STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87811

This is to certify that: RALPH WHEATLEY
PO BOX 116
MCCAMMON, ID 83250-0116

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
29-11458	WR/DECREED	4/1/1896	4.220 cfs	N/A	N/A	211.0	MARSH CREEK, UNNAMED STREAM
29-2365B	WR/DECREED	6/28/1955	1.660 cfs	N/A	N/A	86.0	MARSH CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
29-11458	NO	NO	YES	NO	NO	NO
29-2365B	NO	NO	YES	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
29-11458	29-11458	4.220 cfs	N/A	211.0	296.5	N/A	N/A	N/A	N/A	N/A
29-2365B	29-2365B	1.660 cfs	N/A	85.5	296.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**5.880 cfs**	**N/A**	**296.5**	**296.5**		**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 20th day of June, 2023.

Regional Manager

SUPPORT DATA
IN FILE # 29-2365 B

SCANNED
JUN 21 2023

WATER RIGHT NO. 29-2365B

As Modified by Transfer No. 87811

In accordance with the approval of Transfer No. 87811, Water Right No. 29-2365B is now described as follows:

Right Holder: RALPH WHEATLEY
PO BOX 116
MCCAMMON, ID 83250-0116

Priority Date: 6/28/1955

Source: MARSH CREEK **Tributary:** PORTNEUF RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	04/01	to	10/31	1.660 cfs
				1.660 cfs

LOCATION OF POINT(S) OF DIVERSION

MARSH CREEK	L8 (SESE)	Sec 10 Twp 09S Rge 36E BANNOCK County
MARSH CREEK	L1 (NWSW)	Sec 14 Twp 09S Rge 36E BANNOCK County
MARSH CREEK	L1 (NWSW)	Sec 14 Twp 09S Rge 36E BANNOCK 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
09S	36E	10													29.5	19.5	33.0	16.0	98.0
															L 3	L 7		L 8	
09S	36E	10																18.5	18.5
																		L 4	
09S	36E	11										6.0	38.0	3.0					47.0
09S	36E	14					6.0	40.0	33.0			11.0							90.0
												L 1							
09S	36E	15	18.0	7.2		13.0									1.0				39.2
			L 1			L 2									L 2				
09S	36E	15	3.8																3.8
			L 4																

Right Acre Limit: 85.5
POU Total Acres: 296.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 85.5 acres within the authorized place of use in a single irrigation season.
2. Rights 29-2365B and 29-11458 when combined shall not exceed the irrigation of 296.5 acres.
3. Rights 29-2365A, 29-2365B, 29-11177, and 29-11178 when combined shall not exceed the irrigation of 280 acres.

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WATER RIGHT NO. 29-2365B

As Modified by Transfer No. 87811

CONDITIONS OF APPROVAL

4. 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. 29H.

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

6. 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.

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 Idaho Code § 42-1412(6), 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
JUN 21 2023

WATER RIGHT NO. 29-11458

As Modified by Transfer No. 87811

In accordance with the approval of Transfer No. 87811, Water Right No. 29-11458 is now described as follows:

Right Holder: MEADOWBROOK RANCH
C/O RALPH WHEATLEY
10053 S MARSH CREEK RD
MCCAMMON, ID 83250

Priority Date: 4/1/1896

Source: UNNAMED STREAM **Tributary:** MARSH CREEK
Source: MARSH CREEK **Tributary:** PORTNEUF RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	04/01	to	10/31	4.220 cfs
STOCKWATER	01/01	to	12/31	0.070 cfs
				4.220 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM	L4 (SESE)	Sec 10	Twp 09S Rge 36E	BANNOCK County
MARSH CREEK	L8 (SESE)	Sec 10	Twp 09S Rge 36E	BANNOCK County
UNNAMED STREAM	SWNW	Sec 14	Twp 09S Rge 36E	BANNOCK County
MARSH CREEK	L1 (NWSW)	Sec 14	Twp 09S Rge 36E	BANNOCK County
MARSH CREEK	L1 (NWSW)	Sec 14	Twp 09S Rge 36E	BANNOCK 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
09S	36E	10													29.5	19.5	33.0	16.0	98.0
															L 3	L 7		L 8	
09S	36E	10																18.5	18.5
																		L 4	
09S	36E	11										6.0	38.0	3.0					47.0
09S	36E	14					6.0	40.0	33.0			11.0							90.0
												L 1							
09S	36E	15	18.0	7.2		13.0									1.0				39.2
			L 1			L 2									L 2				
09S	36E	15	3.8																3.8
			L 4																

