

RECEIVED

MAR 20 2023

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

87765

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 idwr.idaho.gov.

Name of Applicant(s) Hard Way LPCheck 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 <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #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: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Hard Way LP Phone 208-356-0305
Mailing address 5313 S 5700 W, Rexburg, ID 83440 Email brandonrungp@gmail.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 Rocky Mountain Environmental Associates, Inc. Phone 208-524-2353
Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.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 Smith Partner
Signature of Applicant or Authorized Representative

Robert Smith, Partner
Print Name and Title if applicable

March 16 2023
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- 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 1A.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.3**.
Applicant proposes to relocate the ground water right to another farm to supplement the inadequate water rights at the proposed place of use. The current place of use will then receive water through newly obtained canal shares.

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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	22-14166	1.93 cfs	Irrigation	4/01 to 11/01	Ground Water
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 1.93 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.93 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
N			SW	SW	3	4N	40E	Madison	Ground Water	Existing Well

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

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

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	40E	3						14	27	4	15	10	38	18					126
		4	19	40	40	32									37	40	39	40	287
		10					19	39											58
5N	40E	33															16	11	27
Total Acres (for irrigation use)																			498

Acre Limit: 112

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:
One well connected to mainline will deliver the ground water right into pivot irrigation systems. Measuring devices are already installed within the system at various locations to measure for storage and surface water delivered also. Flow meter already installed on well (McCrometer Ultra Mag).
- b. Who owns the property at the point(s) of diversion? Applicant
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

 It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The land now irrigated will no longer be irrigated from ground water. Shares will be obtained from Liberty Park Irrig. Company and/or Bannock Jim Slough Canal Co. to provide surface water for irrigation.

- 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:
Existing POD/POU: no other water rights owned for this property. Although the POU is within the service area of Liberty Park and Bannock Jim Slough, no shares are currently owned for this land. Proposed POD: 22-7706 and 22-7654. Proposed POU: Sunnyside Irrigation District and Palisades Storage water.

- 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:

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

9/13/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 22-14166

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARD WAY LP 4371 S 5500 W REXBURG, ID 83440 2083563552
Original Owner	GEORGE H WARD
Original Owner	MARJORIE M WARD 201 E CHAPEL DOWNS DR SOUTHLAKE, TX 76092 2083566404

Priority Date: 05/15/1968

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	1.93 CFS	392 AFA
Total Diversion			1.93 CFS	392 AFA

Location of Point(s) of Diversion:

GROUND WATER	SENENW	Sec. 21	Township 05N	Range 39E	MADISON County
GROUND WATER Injection	SENWNW	Sec. 21	Township 05N	Range 39E	MADISON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON 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>
05N	39E	20		NENE	31		SENE	37						

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	21	NENW	17.8	NWNW	26.2				
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Total Acres: 112

Conditions of Approval:

1. R19 The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
2. The water diverted from the well described above will be exchanged for water from Bannock Jim Slough through multiple points of redirection along the slough and ditch with a portable pumping system.
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.

Dates:

Licensed Date:

Decreed Date: 01/05/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Eastern Snake Plain Aquifer Modeling Analysis

