

RECEIVED
APR 06 2016
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80820

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) DeLoy Ward and Viola Ward and Neal Ward and Shelley 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.
- ☐ ☒ #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: Field exam documents (showing POD for water rights); Unauthorized water use letter.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Department of Water Resources
Eastern Region

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) DeLoy Ward and Viola Ward and Neal Ward and Shelley 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

April 5, 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 an unauthorized water use letter and generally to clean up the shapefiles for the water rights listed in the transfer. It combines the POU for the water rights. It also corrects the POD for 35-13712 and 35-13714 to where it has been historically used in the recent past (the same POD as 35-7018A and 35-8070).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	35-7018A	0.17/64	IRRIGATION	4/1 to 11/01	GROUND WATER
☒ ☐	35-8070	1.7/340	IRRIGATION	4/1 to 10/31	GROUND WATER
☒ ☐	35-13712	0.04 cfs	IRRIGATION	4/1 to 11/01	GROUND WATER
☒ ☐	35-13714	0.06 cfs	IRRIGATION	4/1 to 11/01	GROUND WATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.97 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.97 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No			SW	SW	28	01S	34E	BINGHAM	GROUND WATER	

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	34E	28							1.2	0.5	22.4	29.1	27.2	29.2					109.6
Total Acres (for irrigation use)																			109.6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

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

Well and pump into pivot. 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 attached map.

- 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

4/5/2016

WATER RIGHT NO. 35-13712

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GERALD LARSEN 862 W 650 N BLACKFOOT, ID 83221 (208)684-4305

Priority Date: 04/28/1972

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NESENE|Sec. 32|Township 01S|Range 34E|BINGHAM County

IRRIGATION Use:
Acre Limit: 8.6

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

8 0 8 2 0

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	34E	28		SWSW	4.3		SESW	4.3						

Total Acres: 8.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 2.8 acres within the place of use described above in a single irrigation season.
Rights 35-13711 and 35-13713 when combined shall not exceed a total diversion rate of 0.11 cfs,
2. X35 a total annual maximum diversion volume of 34.4 af at the field headgate, and the irrigation of 8.6 acres.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. F06 The following rights are diverted through point(s) of diversion described above: 35-13711, 35-13712, 35-13713, and 35-13714.
6. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.03

Generic Max Volume per Acre: 4

Combined Acres Limit: 8.6

Combined Volume Limit: 34.4

Combined Rate Limit: 0.11

Civil Case Number:

Old Case Number:

80820

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

4/5/2016

WATER RIGHT NO. 35-13714

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GERALD LARSEN 862 W 650 N BLACKFOOT, ID 83221 (208)684-4305
Current Owner	MYRTLE LARSEN 864 W 650 N BLACKFOOT, ID 83221 (208)684-4305
Original Owner	GERALD LARSEN

Priority Date: 04/02/1968

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	0.06 CFS	
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NESENE|Sec. 32|Township 01S|Range 34E|BINGHAM County

IRRIGATION Use:

80820

Acre Limit: 8.6

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	28		SWSW	4.3		SESW	4.3						

Total Acres: 8.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 5.8 acres within the place of use described above in a single irrigation season.
2. X35 Rights 35-13711 and 35-13713 when combined shall not exceed a total diversion rate of 0.11 cfs, a total annual maximum diversion volume of 34.4 af at the field headgate, and the irrigation of 8.6 acres.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. F06 The following rights are diverted through point(s) of diversion described above: 35-13711, 35-13712, 35-13713, and 35-13714.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 120

Generic Max Rate per Acre: 0.03

Generic Max Volume per Acre: 4

Combined Acres Limit: 8.6

80820

41

Combined Volume Limit: 34.4

Combined Rate Limit: 0.11

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

4/5/2016

WATER RIGHT NO. 35-7018A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DELOY Z WARD
Current Owner	NEAL D WARD
Current Owner	SHELLEY M WARD
Current Owner	VIOLA J WARD
	1305 S 2ND E
	REXBURG, ID 83440
	(208)356-5190
Original Owner	GERALD LARSEN
	862 W 650 N
	BLACKFOOT, ID 83221
	(208)684-4305
Original Owner	MYRTLE LARSEN
	864 W 650 N
	BLACKFOOT, ID 83221
	(208)684-4305

Priority Date: 04/02/1968

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.17 CFS	64 AFA
Total Diversion			0.17 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWSWSW|Sec. 28|Township 01S|Range 34E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01S	34E	28		SWSW 8			SESW 8							

Total Acres: 16

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

80820

Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/5/2016

WATER RIGHT NO. 35-8070

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DELOY Z WARD
Current Owner	NEAL D WARD
Current Owner	SHELLEY M WARD
Current Owner	VIOLA J WARD
	1305 S 2ND E
	REXBURG, ID 83440
	(208)356-5190
Original Owner	GERALD LARSEN
	862 W 650 N
	BLACKFOOT, ID 83221
	(208)684-4305
Original Owner	MYRTLE LARSEN
	864 W 650 N
	BLACKFOOT, ID 83221
	(208)684-4305

Priority Date: 12/16/1982

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	1.7 CFS	340 AFA
Total Diversion			1.7 CFS	

Location of Point(s) of Diversion.

