

Form 222
1-87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Elizabeth Halter Phone (208) 523-0620
Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, Idaho 83405

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 the reason for the proposed changes To change a portion of this right from use for irrigation to operation and maintenance of a lined pond on the property previously irrigated.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
	<u>23-11220</u>	<u>04/01/1917</u>	<u>3.6 af.</u> <u>1.75</u>	<u>Aesthetics,</u> <u>Recreation & Fire</u> <u>Protection</u>	<u>01/01</u> to <u>12/31</u>
	<u>23-11220</u>	<u>04/01/1917</u>	<u>0.02 cfs</u>	<u>Diversion to Storage</u>	<u>04/01</u> to <u>11/01</u>
	<u>23-11220</u>	<u>04/01/1917</u>	<u>0.02 cfs</u> <u>2.915</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.04 cfs cubic feet per second and/or 4.66 acre-feet per annum.

3. Source of water Burton Springs Tributary to Snake River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	NW	35	1N	44E	Bonneville	Burton Ditch

5. Lands irrigated or place of use: (Permissible place of use for all water rights)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	44E	35						J, R & F											
1N	44E	35						1											1

6. General Information:

- a. Description of diversion system _____
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes _____ No X . If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
The irrigation use will be reduced by the amount of water used for the lined pond. Approximately one acre will still be irrigated..
- d. Remarks: _____

ACTION OF THE DIRECTOR DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 2002.

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 23-11220 V1

WATER RIGHT NUMBER: 23-11220 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MOUNTAIN STATES MARKETING CORP PO BOX 7399-206 BRECKENRIDGE, CO 80424
Current Owner	GUARDIOLA REVOCABLE TRUST PO BOX 147 IRWIN, ID 83428
Trustee	CHRISTI GUARDIOLA PO BOX 147 IRWIN, ID 83428

Priority Date: 04/01/1917
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
BURTON SPRING	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.040 CFS	4.66 AF
	<u>Total Diversion:</u>	0.040 CFS	4.66 AF

Location of Point(s) of Diversion

BURTON SPRING	NE1/4NE1/4NW1/4	Sec. 35, Twp 01N, Rge 44E, B.M.
BONNEVILLE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	35							2.0										2.0
									L 1										

