|              |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     |            |
|              |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     |            |
|              |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     |            |
| <b>TOTAL</b> |     |     |        |     |      |      |        |      |      |      |        |      |      |      |        |      |    |     | <b>744</b> |

**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          | 34E | 26  |        |      | -1   | -0.3 |        | 0.3  | -0.3 | -0.2 | 0.3    | -0.4 | 0.7  | 0.6  | 0.1    | 0.4 |    |     | 0.2      |
| 01S          | 34E | 34  | -1     |      | 7.4  |      |        |      |      |      |        |      |      |      | -0.2   |     |    | 0.1 | 6.3      |
| 01S          | 34E | 35  |        | -1.5 | -0.9 |      | -0.8   | -0.6 | 0.1  | 0.2  | -0.8   |      | -0.9 | -1.4 |        | 0.1 |    |     | -6.5     |
|              |     |     |        |      |      |      |        |      |      |      |        |      |      |      |        |     |    |     |          |
|              |     |     |        |      |      |      |        |      |      |      |        |      |      |      |        |     |    |     |          |
|              |     |     |        |      |      |      |        |      |      |      |        |      |      |      |        |     |    |     |          |
| <b>TOTAL</b> |     |     |        |      |      |      |        |      |      |      |        |      |      |      |        |     |    |     | <b>0</b> |

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**PLACE OF USE DESCRIPTION AFTER PROPOSED CHANGES**

| TWP | RGE | SEC | NE 1/4 |     |      |    | NW 1/4 |    |    |    | SW 1/4 |    |    |      | SE 1/4 |     |    |     | TOTALS |
|-----|-----|-----|--------|-----|------|----|--------|----|----|----|--------|----|----|------|--------|-----|----|-----|--------|
|     |     |     | NE     | NW  | SW   | SE | NE     | NW | SW | SE | NE     | NW | SW | SE   | NE     | NW  | SW | SE  |        |
| 01S | 34E | 26  |        |     | 36   | 23 |        | 34 | 39 | 36 | 35     | 39 | 38 | 31   | 25     | 38  |    |     | 374    |
| 01S | 34E | 34  | 29     | 2.2 | 7.9  | 18 |        |    |    |    |        |    |    |      | 19     |     |    | 5.6 | 81.7   |
| 01S | 34E | 35  |        | 6.9 | 17.4 |    | 34     | 38 | 39 | 39 | 33     | 40 | 28 | 12.9 |        | 0.1 |    |     | 288.3  |
|     |     |     |        |     |      |    |        |    |    |    |        |    |    |      |        |     |    |     |        |
|     |     |     |        |     |      |    |        |    |    |    |        |    |    |      |        |     |    |     |        |
|     |     |     |        |     |      |    |        |    |    |    |        |    |    |      |        |     |    |     |        |
|     |     |     |        |     |      |    |        |    |    |    |        |    |    |      |        |     |    |     |        |
|     |     |     |        |     |      |    |        |    |    |    |        |    |    |      | TOTAL  |     |    |     | 744    |

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

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

3/28/2016

WATER RIGHT NO. 35-2314

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | DE LOY Z WARD           |
| Current Owner     | NEAL D WARD             |
| Current Owner     | SHELLY M WARD           |
| Current Owner     | VIOLA J WARD            |
|                   | 1305 S 200 E            |
|                   | REXBURG, ID 83440       |
|                   | (208)356-5190           |
| Original Owner    | BOYD E WILLIAMS         |
|                   | 374 E SANDHILL RD       |
|                   | BLACKFOOT, ID 83221     |
|                   | (208)785-6416           |
| Original Owner    | KEY BANK OF IDAHO       |
|                   | 802 W BANNOCK ST        |
|                   | PO BOX 2757             |
|                   | BOISE, ID 83701         |
|                   | (208)334-7155           |

Priority Date: 03/26/1953

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     | 6.56 CFS              | 1640 AFA      |
| Total Diversion       |             |           | 6.56 CFS              |               |

80829

## Location of Point(s) of Diversion:

GROUND WATER|NESWNW|Sec. 26|Township 01S|Range 34E|BINGHAM County  
 GROUND WATER|SWSWNE|Sec. 35|Township 01S|Range 34E|BINGHAM County  
 GROUND WATER|SWNW|Sec. 35|Township 01S|Range 34E|BINGHAM County