Right Acre Limit: 211.0
POU Total Acres: 296.5

CONDITIONS OF APPROVAL

1. Rights 29-11458 and 29-2365B when combined shall not exceed the irrigation of 296.5 acres.

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WATER RIGHT NO. 29-11458

As Modified by Transfer No. 87811

CONDITIONS OF APPROVAL

2. This right is limited to the irrigation of a specific 211 acres within the 296.5-acre place of use authorized by this right in a single irrigation season. The specific 211 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 211 acres to be irrigated within the 296.5-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

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. 29H.

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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.

6. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

8. Stockwater use is for 300 cattle.

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11. Pursuant to Idaho Code § 42-1412(6), 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
JUN 21 2023

Attachment to Transfer Approval 87811

WR 29-11458

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

0 500 1,000 2,000 Feet

N
W E
S

Date: 6/20/2023

SCANNED
JUN 21 2023

Attachment to Transfer Approval 87811

WR 29-2365B

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

0 500 1,000 2,000 Feet

N
W E
S

Date: 6/20/2023

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JUN 21 2023

Rev. 07/18

RECEIVED
APR 20 2023
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 87811

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Ralph Wheatley

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☑ * Completed Application for Transfer of Water Right form, Part1.
- ☑ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☑ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☑ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☑ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☑ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☑ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☑ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☑ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).** ** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☑ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☑ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☑ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at https://idwr.idaho.gov/water-rights/transfers/resources/.
- ☑ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☑ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☑ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☑ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☑ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☑ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☑ #10 Other. Please describe: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Ralph Wheatley Phone 208-251-1243

Mailing address PO Box 116, McCammon, ID 83250 Email upb4u@yahoo.com

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Ralph Wheatley — Signature of Applicant or Authorized Representative
RALPH WHEATLEY — Print Name and Title if applicable
3/29/23 — Date

_____ — Signature of Applicant or Authorized Representative
_____ — Print Name and Title if applicable
_____ — Date

A. PURPOSE OF TRANSFER

1. ☑ Change point of diversion ☑ Add diversion point(s) ☑ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part1A.3**.

This transfer application proposes to create a 297-acre combined place of use for water rights 29-2365B and 29-11458. The application also proposes to add all Marsh Creek points of diversion listed on 29-11458 to 29-2365B. We have identified an initial 211-acre irrigation shape for senior water right 29-11458.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. All	Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☑	☐	29-2365B	1.66 cfs	Irrigation	4/1 to 10/31	Marsh Creek
☑	☐	29-11458	4.22 cfs	Irrigation	4/1 to 10/31	Marsh Creek and
☐	☐		0.07	Stockwater	1/1 to 12/31	Unnamed Stream
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 5.88 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 3.54 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
	1		NW	SW	14	09S	36E	Bannock	Marsh Creek	Ditch
	1		NW	SW	14	09S	36E	Bannock	Marsh Creek	Upper Pump
	8		SE	SE	10	09S	36E	Bannock	Marsh Creek	Lower Pump
	4		SE	SE	10	09S	36E	Bannock	Unnamed Stream	29-11458 Only
			SW	NW	14	09S	36E	Bannock	Unnamed Stream	29-11458 Only

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	36E	10				0.5									29.5	19.5	33	18.5/16	117.0
						L2									L3	L7		L4/L8	
		11										6.0	38	3.0					47.0
		14					6.0	40	33			11							90.0
												L1							
		15	18/3.8	7.2		13									1.0				43.0
			L1/L4			L2									L2				
																		Total Acres (for irrigation use)	297.0

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Our diversions on Marsh Creek are regulated by the watermaster for Water District 29H. Diversions are already equipped with measuring devices.

b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A Water rights are not being moved off of property.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Rights 29-2365B and 29-11458 are being combined to cover 297 acres. The proposed place of use covers roughly the same irrigation area as the existing water rights. Property will continue to be irrigated when rights are available. Senior right (29-11458) will be used to irrigate 211 acres within the 297-acre area.

