STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87604

This is to certify that: LM BULL
5787 W PORTNEUF RD
POCATELLO, ID 83204

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
29-7798	WR/LICENSE	6/25/1985	0.160 cfs	N/A	N/A	12.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
29-2149	WR/DECREED	8/14/1912	0.060 cfs	N/A		3.0	SPRING

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
29-7798	YES	YES	YES	NO	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
29-7798	29-14508	0.090 cfs	N/A	N/A	7.0	29-7798	0.070 cfs	24.0 af	N/A	5.0
COMBINED TOTALS		**0.090 cfs**	**N/A**	**N/A**	**7.0**		**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 11th day of May, 2023.

Regional Manager

Transfer No. 87604

SUPPORT DATA
IN FILE # 29-7798

SCANNED
MAY 15 2023

WATER RIGHT NO. 29-7798

As Modified by Transfer No. 87604

In accordance with the approval of Transfer No. 87604, Water Right No. 29-7798 is now described as follows:

Right Holder: L M BULL JR
BURNA DEAN BULL
5787 W PORTNEUF RD
POCATELLO, ID 83204

Priority Date: 6/25/1985

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to	10/31	0.070 cfs	20.0 af
STOCKWATER	01/01	to	12/31	0.070 cfs	4.0 af
				0.070 cfs	24.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESWSW Sec 23 Twp 07S Rge 35E 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
07S	35E	23											5						5

POU Total Acres: 5

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	35E	23											X						

CONDITIONS OF APPROVAL

1. Rights 29-2149 and 29-7798 when combined shall not exceed the irrigation of 5 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 20 af at the field headgate for the irrigation of the place of use.
3. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. This right shall provide no more than 4.0 af for stockwater purposes.

Transfer No. 87604

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MAY 15 2020

WATER RIGHT NO. 29-7798

As Modified by Transfer No. 87604

CONDITIONS OF APPROVAL

5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.

6. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

7. 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.

SCANNED
MAY 15 2023

WATER RIGHT NO. 29-14508

As Modified by Transfer No. 87604

In accordance with the approval of Transfer No. 87604, Water Right No. 29-14508 is now described as follows:

Right Holder: BURNA DEAN BULL
L M BULL JR
5787 W PORTNEUF RD
POCATELLO, ID 83204

Priority Date: 6/25/1985

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	04/01	to	10/31	0.090 cfs
				0.090 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 17 Twp 07S Rge 35E 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
07S	35E	17	0.6	6.4															7.0

POU Total Acres: 7.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. This right does not grant any right-of-way or easement across the land of another.
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.

SCANNED
MAY 15 2023

WATER RIGHT NO. 29-2149

As Modified by Transfer No. 87604

In accordance with the approval of Transfer No. 87604, Water Right No. 29-2149 is now described as follows:

Right Holder: LM BULL
5787 W PORTNEUF RD
POCATELLO, ID 83204

Priority Date: 8/14/1912

Source: SPRING **Tributary:** SINKS

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	04/01	to	10/31	0.060 cfs
				0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING NWNWNW Sec 26 Twp 07S Rge 35E 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
07S	35E	23											3.0						3.0

POU Total Acres: 3.0

CONDITIONS OF APPROVAL

1. Rights 29-2149 and 29-7798 when combined shall not exceed the irrigation of 5 acres.
2. Right includes accomplished change in point of diversion pursuant to Idaho Code § 42-1425.
3. 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.

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MAY 15 2023

Attachment to Transfer Approval 87604

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

N
W E
S

SCANNED
MAY 15 2023

Date: 5/11/2023

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 87604

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) L. M. Bull

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

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

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

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MAR 15 2023

RECEIVED

Rev. 07/18

MAR 14 2023

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) L. M. Bull Phone 208-775-4582

Mailing address 5787 W. Portneuf Road, Pocatello, Idaho 83204 Email larrybull614@gmail.com

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

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

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

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

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

☐ No Representative

Name of Representative Jared Fluckiger Phone 208-232-6101

Mailing address PO Box 1391, Pocatello, Idaho 83204-1391 Email jared@racineolson.com

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

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

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

Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
[signature]	L.M. Bull	3-10-2023
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**.