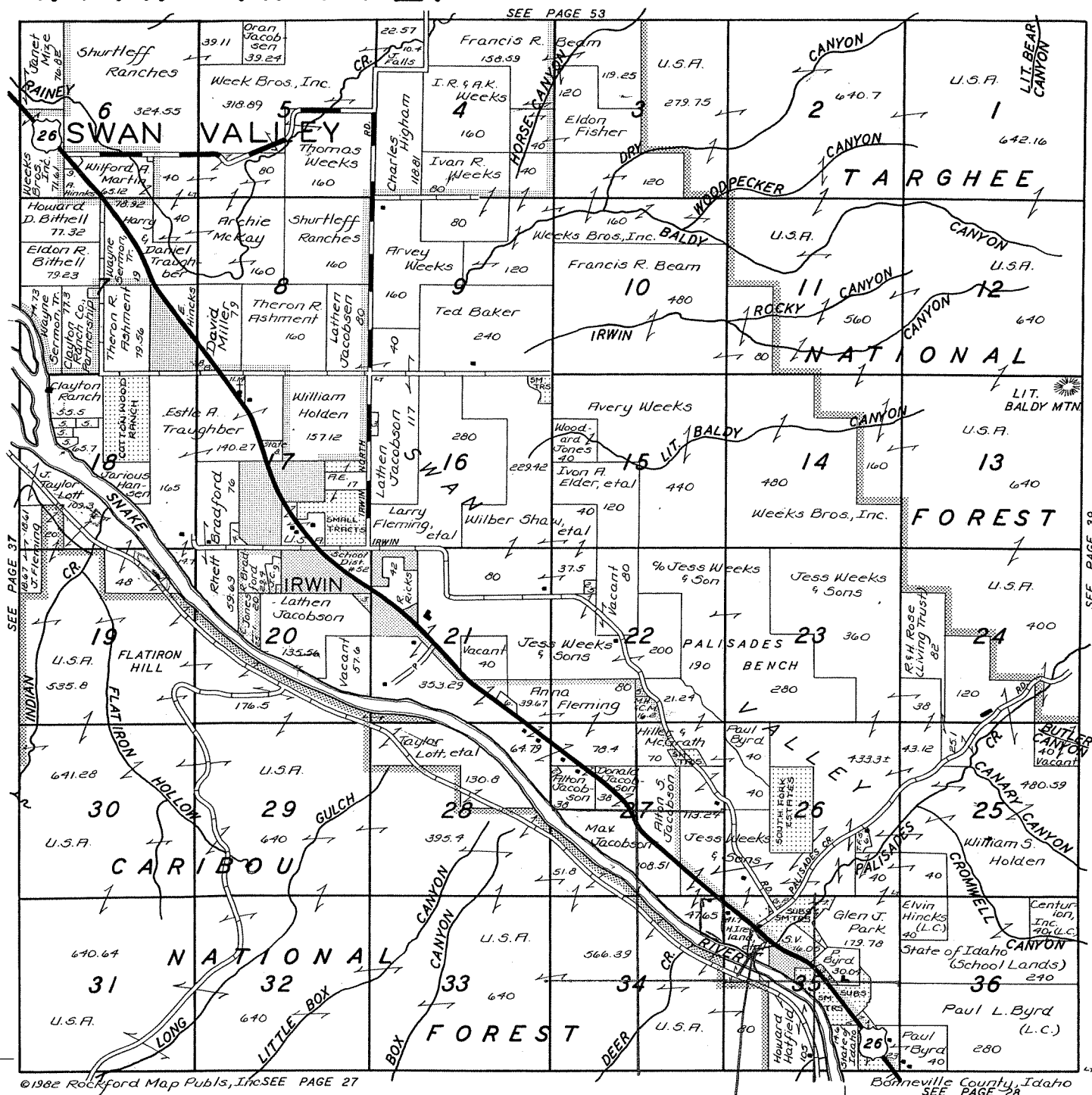
Total Acres: 2

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.

Remarks:

Comments:

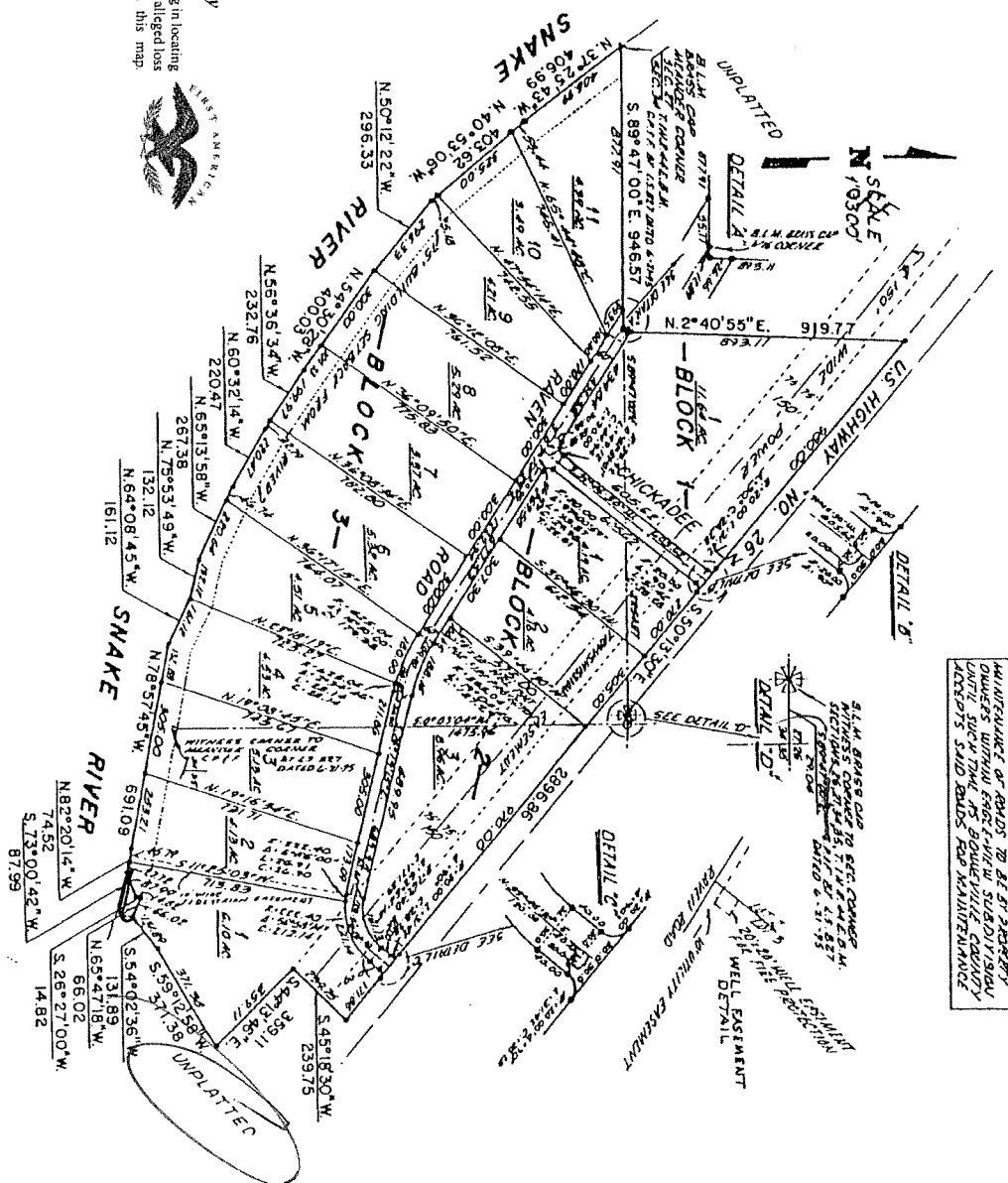


Looks to me
like
NW NW Sec 35
1 Pond will be lined
2. Average depth 7 ft.