## IRRIGATION Use:

Acre Limit: 410

## 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             | 34E          | 26             |            | SWNE         | 37           |            | SENE         | 23.3         |            |              |              |            |              |              |
|                 |              |                |            | NWNW         | 33.7         |            | SWNW         | 39.3         |            | SENE         | 36.2         |            |              |              |
|                 |              |                |            | NESW         | 34.7         |            | NWSW         | 39.4         |            | SWSW         | 37.3         |            | SESW         | 30.4         |
|                 |              |                |            | NESE         | 24.9         |            | NWSE         | 37.6         |            |              |              |            |              |              |
|                 |              | 34             |            | NENE         | 30           |            | NWNE         | 2.2          |            | SWNE         | 0.5          |            | SENE         | 18           |
|                 |              |                |            | NESE         | 19.2         |            | SESE         | 5.5          |            |              |              |            |              |              |
|                 |              | 35             |            | NWNE         | 8.4          |            | SWNE         | 18.3         |            |              |              |            |              |              |
|                 |              |                |            | NENW         | 34.8         |            | NWNW         | 38.6         |            | SWNW         | 38.9         |            | SENE         | 38.8         |
|                 |              |                |            | NESW         | 33.8         |            | NWSW         | 40           |            | SWSW         | 28.9         |            | SESW         | 14.3         |

Total Acres: 744

## Conditions of Approval:

1. X27 This right is limited to the irrigation of 410.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-2314, 35-2441, 35-13601 and 35-13639 when combined shall not exceed a total diversion rate of 10.5 cfs, a total annual maximum diversion volume of 2656.0 af, and the irrigation of 664.0 acres.
3. X35 Rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total diversion rate of 12.05 cfs, a total annual maximum diversion volume of 2976.0 af, and the irrigation of 744.0 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.

80829

6. 214 Prior to the diversion use of water under Transfer approval 77195, 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. K01 Right Nos. 35-13601 and 35-13639 are an enlargement of Right Nos. 35-2314 and 35-2441 pursuant to Section 42-1426, Idaho Code.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. 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.
13. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

#### Dates:

Licensed Date:

Decreed Date: 10/22/2009

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

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:

Protest Deadline Date:

Number of Protests: 0

#### Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 664

Combined Volume Limit: 2656

Combined Rate Limit: 10.5

Civil Case Number:

Old Case Number:

8 0 8 2 9

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

3/28/2016

WATER RIGHT NO. 35-2441

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | DE LOY Z WARD           |
| Current Owner     | NEAL D WARD             |
| Current Owner     | SHELLY M WARD           |
| Current Owner     | VIOLA J WARD            |
|                   | 1305 S 200 E            |
|                   | REXBURG, ID 83440       |
|                   | (208)356-5190           |
| Original Owner    | BOYD E WILLIAMS         |
|                   | 374 E SANDHILL RD       |
|                   | BLACKFOOT, ID 83221     |
|                   | (208)785-6416           |
| Original Owner    | KEY BANK OF IDAHO       |
|                   | 802 W BANNOCK ST        |
|                   | PO BOX 2757             |
|                   | BOISE, ID 83701         |
|                   | (208)334-7155           |

Priority Date: 10/21/1955

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     | 3.94 CFS              | 788 AFA       |
| Total Diversion       |             |           | 3.94 CFS              |               |

80829

## Location of Point(s) of Diversion:

GROUND WATER|NESWNW|Sec. 26|Township 01S|Range 34E|BINGHAM County  
 GROUND WATER|SWSWNE|Sec. 35|Township 01S|Range 34E|BINGHAM County  
 GROUND WATER|SWNW|Sec. 35|Township 01S|Range 34E|BINGHAM County

## IRRIGATION Use:

Acre Limit: 197

## 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             | 34E          | 26             |            | SWNE         | 37           |            | SENE         | 23.3         |            |              |              |            |              |              |
|                 |              |                |            | NWNW         | 33.7         |            | SWNW         | 39.3         |            | SENE         | 36.2         |            |              |              |
|                 |              |                |            | NESW         | 34.7         |            | NWSW         | 39.4         |            | SWSW         | 37.3         |            | SESW         | 30.4         |
|                 |              |                |            | NESE         | 24.9         |            | NWSE         | 37.6         |            |              |              |            |              |              |
|                 |              | 34             |            | NENE         | 30           |            | NWNE         | 2.2          |            | SWNE         | 0.5          |            | SENE         | 18           |
|                 |              |                |            | NESE         | 19.2         |            | SESE         | 5.5          |            |              |              |            |              |              |
|                 |              | 35             |            | NWNE         | 8.4          |            | SWNE         | 18.3         |            |              |              |            |              |              |
|                 |              |                |            | NENW         | 34.8         |            | NWNW         | 38.6         |            | SWNW         | 38.9         |            | SENE         | 38.8         |
|                 |              |                |            | NESW         | 33.8         |            | NWSW         | 40           |            | SWSW         | 28.9         |            | SESW         | 14.3         |