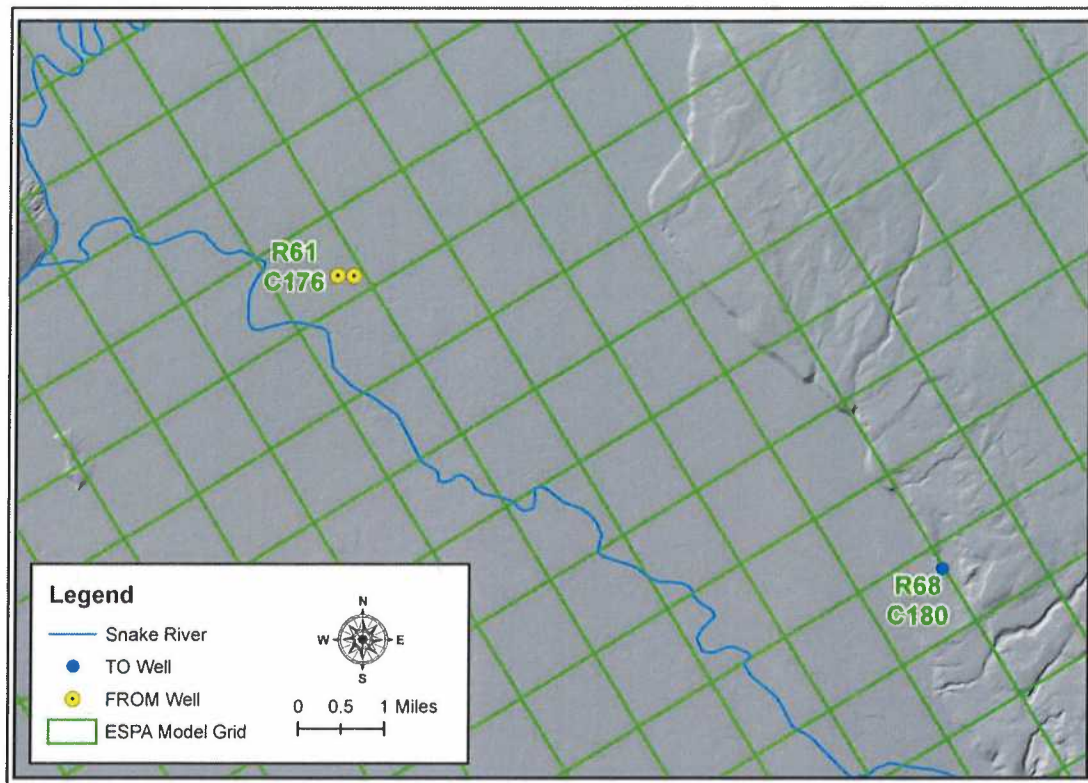
Hard Way LP – Water Right 22-14166

The Applicant proposes to transfer the entire 112 acres or 392 AFA of water right 22-14166 to a new location. The points of diversion included in this modeling analysis are identified to be located in the following grid cells:

TO Well	R68 C180
FROM Well 1	R61 C176

The TO Well location is the proposed well location for the applicant's operation. An existing well is located here, which may be replaced due to inadequacy of the well capacity. The FROM Well 1 location is the existing well location for water right 22-14166. Figure 1 below illustrates the locations of these two wells and grid cells.

Figure 1. ESPAM Grid Cells



The total volume used for the modeling simulation is based upon the standard consumptive use value for this area of 2.5 afa/acre. Therefore, the data input reflects 280 AFA or 93.3 AF/trimester ($112 \text{ acres} \times 2.5 \text{ afa/ac} = 280 \text{ AFA}$) from the original point of diversion to the proposed point of diversion. The affects do not exceed the threshold of 2.0 af/trimester. **No mitigation is required.**

Figures 2-4 include excerpts from the ESPAM 2.1 simulation.

Figure 2. Data Entry

ENHANCED GROUND-WATER RIGHTS TRANS

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPA

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

TRANSFER NO: 22-14166

YEAR: 1968

SEASON: SPRING

TRANSFER NAME: Hard Way LP

UPDATE DATES RUN MODEL GET OUTPUT

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	68	61	0	0
COLUMN	180	176	0	0

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1968	0.00	93.30	93.30	0.00	0.00	0.00	0.00
SUM 1968	0.00	93.30	93.30	0.00	0.00	0.00	0.00
WIN 1968	0.00	93.30	93.30	0.00	0.00	0.00	0.00
SPR 1969	0.00	93.30	93.30	0.00	0.00	0.00	0.00
SUM 1969	0.00	93.30	93.30	0.00	0.00	0.00	0.00
SPR 2020	0.00	93.30	93.30	0.00	0.00	0.00	0.00
SUM 2020	0.00	93.30	93.30	0.00	0.00	0.00	0.00
WIN 2020	0.00	93.30	93.30	0.00	0.00	0.00	0.00
SPR 2021	0.00	93.30	93.30	0.00	0.00	0.00	0.00
SUM 2021	0.00	93.30	93.30	0.00	0.00	0.00	0.00
WIN 2021	0.00	93.30	93.30	0.00	0.00	0.00	0.00
SPR 2022	0.00	93.30	93.30	0.00	0.00	0.00	0.00
SUM 2022	0.00	93.30	93.30	0.00	0.00	0.00	0.00
WIN 2022	0.00	93.30	93.30	0.00	0.00	0.00	0.00
SPR 2023	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SUM 2023	93.30	0.00	93.30	0.00	0.00	0.00	0.00
WIN 2023	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SPR 2024	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SUM 2024	93.30	0.00	93.30	0.00	0.00	0.00	0.00
WIN 2024	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SPR 2025	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SUM 2025	93.30	0.00	93.30	0.00	0.00	0.00	0.00
WIN 2025	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SPR 2026	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SUM 2026	93.30	0.00	93.30	0.00	0.00	0.00	0.00
WIN 2026	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SPR 2027	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SUM 2027	93.30	0.00	93.30	0.00	0.00	0.00	0.00
WIN 2027	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SPR 2028	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SUM 2028	93.30	0.00	93.30	0.00	0.00	0.00	0.00
WIN 2028	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SPR 2029	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SUM 2029	93.30	0.00	93.30	0.00	0.00	0.00	0.00
WIN 2029	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SPR 2115	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SUM 2115	93.30	0.00	93.30	0.00	0.00	0.00	0.00
WIN 2115	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SPR 2116	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SUM 2116	93.30	0.00	93.30	0.00	0.00	0.00	0.00
WIN 2116	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SPR 2117	93.30	0.00	93.30	0.00	0.00	0.00	0.00
SUM 2117	93.30	0.00	93.30	0.00	0.00	0.00	0.00
WIN 2117	93.30	0.00	93.30	0.00	0.00	0.00	0.00