NOTES

1. Dimensions 1/2" x 2 1/2" steel member with plastic cap, stamped L.S. 217.
 2. The first view of the existing framework is hereby granted along all road
 frontages of this road.
 The 1/2" x 2 1/2" steel member framework shown is contained over
 the existing floor slabs.
 Maintenance of roads and private easements is the responsibility of the lot
 owner.
 Private easements shall be constructed as shown on the approved
 instrument drawings on file at the office of the county engineer and
 shall be subject to the provisions of the county engineer and shall be maintained by the
 lot owner.
 No liability is assumed by the county engineer for the design and construction of
 the framework shown on the approved instrument drawings on file at the office of the
 county engineer and shall be subject to the provisions of the county engineer and
 shall be maintained by the lot owner.
 According to the 1970 Flood Plain Map and American County Committee
 Flood Map 1000723202, effective 11-1-1981, this subdivision lies in Zone
 C, area of annual flooding.

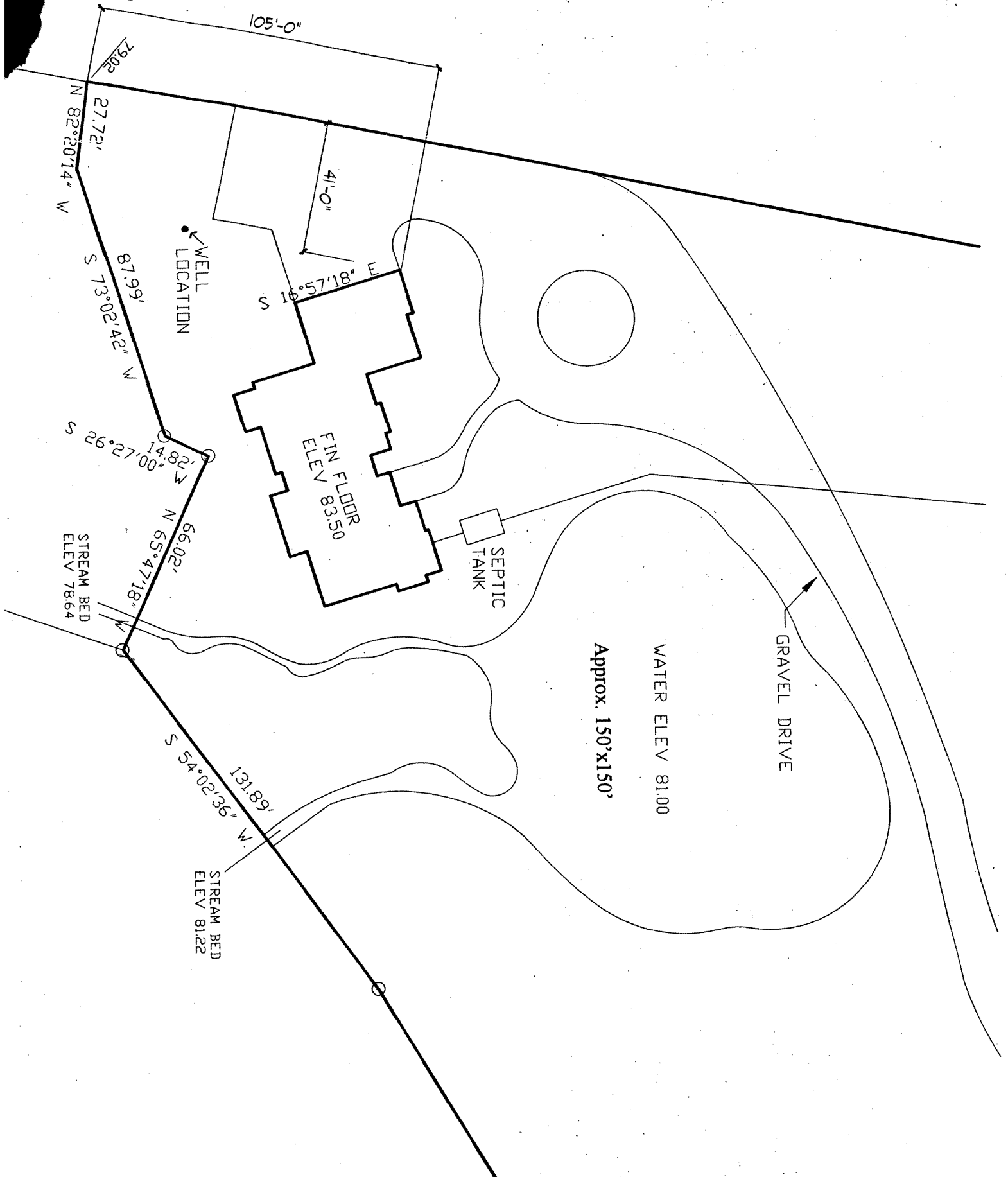
EAGLE-VIEW SUBDIVISION DIVISION NO. 1 BONNEVILLE COUNTY, IDAHO LYING IN THE S.E. 1/4 SECTION 27, THE N.E. 1/4 SECTION 34 AND THE NW 1/4 SECTION 35, T. 1 N., R. 44 E., B. M.



First American Title Company
 Idaho Falls, Idaho 83404



This sketch is made solely for the purpose of assisting in locating
 the premises. The company assumes no liability for alleged loss
 or damage which may result from reliance on this map.





→ Bliss
Cient

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>Recreation,</u> <u>Aesthetics, Fire</u> <u>Protection</u>	<u>0.04 cfs</u>	<u>24 hrs/365 days</u>	<u>01/01</u> to <u>12/31</u>

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:
No effect is anticipated on other users. The total surface area of the pond will be approximately 1/2 acre. Since the pond will be lined, it is anticipated that the only consumptive loss will be evaporation. It is expected that the evaporation from 1/2 acre will be significantly less, even though it is spread over a full 1 year period, than the evapo-transpiration rate from the former irrigation of approximately 1 acre.