Change the point of diversion and place of use of a 7-acre portion of water right no. 29-7798, and to change the place of use of 29-2149 so it still overlaps the place of use of the remaining acres on 29-7798. The new POU for 29-2149 is still within the same quarter section as currently on record.

87604

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MAR 15 2023

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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
☐	☑	29-7798	0.09 cfs	Irrigation	04/01 to 10/31	Groundwater
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 0.09 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.09 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 #
			NW	NE	17	07S	35E	Bannock	Groundwater	

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	
07S	35E	17	0.6	6.4															7

Total Acres (for irrigation use) 7

87604

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MAR 15 2023

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:
Existing groundwater well

b. Who owns the property at the point(s) of diversion? Spencer Hildreth & Theda Hildreth
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
After approval of the transfer application, Applicant will deed the water right to Spencer and Theda Hildreth, per the terms of the Water Right Purchase and Sale Agreement. A copy is attached to this Application.

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

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

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

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Land will be dried up.

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:

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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Close

Water Right Report : 29-7798(License/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	BULL, BURNA DEAN	5787 W PORTNEUF RD	POCATELLO	ID	83204
Current Owner	BULL JR, L M	5787 W PORTNEUF RD	POCATELLO	ID	83204

Water Right Status

Priority Date : 6/25/1985
Basis : License
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	07S	35E	23	0	NE	SW	SW	BANNOCK	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.16 CFS	
STOCKWATER	01/01	12/31	0.07 CFS	
TOTAL			0.16 CFS	

Places of Use

Map View | Parcel View

Place of Use Legal Description : IRRIGATION (BANNOCK county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
07S	35E	23			SW	SW	12

Place of Use Legal Description : STOCKWATER (BANNOCK county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
07S	35E	23			SW	SW	

Irrigation Totals

Total Acres	Acre Limit
12.00	

Conditions

Code	Condtions
X35	Rights 29-02149 and 29-07798 when combined shall not exceed the irrigation of 12 acres.
WB7	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 48.0 af at the field headgate for irrigation purposes for the lands above. This right shall provide no more than 4.0 af for stockwater purposes.
R60	This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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MAR 15 2023

065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

105 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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 : 6/5/2002
Decreed Date :
Permit Proof Due Date : 8/1/1990
Permit Proof Made Date : 11/7/1989
Permit Approved Date : 7/5/1989
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :
Enlargement Statute Priority Date :
Application Recevied Date: 6/25/1985
Protest Deadline Date:

Other Information

State or Federal :
Water District Number : EXC
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 4
Combined Acre Limit : 12.00
Combined Volume Limit: 48.00
Combined Rate Limit:
Civil Case Number :
Decree Plantiff :
Decree Defendant :
Swan Falls Trust or Nontrust : N
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES 2/8/2023

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MAR 15 2023

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: 29-7798

1. amount 0.09 cfs (cfs/ac-ft) for Irrigation purposes from 04/01 to 10/31
   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	
07S	35E	23											7						7

Total Acres (for irrigation use) 7

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MAR 15 2023

87604

Rev. 07/18

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:

FOR DEPARTMENT USE ONLY

Transfer contains_____ pages and_____ attachments.

Received by_____ Date_____ Preliminary check by_____ Date_____

Fee paid $200.00 Date 3/3/23 Receipted by CA Receipt # E048944

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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MAR 15 2023

