

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 09 2016

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Perry Ward, Holly Ward, Phone 208-604-1255Mailing address 3689 E 100 N, Rigby, ID 83442 Email hjward76@yahoo.com

- ☐ 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 _____ Phone _____

Mailing address _____ Email _____

- ☐ 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.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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**.
Rearrange place of use to reflect changes in irrigation system. Place of use will be irrigated by 35-7476B and a portion of rights 35-13924 and 35-13926. The split portions will be delivered from the current point of diversion of right 35-7476B.

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 ☒ ☐	35-7476B	6.45 cfs	Irrigation	4/1 to 10/31	Ground water
☐ ☒	35-13924	0.10 cfs	Irrigation	4/1 to 10/31	Ground water
☐ ☒	35-13926	0.04 cfs	Irrigation	4/1 to 10/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.55 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.35 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.

CURRENT + PROPOSED POD IN ADJACENT MODEL CELLS. ESPA ANALYSIS NOT REQUIRED.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			NW	SE	22	1N	32E	Bingham	Ground water	A0006391

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	
1N	32E	22	34		6	39					36	33	35	37	39	39	40	40	378
1N	32E	23					0.9	35	40	8.5	8.5	40	36	1.1					170
Total Acres (for irrigation use)																			548

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:

Pump to mainline & pivots, flow meter will be installed if needed.

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

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: Farm Credit

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:

Will be dry.

- 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:

Rights 35-13923 and 35-13925 are delivered from the same POD as 35-13924 and 35-13926.

- 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:

11/17/2015

<u>Owner Type</u>	<u>Name</u>
Current Owner	PERRY WARD
Current Owner	HOLLY WARD
<u>Priority Date:</u> 2/10/1975	
<u>Basis:</u> Deceased	
<u>Status:</u> Active	

Tributary

Source and Point(s) of Diversion

GROUND WATER NWSE Sec. 22, Twp 01N, Rge 32E, BINGHAM County

IRRIGATION within BINGHAM County

POU Total Acres: 539.1

1.	205	The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2.	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.

Decreed Date: 3/8/2002
State or Federal: S
Owner Name Connector: AND
Water District Number: 120
Mitigation Plan: False

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/17/2015

Water Right 35-13924

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DELOY Z WARD 1305 S 200 E REXBURG, ID 83440 (208)356-5190
Current Owner	VIOLA J WARD 1305 S 200 E REXBURG, ID 83440 (208)356-5190
Current Owner	PERRY WARD 3689 E 100 N RIGBY, ID 83442 (208)745-8976
Current Owner	HOLLY WARD 3689 E 100 N RIGBY, ID 83442 (208)745-8976

Priority Date: 2/10/1975

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	6.590 CFS	2,248.0 AF
	<u>Total Diversion</u>		6.590 CFS	2,248.0 AF

Source and Point(s) of Diversion

GROUND WATER NENE Sec. 27, Twp 01N, Rge 32E, BINGHAM County

Place Of Use

IRRIGATION within BINGHAM County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	32E	26						40.0	40.0	40.0	40.0	38.0	15.0	36.0		11.0			260.0
01N	32E	27	40.0	40.0	40.0	40.0	40.0	6.0		20.0					34.0	16.0			276.0
01N	32E	35					21.0	5.0											26.0

Right Acre Limit: 445.0

POU Total Acres: 562.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/17/2015

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-13926 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 562 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 444.7 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. RIGHT NO. 35-13923, 35-13925, 35-13926 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
4. USE OF THIS RIGHT WITH RIGHT NO. 35-13926 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.59 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2248 AF.

Dates and Other Information

Decreed Date: 3/8/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a Part 2A report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

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

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 35-13924

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/17/2015

Water Right 35-13926

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DELOY Z WARD 1305 S 200 E REXBURG, ID 83440 (208)356-5190
Current Owner	VIOLA J WARD 1305 S 200 E REXBURG, ID 83440 (208)356-5190
Current Owner	PERRY WARD 3689 E 100 N RIGBY, ID 83442 (208)745-8976
Current Owner	HOLLY WARD 3689 E 100 N RIGBY, ID 83442 (208)745-8976

Priority Date: 5/25/1976

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	2.350 CFS	
	Total Diversion		2.350 CFS	

Source and Point(s) of Diversion

GROUND WATER	SENESE	Sec. 27, Twp 01N, Rge 32E, BINGHAM County
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Place Of Use

IRRIGATION within BINGHAM County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	32E	26						40.0	40.0	40.0	40.0	38.0	15.0	36.0		11.0			260.0
01N	32E	27	40.0	40.0	40.0	40.0	40.0	6.0		20.0					34.0	16.0			276.0
01N	32E	35					21.0	5.0											26.0

Right Acre Limit: 117.0

POU Total Acres: 562.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/17/2015

Conditions of Approval:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 117.3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-13924 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 562 ACRES IN A SINGLE IRRIGATION SEASON.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-13924 IS LIMITED TO THE TOTAL COMBINED DIVERSION RATE OF 6.59 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2248 AF.
3. 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.
4. RIGHT NO. 35-13923, 35-13924 & 35-13925 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates and Other Information

Decreed Date: 3/8/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

**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:

1. What is the main purpose of the study?
 2. What are the research objectives?
 3. What is the research methodology?
 4. What are the results of the study?
 5. What are the conclusions of the study?
 6. What are the limitations of the study?
 7. What are the implications of the study?
 8. What are the future research directions?
 9. What are the contributions of the study?
 10. What are the key findings of the study?

