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APR 04 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT. OF WATER RESOURCES

Name of Applicant(s) Rick Mowrey and Kristie Mowrey

Phone

208-221-4511Mailing address 4160 Techfarm Rd Pocatello, ID 83204

Email

IDAHO@KMHUNTRE@ME.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. Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1 A.2**.
3. 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 1 A.3**.
- This application proposes to change the point of diversion and place of use for a 3.5 acre portion of water right 29-7009. The property associated with the 3.5 acres has been sold and platted into subdivision lots.
The 3.5 acres will be moved to our property located just north of MCCammon on S. Marsh Creek Rd.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JUL 16 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

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	29-7009	0.07 cfs/12.6 af	Irrigation	05/01 to 10/15	Ground Water
☒ ☐				to	
☒ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

AMENDED

Total authorized under rights 0.07 cfs and/or 12.6 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.07 cubic feet per second and/or 12.6 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 #
			NE	SW	22	08S	36E	Bannock	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	
08S	36E	22									3.5								3.5
Total Acres (for irrigation use)																			3.5

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 located on Property

- b. Who owns the property at the point(s) of diversion? Rick Mowrey
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: NO N/A

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:

SOME LAND WAS SOLD MOVING TO MY OTHER LAND

- 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:

8/26/2024

IDAHO DEPARTMENT OF WATER RESOURCES

8/26/2024

Proof Report

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. S41 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 1 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Dates and Other Information:

Decreed Date: 3/22/2004

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 129

Mitigation Plan: False

Combined Use Limits:

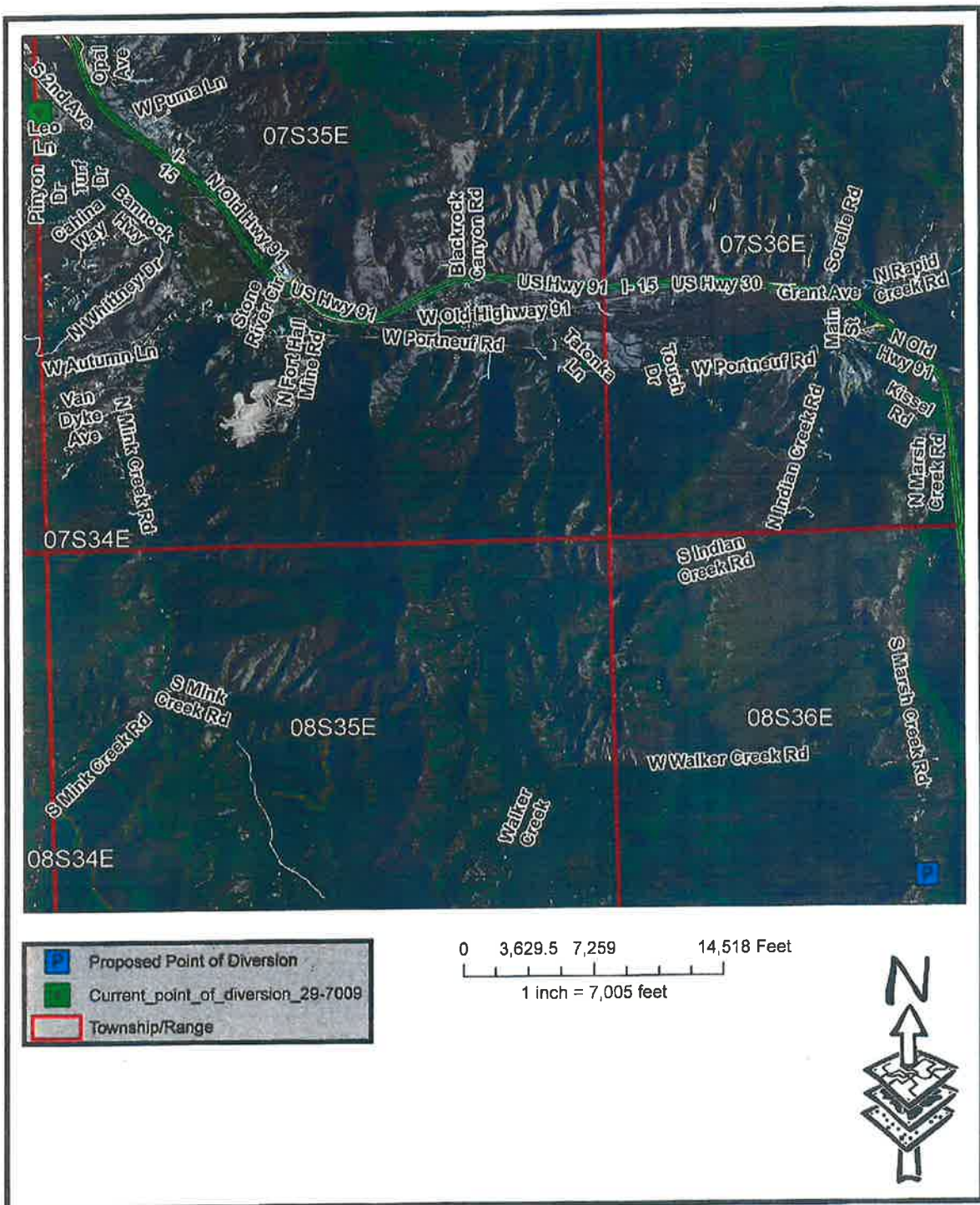
N/A

SubCase:

N/A

Water Supply Bank:

N/A

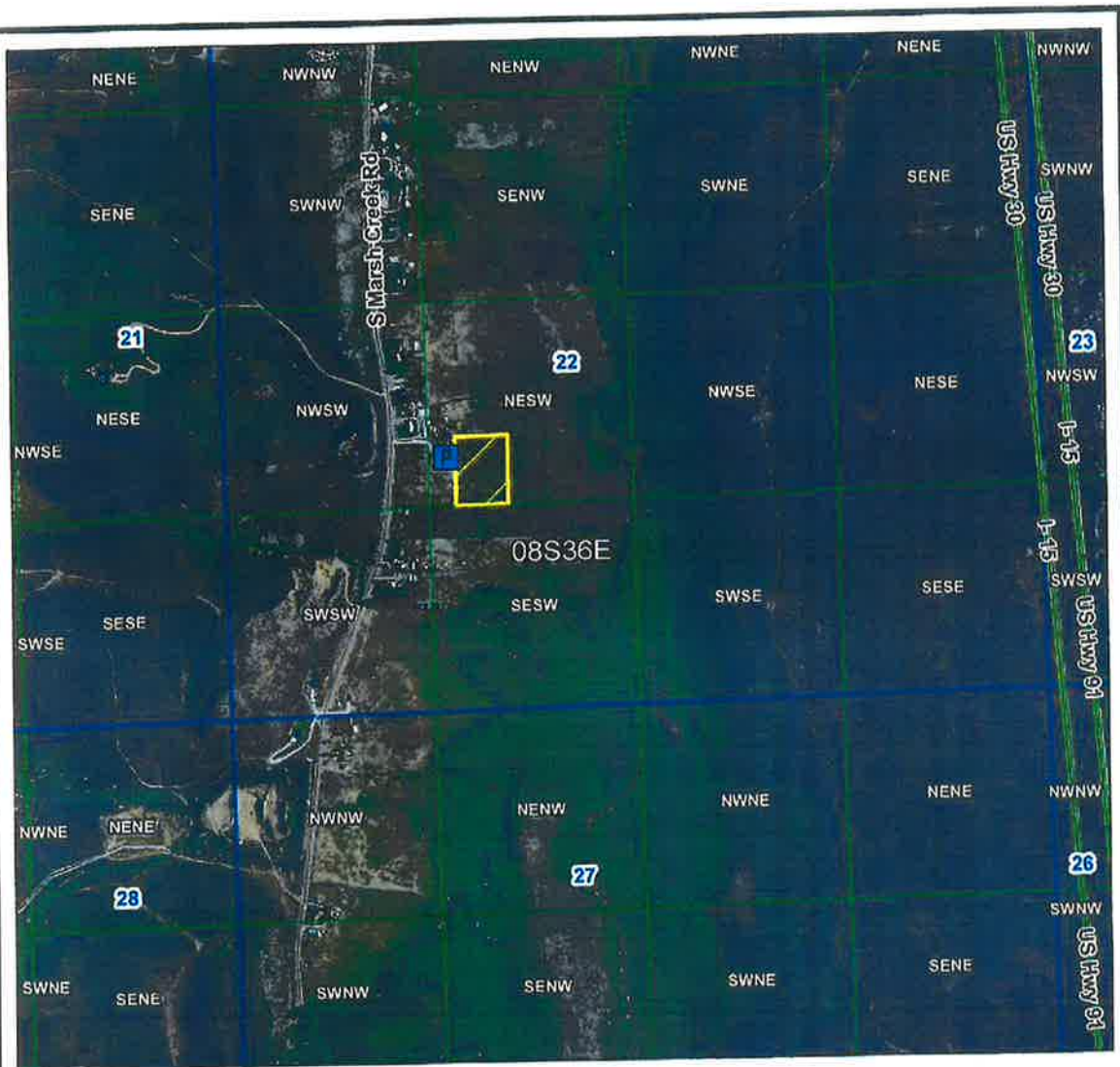




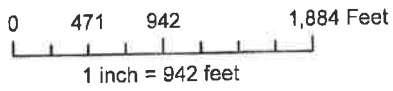
- Current_point_of_diversion_29-7009
- Current_Place_of_Use_29-7009
- 3.5 Acres to Remove
- Township/Range
- Sections
- QQ