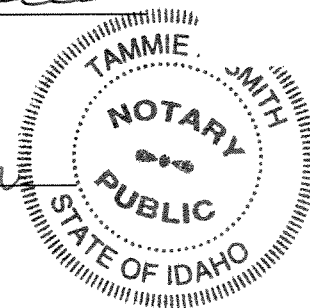
I hereby asset that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

By: Elizabeth T. Halter
Elizabeth T. Halter

Subscribed and sworn to before me this 10th day of February, 2003.

Tammie L Smith
Notary Public



My Commission Expires 8/27/06

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 8 attachments

Received by WRW Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by WRW Date 2/24/04 EC21566

Published in Post Register Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on 9/10/04 Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

RECEIVED
APR 05 2004

Department of Water Resources
Eastern Region

BONNEVILLE CO. RECORDER
1130094 SEP 03 PM 4:50

1130094

BLT T-21062

CORPORATION WARRANTY DEED

MOUNTAIN STATES MARKETING CORPORATION, a Corporation under the laws of the State of Nevada having been duly authorized by its Board of Directors, as **GRANTOR**, for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **ELIZABETH T. HALTER**, a married woman dealing with her sole and separate property, as **GRANTEE**, whose address is 111 Raven Road, Irwin, ID 83428, and Grantee's successors and assigns, all of the following described real property, to-wit:

TRACT 1:

Lot 1, Block 3, Eagle-View Subdivision, Division No. 1, to the County of Bonneville, State of Idaho, according to the recorded plat thereof.

TRACT 2:

Beginning at the Southwest Corner of Lot 1, Block 3, Eagle-View Subdivision, Division No. 1, to the County of Bonneville, State of Idaho, according to the recorded plat thereof; running thence along the South line of said Lot 1 the following four (4) courses: (1) S82°20'14"E 27.72 feet; thence (2) N73°00'42"E 87.99 feet; thence (3) N26°27'00"E 14.82 feet; thence (4) S65°47'18"E 66.02 feet; thence S19°46'20"W 167.39 feet to the mean high water line of the South Fork of the Snake River; thence N71°56'17"W along said line 149.97 feet; thence N11°25'03"E 104.89 feet to the point of beginning.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for itself, and its successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: September 29, 2003

MOUNTAIN STATES MARKETING CORPORATION

Corporation Name

by: Elizabeth T. Halter

President

STATE OF IDAHO)

COUNTY OF Bonneville) ss

On September 29, 2003, before me, the undersigned, personally appeared

Elizabeth T. Halter
known or identified to me to be President of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

Notary Public for the State of Idaho

Commission Expiration Date: _____

INSTRUMENT NO. 1130094
DATE 9-30-03
INST. CODE 235
IMAGED PGS 1
FEE 3.00

STATE OF IDAHO)
COUNTY OF BONNEVILLE) ss

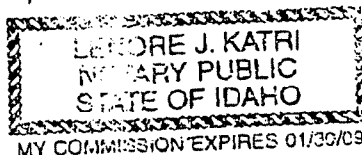
I hereby certify that the within instrument was recorded.