GROUND WATER|SWSW|Sec. 28|Township 01S|Range 34E|BINGHAM County

Licensed Diversion Capacity: 2.31

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	28		NESW	15		NWSW	21		SWSW	26		SESW	23

Total Acres: 85

Conditions of Approval:

1. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

Dates:

Licensed Date: 10/19/1992

Decreed Date:

Permit Proof Due Date: 10/1/1990

Permit Proof Made Date: 5/4/1990

Permit Approved Date: 9/25/1989

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: 12/16/1982

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: AND

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

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

- 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.

☐ 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**.

☐ 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]

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$ 580.00 Date 3/29/2016 Received by Receipt # E041972

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)

WATER RIGHTS BEFORE TRANSFER															
Owner	Type	Basin	Sequence	Priority Date	Basin	Div. Rate (cfs)	Combined Div. Rate (cfs)	Volume Limit (AF/A)	Combined Volume (AF/A)	Period of Use	Source	Water Use	Acre Limit	Combined Acre Limit	Point(s) of Diversion
DELOY, NEAL, SHELLEY, AND VIOLA WARD	WR	35	7018A	4/2/1968	Decreed	0.17	None	64	None	4/1 to 11/01	GROUND WATER	IRRIGATION	16	None	NW1/4SW1/4, Sec. 28, 01S, 34E
DELOY, NEAL, SHELLEY, AND VIOLA WARD	WR	35	8070	12/16/1982	Decreed	1.7		340		4/1 to 10/31	GROUND WATER	IRRIGATION	85		
GERALD/MYRTLE LARSEN	WR	35	13712	7/29/1972	Decreed	0.04	None	None	None	4/1 to 11/01	GROUND WATER	IRRIGATION	2.8	8.6	NE1/4SE1/4, Sec. 32, 01S, 34E
GERALD/MYRTLE LARSEN	WR	35	13714	4/2/1968	Decreed	0.06		None		4/1 to 11/01	GROUND WATER	IRRIGATION	5.8		
TOTAL						1.97								109.6	

WATER RIGHTS AFTER TRANSFER															
Owner	Type	Basin	Sequence	Priority Date	Basin	Div. Rate (cfs)	Combined Div. Rate (cfs)	Volume Limit (AF/A)	Combined Volume (AF/A)	Period of Use	Source	Water Use	Acre Limit	Combined Acre Limit	Point(s) of Diversion
DELOY, NEAL, SHELLEY, AND VIOLA WARD	WR	35	7018A	4/2/1968	Decreed	0.17	1.97	64	None	4/1 to 11/01	GROUND WATER	IRRIGATION	16	109.6	SWSW, Sec. 28, 01S, 34E
DELOY, NEAL, SHELLEY, AND VIOLA WARD	WR	35	8070	12/16/1982	Decreed	1.7		340		4/1 to 10/31	GROUND WATER	IRRIGATION	85		
GERALD/MYRTLE LARSEN	WR	35	13712	7/29/1972	Decreed	0.04	None	None	None	4/1 to 11/01	GROUND WATER	IRRIGATION	2.8	5.8	
GERALD/MYRTLE LARSEN	WR	35	13714	4/2/1968	Decreed	0.06		None		4/1 to 11/01	GROUND WATER	IRRIGATION	5.8		
TOTAL						1.97								109.6	

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

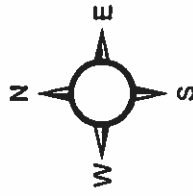
Tel: (208) 523-0620
Fax: (208) 523-9518
rharris@holdenlegal.com

