

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80779
RECEIVED
MAR 22 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.

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.
- ☐ ☒ #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

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) DeLoe Ward and Viola Ward Phone (208) 356-5190

Mailing address 1305 S. 200 E. Sugar City, 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 20, 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 response to a potential NOV letter. Due to a misunderstanding between Seamons and Ward, a portion of property under one of Seamons's pivots (that is leased from Ward) had water rights previously moved off.

This transfer moves 35-2099E (35 acres) and a portion of 35-13257 (5 acres) to cover the necessary area.

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 ☒ ☐	35-2099E	0.47	Irrigation	4/1 to 10/31	Ground water
☐ ☒	35-13257	0.1 (enlrgmt)	Irrigation	4/1 to 10/31 <i>Part</i>	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.47 cfs and/or 160 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.47 cubic feet per second and/or 160 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 #
N		SE	SE	NE	35	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	35			2.3						5.8			1		20.2	10.7		
Total Acres (for irrigation use)																			40

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 a pivot. System has or will accommodate measuring devices.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Seamons leases a portion of the Ward property. Ward's water rights (35-2099E, portion of 35-13257) are being moved to cover irrigated land that was previously covered by a water right, and is necessary to avoid an NOV.

- 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:

For 35-2099E and a portion of 35-13257, it will be unstacked from a common 184-acre POU with 35-2130C.

The POU for 35-2130C and the remaining portion of 35-13257 will be amended through a separate transfer.

Because of the separate land ownership, it is preferred to not combine these rights with Seamons's 35-4120.

- 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:

Seamons Water Right No. 35-4120.

- 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:

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 of Diversion
DELOY/VIOLA WARD	WR	35	2099E	5/14/1948	Decred	0.47		None		4/1 to 10/31	GROUND WATER	IRRIGATION	35		NENENE, Sec. 03, 025, 34E
DELOY/VIOLA WARD	WR	35	2130C	1/11/1949	Decred	2.5	2.97	640	736	4/1 to 10/31	GROUND WATER	IRRIGATION	125	184	NENENE, Sec. 03, 025, 34E
DELOY/VIOLA WARD	WR	35	13257	4/12/1994 (4/1/1969)	Decred	0.48		None		4/1 to 10/31	GROUND WATER	IRRIGATION	24		NENENE, Sec. 03, 025, 34E
TOTAL						3.45							184		

AFTER TRANSFER TO SEAMONS PIVOT (LAND STILL OWNED BY WARD)

Owner	Type	Basin	Sequence	Priority Date	Basin	Div. Rate (cfs)	Combined Div. Rate (cfs)	Volume Limit (AF-A)	Volume Limit (AF-A)	Period of Use	Source	Water Use	Acre Limit	Combined Acre Limit	Point of Diversion
DELOY/VIOLA WARD	WR	35	2099E	5/14/1948	Decred	0.47		None		4/1 to 10/31	GROUND WATER	IRRIGATION	35		SESENE, Sec. 35, 015, 34E (Seamons Well Used for WR 35-4120)
DELOY/VIOLA WARD	WR	35	13257	4/12/1994 (4/1/1969)	Decred	0.1	0.57	None	160	4/1 to 10/31	GROUND WATER	IRRIGATION	5	40	
TOTAL						0.57							40		

AFTER TRANSFER REMAINING TO WARD (TO BE RECONFIGURED UNDER ANOTHER TRANSFER WITH OTHER WATER RIGHTS)

Owner	Type	Basin	Sequence	Priority Date	Basin	Div. Rate (cfs)	Combined Div. Rate (cfs)	Volume Limit (AF-A)	Volume Limit (AF-A)	Period of Use	Source	Water Use	Acre Limit	Combined Acre Limit	Point of Diversion
DELOY/VIOLA WARD	WR	35	2130C	1/11/1949	Decred	2.5		640		4/1 to 10/31	GROUND WATER	IRRIGATION	125		
DELOY/VIOLA WARD	WR	35	13257	4/12/1994 (4/1/1969)	Decred	0.38	2.4	None	576	4/1 to 10/31	GROUND WATER	IRRIGATION	19	144	NENENE, Sec. 03, 025, 34E
TOTAL						2.88							144		

Attachment No. 2a Water Right Ownership Documentation

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: 35-13257

1. amount 0.1 (enlargement) (cfs/ac-ft) for IRRIGATION purposes from 04/01 to 11/01
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ tract.)