Ronald Longmore,

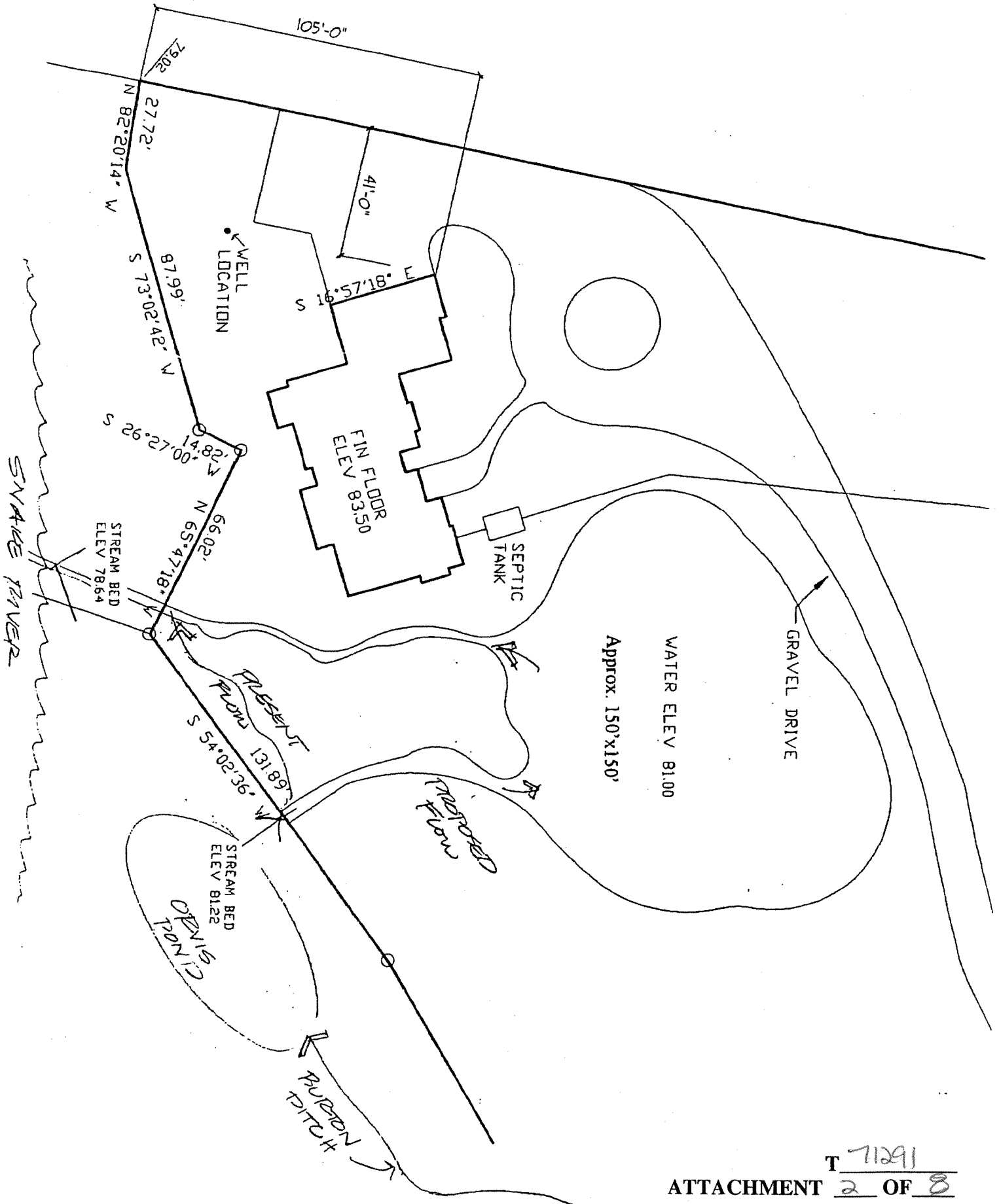
County Recorder

By R. Long Deputy

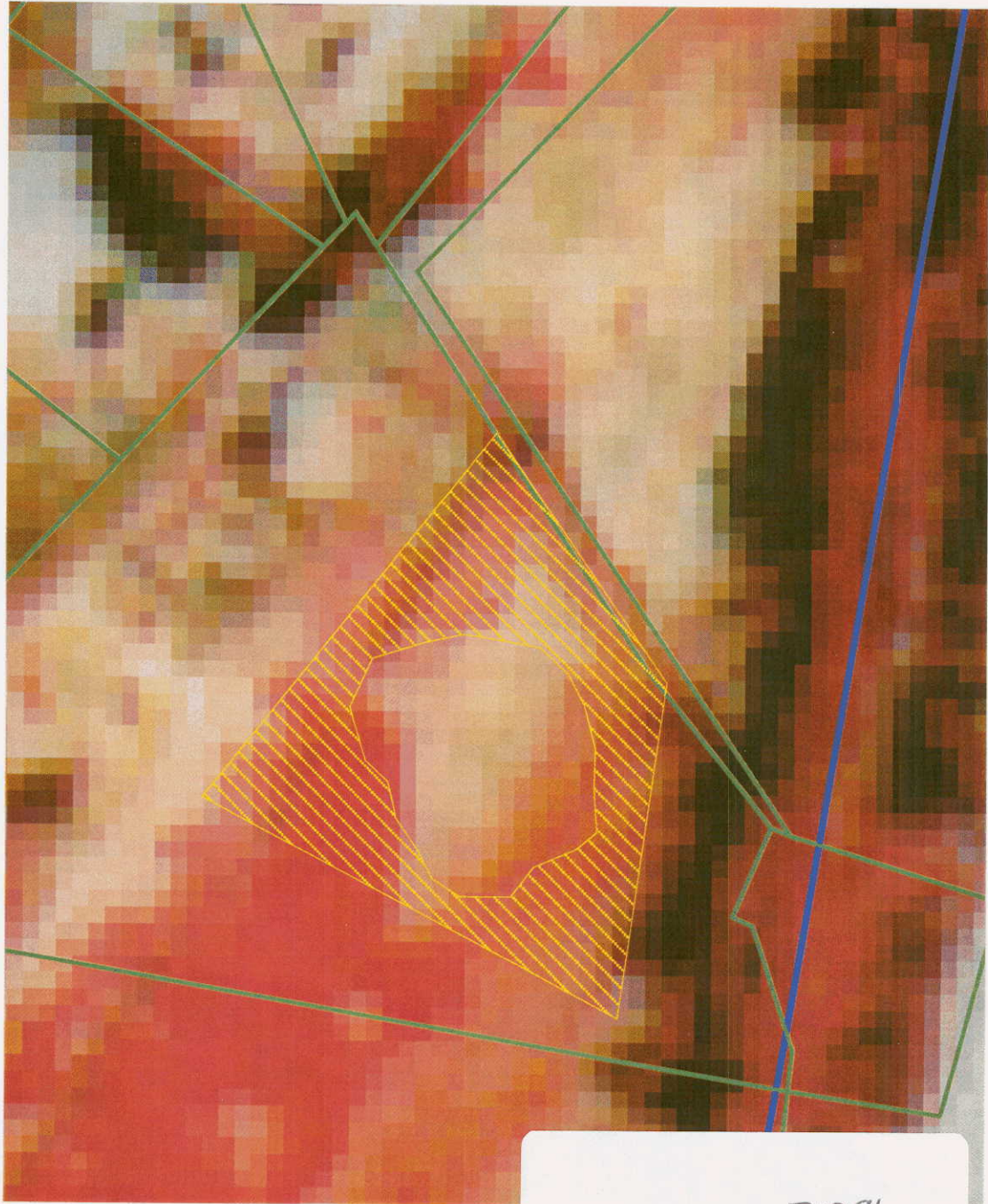
Request of BLT



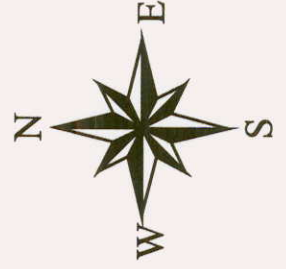
Bonneville Land & Title Co



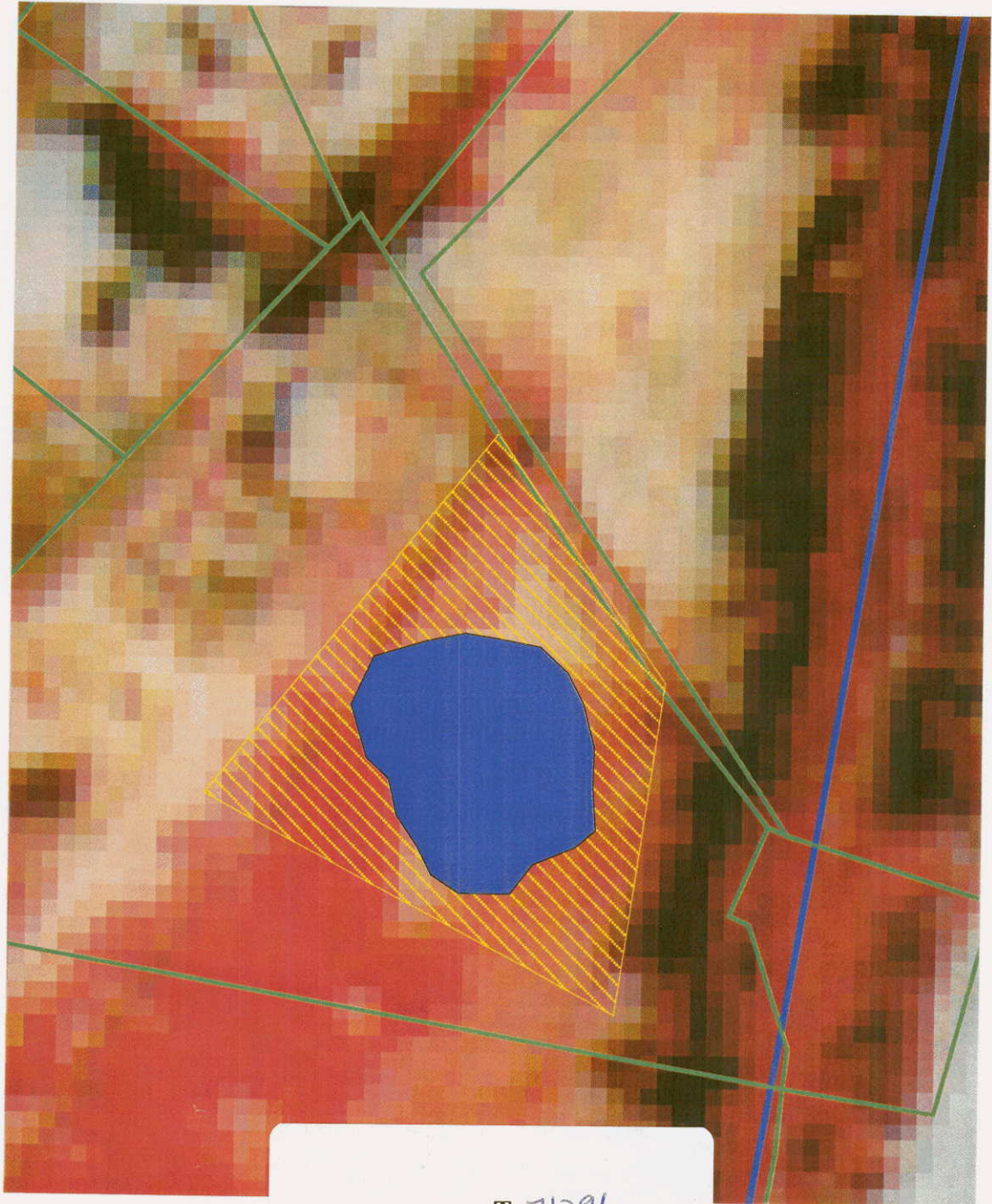
11220
Halter, 23-1120



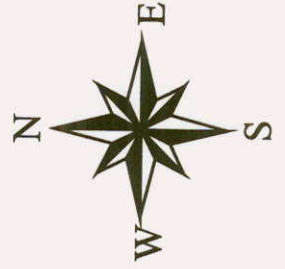
Proposed Irrigated Area
Bonneville taxlots
Sections



11220
Halter, 23-1120



- Proposed Pond
- Proposed Irrigated Area
- Bonneville taxlots
- Sections



Pond Consumptive Use Calculations
Climate Station: Swan Valley 2E
Elizabeth Halter