Figure 3. Net Transfer Graphs

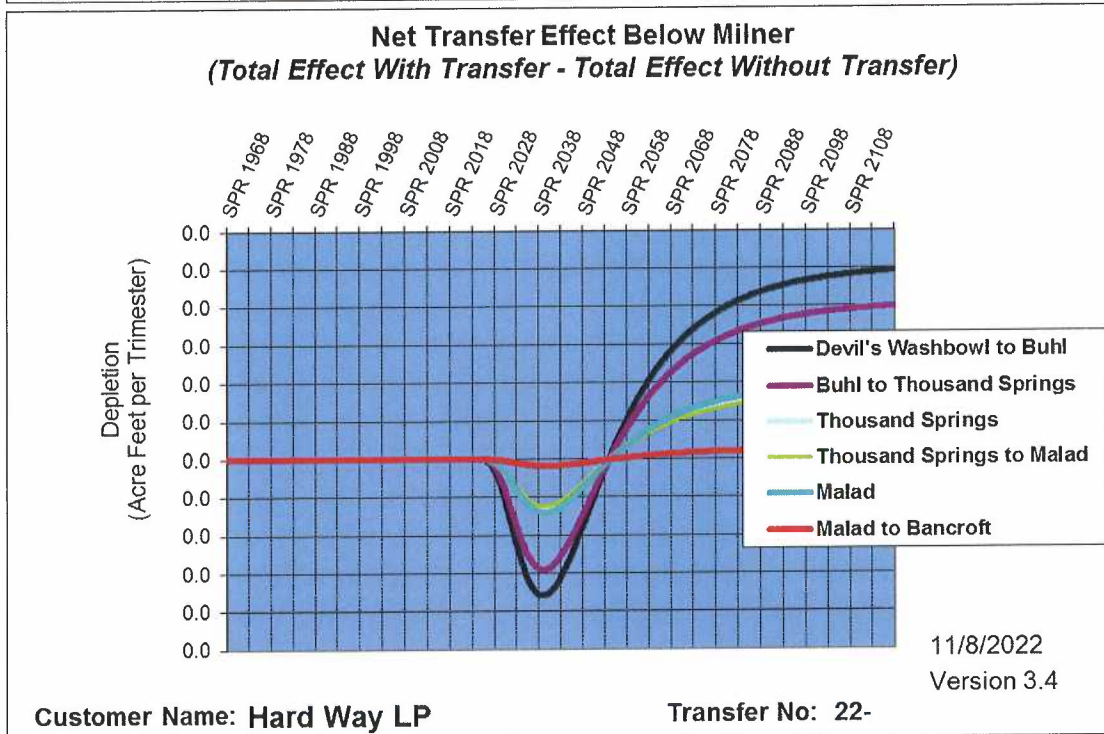
