

**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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
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)

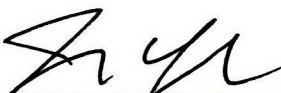
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
1-194D	NO	NO	NO	YES	NO	NO
1-310D	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
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

SUPPORT DATA

Transfer No. 87356

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
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
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 (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				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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

MAY 15 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.

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

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

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
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SNAKE RIVER	L8 (SWSESE)	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 (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				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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

APR 03 2006

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.

Transfer No. 87356

SCANNED
MAR 06 2023

Attachment to Transfer Approval 87356

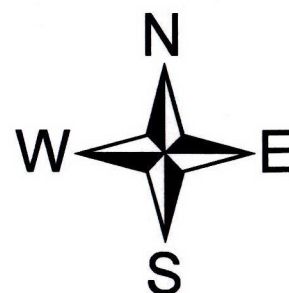
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 250 500 1,000 Feet



SCANNED Date: 3/3/2023

06 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 04 2022

Department of Water Resources
Eastern Region

Notice of Security Interest in a Water Right

**And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right**

Please print or type. Attach pages with additional information. Instructions are on the back of this page
Incomplete forms will be returned

1. Water Right No(s): 01-136C and 01-313
2. The following **REQUIRED** information must be submitted with this form:
 - A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION**.
 - B) A **FEE** of \$25.00 per water right or adjudication claim.
3. Name and Mailing Address of Person or Company holding Security Interest:

The Bank of Commerce
c/o Western AgCredit
10980 South Jordan Gateway
P.O. Box 95850
South Jordan, UT 84095-0850.
4. Name of Water Right Owner/Claimant(s):

JOHN T. BENDER and DEBORAH L. BENDER, Trustees of the
JOHN AND DEBORAH BENDER TRUST, DATED MAY 12, 2005,
AS AMENDED
5. Expiration Date of Notification Period: November 1, 2042
6. Is this a Renewal of Request for Notification () YES (X) NO

7. Signature(s) (and title if applicable): By: [Signature]
Ryan Howell
Chief Operating Officer

For Office Use Only

Received by _____	Date _____	Fee <u>\$50.-</u>
Received by <u>M. Pettis</u>	Date <u>11-4-22</u>	Receipt No. <u>E048704</u>
Processed by _____	Date _____	WR <u>JB</u> Date <u>11/9/2022</u>

SUPPORT DATA

IN FILE # 1-136C

SCANNED

NOV 15 2022