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

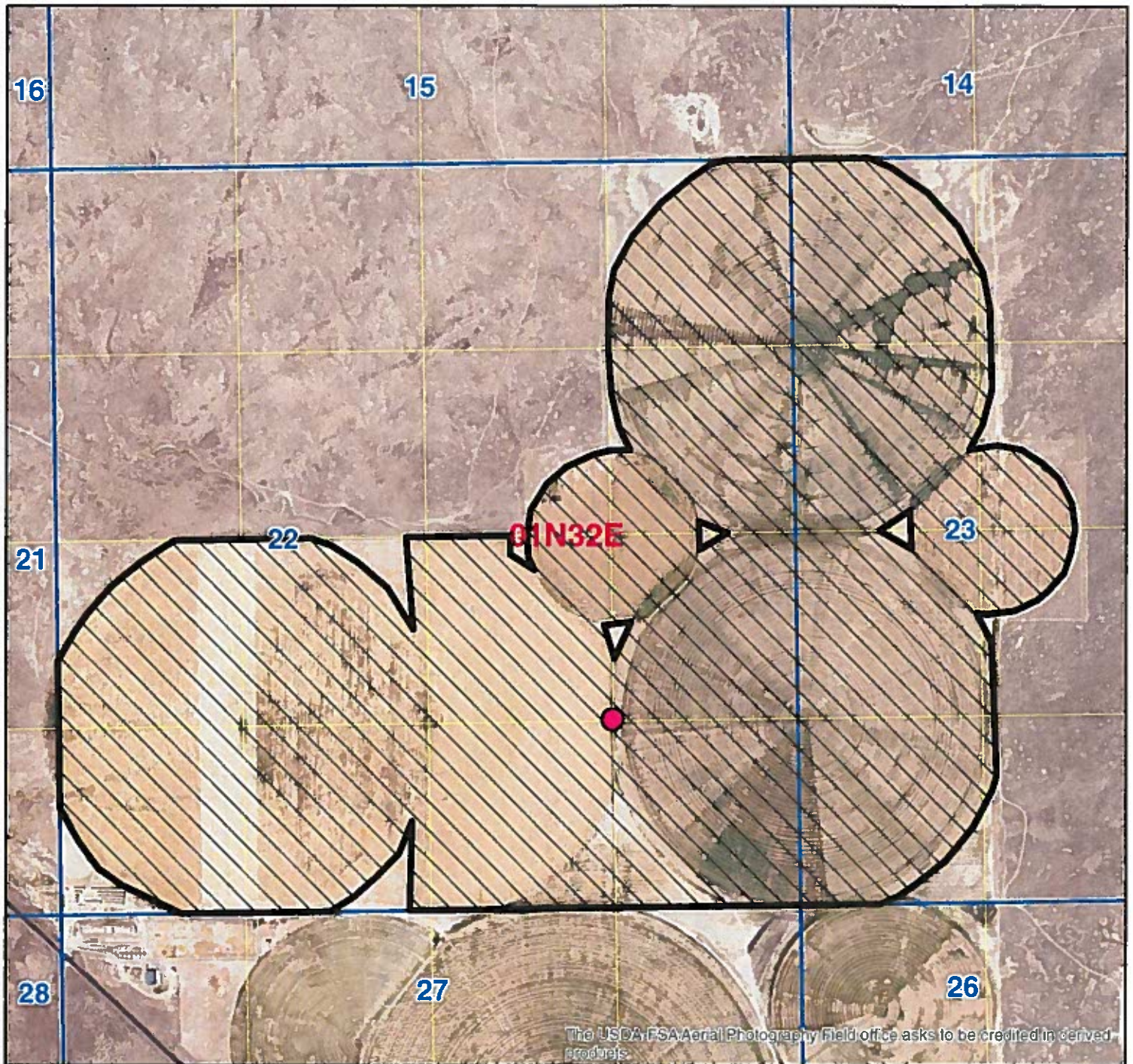
Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$2.00. Ownership Chg Date 3-9-16 Received by u Receipt # E041897
500. Transfer