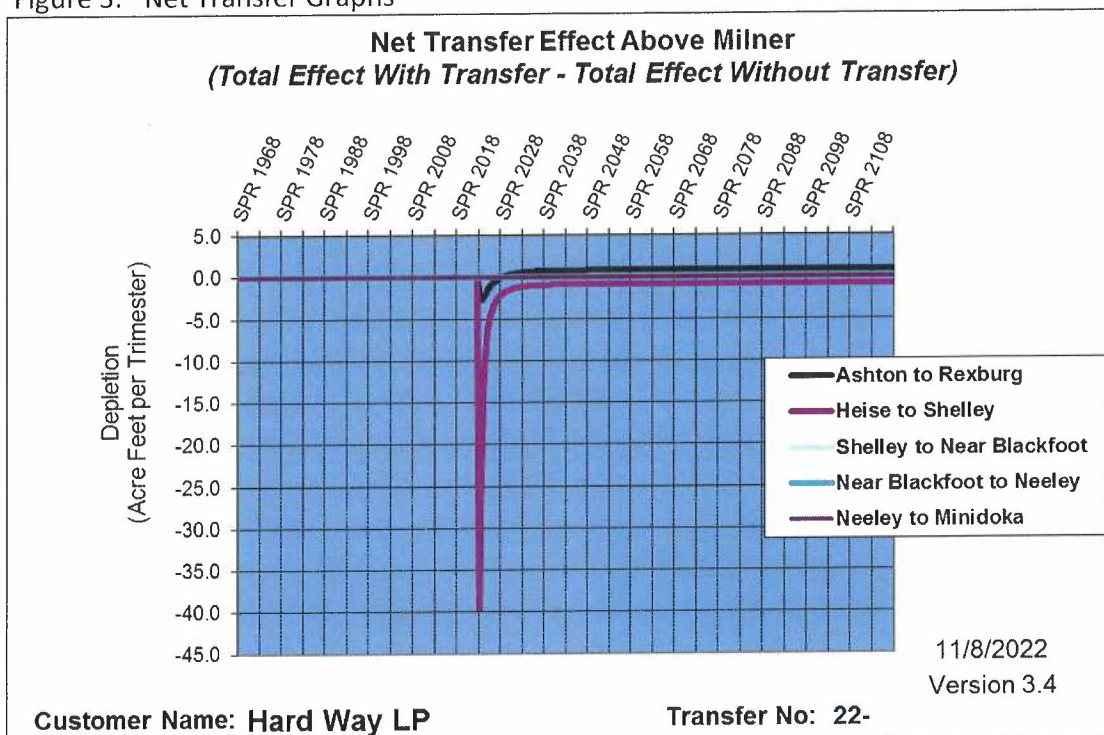
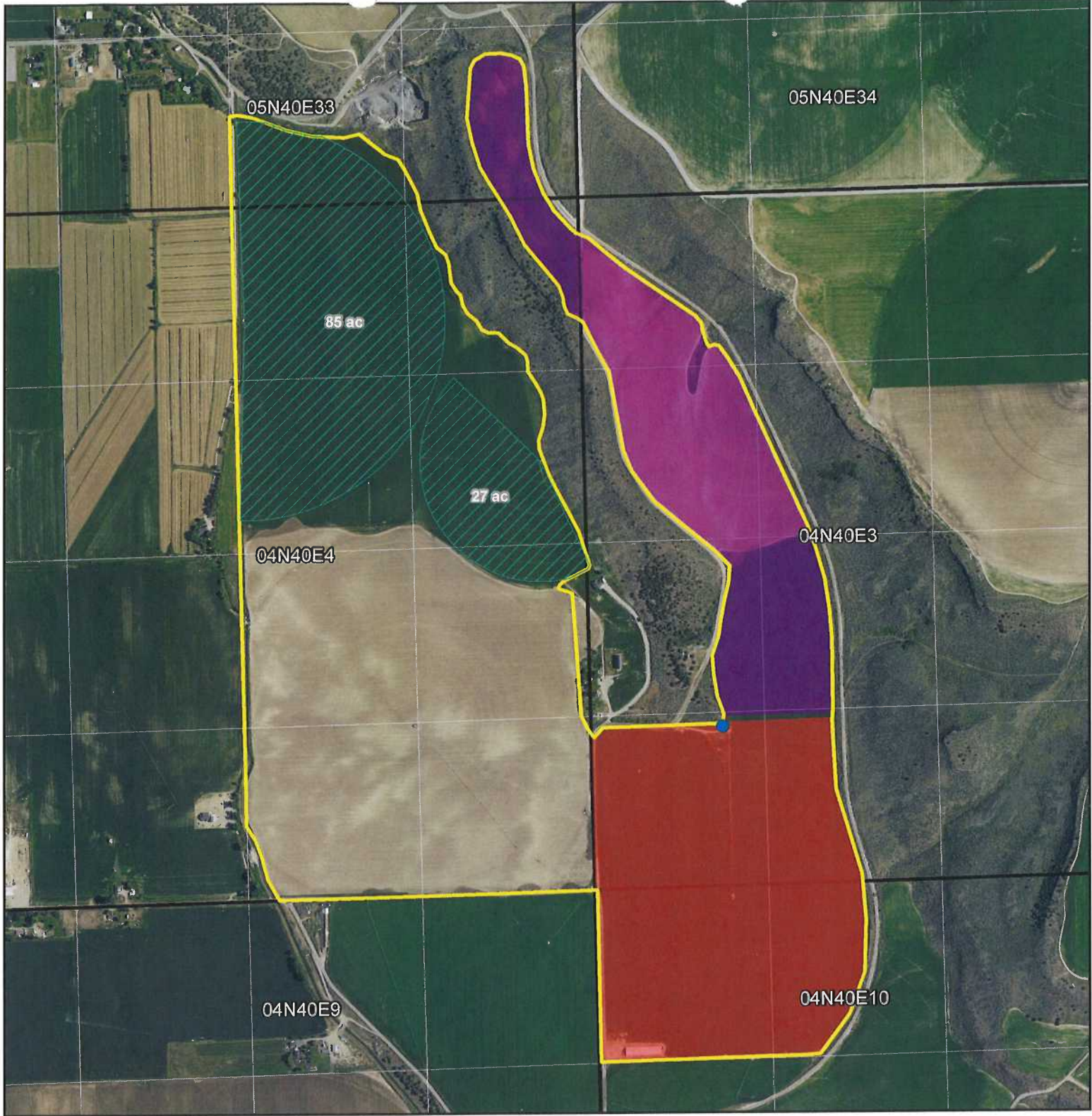


