

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87458**

This is to certify that: LYLE JUSTIN THURGOOD AND
TIFFANY THURGOOD
18745 S MARSH VALLEY RD
DOWNEY, ID 83234

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>
29-14046	WR/DECREED	1/8/1970	0.030 cfs	9.5 af	4.2	6.9	GROUND WATER
29-14048	WR/LICENSE	6/13/1983	0.100 cfs	8.9 af	N/A	6.9	GROUND WATER
29-14050	WR/DECREED	6/15/1973	0.010 cfs	6.2 af	2.2	6.9	GROUND WATER

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>
29-14046	NO	YES	NO	NO	NO	NO
29-14048	NO	YES	NO	NO	NO	NO
29-14050	NO	YES	NO	NO	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>
29-14046	29-14046	0.030 cfs	9.5 af	4.2	6.9	N/A	N/A	N/A	N/A	N/A
29-14048	29-14048	0.100 cfs	8.9 af	N/A	6.9	N/A	N/A	N/A	N/A	N/A
29-14050	29-14050	0.010 cfs	6.2 af	2.2	6.9	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.140 cfs	24.6 af	6.9	6.9		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 14th day of March, 2023.



Regional Manager

Transfer No. 87458

SUPPORT DATA

IN FILE # 29-14046

SCANNED

MAR 15 2023

WATER RIGHT NO. 29-14046
As Modified by Transfer No. 87458

In accordance with the approval of Transfer No. 87458, Water Right No. 29-14046 is now described as follows:

Right Holder: LYLE JUSTIN THURGOOD And
 TIFFANY THURGOOD
 18745 S MARSH VALLEY RD
 DOWNEY, ID 83234

Priority Date: 1/8/1970

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	05/01	to 10/01	0.030 cfs	9.5 af
			0.030 cfs	9.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec 2 Twp 11S Rge 36E BANNOCK 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	
11S	36E	2														6.9			6.9

Right Acre Limit: 4.2
 POU Total Acres: 6.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4.2 acres within the authorized place of use in a single irrigation season.
2. Rights 29-14046 and 29-14050 when combined shall not exceed the irrigation of 5.1 acres.
3. Rights 29-14046, 29-14048, and 29-14050 when combined shall not exceed the irrigation of 6.9 acres.
4. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before May 1 and after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than March 22, 2004.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 87458

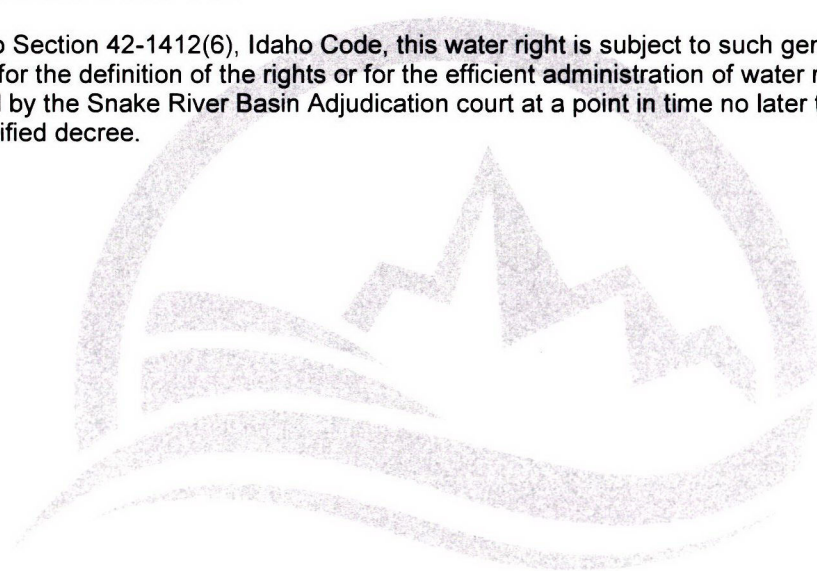
SCANNED
 MAR 15 2023

WATER RIGHT NO. 29-14046

As Modified by Transfer No. 87458

CONDITIONS OF APPROVAL

6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 29-14048
As Modified by Transfer No. 87458

In accordance with the approval of Transfer No. 87458, Water Right No. 29-14048 is now described as follows:

Right Holder: LYLE JUSTIN THURGOOD And
 TIFFANY THURGOOD
 18745 S MARSH VALLEY RD
 DOWNEY, ID 83234

Priority Date: 6/13/1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.100 cfs	8.9 af
			0.100 cfs	8.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec 2 Twp 11S Rge 36E BANNOCK 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	
11S	36E	2															6.9		6.9

POU Total Acres: 6.9

CONDITIONS OF APPROVAL

1. Rights 29-14046, 29-14048, and 29-14050 when combined shall not exceed the irrigation of 6.9 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 87458

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MAR 15 2023

WATER RIGHT NO. 29-14050
As Modified by Transfer No. 87458

In accordance with the approval of Transfer No. 87458, Water Right No. 29-14050 is now described as follows:

Right Holder: LYLE JUSTIN THURGOOD And
 TIFFANY THURGOOD
 18745 S MARSH VALLEY RD
 DOWNEY, ID 83234

Priority Date: 6/15/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.010 cfs	6.2 af
			0.010 cfs	6.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec 2 Twp 11S Rge 36E BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	2														6.9			6.9

Right Acre Limit: 2.2
 POU Total Acres: 6.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2.2 acres within the authorized place of use in a single irrigation season.
2. Rights 29-14046 and 29-14050 when combined shall not exceed the irrigation of 5.1 acres.
3. Rights 29-14046, 29-14048, and 29-14050 when combined shall not exceed the irrigation of 6.9 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 87458

SCANNED
 MAR 15 2023

WATER RIGHT NO. 29-14050

As Modified by Transfer No. 87458

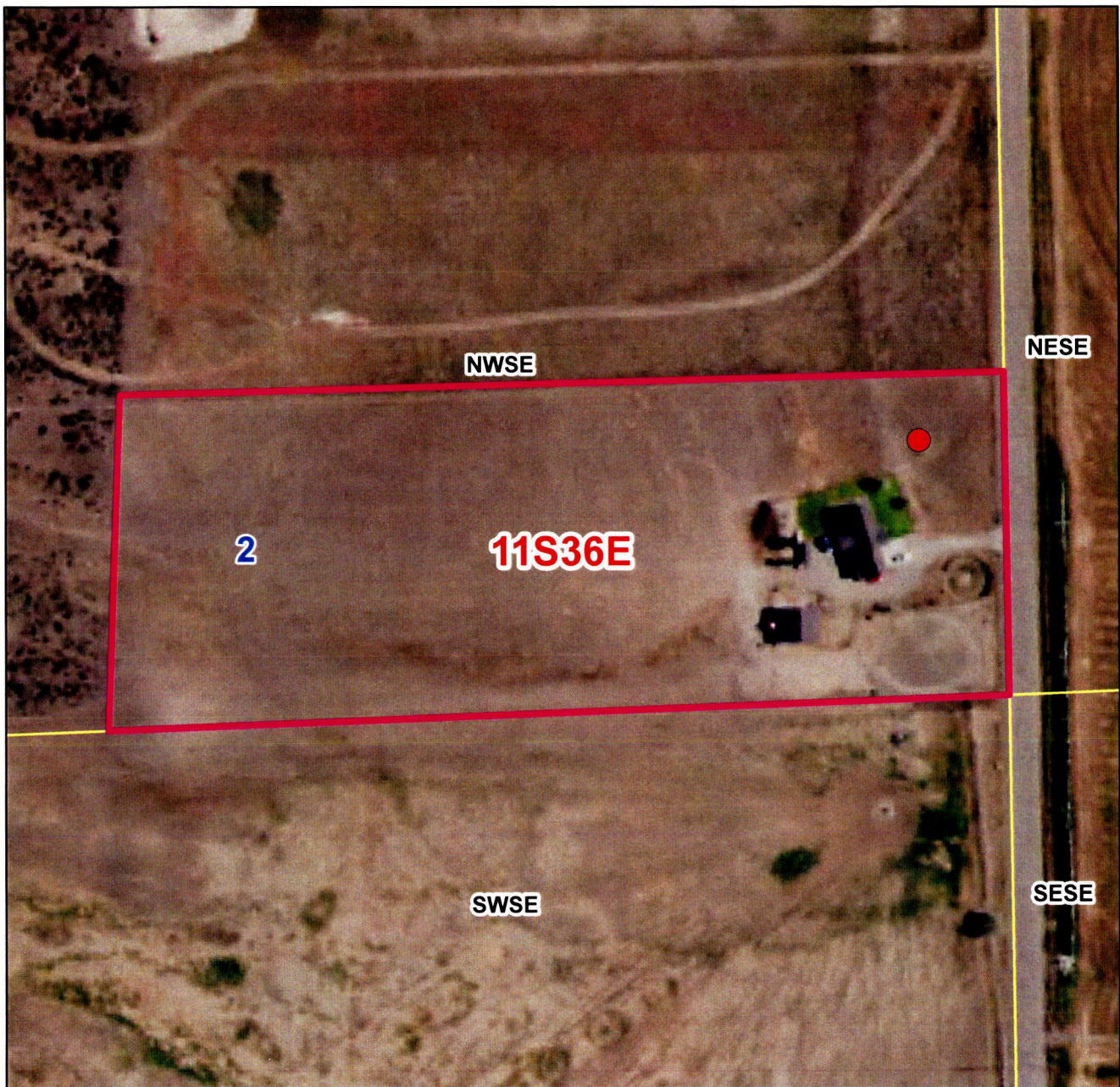
CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