Attachment No. 5
ESPA Analysis and Mitigation
Plan

ESPA ANALYSIS

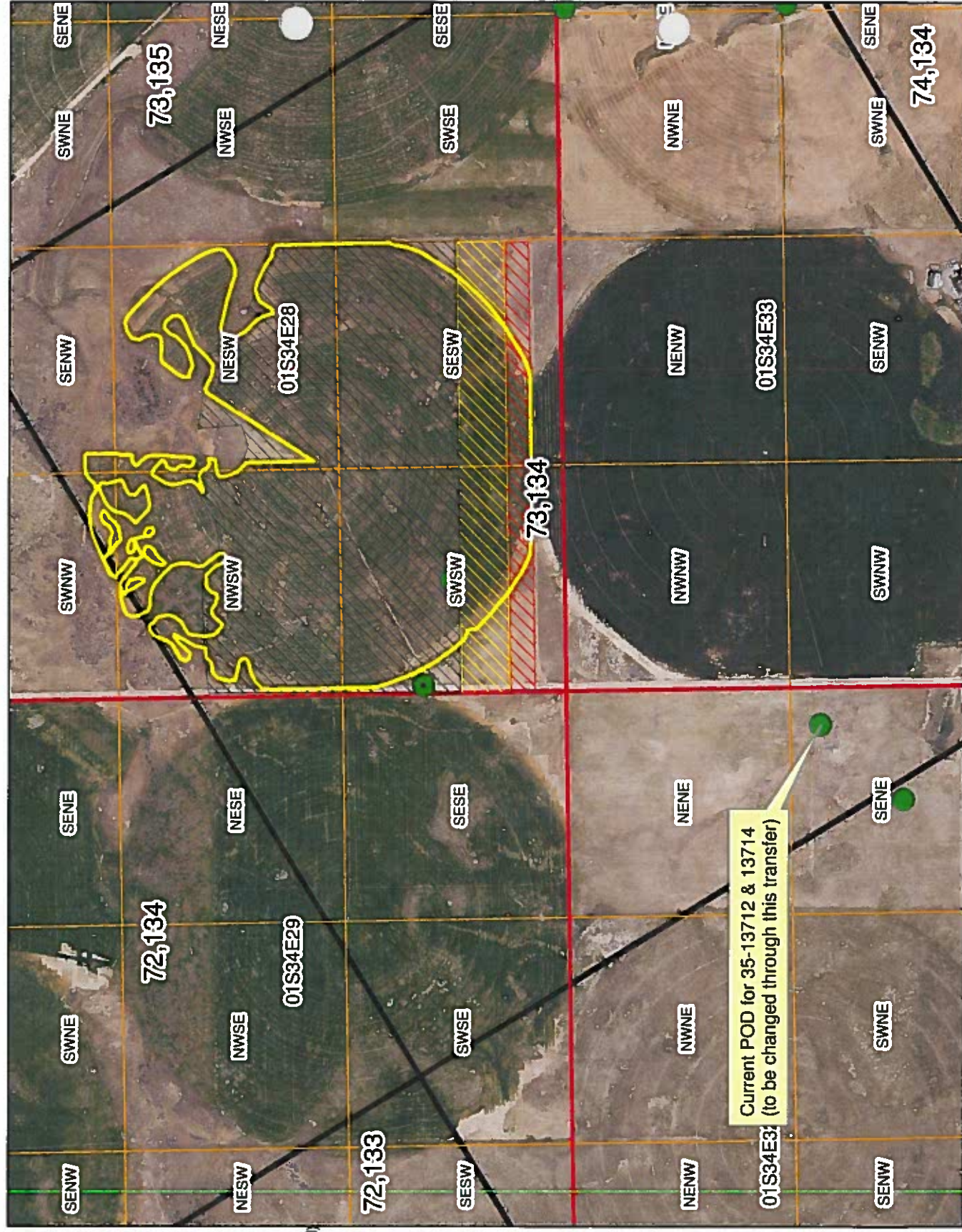
No ESPA analysis is required. Ground water modeling is not required if the current point(s) of diversion and the new point(s) of diversion are located within the same or adjacent model cells. See *Administrator's Memorandum*, Transfer Processing No. 24, December 21, 2009, at 13.

WARD TRANSFER



Legend

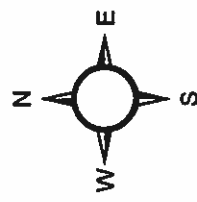
- POD (Larsen Parcel)
- wrpod
- Amended POU (Larsen Parcel)
- Old_35-8070_POU
- Old_35-7018A_POU
- Old_35-13712_POU
- Section_Lines
- Quarter-quarters
- modelgrid