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/21/2016

WATER RIGHT NO. 35-2099E

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DE LOY Z WARD
Current Owner	VIOLA J WARD 1305 S 200 E REXBURG, ID 83440 (208)356-5190
Original Owner	ESTATE OF C L WILLIAMS BY LE GRANDE R WILLIAMS & STEVEN H WHEELER PO BOX 50130 IDAHO FALLS, ID 83405 (208)523-0620
Original Owner	HOLDEN KIDWELL HAHN & CRAPO C/O ROBERT L HARRIS PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620

Priority Date: 05/14/1948

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	10/31	0.47 CFS	
Total Diversion			0.47 CFS	

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Location of Point(s) of Divers

GROUND WATER|NENENE|Sec. 03|Township 02S|Range 34E|BINGHAM County

IRRIGATION Use:

Acre Limit: 35

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	34		SESE	7									
		35		SWSW	10		SESW	4						
02S		2		NENW	16		NWNW	40		SWNW	29			
				NWSW	33									
		3		NENE	10									
				NESE	35									

Total Acres: 184

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 RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.97 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 736 AF. COMBINED RIGHT NOS.: 35-02130C AND 35-13257. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 35 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT
3. WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 184 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-02130C AND 35-13257.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 35-02130C AND 35-13257. RIGHT NO. 35-13257 IS AN ENLARGEMENT OF THIS RIGHT AND RIGHT NO. 35-2130C PURSUANT TO SECTION 42-1426, IDAHO CODE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 02/25/2002

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: Or

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 184

Combined Volume Limit: 736

Combined Rate Limit: 2.97

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

3/21/2016

WATER RIGHT NO. 35-13257

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

Priority Date: 04/01/1969

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	10/31	0.48 CFS	
Total Diversion			0.48 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENENE|Sec. 03|Township 02S|Range 34E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

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<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	34	SE	7						
		35	SWSW	10	SESW	4				
02S		2	NENW	16	NWNW	40	SWNW	29		
			NWSW	33						
		3	NENE	10						
			NESE	35						

Total Acres: 184

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 RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.97 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 736 AF. COMBINED RIGHT NOS.: 35-02099E AND 35-02130C. THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS
3. C11 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.
4. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 184 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-02099E AND 35-02130C.
5. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-02130C AND 35-02099E PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. THIS RIGHT IS FOR AN ENLARGEMENT OF 24 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 35-02130C AND 35-02099E.

Dates:

Licensed Date:

Decreed Date: 03/04/2002

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:

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State or Federal: S
Owner Name Connector: OR
Water District Number: 120
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 184
Combined Volume Limit: 736
Combined Rate Limit: 2.97
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

3/21/2016

WATER RIGHT NO. 35-2130C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DE LOY Z WARD
Current Owner	VIOLA J WARD 1305 S 200 E REXBURG, ID 83440 (208)356-5190
Original Owner	ESTATE OF C L WILLIAMS BY LE GRANDE R WILLIAMS & STEVEN H WHEELER PO BOX 50130 IDAHO FALLS, ID 83405 (208)523-0620
Original Owner	HOLDEN KIDWELL HAHN & CRAPO C/O ROBERT L HARRIS PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620

Priority Date: 01/11/1949

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	10/31	2.5 CFS	640 AFA
Total Diversion			2.5 CFS	

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Location of Point(s) of Diversi

GROUND WATER|NENENE|Sec. 03|Township 02S|Range 34E|BINGHAM County

IRRIGATION Use:

Acre Limit: 125

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	34		SESE	7									
		35		SWSW	10		SESW	4						
02S		2		NENW	16		NWNW	40		SWNW	29			
				NWSW	33									
		3		NENE	10									
				NESE	35									

Total Acres: 184

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 RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.97 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 736 AF. COMBINED RIGHT NOS.: 35-02099E AND 35-13257. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 125 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT
3. WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 184 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-02099E AND 35-13257.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 35-02099E AND 35-13257. RIGHT NO. 35-13257 IS AN ENLARGEMENT OF THIS RIGHT AND RIGHT NO. 35-02099E PURSUANT TO SECTION 42-1426, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 03/04/2002