Attachment to Transfer Approval 87458

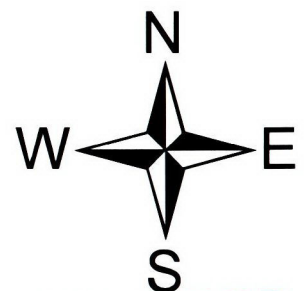
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 125 250 500 Feet



SCANNED

Date: 3/14/2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern Region

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.

☒ 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) Lyle Thurgood Phone 208-705-1703
2. MAILING ADDRESS 18745 South Marsh Valley Rd. City Downey
State Id Zip 83234 Email mv2019@gmail.com

- ☐ 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.

☐ 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) 29-14046 29-14048 29-14050

- ☒ 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.

4. TOTAL AMOUNT OF WATER transferred is 0.14 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

☐ 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*.

[illegible]

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:

Drill a new well connected to hand

- 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. 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:

No access to deliver water at current POD due to the original water right being split up.

- 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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

Lyfe Thurgood
Signature of applicant or authorized agent

Lyfe Thurgood
Print name and title if applicable

11/22/22
Date

Tiffany Thurgood
Signature of applicant or authorized agent

Tiffany Thurgood
Print name and title if applicable

11-22-22
Date

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 11-22-22

Received by M. Pettis Receipt # E048752

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)

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

11/22/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 29-14046

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYLE JUSTIN THURGOOD
Current Owner	TIFFANY THURGOOD 18745 S MARSH VALLEY RD DOWNEY, ID 83234 2088975035
Original Owner	MAYNARD LAND & LIVESTOCK LLC C/O TAM MAYNARD 18255 S MARSH VALLEY RD DOWNEY, ID 83234

Priority Date: 01/08/1970

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	05/01	10/01	0.03 CFS	9.5 AFA
Total Diversion			0.03 CFS	9.5 AFA

Location of Point(s) of Diversion:

GROUND WATER	SESE	Sec. 35	Township 10S	Range 36E	BANNOCK County
GROUND WATER	SESE	Sec. 35	Township 10S	Range 36E	BANNOCK County

IRRIGATION Use:

Acre Limit: 4.2

Place(s) of use:

87458

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<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>
11S	36E	2		NWSE	6.9									

Total Acres: 6.9

Conditions of Approval:

1. K06 This right is limited to the irrigation of 4.2 acres within the place of use described above in a single irrigation season.
2. E55 Right Nos. 29-14046 and 29-14050 are limited to the irrigation of a combined total of 5.1 acres in a single irrigation season.
3. X35 Rights 29-14046, 29-14048, and 29-14050 when combined shall not exceed the irrigation of 6.9 acres.
4. S41 The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before May 1 and after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
6. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 03/22/2004

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: And

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

11/22/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 29-14048

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYLE JUSTIN THURGOOD
Current Owner	TIFFANY THURGOOD 18745 S MARSH VALLEY RD DOWNEY, ID 83234 2088975035
Original Owner	MAYNARD LAND & LIVESTOCK LLC C/O TAM MAYNARD 18255 S MARSH VALLEY RD DOWNEY, ID 83234