Figure 4. Calculated Effects.

	Net Transfer Effect (AF/four months)										
	Ashton to	Heise to	Shelley to	Nr Bickft	Neeley to	Dev. Wbl.	Buhl to	Kspr	Kspr to	Malad	Malad to
	Rexburg	Shelley	Nr Bickft	Neeley	Minidoka	Buhl	Kspr	Malad	Bancroft		
SPR 1968	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1968	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1968	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1969	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1969	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1969	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1970	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2021	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2021	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2021	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2022	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2022	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2022	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2023	-1.7	-39.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2023	-2.5	-27.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2023	-2.7	-18.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2024	-2.4	-13.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2024	-2.1	-9.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2024	-1.8	-7.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2025	-1.5	-6.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2025	-1.2	-5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2025	-1.0	-4.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2026	-0.8	-3.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2026	-0.6	-3.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2026	-0.5	-3.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2027	-0.3	-2.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2027	-0.2	-2.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2027	-0.1	-2.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2028	0.0	-2.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2028	0.0	-2.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2028	0.1	-1.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2029	0.2	-1.7	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2029	0.2	-1.6	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2029	0.3	-1.5	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2030	0.3	-1.5	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2030	0.3	-1.4	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2030	0.4	-1.4	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2031	0.4	-1.3	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2031	0.4	-1.3	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2031	0.5	-1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2115	0.8	-0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2115	0.8	-0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2116	0.8	-0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2116	0.8	-0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2116	0.8	-0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2117	0.8	-0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2117	0.8	-0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2117	0.8	-0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

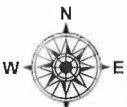
Enter First Time Step of Transfer: SPR 2023													
Match: 166		Match: 456											
	AtR	HtS	StNB	NbtN	NtM	DWtB	BtTS	TS	TSIM	M	MtB	Total	
Preexisting Effects @ SS (Last Time Step):	8.54	83.67	0.33	0.71	0.01	0.01	0.01	0.00	0.00	0.00	0.00	93.30	Total Effect
Steady State - Value of Dep. @ Last Time Step:	9.35	82.81	0.34	0.75	0.01	0.01	0.01	0.00	0.00	0.00	0.00	93.30	Total Effect
Transient State @ Transient State (Max Value Timestep):	8.54	83.67	0.33	0.71	0.01	0.01	0.01	0.00	0.00	0.00	0.00	93.30	Total Effect
Transient State - Max. Value of Dep. After Transfer:	9.35	82.81	0.34	0.75	0.01	0.01	0.01	0.00	0.00	0.00	0.00	93.30	Total Effect
Steady State Change:	0.81	-0.86	0.01	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
Transient State Change:	0.81	-0.86	0.01	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00		