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Annual FWW Evaporation (inches)*	40	40	40	40	40	40	40	40	40	40	40	40	40
Monthly Distribution (%)*	1	2	4	7	12	15	19	16	11	6	4	3	100
Monthly FWS Evaporation (in/mo)	0.4	0.8	1.6	2.8	4.8	6	7.6	6.4	4.4	2.4	1.6	1.2	40
Avg. Total Precipitation (in/mo)**	1.55	1.06	1.2	1.59	2.45	1.62	1.32	1.26	1.52	1.24	1.53	1.3	17.64
Pond Loss (Evap. - Precip., in)	0	0	0.4	1.21	2.35	4.38	6.28	5.14	2.88	1.16	0.07	0	23.87
Pond Surface Area (acres)	0.51	0.51	0.51	0.51	0.51	0.51	0.51	0.51	0.51	0.51	0.51	0.51	6.12
Total Pond Loss (ac-in)	0.0	0.0	0.2	0.6	1.2	2.2	3.2	2.6	1.5	0.6	0.0	0.0	12.2
Total Pond Loss (ac-ft)	0.0	0.0	0.0	0.1	0.1	0.2	0.3	0.2	0.1	0.0	0.0	0.0	1.0

Note: for months where precipitation exceeds evaporation, the resultant pond loss is set to zero

Irrigation Consumption	Crop
Mean Irrig. Requirement (in/seas.)***	33.5 Pasture
Mean Irrig. Requirement (ft/seas.)***	2.79
Acres to dry up for pond use	0.36

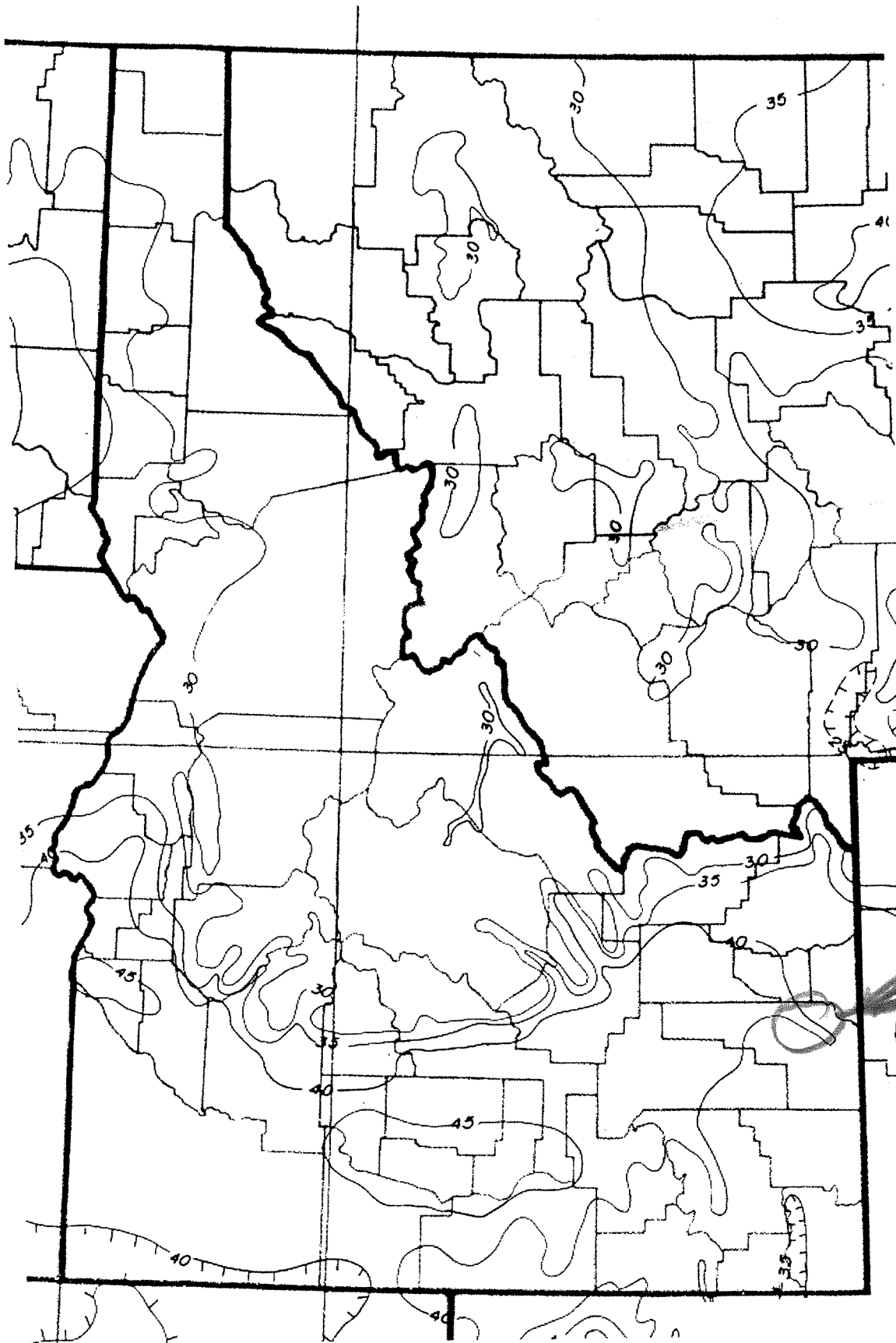
Note: Pasture consumptive use

*Molnau, Myron, Kpordze, Kojo C.S., and Craine, Katherine L., 1992. Monthly shallow pond evaporation in Idaho. ASAE paper PNW 92-111.