Priority Date: 06/13/1983

Basis: License

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	10/31	0.1 CFS	8.9 AFA
Total Diversion			0.1 CFS	8.9 AFA

Location of Point(s) of Diversion:

GROUND WATER	SESE	Sec. 35	Township 10S	Range 36E	BANNOCK County
GROUND WATER	SESE	Sec. 35	Township 10S	Range 36E	BANNOCK County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK 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>
11S	36E	2		NWSE	6.9									

87458

JAN 25 2023

Total Acres: 6.9

Conditions of Approval:

1. X35 Rights 29-14046, 29-14048, and 29-14050 when combined shall not exceed the irrigation of 6.9 acres.
2. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. X36 Rights 29-14046 and 29-14050 are also diverted through the points of diversion described above.
4. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Dates:

Licensed Date: 12/18/2002

Decreed Date:

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:

Owner Name Connector: And

Water District Number: TBD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 6.9

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: N

87458

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JAN 25 2023

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

11/22/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 29-14050

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYLE JUSTIN THURGOOD
Current Owner	TIFFANY THURGOOD 18745 S MARSH VALLEY RD DOWNEY, ID 83234 2088975035
Original Owner	MAYNARD LAND & LIVESTOCK LLC C/O TAM MAYNARD 18255 S MARSH VALLEY RD DOWNEY, ID 83234

Priority Date: 06/15/1973

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	03/15	11/15	0.01 CFS	6.2 AFA
Total Diversion			0.01 CFS	6.2 AFA

Location of Point(s) of Diversion:

GROUND WATER	SESE	Sec. 35	Township 10S	Range 36E	BANNOCK County
GROUND WATER	SESE	Sec. 35	Township 10S	Range 36E	BANNOCK County

IRRIGATION Use:

Acre Limit: 2.2

Place(s) of use:

87458

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IAN 25 2023

Place of Use Legal Description: IRRIGATION BANNOCK 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>
11S	36E	2		NWSE	6.9									

Total Acres: 6.9

Conditions of Approval:

1. K06 This right is limited to the irrigation of 2.2 acres within the place of use described above in a single irrigation season.
2. E55 Right Nos. 29-14046 and 29-14050 are limited to the irrigation of a combined total of 5.1 acres in a single irrigation season.
3. X35 Rights 29-14046, 29-14048, and 29-14050 when combined shall not exceed the irrigation of 6.9 acres.
4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 03/22/2004

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: And

Water District Number: TBD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 5.1

87458

SCANNED
JAN 25 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 14, 2023

LYLE JUSTIN THURGOOD
TIFFANY THURGOOD
18745 S MARSH VALLEY RD
DOWNEY ID 83234

Re: Transfer No: 87458
Water Right No(s): 29-14046, 29-14048, 29-14050

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 15 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,

A handwritten signature in blue ink, appearing to read 'Chenman'.

Christina Henman
Administrative Assistant

Enclosure
CC:

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 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.: 87458

Water Right No(s): 29-14046, 29-14048, 29-14050

**LYLE JUSTIN THURGOOD
TIFFANY THURGOOD
18745 S MARSH VALLEY RD
DOWNEY ID 83234**



**Christina Henman
Administrative Assistant**

SCANNED

MAR 15 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.

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.

MEMORANDUM

Date: March 8, 2023
To: Transfer 87458
From: Scott Stosich
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion for three ground water rights to move the POD from a well on a neighboring property to the water right holder's land. The water rights were split from parent rights in 2012 and the property owners lost access to the original ground water well (existing POD) at that time.

Authority to File:

The applicant is the current water right owner of record. Bannock County records show the applicant is the property owner at the place of use and the proposed point of diversion. The applicant has the authority to make the proposed change.

Water Right Validity:

Water rights 29-14046 and 29-14050 were decreed in the SRBA in 2004. Water right 29-14048 was licensed in 2002. The water rights have not be used for irrigation for more than five years. Applicant argues that the lack of legal access to the authorized point of diversion is a circumstance beyond their control. Even if applicants had legal access, the existing point of diversion is located 3/4 mile north of the place of use and would be infeasible to pipe. The Department does not have clear and convincing evidence of forfeiture at this time.