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None.

g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

☐ ☑ undergone a period of five or more consecutive years of non-use,
☐ ☑ currently leased to the Water Supply Bank,
☐ ☑ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☑ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: N/A

1. amount______(cfs/ac-ft) for______purposes from______to______
   amount______(cfs/ac-ft) for______purposes from______to______
   amount______(cfs/ac-ft) for______purposes from______to______
   amount______(cfs/ac-ft) for______purposes from______to______
   amount______(cfs/ac-ft) for______purposes from______to______
   amount______(cfs/ac-ft) for______purposes from______to______
   amount______(cfs/ac-ft) for______purposes from______to______
   amount______(cfs/ac-ft) for______purposes from______to______
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																		Total Acres (for irrigation use)	

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains_____ pages and_____ attachments.

Received by_____ Date_____ Preliminary check by_____ Date_____

Fee paid $740.00 Date 4/20/23 Receipted by CH Receipt # E049108

Add'l fee paid_____ Date_____ Receipted by_____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

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IDAHO DEPARTMENT OF WATER RESOURCES **1/10/2023**
Proof Report

Water Right 29-2365B

Owner Type	**Name and Address**
Current Owner	RALPH O WHEATLEY 10053 S MARSH CREEK RD MCCAMMON, ID 83250

Priority Date: 6/28/1955
Basis: Decreed
Status: Active

Source	**Tributary**
MARSH CREEK	PORTNEUF RIVER

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	04/01	10/31	1.660 CFS	
	Total Diversion		1.660 CFS	

Source and Point(s) of Diversion:

MARSH CREEK	L8(SESE)	Sec. 10, Twp 09S, Rge 36E, BANNOCK County

Place of Use:
IRRIGATION within BANNOCK 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
09S	36E	10														22.0 L7	31.0	19.0 L8	72.0
09S	36E	15	6.0 L4	8.0															14.0

POU Total Acres: 86.0

Conditions of Approval:

1.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3.		USE OF THIS RIGHT AND THE USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 280 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-2365A, 29-2365B, 29-11177, 29-11178
4.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

SCANNED
APR 26 2023

Proof Report

Water Right 29-11458

Owner Type	Name and Address
Current Owner	MEADOWBROOK RANCH C/O RALPH WHEATLEY 10053 S MARSH CREEK RD MCCAMMON, ID 83250

Priority Date: 4/1/1896
Basis: Decreed
Status: Active

Source	Tributary
UNNAMED STREAM	MARSH CREEK
MARSH CREEK	PORTNEUF RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	4.220 CFS	
STOCKWATER	01/01	12/31	0.070 CFS	
	Total Diversion		4.220 CFS	

Source and Point(s) of Diversion:

UNNAMED STREAM	SWNW	Sec. 14, Twp 09S, Rge 36E, BANNOCK County
UNNAMED STREAM	L4(SESE)	Sec. 10, Twp 09S, Rge 36E, BANNOCK County
MARSH CREEK	L8(SESE)	Sec. 10, Twp 09S, Rge 36E, BANNOCK County
MARSH CREEK	L1(NWSW)	Sec. 14, Twp 09S, Rge 36E, BANNOCK County
MARSH CREEK	L1(NWSW)	Sec. 14, Twp 09S, Rge 36E, BANNOCK County

Place of Use:
IRRIGATION within BANNOCK 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
09S	36E	10													19.0 L3			17.0 L4	36.0
09S	36E	11										8.0	39.0	5.0					52.0
09S	36E	14					7.0	40.0	34.0			12.0 L1							93.0
09S	36E	15	17.0 L1			13.0 L2													30.0