Prepared by:
Robert L. Harris
2015 Photo

Attachment No. 7a Map

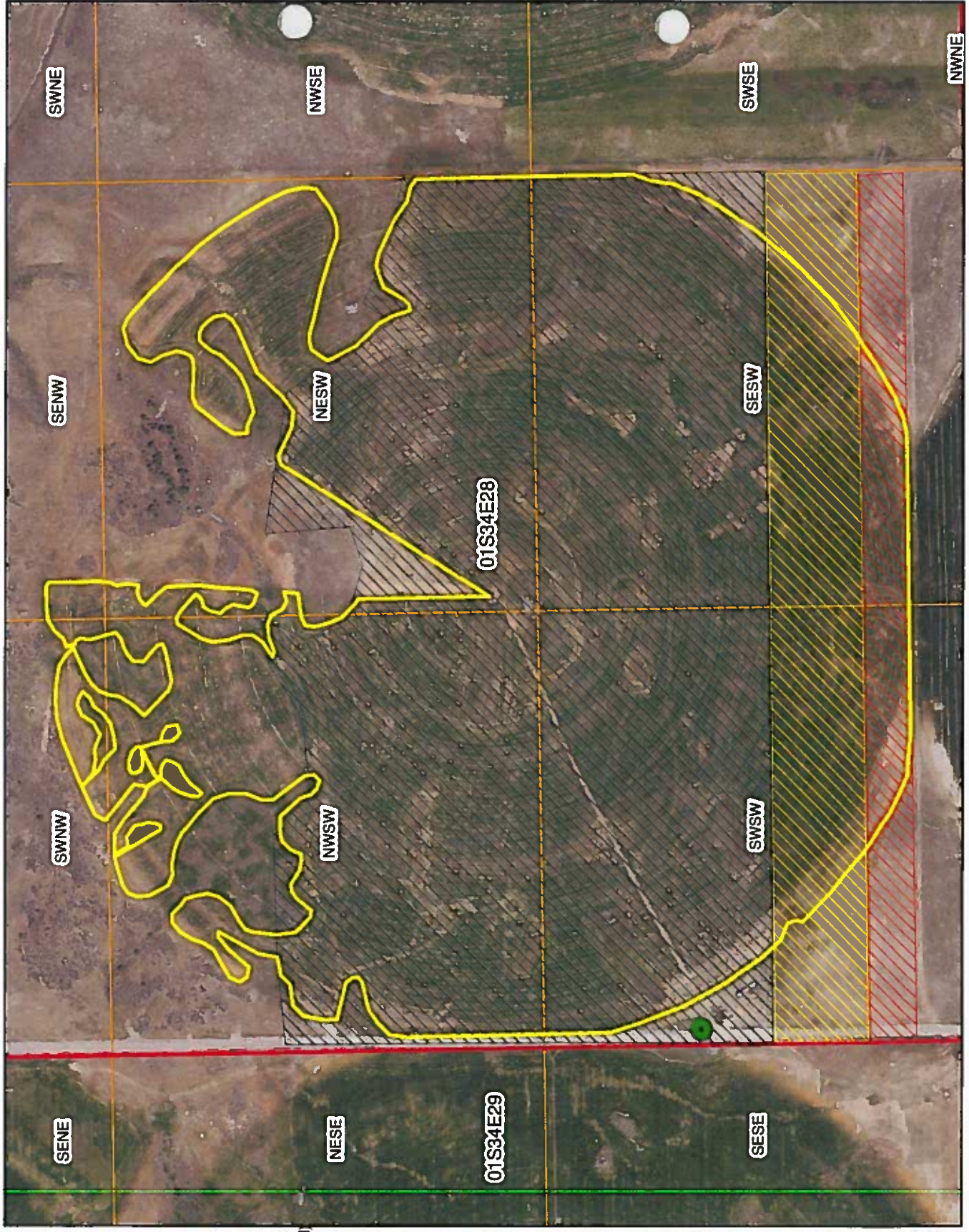
WARD TRANSFER



Legend

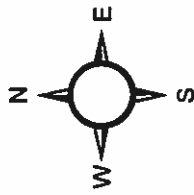
- Amended POU (Larsen Parcel)
- POD (Larsen Parcel)
- Old_35-8070_POU
- Old_35-7018A_POU
- Old_35-13712_POU
- Section_Lines
- Quarter-quarters

Prepared by:
Robert L. Harris
2015 Photo



Attachment No. 7b
Map (GIS shapefile)

WARD TRANSFER



Legend

- Acres by QQ
- Amended POU (Larsen Parcel)
- POD (Larsen Parcel)
- Old_35-8070_POU
- Old_35-7018A_POU
- Old_35-13712_POU
- Section_Lines
- Quarter-quarters

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Prepared by:
Robert L. Harris
2015 Photo