Injury to Other Water Rights:

Other water rights will not be injured by the proposed change. The proposed change was advertised, and no protests were received.

Enlargement of Use:

The proposed change will not result in enlargement because neither the rate, volume nor irrigated acreage will increase as a result of the change. All overlapping rights will be subject to combined limits to the overall irrigated acres.

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 15 2023

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
2240 East Center
Pocatello, ID 83201

20607070

20607070

RECORDED AT REQUEST OF

FFC 6.00 DEPUTY MW

FIRST AMERICAN TITLE
2006 APR 6 AM 11:43

OFFICIAL RECORD BOOK 882

RECORDER

BANNOCK COUNTY, IDAHO

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 154171-P (jb)

Date: April 05, 2006

For Value Received, **Maynard Land & Livestock Limited Liability Company, a Utah Limited Liability Company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Lyle Justin Thurgood and Tiffany Thurgood, husband and wife**, hereinafter called the Grantee, whose current address is **2663 South 2400 West, Weston, ID 83286**, the following described premises, situated in **Bannock County, Idaho**, to-wit:

THE SOUTH 330 FEET OF THE NW $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 2, TOWNSHIP 11 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO.

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

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

STATE OF IDAHO }
County of Bannock }

I hereby certify that the foregoing is a full true and correct copy of an instrument as the same now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 30th day of July, a.d. 20 12
DALE HATCH, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER

By Deputy

Julianne Allen

SCANNED

MAR 15 2023



PROOF OF PUBLICATION
Idaho State Journal

RECEIVED

FEB 10 2023

Department of Water Resources
Lewiston, Idaho

State of Idaho
County of Bannock

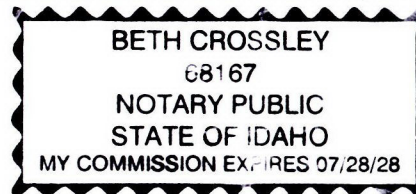
I, ~~Dawn Giannini~~, or Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager~~, or Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of Idaho State Journal, a newspaper of general circulation, published 4 days, Tues-Wed-Friday and Sunday, at Pocatello, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Idaho State Journal for 2 day(s), first publication having been made on 02/01/2023 last publication having been made on 02/08/2023, 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.

[Signature]

Subscribed and sworn to before me, on this 8th day of February, 2023

Beth Crossley



Notary Public
My commission expires:

attached jurat

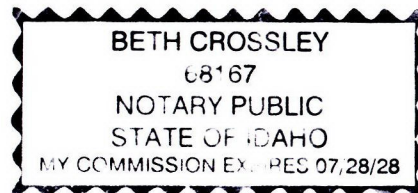
STATE OF IDAHO

ss.

COUNTY OF BANNOCK

On this 8th day of February, 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
Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

SCANNED
FEB 23 2023

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87458**

LYLE JUSTIN THURGOOD and TIFFANY THURGOOD, 18745 S MARSH VALLEY RD, DOWNEY, ID 83234 has filed Application No. 87458 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-14046, 29-14048, 29-14050; 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. The proposed point of diversion is in NWSE Sec 2 T11S R36E for 0.14 cfs from ground water.

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 2/21/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Published: February 1, 8, 2023 (ISJ2497-27102)

SCANNED
FEB 23 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 25, 2023

LYLE JUSTIN THURGOOD
TIFFANY THURGOOD
18745 S MARSH VALLEY RD
DOWNEY, ID 83234

RE: Transfer No. 87458
Water Right No(s). 29-14046, 29-14048, 29-14050

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL on 2/1/2023 and 2/8/2023. 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 25 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, January 25, 2023 11:34 AM
To: legalnotices@postregister.com
Subject: Legal Notice for Idaho State Journal
Attachments: 87458 Idaho State Journal.docx

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

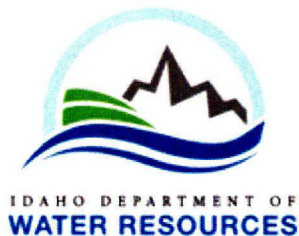
RE: Transfer No. 87458
Water Right No(s). 29-14046, 29-14048, 29-14050

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 2/21/2023. 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

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87458**

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GARY SPACKMAN, Director

Published on 2/1/2023 and 2/8/2023

SCANNED

JAN 25 2023