POU Total Acres: 211.0

STOCKWATER Same as IRRIGATION

87811

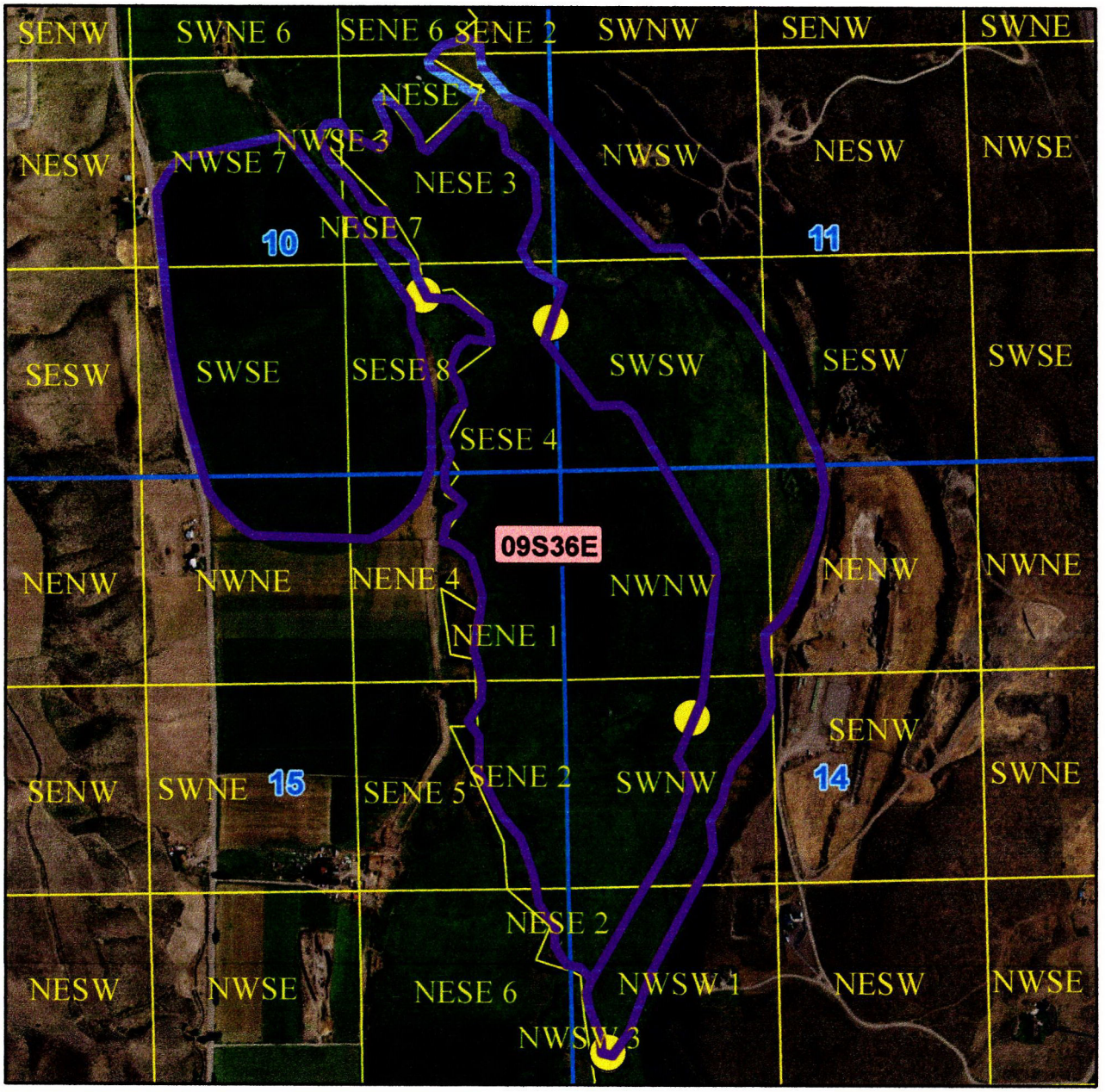
SCANNED APR 26 2023

Conditions of Approval:

1.	N08	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2.		STOCKWATER 300 CATTLE
3.	N05	THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