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: OR

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 184

Combined Volume Limit: 736

Combined Rate Limit: 2.97

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

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

- 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 500.00 Date 3-23-16 Received by M Receipt # E041947

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** 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

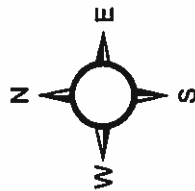
ESPA ANALYSIS

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. As shown on the map included with the transfer, the current point of diversion for Water Right Nos. 35-2099E, 25-13257 (the "from" well), and 35-4120 (the "to" well) are located within adjacent model cells.

Attachment No. 7a

Map

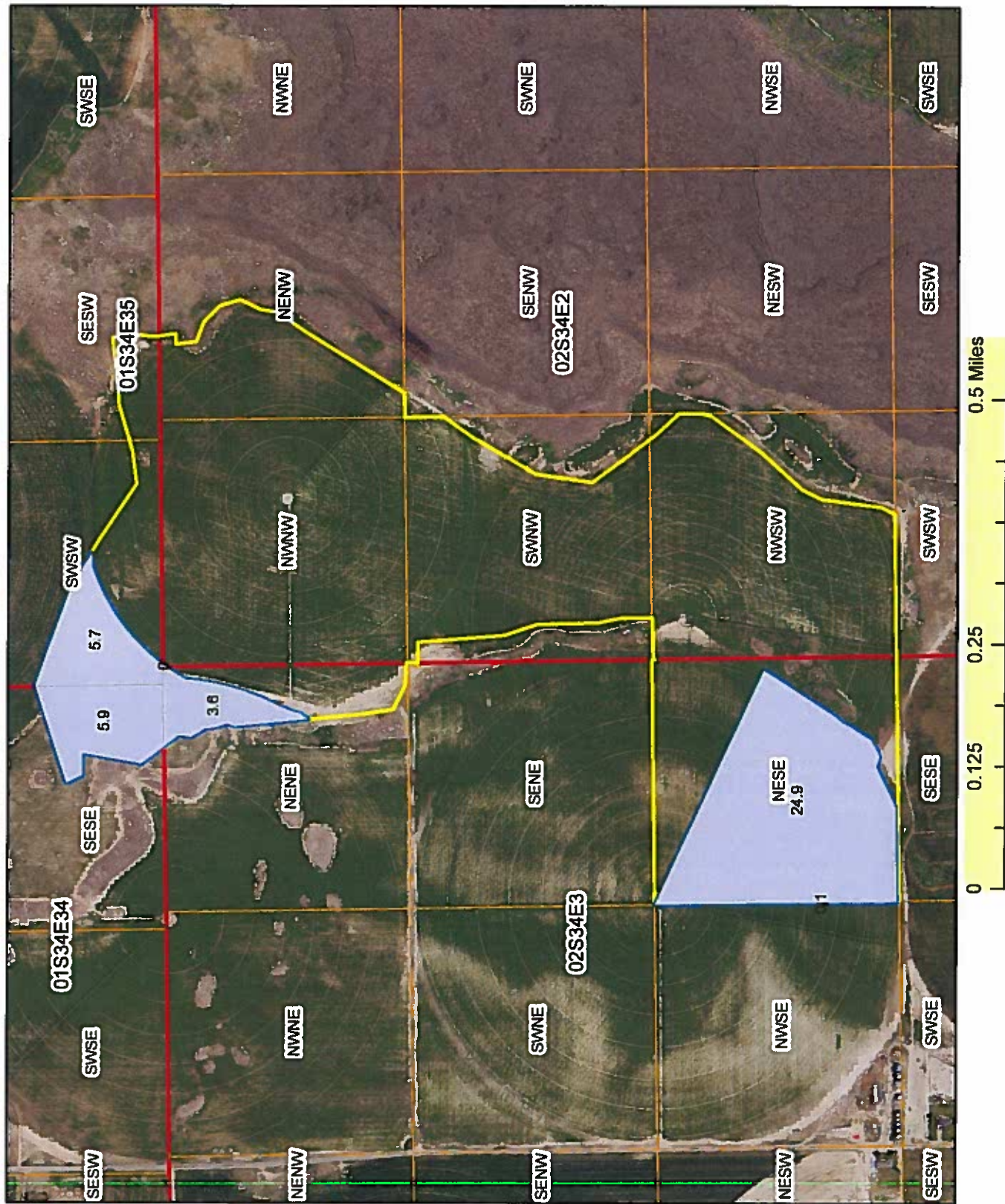
WARD TRANSFER FOR SEAMONS



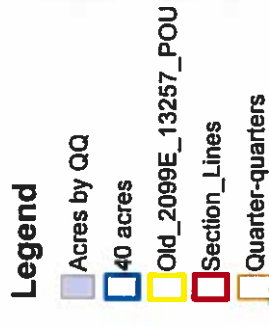
Legend

- Acres by QQ
- 40 acres
- Old_2099E_13257_POU
- Section_Lines
- Quarter-quarters

