STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87356

This is to certify that: BEAR ISLAND WATER ASSN INC
C/O GORDON EGAN
32 N 3167 E
IDAHO FALLS, ID 83402

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
1-194D	WR/DECREED	6/1/1896	0.490 cfs	N/A	17.4	22.7	SNAKE RIVER
1-310D	WR/DECREED	4/1/1939	1.080 cfs	N/A	N/A	22.7	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
1-194D	NO	NO	NO	YES	NO	NO
1-310D	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
1-194D	1-194D	0.490 cfs	N/A	17.4	22.7	N/A	N/A	N/A	N/A	N/A
1-310D	1-310D	1.080 cfs	N/A	N/A	22.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**1.570 cfs**	**N/A**	**22.7**	**22.7**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 3rd day of March, 2023.

Regional Manager

Transfer No. 87356

SUPPORT DATA
IN FILE # 1-194D

SCANNED
MAR 06 2023

WATER RIGHT NO. 1-194D

As Modified by Transfer No. 87356

In accordance with the approval of Transfer No. 87356, Water Right No. 1-194D is now described as follows:

Right Holder: BEAR ISLAND WATER ASSN INC
C/O GORDON EGAN
32 N 3167 E
IDAHO FALLS, ID 83402

Priority Date: 6/1/1896

Source: SNAKE RIVER **Tributary:** COLUMBIA RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	04/01	to	10/31	0.490 cfs
				0.490 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	L7 (NESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L7 (NESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L7 (NENESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L7 (NENESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L7 (NENESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L7 (SENESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L7 (SENESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L7 (SENESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L7 (SENESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L7 (SWNESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L8 (SESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L8 (SESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L8 (SESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L8 (NWSESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L8 (NWSESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L8 (NWSESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L8 (NWSESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L8 (SWSESE)	Sec 35	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L4 (SWNW)	Sec 36	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L4 (SWNW)	Sec 36	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L4 (SWNW)	Sec 36	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L4 (NWSWNW)	Sec 36	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L4 (SWSWNW)	Sec 36	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L4 (NWNWSW)	Sec 36	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L4 (NWNWSW)	Sec 36	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L4 (NWNWSW)	Sec 36	Twp 04N	Rge 37E JEFFERSON County
SNAKE RIVER	L4 (NWNWSW)	Sec 36	Twp 04N	Rge 37E JEFFERSON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	37E	35													7.6		3.3	4.3	15.2
															L 7		L 8	L 8	
04N	37E	36							5.5			0.2							5.7
									L 4										
04N	37E	36										1.8							1.8
												L 4							

Transfer No. 87356

SCANNED
MAR 06 2023

WATER RIGHT NO. 1-194D

As Modified by Transfer No. 87356

PLACE OF USE: IRRIGATION

Right Acre Limit: 17.4
POU Total Acres: 22.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 17.4 acres within the authorized place of use in a single irrigation season.
2. Rights 1-194D and 1-310D when combined shall not exceed the irrigation of 22.7 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
MAR 06 2023

WATER RIGHT NO. 1-310D

As Modified by Transfer No. 87356

In accordance with the approval of Transfer No. 87356, Water Right No. 1-310D is now described as follows:

Right Holder: BEAR ISLAND WATER ASSN INC
C/O GORDON EGAN
32 N 3167 E
IDAHO FALLS, ID 83402

Priority Date: 4/1/1939

Source: SNAKE RIVER **Tributary:** COLUMBIA RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	04/01	to	10/31	1.080 cfs
				1.080 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER	L7 (NESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L7 (NESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L7 (NENESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L7 (NENESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L7 (NENESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L7 (SENESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L7 (SENESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L7 (SENESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L7 (SENESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L7 (SWNESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L8 (SESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L8 (SESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L8 (SESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L8 (NWSESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L8 (NWSESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L8 (NWSESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L8 (NWSESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L8 (SWSESE)	Sec 35 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L4 (SWNW)	Sec 36 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L4 (SWNW)	Sec 36 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L4 (SWNW)	Sec 36 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L4 (NWSWNW)	Sec 36 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L4 (SWSWNW)	Sec 36 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L4 (NWNWSW)	Sec 36 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L4 (NWNWSW)	Sec 36 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L4 (NWNWSW)	Sec 36 Twp 04N Rge 37E JEFFERSON County
SNAKE RIVER	L4 (NWNWSW)	Sec 36 Twp 04N Rge 37E JEFFERSON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	37E	35													7.6		3.3	4.3	15.2
															L 7		L 8	L 8	
04N	37E	36							5.5			0.2							5.7
									L 4										
04N	37E	36										1.8							1.8
												L 4							