SCANNED
APR 26 2023

Application for Transfer - Wheatley
297-Acre Place of Use



2021 Imagery

- Wheatley_Proposed
- Water Right POD
- Township/Range
- Sections
- QQ

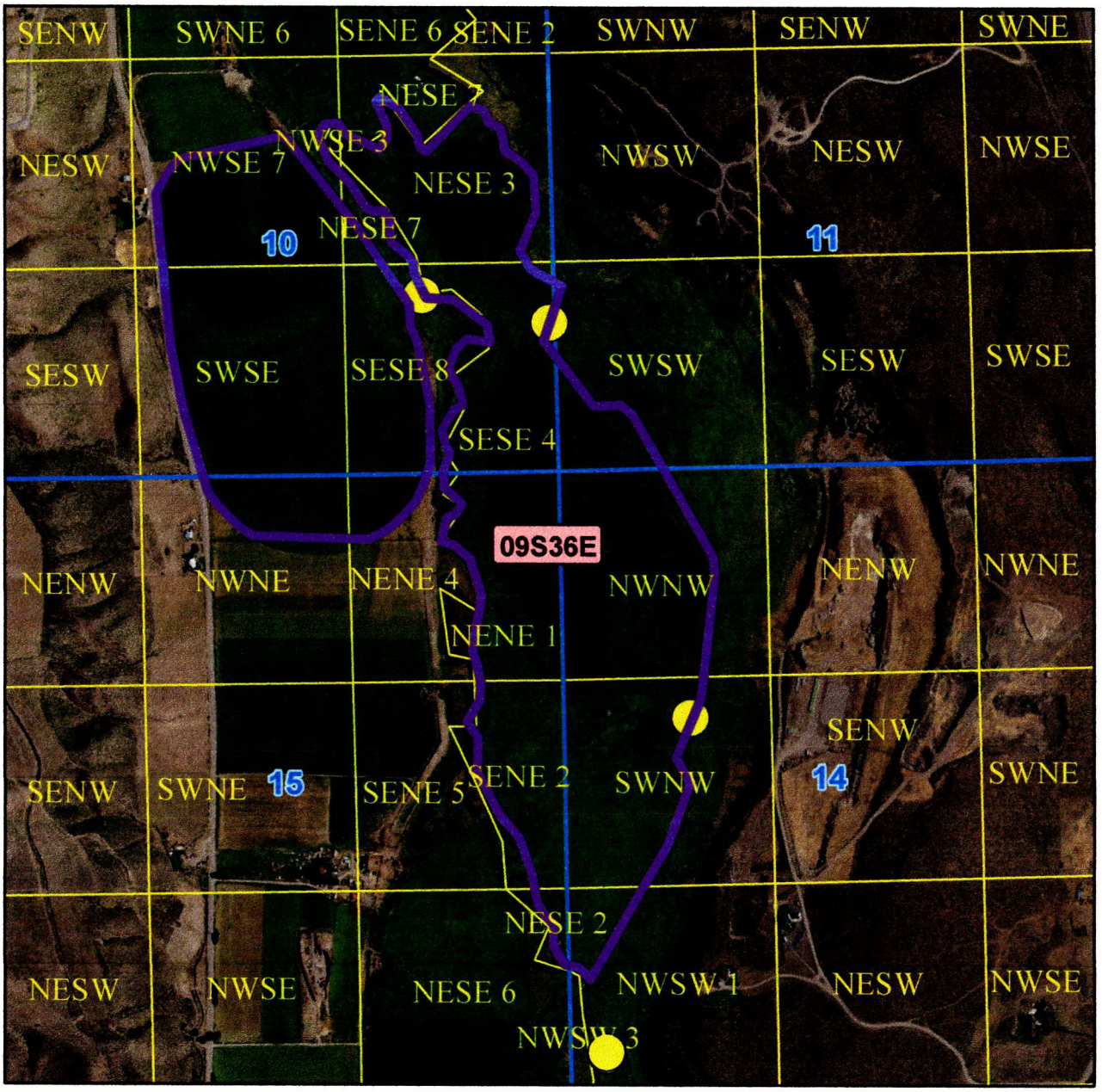
0 625 1,250 2,500 Feet

N

SCANNED
APR 26 2023

87811

Application for Transfer - Wheatley
Initial 211 Acres Irrigated by Right 29-11458



2021 Imagery

Wheatley_Proposed
Water Right POD
Township/Range
Sections
QQ

0 625 1,250 2,500 Feet

N

87811

SCANNED
APR 26 2023

Instrument # 22303659
Bannock County, P[redacted]ello, Idaho
04/20/2023 09:31:3[redacted]AM No. of Pages: 2
Recorded for: RANDY WHEATLEY
Jason C. Dixon Fee: $15.00
Deputy: nbarnes

AFTER RECORDING MAIL TO:

Space Above This Line for Recorder's Use Only

QUITCLAIM DEED

Date: March 31, 2023

For Value Received
Meadowbrook Ranch

do(es) hereby convey, release, remise, and forever quit claim unto ,
Ralph Wheatley

whose address is ,
8795 South Robin Road, McCammon, ID 83250

herein after called the Grantee, the following described premises situated in Bannock County, Idaho, to-wit:

Water Rights 29-11458

together with its appurtenances.