80779

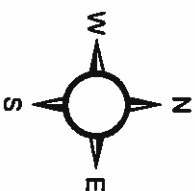


Prepared by:
Robert L. Harris
2015 Photo

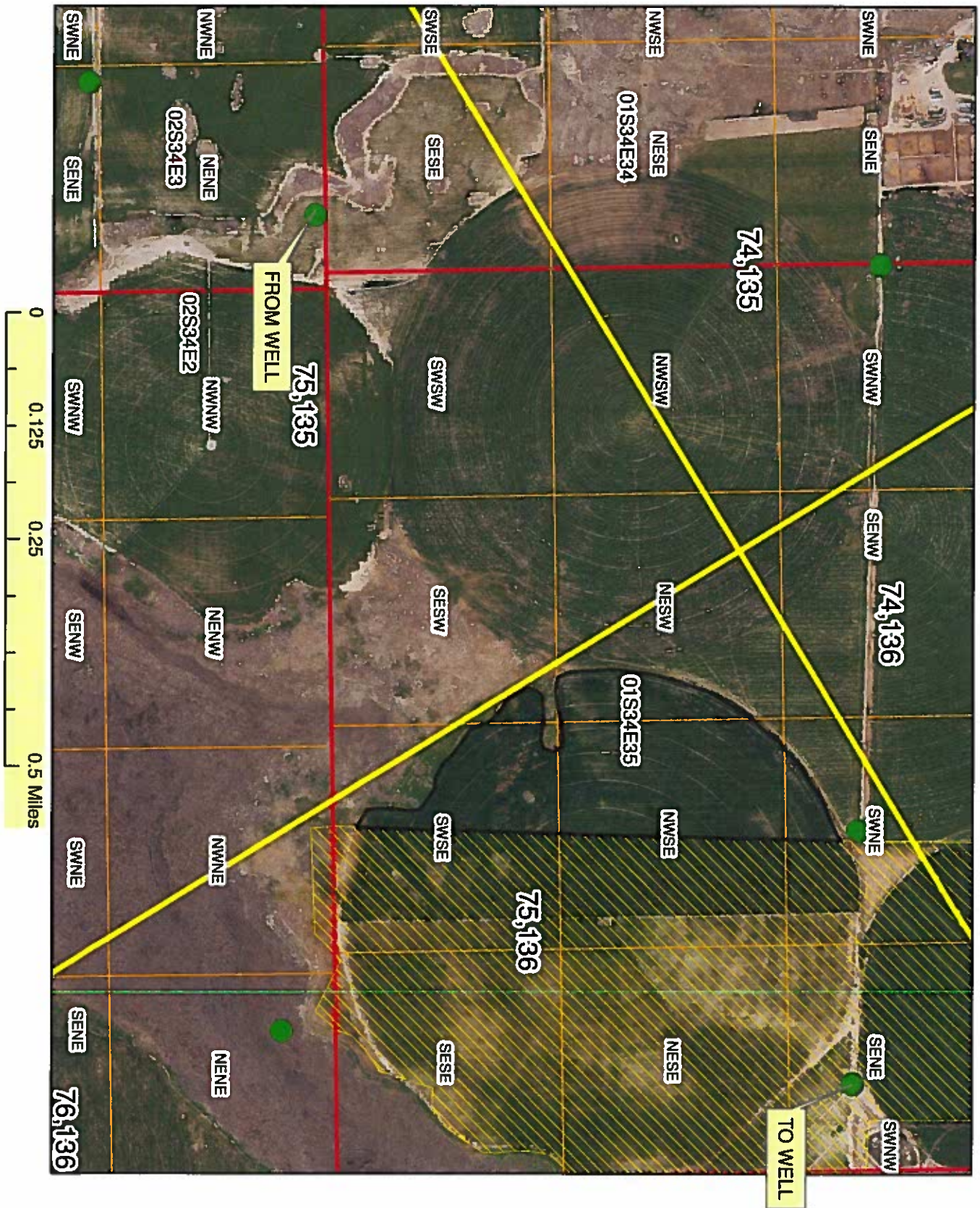


Prepared by:
Robert L. Harris
2015 Photo

WARD TRANSFER FOR SEAMONS

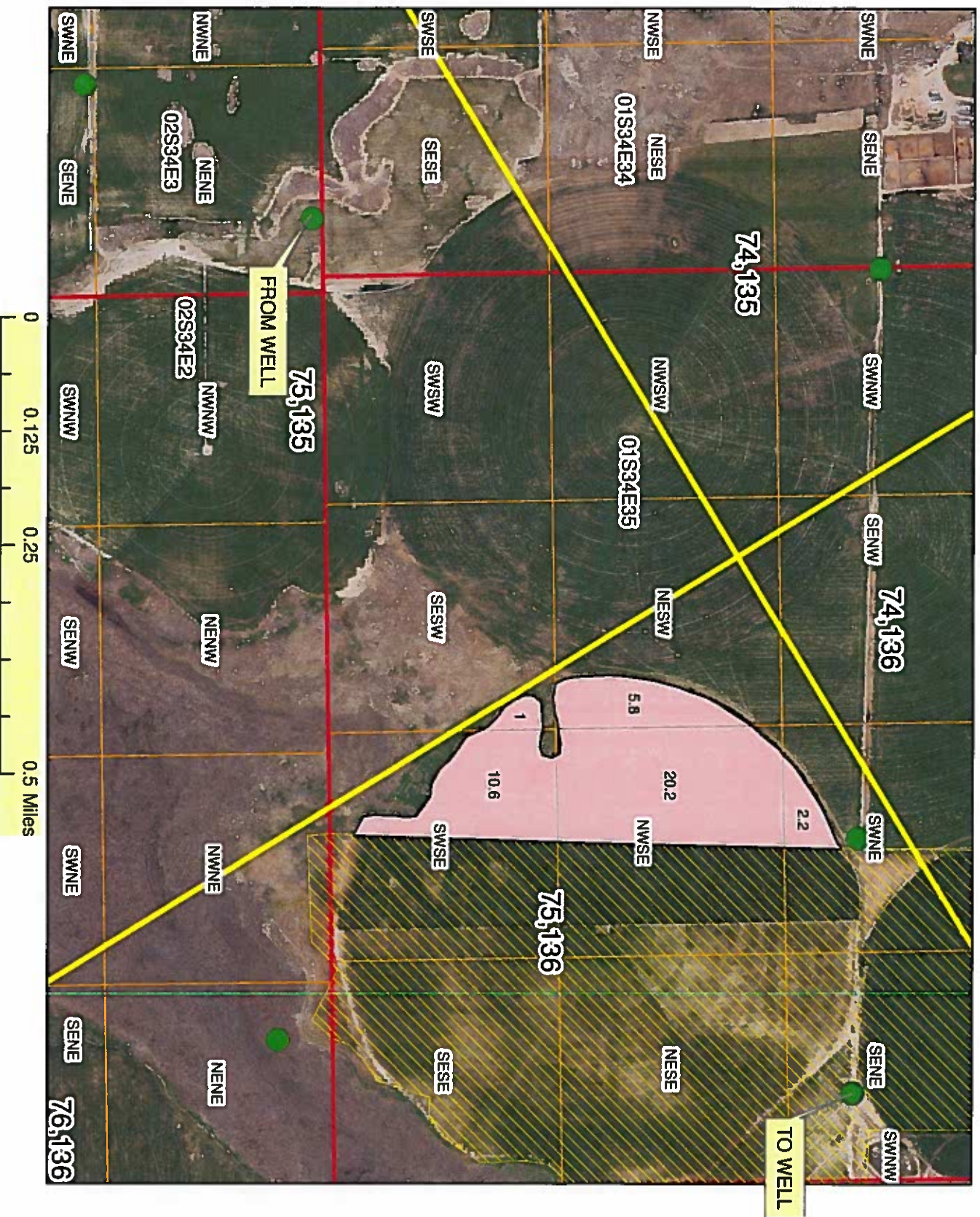
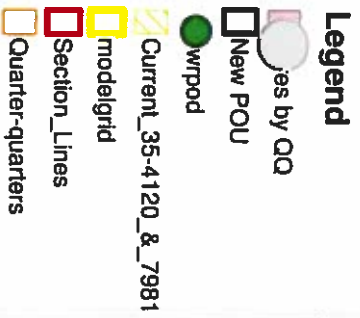