2021 NAIP

Legend

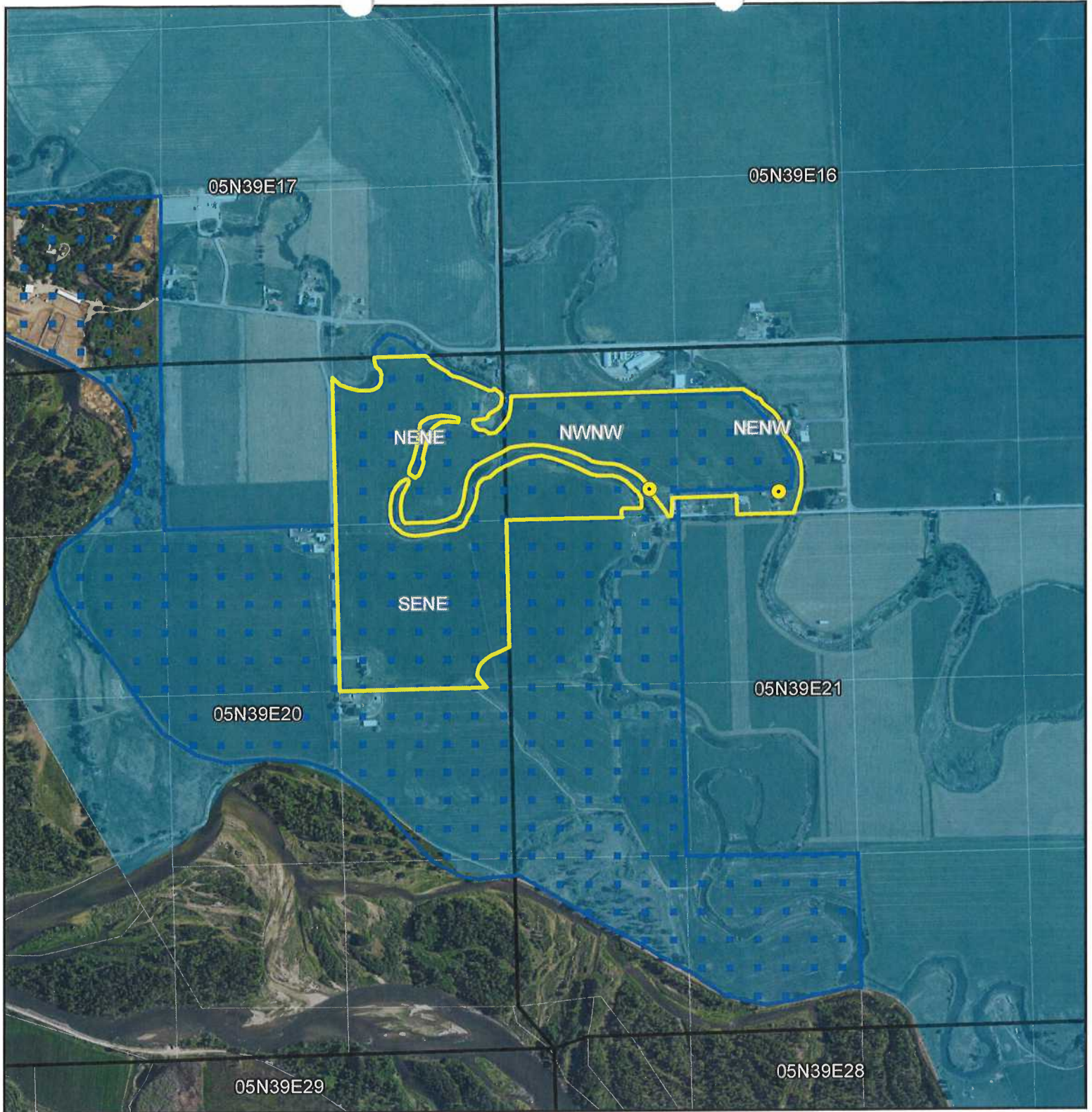
- Proposed POD
- Proposed Irrig Ac 2023
- Proposed PPU
- POU 22-7706
- POU 22-7654
- Section
- QQ



Proposed Location 22-14166
Hard Way LP

RMEA # 22-0148
by: KM
Date: 3/14/2023





0 1,050 2,100 4,200 Feet

2021 NAIP

Legend

- POD 22-14166
- POU 22-14166
- Bannock Jim Slough Canal Co
- Liberty Park Irrig Co
- Twp & Rng
- Section
- QQ



Existing Location 22-14166 Hard Way LP

RMEA # 22-0148

by: KM

Date: 11/8/2022



**Rocky Mountain
ENVIRONMENTAL**
ASSOCIATES, INC.

87765

QUITCLAIM DEED

FOR VALUE RECEIVED, Larry E. Taylor and Tamara S. Taylor, husband and wife, of 5458 S. 5700 W., Rexburg, ID 83440, “Grantors” do hereby remise, release and forever QUITCLAIM unto, **Hard Way, LP**, an Idaho limited partnership with its principal place of business located at 4371 S. 5500 W., Rexburg, ID 83440, their interest held, in and to the following described water rights in the State of Idaho:

Water Right No. 22-7009 (See Attached Exhibit "A")

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

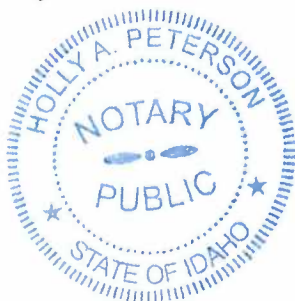
DATED This 1st day of JUNE, 2015.