87811

SCANNED
APR 26 2023

Ralph Wheatley

STATE OF Idaho)
ss.
COUNTY OF BANNOCK)

On this 19TH DAY OF APRIL 2023, before me, a Notary Public in and for said State, personally appeared RALPH ODELL WHEATLEY, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

KASSADI DUNN
Notary Public - State of Idaho
Commission Number 20225989
My Commission Expires Dec 30, 2028

Kassadi Dunn
Notary Public of Idaho
Residing at: 802 FRONT STR.
Commission Expires: 12-30-2028

87811

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**

June 20, 2023

RALPH WHEATLEY
PO BOX 116
MCCAMMON ID 83250-0116

Re: Transfer No: 87811
Water Right No(s).: 29-2365B , 29-11458

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
JUN 21 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:

MEADOWBROOK RANCH
C/O RALPH WHEATLEY
10053 S MARSH CREEK RD
MCCAMMON ID 83250

SCANNED
JUN 21 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 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.: 87811
Water Right No(s).: 29-2365B , 29-11458

RALPH WHEATLEY
PO BOX 116
MCCAMMON ID 83250-0116

MEADOWBROOK RANCH
C/O RALPH WHEATLEY
10053 S MARSH CREEK RD
MCCAMMON ID 83250

Christina Henman
Administrative Assistant

SCANNED
JUN 21 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
JUN 21 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
JUN 21 2023

MEMORANDUM

Date: June 7, 2023

To: Transfer 87811

From: Thomas Lafortune

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to create a 296.5-acre combined place of use for water rights 29-2365B and 29-11458. A 211-acre shape was identified for senior right 29-11458. The transfer also proposes to add 2 points of diversion on Marsh Creek to right 29-2365B, resulting in the rights sharing 3 points of diversion on Marsh Creek.

Authority to File: The applicant, Ralph Wheatley, is the current owner of water right 29-2365B according to department records. He is also the owner of right 29-11458 according to a quitclaim deed provided with the application. The applicant originally proposed a 297-acre place of use, but the half acre in lot 2 of section 10 was found to be on a neighbor's property. The applicant decided to remove the half acre from the place of use, resulting in a 296.5-acre combined place of use.

Water Right Validity: Both rights were decreed in the SRBA in 2004. Aerial imagery shows consistent irrigation at the place of use since the decree. Forfeiture is not an issue.

Injury to Other Water Rights: The transfer application was advertised without protest. The rights are included in and administered by Water District 29H. The watermaster did not oppose approval of this application. The transfer proposes to add 2 points of diversion on Marsh Creek for water right 29-2365B. There are no other authorized points of diversion for other water rights between the existing Marsh Creek diversion and the proposed Marsh Creek diversions. There is no injury to other water rights.

Enlargement of Use: The proposed place of use was intended to reflect the acres that have been irrigated with water rights 29-11458 and 29-2365B in the past. Because the combined place of use was reduced by 1/2 acre, the most junior right 29-2365B was also reduced by 1/2 acre to avoid an unnecessary overlap between the rights. There is no increase to diversion rate. Water right 29-2365B was decreed with a combined use limit of 280 acres with rights 29-2365A (owned by Jeff and Kathleen Harris), and 29-11177 and 29-11178 (owned by Lester Hartvigsen Trust), despite being under three different owners. The authorized places of use on these four rights add up to 461 acres. Rights 29-11177 and 29-11178 share a 263-acre place of use. It does not appear that these two rights have been used since the 1990s. The source of these rights is Goodenough Creek. There are about 5 cfs on Goodenough Creek in higher priority than 29-11177 and 29-11178. Further, water rights 29-2365A and 29-2365B have 1955 priority dates and are subject to Snake River priority. Due to this, the 280-acre limit is not likely to be exceeded. I have left this limited combined use condition on water right 29-2365B, but to avoid the potential for enlargement in the future, a solution should be reached between the neighbors.