Attachment No. 10

Other

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

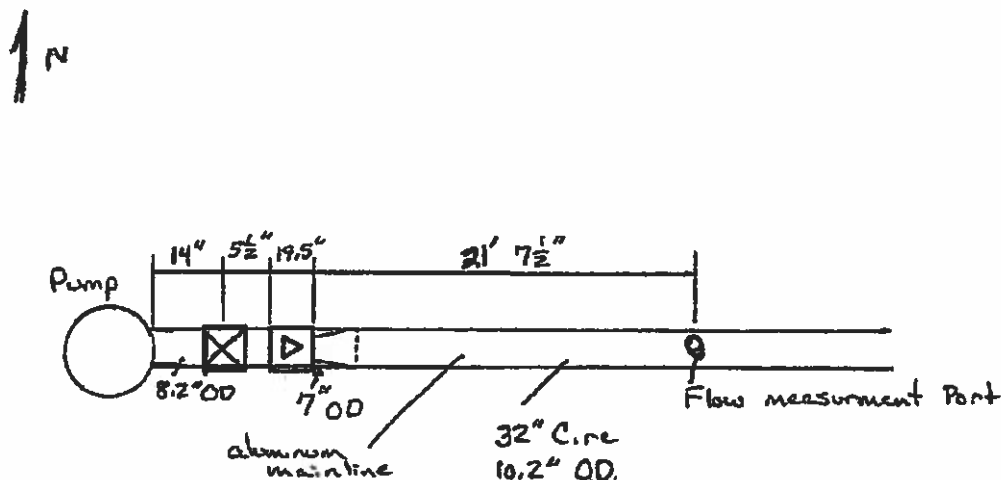
Permit No. 35-8070
1 Owner Gerald Larsen Phone No. 684-4305
Current Address: 864 W. 650 N. Blackfoot, ID
2. Accompanied by: Same EXAM. DATE: 7/9/90
Address Same Phone No. Same
Relationship to Permit Holder: Owner
3 Source: Ground Water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion. A35-07018A (0.17 cfs)
_____ ☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required)
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)
☒ Aerial Photo Attached
(required for irrigation of 10 acres or more)

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System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Motor is 110 HP (it has been re-wound to 110% of 100 HP)
equivalent of 6 1/2 1/4 mile lines

This rt. has a p.o.u. as adjacent acres to License 35-7018.
See claim A35-070184. Claim A35-07018 B says there
are 15 acres in the S 1/2 SW 1/4 of Sect 28 irrigated by a different pd
in Sect. 32. ASGS map only shows an incursion of 4.2 acres
in the S 1/2 SW 1/4 by the pivot from the south. A35-07018 B needs to
be amended if this air photo is accurate. ☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
C-28-1	US Motor	75	9 31 638	Johnston	45948

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	SW	28	1S	34E	Bingham	USGS Map / on site inspection

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	34E	28									15	21	26	23					85
Total Acres of System																			
1S	34E	28									15	21	36	33					105
		33					3.7												3.7

108.7
= 109 ac

RECORDED

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Do not use this space

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Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Flowmeter Station	Annuhar	Dieterich	7517-346	19 11 46	10.02"	
Pressure Gauge	Rain Bird	Rain Bird	-	-	100 psi	

2. Measurements:

Circ 32" id =

46 psi

29.4 22.3 (Manometer)

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure _____ psi x 2.31 = _____ ft (1); Dynamic pumping level. _____ ft (2)

Total Head: (1) + (2) = _____ (3)

Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x 001732 = _____ (8)

Panel Input HP: (8) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 85 \text{ acres} \times 4 \text{ af} = 340 \text{ af}$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 170 \text{ cfs} \times 213 \text{ days} \times 1.9835 = 718.2$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 340 \text{ af}$

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

Acreage licensed is adjacent to acreage in License 35-7018

I. RECOMMENDATIONS

1 Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4-1	10-31	1.70	340
Totals:			1.70 cfs	340 afa

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name Scott King

Signature _____

Certification Date _____

Field Report Preparation Date _____

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Scott King Date 7-9-90
Owner: Gerald Larsen Permit No. 35-8070

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = 32"
T = Pipe Thickness in Inches = 0.125
ID = $2 [(0.1592 \times \text{CIR}) - T] = \dots\dots\dots$ 9.94

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 10"
State ID No. 191146

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	<u>3.94</u>
12"	3.99
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.94

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = 29.4
Low Reading = 22.3
High - Low = H = 7.1

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 (\sqrt{H}) (C)}{448.8}$$
$$Q = \frac{(9.94)^2 (\sqrt{7.1}) (3.94)}{448.8} = \underline{2.31} \text{ cfs}$$

SKETCH (If not shown on Field Report)