Larry E. Taylor

Tamara S. Taylor

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 1st day of June, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared **Larry E. Taylor and Tamara S. Taylor**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.





Notary Public for Idaho
Residing at Bonnaville County, Idaho Falls, ID
My Commission Expires: 3-29-2017

Quitclaim Deed

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Instrument # 395800

REXBURG, MADISON, IDAHO

6-3-2015 03:41:22 PM No. of Pages: 2

Recorded for : RIGBY, ANDRUS & RIGBY

KIM H. MUIR Fee: 13.00

Ex-Officio Recorder Deputy

87765

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 22-7009

Owner Type	Name and Address
Current Owner	JOYCE RANDKLEV 201 E CHAPEL DOWNS DR SOUTHLAKE, TX 76092 (817) 488-9922
Original Owner	GEORGE H WARD
Original Owner	MARJORIE M WARD 201 E CHAPEL DOWNS DR SOUTHLAKE, TX 76092 (208)356-6404

Priority Date: 05/15/1968

Basis: Decreed

Status: Active

Source Tributary
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	2 CFS 406 AFA	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

GROUND WATER SENENW Sec. 21 Township 05N Range 39E MADISON County
GROUND WATER Injection SENWNW Sec. 21 Township 05N Range 39E MADISON
County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

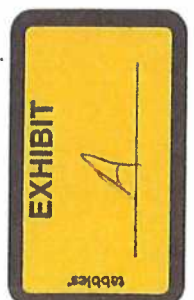
Township	Range	Section	Lot	Tract Acres	Lot	Tract Acres	Lot	Tract Acres	Lot	Tract Acres
05N	39E	20	NENE	31	SENE	37				
		21	NENW	21	NWNW	27				

Total Acres: 116

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. The water diverted from the well described above will be exchanged for water from Bannock Jim Slough through multiple points of redirection along the slough and ditch with a portable pumping system.
3. R19 The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.

87765



QUITCLAIM DEED

FOR VALUE RECEIVED, Joshua Beseres, a single person, of 4892 W. 5200 S., Rexburg, ID 83440, "Grantor" does hereby remise, release and forever QUITCLAIM unto, **Hard Way, LP**, an Idaho limited partnership with its principal place of business located at 4371 S. 5500 W., Rexburg, ID 83440, his interest held, in and to the following described water rights in the State of Idaho:

Water Right No. 22-7009 (See Attached Exhibit "A")

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

DATED This 30 day of May, 2015.


Joshua Beseres

STATE OF IDAHO,)
 SS.
County of Madison.)

On this 30 day of May, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared **Joshua Beseres**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

Lynne Burt

Notary Public for Idaho
Residing at *Lewistown*
My Commission Expires: *10-06-2018*



Quitclaim Deed

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Instrument # 395801

REXBURG, MADISON, IDAHO

6-3-2015 03:43:36 PM No. of Pages: 2

Recorded for : RIGBY, ANDRUS & RIGBY

KIM H. MUIR Fee: 13.00

Ex-Officio Recorder Deputy

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 22-7009

Owner Type	Name and Address
Current Owner	JOYCE RANDKLEV 201 E CHAPEL DOWNS DR SOUTHLAKE, TX 76092 (817) 488-9922
Original Owner	GEORGE H WARD
Original Owner	MARJORIE M WARD 201 E CHAPEL DOWNS DR SOUTHLAKE, TX 76092 (208)356-6404

Priority Date: 05/15/1968

Basis: Decreed

Status: Active

Source Tributary
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	2 CFS 406 AFA	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

GROUND WATER SENENW Sec. 21 Township 05N Range 39E MADISON County
GROUND WATER Injection SENWNW Sec. 21 Township 05N Range 39E MADISON
County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

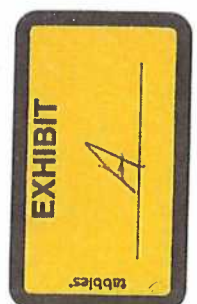
Township	Range	Section	Lot	Tract Acres	Lot	Tract Acres	Lot	Tract Acres	Lot	Tract Acres
05N	39E	20	NENE 31	SENE 37						
		21	NENW 21	NWNW 27						

Total Acres: 116

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. The water diverted from the well described above will be exchanged for water from Bannock Jim Slough through multiple points of redirection along the slough and ditch with a portable pumping system.
3. R19 The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.