**Data obtained from the Western Regional Climate Center, Monthly Climate Summary, Period of Record 9/1/1905 to 5/31/1974. See attached.

***Appendix E of the University of Idaho report: "Estimating Consumptive Irrigation Requirements for Crops in Idaho" published in 1983 by R. G. Allen and C. E. Brockway. See attached.

Annual FWS Evaporation Map



Swan Valley Consumptive from Allen and Brockway 83

** Monthly average daily (mm/day) and Seasonal Totals (mm) **

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Total
ETr									
MEAN ETr	1.08	3.82	5.68	7.16	7.84	6.31	4.67	2.74	1200.
STDV ETr	0.45	0.53	0.38	0.35	0.32	0.33	0.45	0.34	36.
Alfalfa Hay									
MEAN CU		1.21	4.92	6.34	6.39	4.68	2.43	0.81	818.
MEAN IR		0.40	3.70	5.02	5.58	3.83	1.50	0.20	608.
STDEV CU		0.17	0.33	0.31	0.26	0.24	0.24	0.10	21.
STDEV IR		0.49	0.84	1.04	0.91	0.60	0.80	0.44	53.
Silage Corn									
MEAN CU			1.71	2.16	4.46	5.98	4.15		566.
MEAN IR			0.76	1.19	3.78	5.08	3.16		420.
STDEV CU			0.11	0.10	0.18	0.31	0.40		17.
STDEV IR			0.56	0.70	0.75	0.66	0.93		38.
Peas									
MEAN CU			1.74	4.38	6.05	1.88			429.
MEAN IR			0.87	3.35	5.35	1.25			325.
STDEV CU			0.12	0.21	0.25	0.10			11.
STDEV IR			0.52	0.79	0.80	0.40			32.
Potatoes									
MEAN CU			1.71	3.17	6.43	5.10	3.24		602.
MEAN IR			0.98	2.37	5.83	4.45	2.51		488.
STDEV CU			0.11	0.15	0.26	0.27	0.31		16.
STDEV IR			0.45	0.61	0.71	0.51	0.69		32.
Sugar Beets									
MEAN CU			1.71	2.28	5.78	6.30	4.37	2.15	693.
MEAN IR			0.74	1.28	5.02	5.37	3.33	1.49	519.
STDEV CU			0.11	0.11	0.24	0.33	0.42	0.26	20.
STDEV IR			0.57	0.72	0.85	0.69	0.97	0.54	44.
Spring Grain									
MEAN CU		1.15	1.82	5.60	7.83	5.09	0.92		685.
MEAN IR		0.45	0.96	4.52	7.06	4.33	0.20		528.
STDEV CU		0.16	0.12	0.27	0.32	0.27	0.09		18.
STDEV IR		0.43	0.52	0.86	0.90	0.56	0.59		42.
Winter Grain									
MEAN CU	0.32	1.95	5.36	7.16	7.84	4.14			818.
MEAN IR	-0.13	1.15	4.19	5.86	7.01	3.38			649.
STDEV CU	0.14	0.27	0.36	0.35	0.32	0.22			24.
STDEV IR	0.30	0.55	0.83	1.04	0.96	0.54			53.
Pasture									
MEAN CU		1.41	4.30	5.51	6.04	4.86	3.60	2.11	850.
MEAN IR		0.62	3.18	4.31	5.28	4.03	2.64	1.46	648.
STDEV CU		0.20	0.29	0.27	0.25	0.25	0.35	0.26	22.
STDEV IR		0.50	0.76	0.94	0.85	0.59	0.88	0.53	52.

End of Data Set

T 71291
ATTACHMENT 7 OF 8

SWAN VALLEY 2 E, IDAHO (108937)**Period of Record Monthly Climate Summary****Period of Record : 7/ 8/1960 to 3/31/2004**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	30.0	35.7	44.1	54.9	65.3	74.9	84.4	83.3	73.5	60.5	42.2	31.2	56.7
Average Min. Temperature (F)	10.5	13.1	20.8	27.7	34.7	40.6	45.0	43.6	36.3	27.6	20.9	12.1	27.7
Average Total Precipitation (in.)	1.55	1.06	1.20	1.59	2.45	1.62	1.32	1.26	1.52	1.24	1.53	1.30	17.63
Average Total SnowFall (in.)	14.6	7.8	6.6	3.5	1.0	0.0	0.0	0.0	0.1	0.8	6.8	10.9	52.3
Average Snow Depth (in.)	10	9	4	0	0	0	0	0	0	0	1	4	2

Percent of possible observations for period of record.

Max. Temp.: 97.7% Min. Temp.: 98.8% Precipitation: 98.7% Snowfall: 89.4% Snow Depth: 82.7%

Check [Station Metadata](#) or [Metadata graphics](#) for more detail about data completeness.

Western Regional Climate Center, wrcc@dri.edu

Halter 71291

T 71291
ATTACHMENT 8 OF 8