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
JUN 21 2023

EMPOWERING THE COMMUNITY SINCE 1890

IDAHO STATE JOURNAL

WWW.IDAHOSTATEJOURNAL.COM

PROOF OF PUBLICATION
Idaho State Journal

RECEIVED

MAY 12 2023

Department of Water Resourc
Eastern Region

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 Saturday, 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 05/03/2023 last publication having been made on 05/10/2023, 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 10th day of May, 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 BANNOCK

On this 10th day of May, 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

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

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

SCANNED
MAY 26 2023

365137

AD# 365137AD#

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

29-14509

STAKER & PARSON COMPANIES, 2350 S 1900 W STE 100, OGDEN, UT 84401-3481

Point of Diversion NWNE S17 T06S R34E BANNOCK County

Source GROUND WATER Tributary

Point of Diversion L4(NWNW) S8 T06S R34E BANNOCK County

Source GROUND WATER Tributary

Use: INDUSTRIAL

01/01 to 12/31

0.4 CFS

Total Diversion:

0.4 CFS

Date Filed: 04-21-2023

Place Of Use: INDUSTRIAL T06S R34E S17 L1(NENE),NWNE Place Of Use: INDUSTRIAL T06S R34E S8 L3(NENW),L11(NESW),L9(NESE),L4(NWNW),L10(NWSE),L5(SWNW),L15(SWSE),L6(SENW),L14(SESW),L16(SESE)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 5/22/2023. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 87779

STAKER & PARSON COMPANIES, 2350 S 1900 W STE 100, OGDEN, UT 84401-3481 has filed Application No. 87779 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-10994; 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 and change place of use. Proposed points of diversion are in NWNE Sec 17 and Lot 4 (NWNW) Sec 8 (new), T06S R34E for 0.13 cfs from ground water. Proposed place of use is Sec 8 and 17 T06S R34E for industrial purposes.

TRANSFER NO. 87811

RALPH WHEATLEY, PO BOX 116, MCCAMMON, ID 83250-0116 has filed Application No. 87811 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-11458, 29-2365B; 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 points of diversion and change place of use. Proposed points of diversion are in Lot 1 (NWSW), Lot 1 (NWSW), and SWNW Sec 14, and Lot 4 (SESE) and Lot 8 (SESE) Sec 10, T09S R36E for 5.88 cfs from Marsh Creek and an unnamed stream tributary to Marsh Creek. Proposed place of use is in Sec 10, 11, 14 and 15 T09S R36E for 297 acres.

TRANSFER NO. 87816

MEADOWBROOK LAND & CATTLE CO LLC, PO BOX 162, MCCAMMON, ID 83250-0162 has filed Application No. 87816 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-13896, 29-13898, 29-8020; 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, place of use, and period of use. Proposed point of diversion is in NWNW Sec 35 T10S R36E for 2.95 cfs from ground water. Proposed place of use is in Sec 26 and 35 T10S R36E for 235 acres. Proposed period of use is 4/1 to 10/31. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 5/22/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Publsihed: May 3, 10, 2023 (ISJ2497-365137)

SCANNED
MAY 26 2023

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

RE: Transfer No. 87811

Transfer Applicant's Name: RALPH WHEATLEY
PO BOX 116
MCCAMMON, ID 83250-0116

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 __15th___ day of _____May_____. __2023__

Kristin Evans
_____
Watermaster's Signature
WD29H

SCANNED
MAY 26 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, April 26, 2023 4:19 PM
To: watermaster29d@gmail.com
Subject: Application for Transfer No. 87811
Attachments: tmp1287.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

SCANNED
MAY 26 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**

April 26, 2023

RALPH WHEATLEY
PO BOX 116
MCCAMMON, ID 83250-0116

RE: Transfer No. 87811
Water Right No(s). 29-11458, 29-2365B

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 5/3/2023 and 5/10/2023. 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
APR 26 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, April 26, 2023 12:25 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Idaho State Journal
Attachments: 29-14509, 87779, 87816, 87811 Idaho State Journal.docx

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

RE: Application for Permit No. 29-14509, Transfer Nos. 87779, 87816, 87811

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/22/2023. Your cooperation is appreciated.