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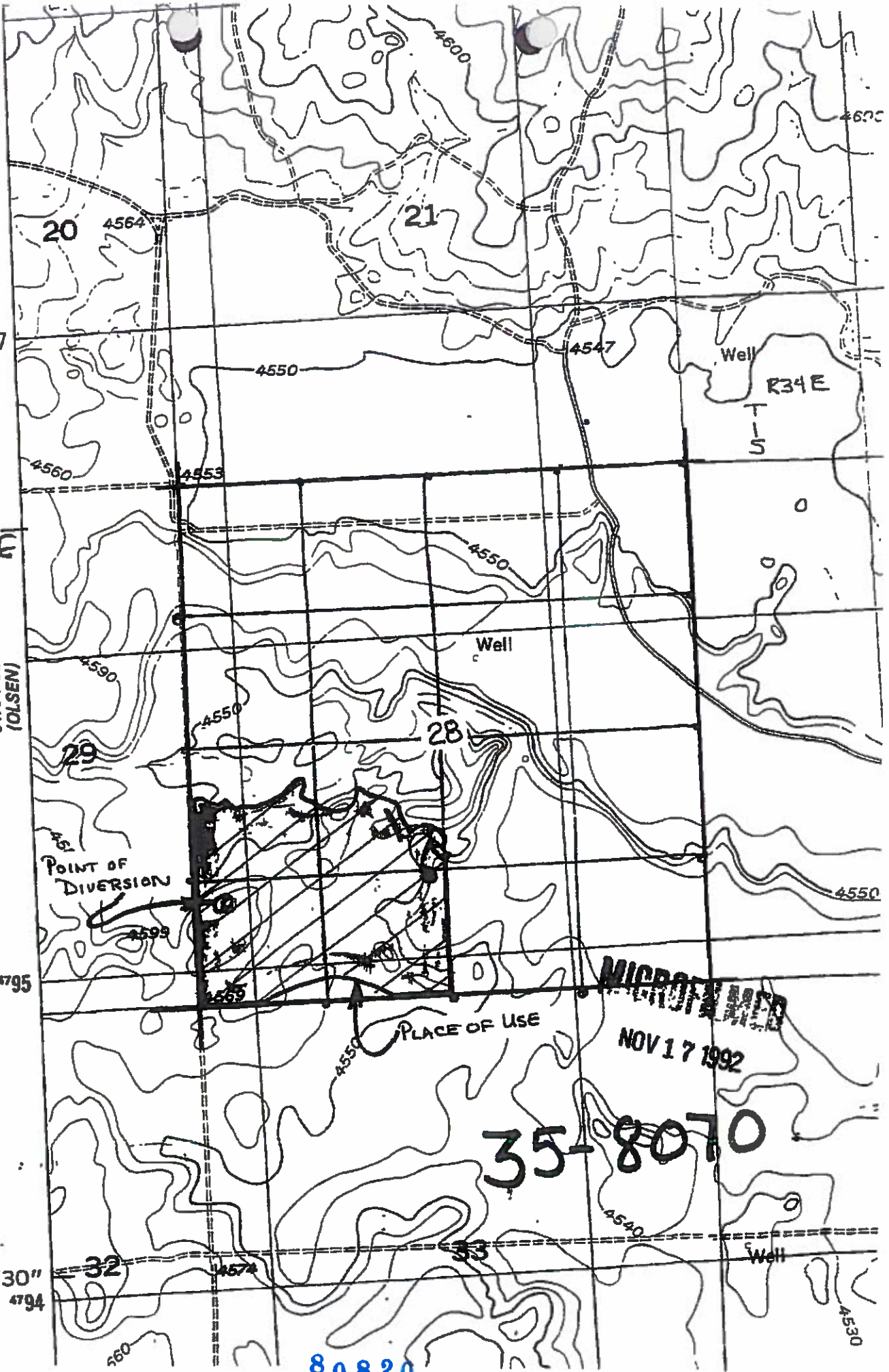
35-8070

R34E
T-1S

3470 / SE
(OLSEN)