Transfer No. 87356

SCANNED
MAR 06 2023

WATER RIGHT NO. 1-310D

As Modified by Transfer No. 87356

PLACE OF USE: IRRIGATION

POU Total Acres: 22.7

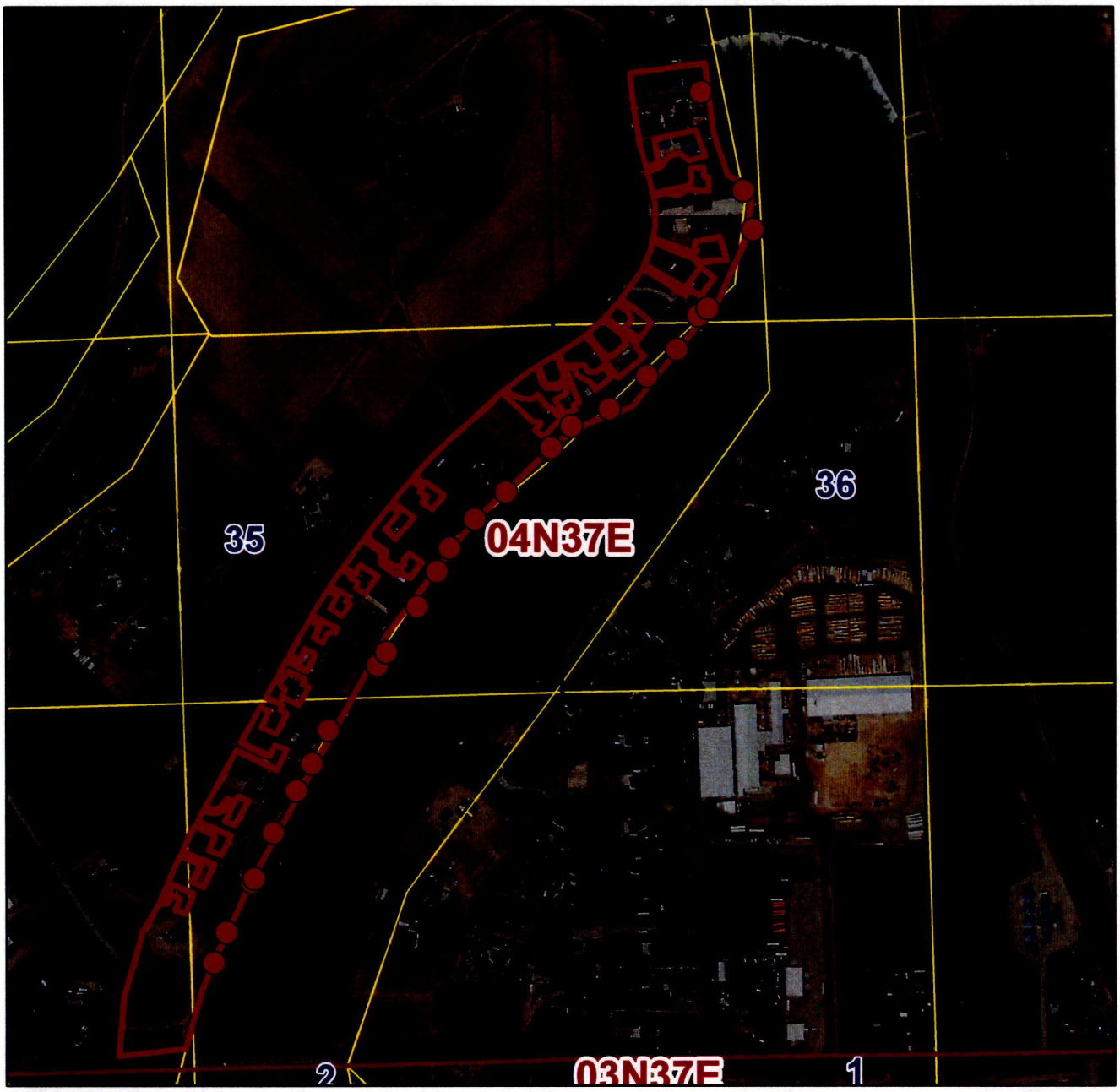
CONDITIONS OF APPROVAL

1. Rights 1-194D and 1-310D when combined shall not exceed the irrigation of 22.7 acres.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
MAR 06 2023

Attachment to Transfer Approval 87356

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 250 500 1,000 Feet

N
W E
S

Date: 3/3/2023

SCANNED
MAR 06 2023

42-222 POD - 07/18 AMENDED

RECEIVED
JAN 09 2023
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☐ Change diversion point(s) ☑ Add diversion point(s) ☐ Ownership change ☐ Ownership split

☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Bear Island Water Association Inc Phone (208) 716-6922
2. **MAILING ADDRESS** 32 N 3167 E City Idaho Falls
   State ID Zip 83402 Email Wawhitmore@gci.net

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 1-194D, 1-310D

☑ Attach a copy of the water right(s) as recorded, available at *idwr.idaho.gov*, *Water Right Transfers, Step 1*, or by contacting any Department office.

This POD Limited to .04 cfs

4. **TOTAL AMOUNT OF WATER** transferred is 1.57 (diversion rate) cubic feet per second and/or _____ (storage volume) acre-feet per annum.

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y	8		SE	SE	35	04N	37E	Jefferson	Snake River	
				Existing points of diversion are shown in Exhibit A						

Transfer No. SCANNED

JAN 11 2023

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 21 2022
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report a ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

SUPERCEDED

Check all that apply:

☐ Change diversion point(s) ☑ Add diversion point(s) ☐ Ownership change ☐ Ownership split

☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Bear Island Water Association Inc Phone (208) 716-6922
2. **MAILING ADDRESS** 54 N 3167 E City Idaho Falls