Add'l fee paid _____ Date _____ Received by W Receipt # _____

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

State of Idaho
Department of Water Resources
Ward Transfer



Legend

- Proposed POD
- Proposed POU
- Township/Range
- Sections
- QQ

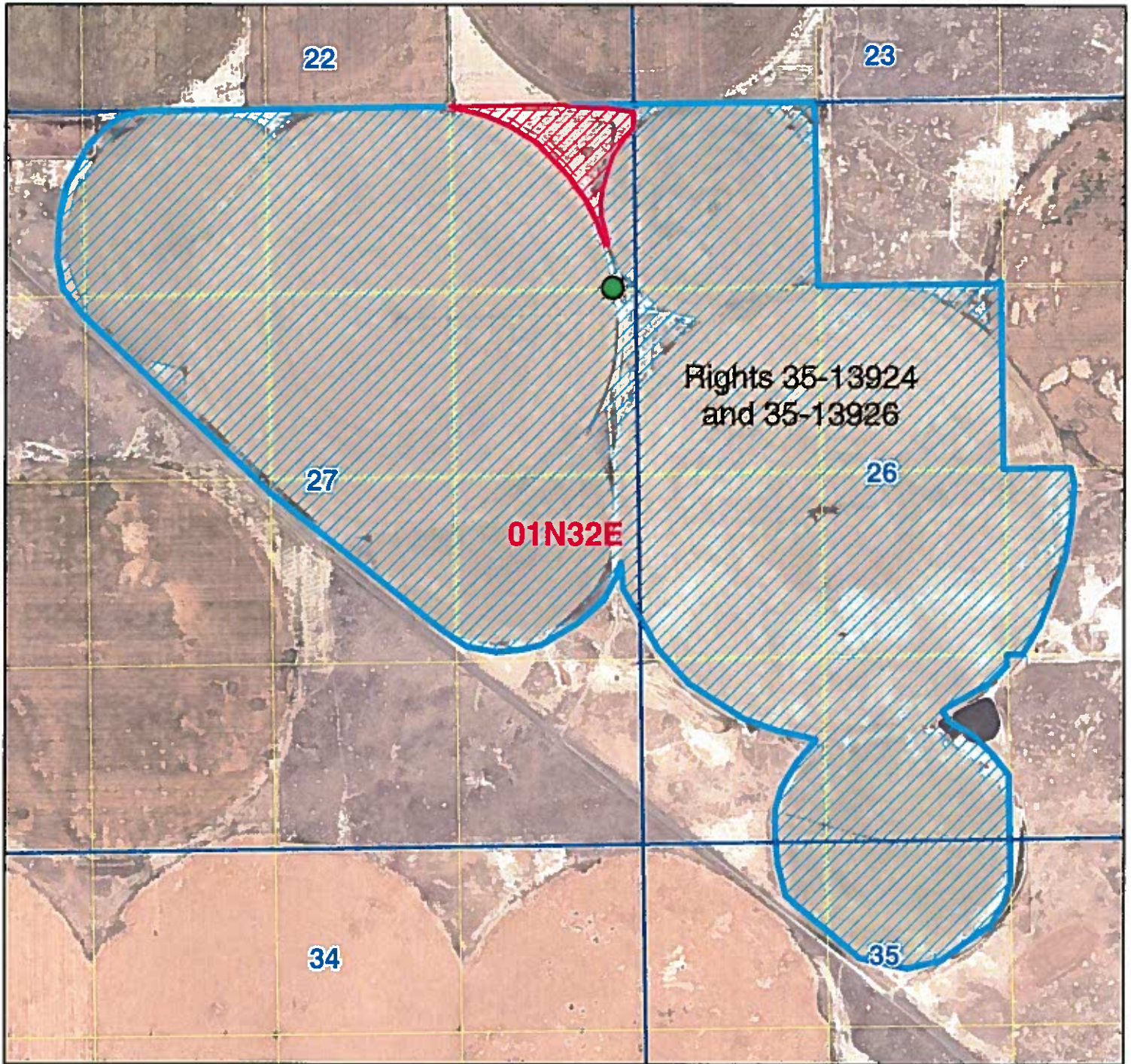
0 0.25 0.5 1 Miles



80795

Map prepared by Michael Holliday

State of Idaho
Department of Water Resources
Ward Transfer



Legend

-  Current_POD
-  Split acres to be moved
-  Unchanged acres
-  Township/Range
-  Sections
- QQ

0 0.2 0.4 0.8 Miles



80795

Map prepared by Michael Holliday



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 6, 2016

PERRY WARD
HOLLY WARD
3689 E 100 N
RIGBY, ID 83442

RE: Transfer No. 80795
Water Right No(s). 35-13924, 35-13926, 35-7476B

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 4/14/2016 and 4/21/2016. 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

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, April 06, 2016 2:24 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. 80795**

PERRY WARD and HOLLY WARD, 3689 E 100 N, RIGBY, ID 83442; has filed Application No. 80795 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-13924, 35-13926, 35-7476B; 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 NWSE Sec 22 T1N R32E for 6.55 cfs from ground water. The place of use is within Sec 22 and 23 T1N R32E for 548 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 5/2/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/14/2016 and 4/21/2016