17'30"
4794

80820



CRP

90+48

2250

HEL

5
49.0

HEL

48.0

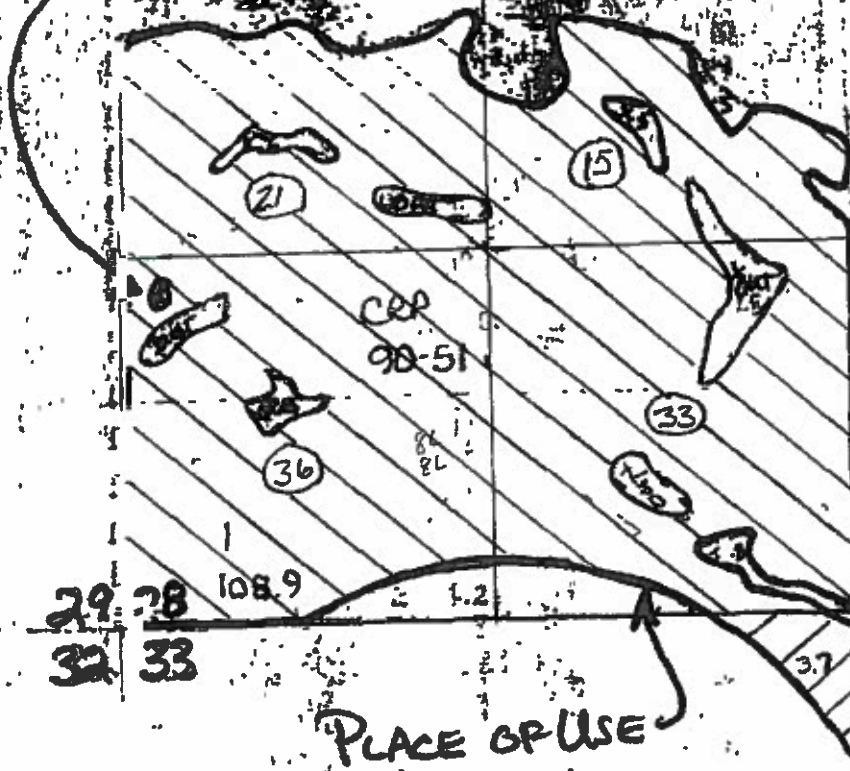
35-8070

RAE

T
6

28

POINT OF DIVERSION



2144

CRP
90-51

7.9

8.1

29 28
32 33

108.9

1.2

PLACE OF USE

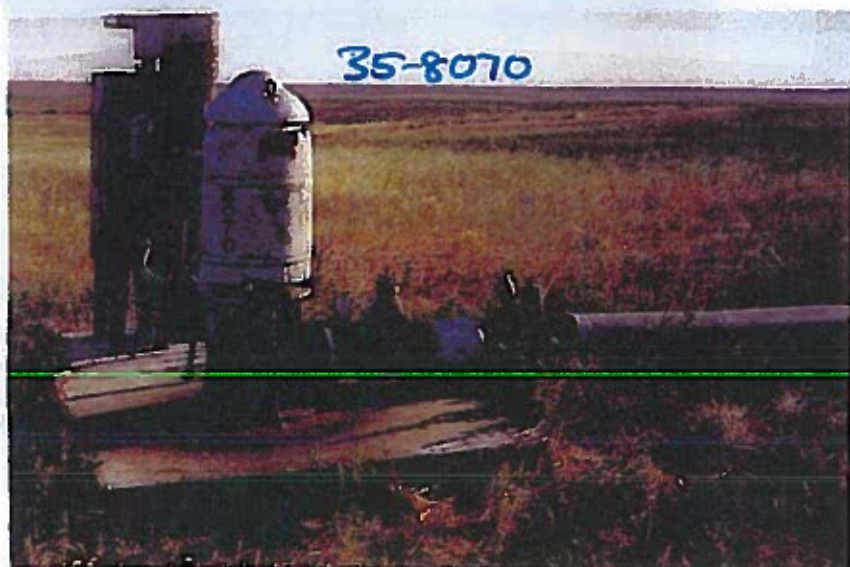
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35-8070

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Flow Measurement Port



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35-8070



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 15, 2015

De Loy Z Ward
Viola J Ward
1305 S 200 E
Rexburg, ID 83440

Certified Mail

RE: Unauthorized Water Use

Dear Mr. and Mrs. Ward:

During a recent review of water rights in Bingham County, the Idaho Department of Water Resources (IDWR) discovered that approximately 23.0 acres of your property located in the W ½ of Section 28, T01S, R34E are being irrigated without a valid water right. Enclosed is a map outlining the 23.0 acres in question. According to IDWR records, no irrigation water rights are associated with the acres outlined in the map.

Diversion of water without a valid water right is unlawful pursuant to Idaho Code § 42-351. **You are hereby instructed to cease and desist the irrigation of the 23.0 acres located in the W ½ of Section 28, T01S, R34E as outlined on the enclosed map. Irrigation of these acres may not occur in the 2016 irrigation season or future seasons until a valid water right has been obtained or identified.**