   State ID Zip 83402 Email Wawhitmore@gci.net

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 1-194D, 1-310D

SUPERCEDED

☑ Attach a copy of the water right(s) as recorded, available at *idwr.idaho.gov, Water Right Transfers, Step 1*, or by contacting any Department office.

This POD limited to .04 cfs

4. **TOTAL AMOUNT OF WATER** transferred is .04 (diversion rate) cubic feet per second and/or _____ (storage volume) acre-feet per annum.

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y	8		SE	SE	35	04N	37E	Jefferson	Snake River	
				Existing points of diversion are shown in Exhibit A						

Transfer No. 87356

SCANNED
JAN 11 2023

6. **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:

26 existing PODs, this transfer adds a 27th

b. Who owns the property at the point(s) of diversion? Donald Maiers

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Part owner

c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐	☒	currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☑ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.*

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent	Print name and title if applicable	Date
Ward A. Whitmore	Ward Whitmore President Bear Island Water Assoc	16-Dec-2022
Donald Maiers	Donald Maiers	12-16-2022

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of $50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at *www.idwr.idaho.gov, Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid $200.00 Date 12/16/22 Receipted by CA Receipt # E048802

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

SCANNED
JAN 11 2023

1-194D Transfer



Proposed POD
Existing PODs
POU
Township/Range
Sections
QQ

0 0.075 0.15 0.3 Miles

SCANNED
JAN 11 2023

IDAHO DEPARTMENT OF WATER RESOURCES **12/9/2022**

Proof Report

Water Right 1-194D

Owner Type	**Name and Address**
Current Owner	BEAR ISLAND WATER ASSN INC C/O GORDON EGAN 32 N 3167 E IDAHO FALLS, ID 83402 (208) 524-7068