Total Acres: 744

## Conditions of Approval:

1. X27 This right is limited to the irrigation of 197.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-2314, 35-2441, 35-13601 and 35-13639 when combined shall not exceed a total diversion rate of 10.5 cfs, a total annual maximum diversion volume of 2656.0 af, and the irrigation of 664.0 acres.
3. X35 Rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total diversion rate of 12.05 cfs, a total annual maximum diversion volume of 2976.0 af, and the irrigation of 744.0 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.

80829

6. 214 Prior to the diversion and use of water under Transfer approval 77195, 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. K01 Right Nos. 35-13601 and 35-13639 are an enlargement of Right Nos. 35-2314 and 35-2441 pursuant to Section 42-1426, Idaho Code.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. 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.
13. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**Dates:**

Licensed Date:

Decreed Date: 10/22/2009

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

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:

Protest Deadline Date:

Number of Protests: 0

**Other Information:**

State or Federal: S

Owner Name Connector: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 664

Combined Volume Limit: 2656

Combined Rate Limit: 10.5

Civil Case Number:

Old Case Number:

80829

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

3/28/2016

WATER RIGHT NO. 35-13601

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | DE LOY Z WARD           |
| Current Owner     | NEAL D WARD             |
| Current Owner     | SHELLY M WARD           |
| Current Owner     | VIOLA J WARD            |
|                   | 1305 S 200 E            |
|                   | REXBURG, ID 83440       |
|                   | (208)356-5190           |

Priority Date: 04/01/1984

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     | 0.4 CFS               | 92 AFA        |
| Total Diversion       |             |           | 0.4 CFS               |               |

Location of Point(s) of Diversion:

|              |        |         |              |           |                |
|--------------|--------|---------|--------------|-----------|----------------|
| GROUND WATER | NESWNW | Sec. 26 | Township 01S | Range 34E | BINGHAM County |
| GROUND WATER | SWSWNE | Sec. 35 | Township 01S | Range 34E | BINGHAM County |
| GROUND WATER | SWNW   | Sec. 35 | Township 01S | Range 34E | BINGHAM County |

IRRIGATION Use:

80829

Acre Limit: 23

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             | 34E          | 26             |            | SWNE         | 37           |            | SENE         | 23.3         |            |              |              |            |              |              |
|                 |              |                |            | NWNW         | 33.7         |            | SWNW         | 39.3         |            | SENE         | 36.2         |            |              |              |
|                 |              |                |            | NESW         | 34.7         |            | NWSW         | 39.4         |            | SWSW         | 37.3         |            | SESW         | 30.4         |
|                 |              |                |            | NESE         | 24.9         |            | NWSE         | 37.6         |            |              |              |            |              |              |
|                 |              | 34             |            | NENE         | 30           |            | NWNE         | 2.2          |            | SWNE         | 0.5          |            | SENE         | 18           |
|                 |              |                |            | NESE         | 19.2         |            | SESE         | 5.5          |            |              |              |            |              |              |
|                 |              | 35             |            | NWNE         | 8.4          |            | SWNE         | 18.3         |            |              |              |            |              |              |
|                 |              |                |            | NENW         | 34.8         |            | NWNW         | 38.6         |            | SWNW         | 38.9         |            | SENE         | 38.8         |
|                 |              |                |            | NESW         | 33.8         |            | NWSW         | 40           |            | SWSW         | 28.9         |            | SESW         | 14.3         |

Total Acres: 744

Conditions of Approval:

1. K09 This right is for an enlargement of 23.0 acres within the place of use described for this right.
2. X35 Rights 35-2314, 35-2441, 35-13601 and 35-13639 when combined shall not exceed a total diversion rate of 10.5 cfs, a total annual maximum diversion volume of 2656.0 af, and the irrigation of 664.0 acres.
3. X35 Rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total diversion rate of 12.05 cfs, a total annual maximum diversion volume of 2976.0 af, and the irrigation of 744.0 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 77195, 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. K02 This right is based upon an enlargement of Right Nos. 35-2314 and 35-2441 pursuant to Section

80820

42-1426, Idaho Code.

10. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. 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.
14. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**Dates:**

Licensed Date:

Decreed Date: 10/22/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

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:

Owner Name Connector: Or

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 664

Combined Volume Limit: 2656

Combined Rate Limit: 10.5

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

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

3/28/2016

WATER RIGHT NO. 35-13639

| <u>Owner Type</u> | <u>Name and Address</u>     |
|-------------------|-----------------------------|
| Current Owner     | DE LOY Z WARD               |
| Current Owner     | NEAL D WARD                 |
| Current Owner     | SHELLY M WARD               |
| Current Owner     | VIOLA J WARD                |
|                   | 1305 S 200 E                |
|                   | REXBURG, ID 83440           |
|                   | (208)356-5190               |
| Attorney          | ROBERT L HARRIS             |
|                   | HOLDEN KIDWELL HAHN & CRAPO |
|                   | PO BOX 50130                |
|                   | IDAHO FALLS, ID 83405-0130  |
|                   | (208)523-0620               |

Priority Date: 04/01/1987

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     | 0.68 CFS              | 136 AFA       |
| Total Diversion       |             |           | 0.68 CFS              |               |

Location of Point(s) of Diversion:

NESWNW

80829

GROUND WATER Sec. 26 Township 01S Range 34E BINGHAM County

GROUND WATER SWSWNE Sec. 35 Township 01S Range 34E BINGHAM County

GROUND WATER SWNW Sec. 35 Township 01S Range 34E BINGHAM County

IRRIGATION Use:

Acre Limit: 34

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 01S      | 34E   | 26      |     | SWNE  | 37    |     | SENE  | 23.3  |     |       |       |     |       |       |
|          |       |         |     | NWNW  | 33.7  |     | SWNW  | 39.3  |     | SENE  | 36.2  |     |       |       |
|          |       |         |     | NESW  | 34.7  |     | NWSW  | 39.4  |     | SWSW  | 37.3  |     | SESW  | 30.4  |
|          |       |         |     | NESE  | 24.9  |     | NWSE  | 37.6  |     |       |       |     |       |       |
|          |       | 34      |     | NENE  | 30    |     | NWNE  | 2.2   |     | SWNE  | 0.5   |     | SENE  | 18    |
|          |       |         |     | NESE  | 19.2  |     | SESE  | 5.5   |     |       |       |     |       |       |
|          |       | 35      |     | NWNE  | 8.4   |     | SWNE  | 18.3  |     |       |       |     |       |       |
|          |       |         |     | NENW  | 34.8  |     | NWNW  | 38.6  |     | SWNW  | 38.9  |     | SENE  | 38.8  |
|          |       |         |     | NESW  | 33.8  |     | NWSW  | 40    |     | SWSW  | 28.9  |     | SESW  | 14.3  |

Total Acres: 744

Conditions of Approval:

1. K09 This right is for an enlargement of 34.0 acres within the place of use described for this right. Rights 35-2314, 35-2441, 35-13601 and 35-13639 when combined shall not exceed a total
2. X35 diversion rate of 10.5 cfs, a total annual maximum diversion volume of 2656.0 af, and the irrigation of 664.0 acres.
3. X35 Rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total diversion rate of 12.05 cfs, a total annual maximum diversion volume of 2976.0 af, and the irrigation of 744.0 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 77195, 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.

80829

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. K02 This right is based upon an enlargement of Right Nos. 35-2314 and 35-2441 pursuant to Section 42-1426, Idaho Code.
10. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. 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.
14. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**Dates:**

Licensed Date:

Decreed Date: 10/22/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

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:

Owner Name Connector: Or

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 664

Combined Volume Limit: 2656

Combined Rate Limit: 10.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

80829

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

3/28/2016

WATER RIGHT NO. 35-13968

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | DE LOY Z WARD           |
| Current Owner     | NEAL D WARD             |
| Current Owner     | SHELLY M WARD           |
| Current Owner     | VIOLA J WARD            |
|                   | 1305 S 200 E            |
|                   | REXBURG, ID 83440       |
|                   | (208)356-5190           |
| Original Owner    | JAMES D WHEELER         |
|                   | 693 W 700 N             |
|                   | BLACKFOOT, ID 83221     |
|                   | (208)684-4775           |