Thank You,

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
... 26 2023

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
29-14509
STAKER & PARSON COMPANIES, 2350 S 1900 W STE 100, OGDEN, UT 84401-3481
Point of Diversion NWNE S17 T06S R34E BANNOCK County
Source GROUND WATER Tributary
Point of Diversion L4(NWNW) S8 T06S R34E BANNOCK County
Source GROUND WATER Tributary
Use: INDUSTRIAL
01/01 to 12/31
0.4 CFS
Total Diversion:
0.4 CFS
Date Filed: 04-21-2023
Place Of Use: INDUSTRIAL
T06S R34E S17
L1(NENE),NWNE
Place Of Use: INDUSTRIAL
T06S R34E S8
L3(NENW),L11(NESW),L9(NESE),L4(NWNW),L10(NWSE),L5(SWNW),L15(SWSE),L6(SENW),L14(SESW),L16(SESE)
Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 5/22/2023. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87779
STAKER & PARSON COMPANIES, 2350 S 1900 W STE 100, OGDEN, UT 84401-3481 has filed Application No. 87779 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-10994; 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 and change place of use. Proposed points of diversion are in NWNE Sec 17 and Lot 4 (NWNW) Sec 8 (new), T06S R34E for 0.13 cfs from ground water. Proposed place of use is Sec 8 and 17 T06S R34E for industrial purposes.

TRANSFER NO. 87811
RALPH WHEATLEY, PO BOX 116, MCCAMMON, ID 83250-0116 has filed Application No. 87811 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-11458, 29-2365B; 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 points of diversion and change place of use. Proposed points of diversion are in Lot 1 (NWSW), Lot 1 (NWSW), and SWNW Sec 14, and Lot 4 (SESE) and Lot 8 (SESE) Sec 10, T09S R36E for 5.88 cfs from Marsh Creek and an unnamed stream tributary to Marsh Creek. Proposed place of use is in Sec 10, 11, 14 and 15 T09S R36E for 297 acres.

TRANSFER NO. 87816
MEADOWBROOK LAND & CATTLE CO LLC, PO BOX 162, MCCAMMON, ID 83250-0162 has filed Application No. 87816 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-13896, 29-13898, 29-8020; 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, place of use, and period of use. Proposed point of diversion is in NWNW Sec 35 T10S R36E for 2.95 cfs from ground water. Proposed place of use is in Sec 26 and 35 T10S R36E for 235 acres. Proposed period of use is 4/1 to 10/31.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 5/22/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 5/3/2023 and 5/10/2023

SCANNED
APR 26 2023

Lafortune, Thomas

From: Ralph Wheatley <upb4u@yahoo.com>
Sent: Tuesday, April 25, 2023 10:56 AM
To: Lafortune, Thomas
Subject: Re: Water Rights Transfer
Attachments: WheatleyTransferPg3.pdf

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.

I approve of this transfer as shown Ralph Wheatley.

Sent from my iPhone

> On Apr 25, 2023, at 10:20 AM, Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov> wrote:
>
> Ralph,
>
> On page 3 of your application, the points of diversion from the unnamed stream are listed as 29-2365B only. This should say 29-11458 only, because 29-2365B does not have the unnamed stream as a source. I have highlighted this on the attached copy.
>
> Do I have your permission to change this?
>
> Tom
>
> **From:** Lafortune, Thomas
> **Sent:** Monday, April 24, 2023 10:30 AM
> **To:** upb4u@yahoo.com
> **Subject:** Water Rights Transfer
>
> Ralph,
>
> I am working on your application for transfer of water rights 29-2365B and 29-11458.
>
> As part of this application, you provided a quitclaim deed for water right 29-11458. Would you like to update ownership of this right to 'Ralph Wheatley' or leave it in the name of 'Meadowbrook Ranch' for now? If you would like to update, there will be an additional $25 fee.
>
> Thank you,
>
> **Thomas Lafortune**
> Water Resources Agent