Priority Date: 6/1/1896
Basis: Decreed
Status: Active

Source	**Tributary**
SNAKE RIVER	COLUMBIA RIVER

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	04/01	10/31	0.490 CFS	
		Total Diversion	0.490 CFS	

Source and Point(s) of Diversion:

SNAKE RIVER	L8(NWSESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L4(SWNW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L8(SESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L4(SWNW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(NENESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L4(NWSWNW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L4(NWNWSW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(NENESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L8(SWSESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
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SNAKE RIVER	L8(NWSESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
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SNAKE RIVER	L7(SENESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(SENESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(SENESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(NESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(NENESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
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SNAKE RIVER	L4(NWNWSW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L4(SWNW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L4(SWSWNW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L8(NWSESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L8(NWSESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County

Exhibit A

SCANNED
JAN 11 2023

Place Of Use:
IRRIGATION within JEFFERSON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	37E	35													7.6 L7		3.3 L8	4.3 L8	15.2
04N	37E	36							5.5 L4			0.2							5.7
04N	37E	36										1.8 L4							1.8

Right Acre Limit: 17.40
POU Total Acres: 22.7

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 17.4 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 1-194D and 1-310D when combined shall not exceed the irrigation of 22.7 acres.
3.	R05	Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
4.	R02	A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates and Other Information:
Decreed Date: 9/14/2007
State or Federal: S
Owner Name Connector: AND
Water District Number: 01
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
		22.7	1-194D ,1-310D

SubCase:

SCANNED
JAN 11 2023

IDAHO DEPARTMENT OF WATER RESOURCES **12/20/2022**

Proof Report

Water Right 1-310D

Owner Type	**Name and Address**
Current Owner	BEAR ISLAND WATER ASSN INC C/O GORDON EGAN 32 N 3167 E IDAHO FALLS, ID 83402 (208) 524-7068

Priority Date: 4/1/1939
Basis: Decreed
Status: Active

Source	**Tributary**
SNAKE RIVER	COLUMBIA RIVER

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	04/01	10/31	1.080 CFS	
		Total Diversion	1.080 CFS	

Source and Point(s) of Diversion:

SNAKE RIVER	L4(NWNWSW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L4(NWNWSW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L4(NWNWSW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L4(NWNWSW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(NESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(NESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(NENESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(NENESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(NENESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(SENESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(SENESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(SENESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(SENESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L7(SWNESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L8(SESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L8(SESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L8(NWSESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L8(NWSESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L8(NWSESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L8(NWSESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L8(SWSESE)	Sec. 35, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L4(SWNW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L4(SWNW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L4(SWNW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L4(NWSWNW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County
SNAKE RIVER	L4(SWSWNW)	Sec. 36, Twp 04N, Rge 37E, JEFFERSON County

Exhibit A

SCANNED
JAN 11 2023

Place Of Use:
IRRIGATION within JEFFERSON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	37E	35													7.6 L7		3.3 L8	4.3 L8	15.2
04N	37E	36							5.5 L4			0.2							5.7
04N	37E	36										1.8 L4							1.8

POU Total Acres: 22.7

Conditions of Approval:

1.	X35	Rights 1-194D and 1-310D when combined shall not exceed the irrigation of 22.7 acres.
2.	R05	Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
3.	R02	A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4.	179	The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.
5.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates and Other Information:
Decreed Date: 9/14/2007
State or Federal: S
Owner Name Connector: AND
Water District Number: 01
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
		22.7	1-194D ,1-310D

SCANNED
JAN 11 2023

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**

March 03, 2023

BEAR ISLAND WATER ASSN INC
C/O GORDON EGAN
32 N 3167 E
IDAHO FALLS ID 83402

Re: Transfer No: 87356
Water Right No(s).: 1-194D , 1-310D

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

SCANNED
MAR 06 2023

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure
CC:

SCANNED
MAR 06 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 03, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 87356
Water Right No(s).: 1-194D , 1-310D

BEAR ISLAND WATER ASSN INC
C/O GORDON EGAN
32 N 3167 E
IDAHO FALLS ID 83402

Christina Henman
Administrative Assistant

SCANNED
MAR 06 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

SCANNED
MAR 06 2023

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

SCANNED
MAR 06 2023

MEMORANDUM

Date: February 13, 2023

To: Transfer 87356

From: Thomas Lafortune

Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to add a 27th point of diversion to water rights 1-194D and 1-310D. The new point of diversion will only divert 0.04 cfs like the other individual pumps through the Bear Island subdivision..