Priority Date: 06/07/1957

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       | 11/01     | 0.29 CFS              | 57.3 AFA      |
| Total Diversion       |             |           | 0.29 CFS              |               |

Location of Point(s) of Diversion:

|              |        |         |              |           |                |
|--------------|--------|---------|--------------|-----------|----------------|
| GROUND WATER | NESWNW | Sec. 26 | Township 01S | Range 34E | BINGHAM County |
| GROUND WATER | SWSWNE | Sec. 35 | Township 01S | Range 34E | BINGHAM County |

## GROUND WATER|SWNW|Sec. 35|Township 01S|Range 34E|BINGHAM County

IRRIGATION Use:

Acre Limit: 14.3

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             | 34E          | 26             |            | SWNE         | 37           |            | SENE         | 23.3         |            |              |              |            |              |              |
|                 |              |                |            | NWNW         | 33.7         |            | SWNW         | 39.3         |            | SENE         | 36.2         |            |              |              |
|                 |              |                |            | NESW         | 34.7         |            | NWSW         | 39.4         |            | SWSW         | 37.3         |            | SESW         | 30.4         |
|                 |              |                |            | NESE         | 24.9         |            | NWSE         | 37.6         |            |              |              |            |              |              |
|                 |              | 34             |            | NENE         | 30           |            | NWNE         | 2.2          |            | SWNE         | 0.5          |            | SENE         | 18           |
|                 |              |                |            | NESE         | 19.2         |            | SESE         | 5.5          |            |              |              |            |              |              |
|                 |              | 35             |            | NWNE         | 8.4          |            | SWNE         | 18.3         |            |              |              |            |              |              |
|                 |              |                |            | NENW         | 34.8         |            | NWNW         | 38.6         |            | SWNW         | 38.9         |            | SENE         | 38.8         |
|                 |              |                |            | NESW         | 33.8         |            | NWSW         | 40           |            | SWSW         | 28.9         |            | SESW         | 14.3         |

Total Acres: 744

Conditions of Approval:

1. X27 This right is limited to the irrigation of 14.3 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total annual maximum diversion volume of 320.0 af, and the irrigation of 80.0 acres.
3. X35 Rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total diversion rate of 12.05 cfs, a total annual maximum diversion volume of 2976.0 af, and the irrigation of 744.0 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 77195, 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

80829

- with Department specifications.
8. 004 This right does not grant any right-of-way or easement across the land of another.
9. 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.
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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**Dates:**

Licensed Date:

Decreed Date: 05/20/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 80

Combined Volume Limit: 320

Combined Rate Limit:

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

3/28/2016

WATER RIGHT NO. 35-13965

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | DELOY Z WARD            |
| Current Owner     | NEAL D WARD             |
| Current Owner     | SHELLY M WARD           |
| Current Owner     | VIOLA J WARD            |
|                   | 1305 S 200 E            |
|                   | REXBURG, ID 83440       |
|                   | (208)356-5190           |
| Original Owner    | JAMES D WHEELER         |
|                   | 693 W 700 N             |
|                   | BLACKFOOT, ID 83221     |
|                   | (208)684-4775           |

Priority Date: 02/24/1953

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     | 0.59 CFS              | 127.8 AFA     |
| Total Diversion       |             |           | 0.59 CFS              |               |

Location of Point(s) of Diversion:

|              |        |         |              |           |                |
|--------------|--------|---------|--------------|-----------|----------------|
| GROUND WATER | NESWNW | Sec. 26 | Township 01S | Range 34E | BINGHAM County |
| GROUND WATER | SWSWNE | Sec. 35 | Township 01S | Range 34E | BINGHAM County |

## GROUND WATER|SWNW|Sec. 35|Township 01S|Range 34E|BINGHAM County

IRRIGATION Use:

Acre Limit: 32

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 01S      | 34E   | 26      |     | SWNE  | 37    |     | SENE  | 23.3  |     |       |       |     |       |       |
|          |       |         |     | NWNW  | 33.7  |     | SWNW  | 39.3  |     | SENE  | 36.2  |     |       |       |
|          |       |         |     | NESW  | 34.7  |     | NWSW  | 39.4  |     | SWSW  | 37.3  |     | SESW  | 30.4  |
|          |       |         |     | NESE  | 24.9  |     | NWSE  | 37.6  |     |       |       |     |       |       |
|          |       | 34      |     | NENE  | 30    |     | NWNE  | 2.2   |     | SWNE  | 0.5   |     | SENE  | 18    |
|          |       |         |     | NESE  | 19.2  |     | SESE  | 5.5   |     |       |       |     |       |       |
|          |       | 35      |     | NWNE  | 8.4   |     | SWNE  | 18.3  |     |       |       |     |       |       |
|          |       |         |     | NENW  | 34.8  |     | NWNW  | 38.6  |     | SWNW  | 38.9  |     | SENE  | 38.8  |
|          |       |         |     | NESW  | 33.8  |     | NWSW  | 40    |     | SWSW  | 28.9  |     | SESW  | 14.3  |

Total Acres: 744

## Conditions of Approval:

1. X27 This right is limited to the irrigation of 32.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total annual maximum diversion volume of 320.0 af, and the irrigation of 80.0 acres.
3. X35 Rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total diversion rate of 12.05 cfs, a total annual maximum diversion volume of 2976.0 af, and the irrigation of 744.0 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 77195 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

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- 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**Dates:**

Licensed Date:

Decreed Date: 04/30/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 80

Combined Volume Limit: 320

Combined Rate Limit:

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

3/28/2016

WATER RIGHT NO. 35-13962

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | DELOY Z WARD            |
| Current Owner     | NEAL D WARD             |
| Current Owner     | SHELLY M WARD           |
| Current Owner     | VIOLA J WARD            |
|                   | 1305 S 200 E            |
|                   | REXBURG, ID 83440       |
|                   | (208)356-5190           |
| Original Owner    | JAMES D WHEELER         |
|                   | 693 W 700 N             |
|                   | BLACKFOOT, ID 83221     |
|                   | (208)684-4775           |

Priority Date: 08/04/1979

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     | 0.67 CFS              | 284.4 AFA     |
| Total Diversion       |             |           | 0.67 CFS              |               |

Location of Point(s) of Diversion:

|              |        |         |              |           |                |
|--------------|--------|---------|--------------|-----------|----------------|
| GROUND WATER | NESWNW | Sec. 26 | Township 01S | Range 34E | BINGHAM County |
| GROUND WATER | SWSWNE | Sec. 35 | Township 01S | Range 34E | BINGHAM County |

## GROUND WATER|SWNW|Sec. 35|Township 01S|Range 34E|BINGHAM County

IRRIGATION Use:

Acre Limit: 80

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             | 34E          | 26             |            | SWNE         | 37           |            | SENE         | 23.3         |            |              |              |            |              |              |
|                 |              |                |            | NWNW         | 33.7         |            | SWNW         | 39.3         |            | SENE         | 36.2         |            |              |              |
|                 |              |                |            | NESW         | 34.7         |            | NWSW         | 39.4         |            | SWSW         | 37.3         |            | SESW         | 30.4         |
|                 |              |                |            | NESE         | 24.9         |            | NWSE         | 37.6         |            |              |              |            |              |              |
|                 |              | 34             |            | NENE         | 30           |            | NWNE         | 2.2          |            | SWNE         | 0.5          |            | SENE         | 18           |
|                 |              |                |            | NESE         | 19.2         |            | SESE         | 5.5          |            |              |              |            |              |              |
|                 |              | 35             |            | NWNE         | 8.4          |            | SWNE         | 18.3         |            |              |              |            |              |              |
|                 |              |                |            | NENW         | 34.8         |            | NWNW         | 38.6         |            | SWNW         | 38.9         |            | SENE         | 38.8         |
|                 |              |                |            | NESW         | 33.8         |            | NWSW         | 40           |            | SWSW         | 28.9         |            | SESW         | 14.3         |

Total Acres: 744

Conditions of Approval:

1. X27 This right is limited to the irrigation of 80.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total annual maximum diversion volume of 320.0 af, and the irrigation of 80.0 acres.
3. X35 Rights 35-2314, 35-2441, 35-13601, 35-13639, 35-13968, 35-13965, and 35-13962 when combined shall not exceed a total diversion rate of 12.05 cfs, a total annual maximum diversion volume of 2976.0 af, and the irrigation of 744.0 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 77195, 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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- 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**Dates:**

Licensed Date:

Decreed Date: 05/20/2002

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: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 80

Combined Volume Limit: 320

Combined Rate Limit:

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

## 808 29

# **Attachment No. 4**

## **Power of Attorney**



**Holden Kidwell  
Hahn & Crapo** PLLC  
LAW OFFICES

**Robert L. Harris**  
Attorney at Law

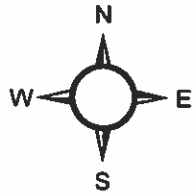
1000 Riverwalk Dr., Ste. 200  
PO Box 50130  
Idaho Falls, Idaho 83405

Tel: (208) 523-0620  
Fax: (208) 523-9518  
[rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)

# **Attachment No. 7a**

## **Map**

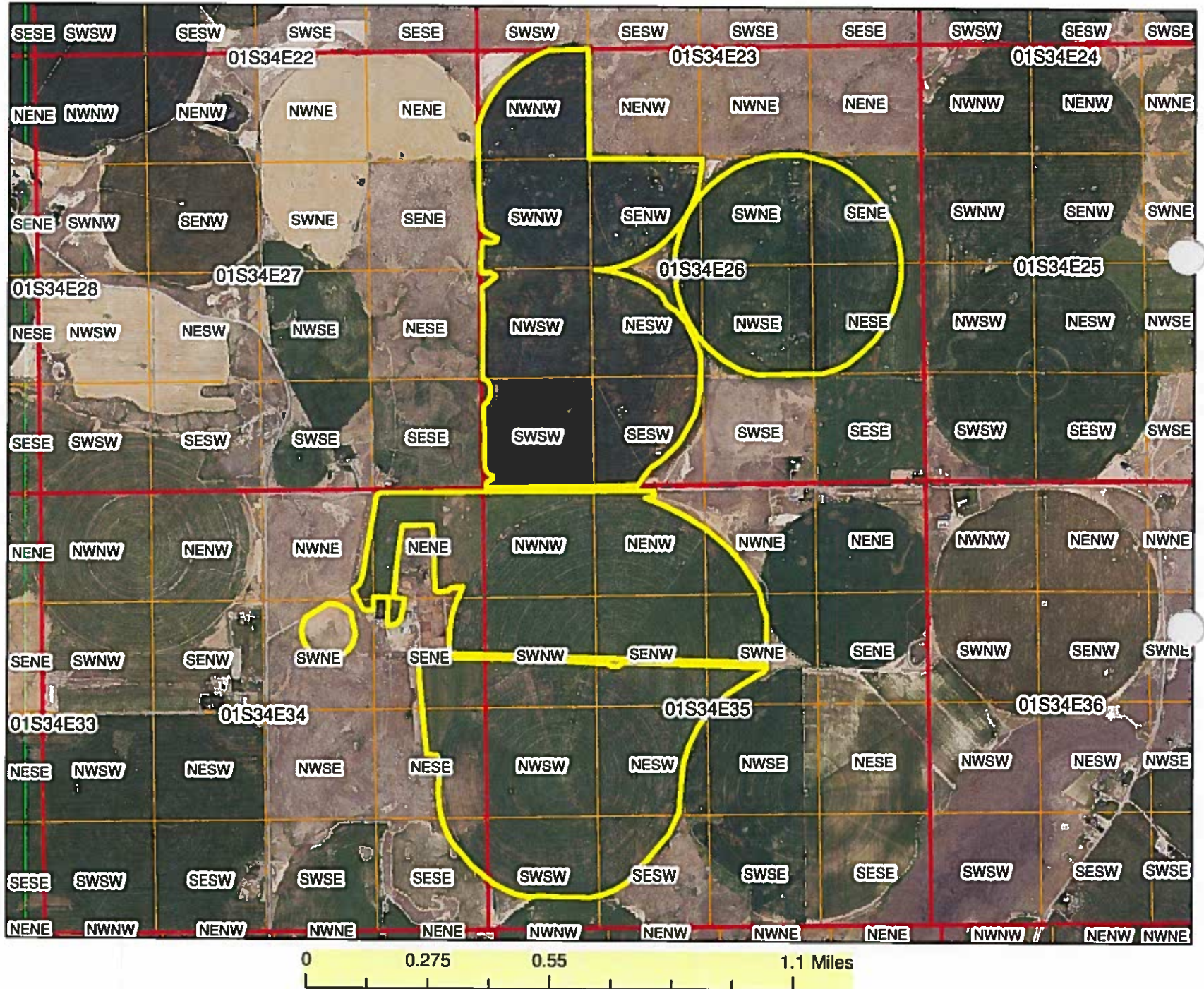