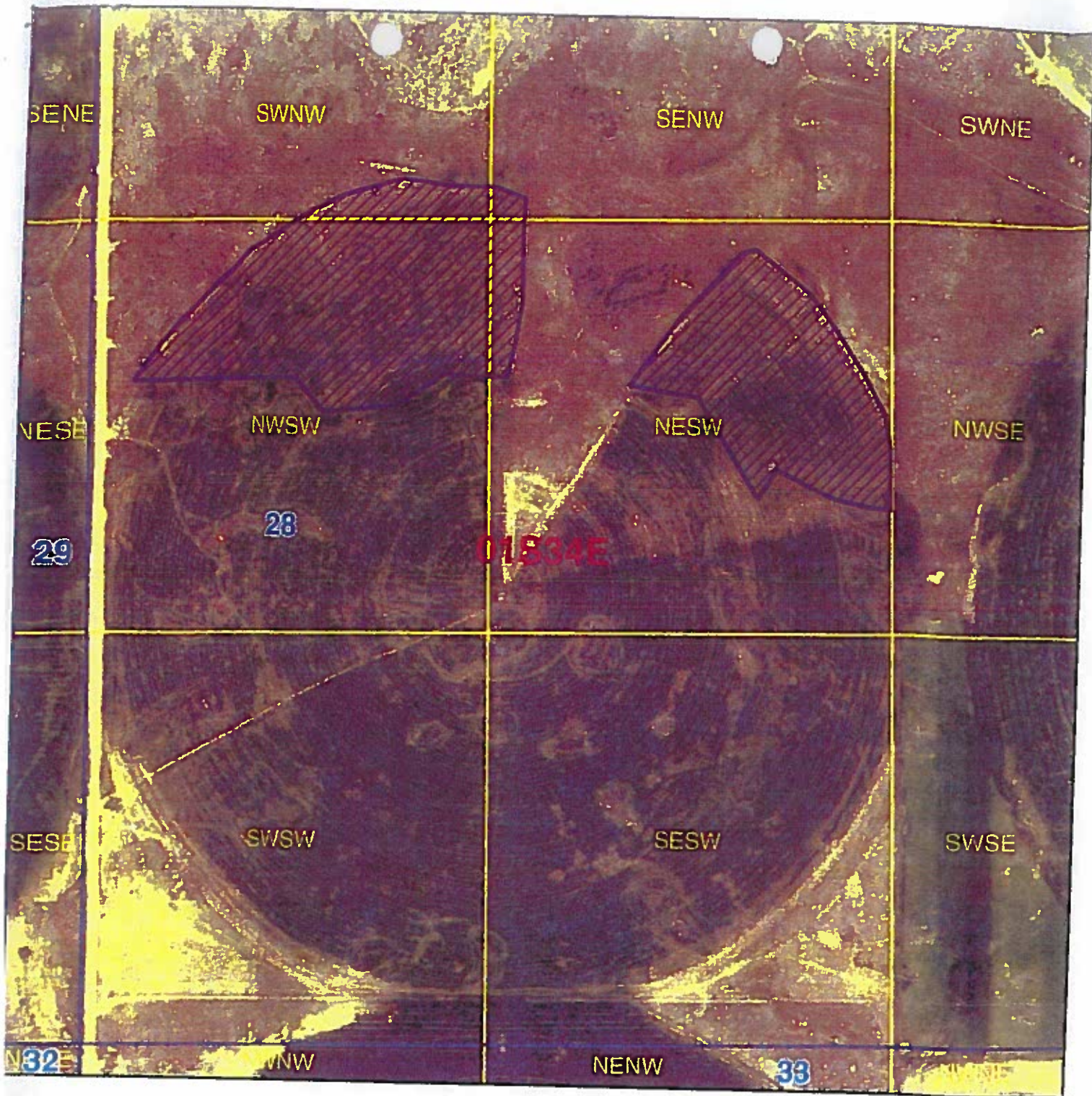
Please notify me if you are not the current owner of the property in question, if you believe there is a valid water right associated with the property, or if you feel my analysis is in error. If you are the owner of the property and my analysis is correct, please contact me within 14 days to discuss ways to address the unauthorized water use. Pending your response to this letter, IDWR will determine whether to issue a formal Notice of Violation and commence an administrative enforcement action that may include civil penalties and mitigation requirements for the irrigation taking place in 2015.

Sincerely,

Blake Jordan
Sr. Water Resource Agent
IDWR
(208) 525-7161

Cc: Brian Ragan, IDWR Boise

80820



Legend

- Unauthorized Use
- Township/Range
- Sections
- QQ

0 270 540 1,080 Feet
1 inch = 444 feet



2015 Aerial Photography

80820



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

April 13, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

VIOLA J WARD
NEAL D WARD
SHELLY M WARD
DELOY Z WARD
1305 S 2ND E
REXBURG, ID 83440

RE: Transfer No. 80820
Water Right No(s). 35-13712, 35-13714, 35-7018A, 35-8070

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the MORNING NEWS on 4/21/2016 and 4/28/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Judea Jones
Administrative Assistant

CC: HOLDEN KIDWELL HAHN & CRAPO PLLC
C/O ROBERT L HARRIS
PO BOX 50130
IDAHO FALLS, ID 83405

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, April 13, 2016 2:57 PM
To: 'Morning News (legals@am-news.com)'
Subject: Legal Notice for Your Newspaper
Attachments: Morning News E-Mail.doc

Contacts: Morning News

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80820

VIOLA J WARD and NEAL D WARD and SHELLY M WARD and DELOY Z WARD, 1305 S 2ND E, REXBURG, ID 83440; has filed Application No. 80820 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-13712, 35-13714, 35-7018A, 35-8070; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Change the point of diversion and change the place of use. The point of diversion is in SWSW, Section 28, T01S, R34E for 1.97 cfs from groundwater. The place of use is in W1/2, Section 28, T01S, R34E for 109.6 acres.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before 5/9/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/21/2016 and 4/28/2016