87765



QUITCLAIM DEED

FOR VALUE RECEIVED, Rigoberto Guzman Calderon and Angelica Maria

Lopez, husband and wife, of 4938 W. 5200 S., Rexburg, ID 83440, “Grantors” do hereby remise, release and forever QUITCLAIM unto, **Hard Way, LP**, an Idaho limited partnership with its principal place of business located at 4371 S. 5500 W., Rexburg, ID 83440, their interest held, in and to the following described water rights in the State of Idaho:

Water Right No. 22-7009 (See Attached Exhibit "A")

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

DATED This 01 day of June, 2015.

Rigoberto Guzman
Rigoberto Guzman Calderon

Angelica Maria Lopez
Angelica Maria Lopez Cazarez

STATE OF IDAHO,)
) SS.
County of Madison.)

On this 1 day of June, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared **Rigoberto Guzman Calderon and Angelica Maria Lopez Cazarez**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.



Linda Bell
Notary Public for Idaho
Residing at *Ruxbury*
My Commission Expires:
10-06-2018

Quitclaim Deed

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Instrument # 395802

REXBURG, MADISON, IDAHO
6-3-2015 03:45:23 PM No. of Pages: 2
Recorded for : RIGBY, ANDRUS & RIGBY
KIM H. MUIR Fee: 13.00
Ex-Officio Recorder Deputy 

8 7 7 6 5

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 22-7009

Owner Type	Name and Address
Current Owner	JOYCE RANDKLEV 201 E CHAPEL DOWNS DR SOUTHLAKE, TX 76092 (817) 488-9922
Original Owner	GEORGE H WARD
Original Owner	MARJORIE M WARD 201 E CHAPEL DOWNS DR SOUTHLAKE, TX 76092 (208)356-6404

Priority Date: 05/15/1968

Basis: Decreed

Status: Active

Source Tributary
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	2 CFS 406 AFA	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

GROUND WATER SENENW Sec. 21 Township 05N Range 39E MADISON County
GROUND WATER Injection SENWNW Sec. 21 Township 05N Range 39E MADISON
County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	39E	20	NENE	31		SENE	37				
		21	NENW	21		NWNW	27				

Total Acres: 116

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. The water diverted from the well described above will be exchanged for water from Bannock Jim Slough through multiple points of redirection along the slough and ditch with a portable pumping system.
3. R19 The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.



87765



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 Gary Spackman

April 26, 2023

HARD WAY LP
5313 S 5700 W
REXBURG, ID 83440-4225

RE: Transfer No. 87765
Water Right No(s). 22-14166

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 REXBURG STANDARD JOURNAL on 5/5/2023 and 5/12/2023. 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

CC:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, April 26, 2023 12:24 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Standard Journal
Attachments: 21-13321, 87765 Standard Journal.docx

LEGAL NOTICE DEPARTMENT
REXBURG STANDARD JOURNAL
PO BOX 10
REXBURG, ID 83440

RE: Application for Permit No. 21-13321, Transfer 87765

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 5/22/2023. 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

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

21-13321

THE PETERSON LIVING TRUST, PO BOX 646, ISLAND PARK, ID 83429-0700

Point of Diversion SENE S4 T13N R44E FREMONT County

Source GROUND WATER Tributary

Use: COOLING

01/01 to 12/31

0.06 CFS

Use: HEATING

01/01 to 12/31

0.06 CFS

Total Diversion:

0.06 CFS

Date Filed: 04-14-2023

Place Of Use: COOLING, HEATING

T13N R44E S4

SENE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. 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 5/22/2023. The protestant must also send a copy of the protest to the applicant.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87765**

HARD WAY LP, 5313 S 5700 W, REXBURG, ID 83440-4225 has filed Application No. 87765 for changes to the following water rights within MADISON County(s): Right No(s). 22-14166; 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 SWSW Sec 3 T04N R40E for 1.93 cfs from ground water. Proposed place of use is in Sec 3, 4, and 10 T04N R40E, and Sec 33 T05N R40E for 112 acres within a 498-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 83402-1718 together with a protest fee of \$25.00 for each application on or before 5/22/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/5/2023 and 5/12/2023