# WARD TRANSFER



## Legend

- 2016\_POU\_35-2314\_et\_al
- Section\_Lines
- Quarter-quarters

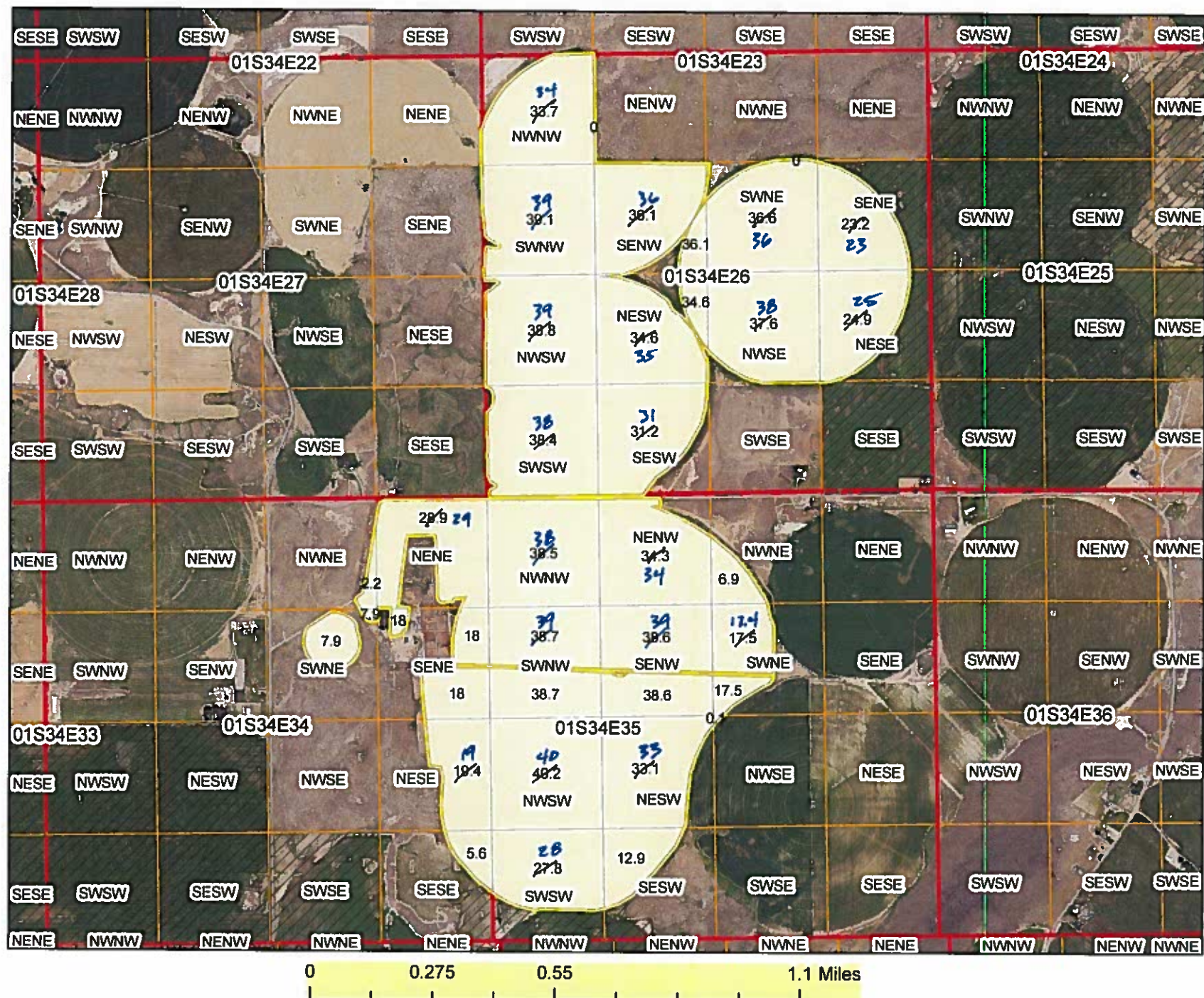
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Prepared by:  
Robert L. Harris  
2015 Photo

**Attachment No. 7b**  
**Map (GIS shapefile)**

 Acres By QQ  
 Section\_Lines  
 Quarter-quarters  
 Old POU



Prepared by:  
Robert L. Harris  
2015 Photo

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