Authority to File:
The application was signed by Ward Whitmore, president of Bear Island Water Association Inc. (water right owner per IDWR records), and Donald Maier, property owner at the new point of diversion per Jefferson County tax information.

Water Right Validity:
Both water rights were decreed in the SRBA in 2007. Aerial photography shows consistent irrigation at the place of use. Forfeiture is not an issue.

Injury to Other Water Rights:
The proposed point of diversion is in close proximity to the existing points of diversion, from the same source. This application was advertised without protest. The water rights are included in Water District 01. The watermaster did not oppose this transfer. There should not be any injury to other water rights.

Enlargement of Use:
This transfer does not propose any change to the place of use, therefore the number of irrigated acres will remain the same. There is also no change to the diversion rate or volume. There is no enlargement.

Local Public interest:
No issues identified.

Beneficial Use/Conservation of Water Resources:
No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED
MAR 06 2023

THE JEFFERSON STAR

PROOF OF PUBLICATION
Jefferson Star

RECEIVED
JAN 27 2023
Department of Water Resources
Eastern Region

State of Idaho
County of Jefferson

I, ~~Dawn Giannini, or~~ Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager, or~~ Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of Jefferson Star, a newspaper of general circulation, published 1 day, Wednesday at Rigby, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Jefferson Star for 2 day(s), first publication having been made on 01/18/2023 last publication having been made on 01/25/2023, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Collins Crapo

Subscribed and sworn to before me, on this 25th day of January, 2023

Beth Crossley

BETH CROSSLEY
68167
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/28/28

Notary Public
My commission expires:

attached jurat

STATE OF IDAHO

ss.

COUNTY OF JEFFERSON

On this 25th day of January, 2023 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini or~~ Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

BETH CROSSLEY
68167
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/28/28

Beth Crossley

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 87356

BEAR ISLAND WATER ASSN INC, C/O GORDON EGAN, 32 N 3167 E , IDAHO FALLS, ID 83402 has filed Application No. 87356 for changes to the following water rights within JEFFERSON County(s): Right No(s). 1-194D, 1-310D; 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: add point of diversion. There are 26 existing points of diversion located in Lots 7 and 8 Sec 35, and Lot 4 Sec 36, T04N R37E for 1.57 cfs from Snake River. The proposed new point of diversion is in Lot 8 (SESE) Sec 35 T04N R37E and will be limited to 0.04 cfs from Snake River. 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 2/6/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Jefferson Star, Rigby, Idaho, on January 18 and 25, 2023. (322556)

AD# 322556

SCANNED
Feb 03 2023

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RE: Transfer No. 87356

Transfer Applicant's Name: BEAR ISLAND WATER ASSN INC
C/O GORDON EGAN
32 N 3167 E
IDAHO FALLS, ID 83402

Watermaster's Recommendation:

a) ___X___ I do not oppose approval of this application.

b) _____ I do not oppose approval of this application if it is conditioned as follows:

c) _____ I oppose approval of this application for the following reasons:

d) _____ Additional comments:

Dated this 11TH day of JANUARY. 2023

Tony Olenichak
Watermaster's Signature
WD 01

SCANNED
FEB 09 2023

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**

January 11, 2023

BEAR ISLAND WATER ASSN INC
C/O GORDON EGAN
32 N 3167 E
IDAHO FALLS, ID 83402

RE: Transfer No. 87356
Water Right No(s). 1-194D, 1-310D

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 JEFFERSON STAR on 1/18/2023 and 1/25/2023. 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

SCANNED
JAN 11 2023

Henman, Christina

From:	Henman, Christina
Sent:	Wednesday, January 11, 2023 12:00 PM
To:	info@jeffersonstarnews.com
Subject:	Legal Notice for Jefferson Star
Attachments:	87356 Jefferson Star.docx

LEGAL NOTICE DEPARTMENT
JEFFERSON STAR
PO BOX 37
RIGBY, ID 83442

RE: Transfer No. 87356
Water Right No(s). 1-194D, 1-310D

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 2/6/2023. Your cooperation is appreciated.