- Legend:
 - End (circle with dot)
 - New POU (square with dot)
 - wrpod (green dot)
 - Current_35-4120_ &_7981 (yellow hatched area)
 - modelgrid (yellow square)
 - Section_Lines (red line)
 - Quarter-quarters (orange line)



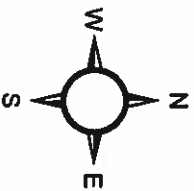
Prepared by:
Robert L. Harris
2015 Photo

80779



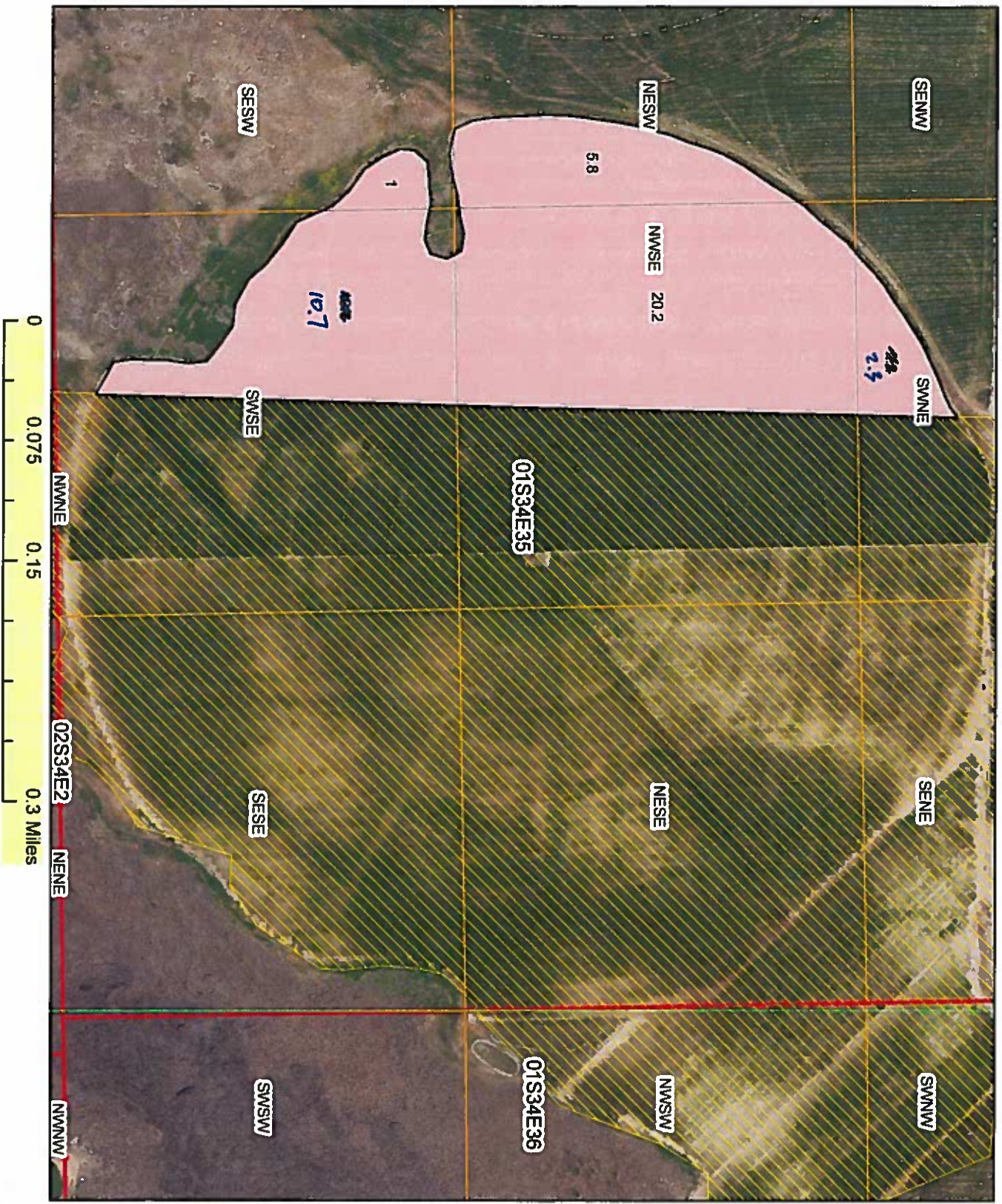
Attachment No. 7b
Map (GIS shapefile)