0 169 338 676 Feet
1 inch = 338 feet





- Proposed Point of Diversion
- Proposed Place of Use 3.5 Acres
- Township/Range
- Sections
- QQ



RECORDING REQUESTED BY
First American Title Company

OFFICIAL RECORD BOOK 0
BANNOCK COUNTY IDAHO

FEE 15.00 DEPUTY JM
RECORDED AT REQUEST OF

First American Title - Pocatello

22107178

2021 Mar 31 PM 01:21

Electronically Recorded by Simpfite

AND WHEN RECORDED MAIL TO:
First American Title Company
223 North 15th Avenue
Pocatello, ID 83201

RECEIVED

MAY 17 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 960152-P (sg)

Date: March 25, 2021

For Value Received, **Rick Mowrey, an unmarried man**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Dykman Realty Inc.**, hereinafter called the Grantee, whose current address is **P.O. Box 4434, Pocatello, ID 83205**, the following described premises, situated in **Bannock County, Idaho**, to-wit:

see attached Exhibit A

NO WATER RIGHTS ARE INCLUDED:

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

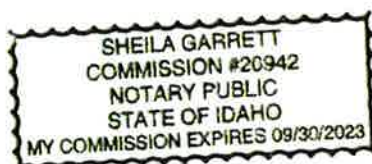
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Rick Mowrey

STATE OF Idaho)
COUNTY OF Bannock)

Instrument: 22107178 Page 0

On this **Thirty-first day of March, 2021**, before me, a Notary Public in and for said State, personally appeared **Rick Mowrey**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Notary Public for the State of Idaho

Residing at:

My Commission Expires:

State of Idaho
Residing: Pocatello, Idaho
Comm. Expires: 09/30/2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

SUPERCEDED

Total authorized under rights 0.09 cfs and/or 14.0 acre-feet.

2. Total amount of water proposed to be transferred or changed .09 cubic feet per second and/or 14.0 acre-feet per year.

3. Point(s) of Diversion:

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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	36E	22									3.5								3.5
Total Acres (for irrigation use)																			3.5



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

July 18, 2024

RICK MOWREY
KRISTIE MOWREY
4160 TECHFARM ROAD
POCATELLO, ID 83204

RE: Transfer No. 89018
Water Right No(s). 29-7009

Dear Applicant:

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 IDAHO STATE JOURNAL on 7/24/2024 and 7/31/2024. 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,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Thursday, July 18, 2024 3:03 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Idaho State Journal
Attachments: 89018 Idaho State Journal.docx

LEGAL NOTICE DEPARTMENT
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO, ID 83204-0431

RE: Transfer No. 89018
Water Right No(s). 29-7009

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 8/12/2024. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89018**

RICK MOWREY and KRISTIE MOWREY, 4160 TECHFARM ROAD, POCATELLO, ID 83204 has filed Application No. 89018 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-7009; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in NESW Sec 22 T08S R36E for 0.07 cfs from ground water. Proposed place of use is in NESW Sec 22 T08S R36E for 3.5 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 83402-1718 together with a protest fee of \$25.00 for each application on or before 8/12/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 7/24/2024 and 7/31/2024

Re: Water Right Transfer 89018

Rick Mowrey <idahoelkhunter@me.com>

Tue 7/16/2024 10:12 AM

To:Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov>

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.



looks good thank you for
your help

Sent from my iPhone

On Jul 16, 2024, at 10:04, Rick Mowrey <idahoelkhunter@me.com> wrote:

2018 to 2020 property was watered for horse pasture

Property were sold March 2021

Sent from my iPhone

On Jul 15, 2024, at 14:14, Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov> wrote:

Rick,

At this point we do not have clear and convincing evidence that the 3.5 acres have been irrigated from 2018 to 2023. We would like you to provide any proof of irrigation or defenses or exceptions to forfeiture. You can find information about defenses to forfeiture within [section 42-223, Idaho Code](#). Unfortunately, this information will be required before the transfer application can be considered for approval.

Also disregard all previous attachments, It will be hard to tell the two apart. I have attached the correct amendment to this email.

Regards,

Jake Nebeker

<Outlook-image.png>

<Outlook-image.png>

Senior Water Resource Agent / Hydrographer

Office: (208) 525-7161

Email: jake.nebeker@idwr.idaho.gov

900 N Skyline Ste. A Idaho Falls, ID 83402