Thank You,

IDAHO DEPARTMENT OF WATER RESOURCES

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

SCANNED
JAN 11 2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87356

BEAR ISLAND WATER ASSN INC, C/O GORDON EGAN, 32 N 3167 E , IDAHO FALLS, ID 83402 has filed Application No. 87356 for changes to the following water rights within JEFFERSON County(s): Right No(s). 1-194D, 1-310D; 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: add point of diversion. There are 26 existing points of diversion located in Lots 7 and 8 Sec 35, and Lot 4 Sec 36, T04N R37E for 1.57 cfs from Snake River. The proposed new point of diversion is in Lot 8 (SESE) Sec 35 T04N R37E and will be limited to 0.04 cfs from Snake River.

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 2/6/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 1/18/2023 and 1/25/2023

SCANNED
JAN 11 2023

Lafortune, Thomas

From: Ward Whitmore <wawhitmore@gci.net>
Sent: Saturday, January 7, 2023 10:34 AM
To: Lafortune, Thomas
Subject: RE: Bear Island Water Right Transfer

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.

Thomas,
Sorry for the delay in my response.

I understand change in the application that you made clarify the issue at your end and preserve the ability of residents covered by the two water rights to irrigate their properties. This is fine with me.

The preferred address to send official mail to BIWA is 32 N 3167 E.

Thanks,
Ward Whitmore

From: Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov>
Sent: Tuesday, January 3, 2023 2:25 PM
To: Ward Whitmore <wawhitmore@gci.net>
Subject: Bear Island Water Right Transfer

Hi Ward,

Sorry to bother you again. I made one more change to the application I would like you to review, please. On number 4) "Total amount of water transferred is," I have changed the amount from 0.04 cfs to 1.57 cfs to reflect the total amount under both rights. The new point of diversion will still be limited to 0.04 cfs and the fee will not change. This is just to clarify things on our end.

Also, the address we had on record previously was 32 N 3167 E, Idaho Falls. On this application it is 54 N 3167 E, Idaho Falls. Is one of these preferred for official mail to Bear Island Water Association Inc?

Thank you,

Thomas Lafortune
Water Resources Agent
Idaho Department of Water Resources
Phone: (208) 497-3779

SCANNED
JAN 11 2023

Lafortune, Thomas

From: Ward Whitmore <wawhitmore@gci.net>
Sent: Wednesday, December 21, 2022 1:33 PM
To: Lafortune, Thomas
Cc: dmaiers3@gmail.com
Subject: RE: Bear Island Water Right Transfer

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.

Thomas,
Thank you and your supervisor for the suggested change. Providing more flexibility regarding the point of diversion makes sense.

Please use this email as my concurrence with points 1 and 2 in your email below.

Best regards,
Ward Whitmore

From: Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov>
Sent: Tuesday, December 20, 2022 11:03 AM
To: wawhitmore@gci.net; dmaiers3@gmail.com
Subject: Bear Island Water Right Transfer

Hello,

After reviewing your application for transfer, my supervisor suggested I make the following changes:

1. Add water right 1-310D to the application so that the new diversion can be used under either right.
2. Increase the diversion rate at the proposed point of diversion to 0.04 cfs. This will not increase the fee.

I have attached an updated draft of page 1 to reflect these changes. Does this seem OK?

Thomas Lafortune
Water Resources Agent
Idaho Department of Water Resources
Phone: (208) 497-3779

SCANNED
JAN 11 2023