WARD TRANSFER FOR SEAMONS



Legend

- gcdb_qq_Clip28
- New POU
- Current_35-4120_8_7981
- Section_Lines
- Quarter-quarters



Prepared by:
Robert L. Harris
2015 Photo



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

March 30, 2016

DELOY Z & VIOLA J WARD
1305 S 2ND E
REXBURG, ID 83440

RE: Transfer No. 80779
Water Right No(s). 35-13257, 35-2099E

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 4/7/2016 and 4/14/2016. 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: ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405-0130

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, March 30, 2016 4:21 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. 80779

VIOLA J WARD and DELOY Z WARD, 1305 S 2ND E, REXBURG, ID 83440; has filed Application No. 80779 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-13257, 35-2099E; 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 SESENE Sec 35 T1S R34E for 0.47 cfs from ground water. The place of use is in Sec 35 T1S R34E for 40 acres.

TRANSFER NO. 80764

WILLIAM R TOEVS and JOANNE TOEVS, 2841 W 1800 S, ABERDEEN, ID 83210; has filed Application No. 80764 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-13609, 35-7246M; 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, add a point of diversion, and change the place of use. Both points of diversion are in NENE Sec 5 T5S R31E for 0.88 cfs from ground water. The place of use is in S1/2 Sec 32 T4S R31E and N1/2 Sec 5 T5S R31E for 82 acres within a 461.4 acre permissible place of use.

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 4/25/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/7/2016 and 4/14/2016



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

RECEIVED
MAR 22 2016

Department of Water Resources
Eastern Region

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

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

FOR Email: rharris@holdenlegal.com

March 22, 2016

VIA HAND DELIVERY

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

RE: *Application for Transfer filed on Behalf of DeLoy Ward and Viola Ward to the Uncovered Portion of Seamons Pivot.*

Dear Blake:

Enclosed for processing is an *Application for Transfer* we discussed a few weeks ago. As we discussed, this transfer is necessary to resolve a potential notice of violation against Gary Seamons. As you know, a portion of Mr. Seamons's pivot covers land that is owned by the applicant which the applicant leases to Mr. Seamons. Due to a prior misunderstanding, water rights that used to cover this property had been moved off. This transfer proposes to unstack Water Right No. 35-2099E and a portion of an enlargement right (35-13257) covering 40 acres to the new place of use. The end result will be a 0.47 cfs portion of these rights moved to cover the necessary area. As described in the transfer, because of the separate land ownership, we request that the water rights identified under this transfer not be combined with the water right that is authorized to irrigate most of Mr. Seamons's pivot, Water Right No. 35-4120.

Based on the Department's fee schedule, we have enclosed a check in the amount of \$500.00 as the filing fee for this transfer. We appreciate your attention to this matter. Please let me know if you have any questions. We appreciate your assistance in discussing the best way to resolve this issue.

Best Regards,


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

Enclosures

G:\WPDATA\RLH\14161 4W Farms\04\2016-03-22, Jordan.docx

Established in 1896