87604

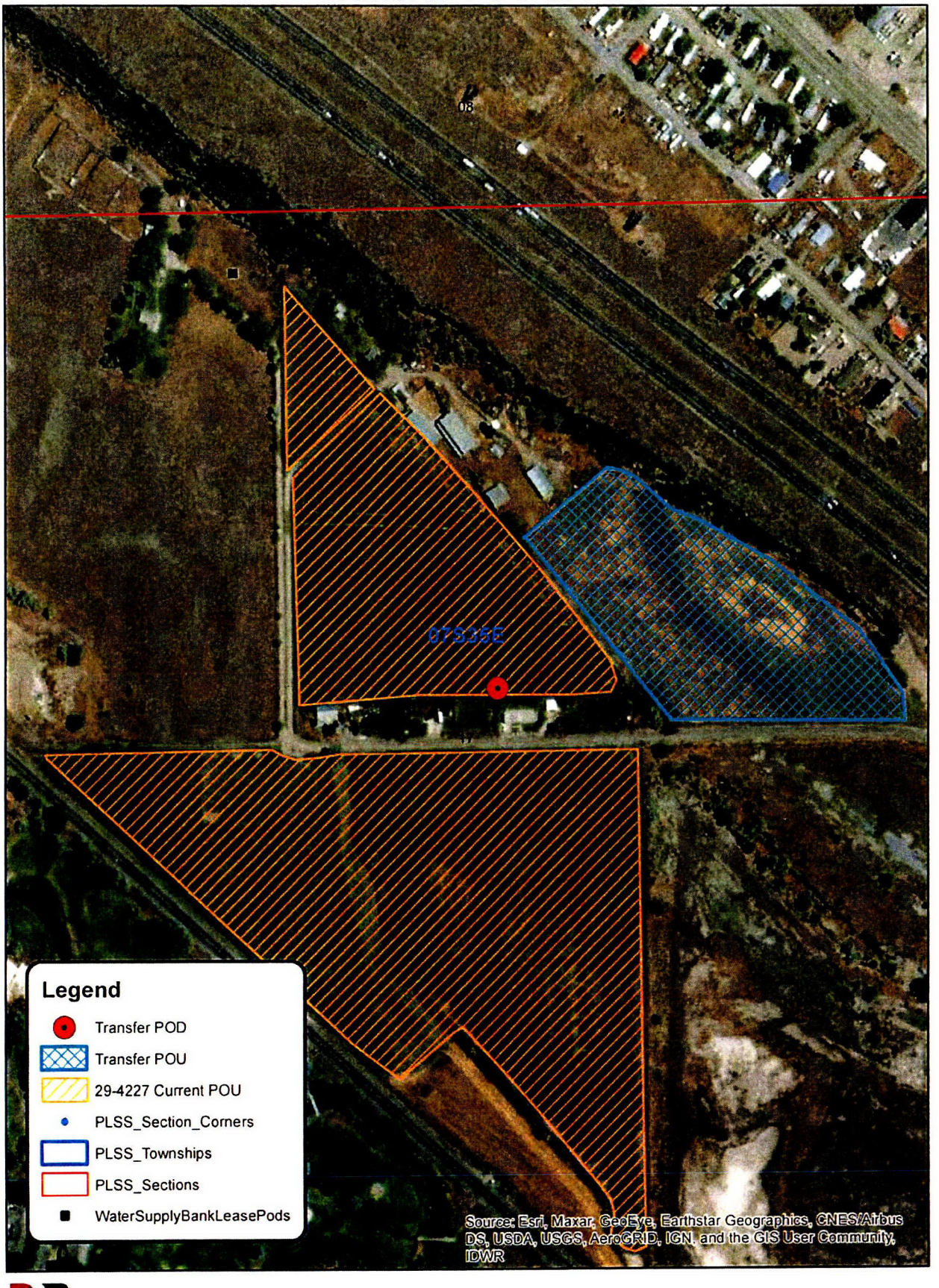
Attachment 7a
WR 29-7798 New over Current POU



87604

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Attachment 7b
Transfer POU & POD



87604

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MAR 15 2023

WR 29-2149
NEW POU



87604

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MAR 15 2023

OFFICIAL RECORD BK# 1014 FEE 26.00 DEPUTY VH
BANNOCK COUNTY IDAHO RECORDED AT REQUEST OF
Baker & Harris
21705406 2017 Apr 21 PM 04:12:00
Electronically Recorded by Simplifile

RECORDING REQUESTED BY:
Baker & Harris
266 W Bridge
Blackfoot, ID 83221

space above this line for Recording use only

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by PATTI STRAWN, as Personal Representative of the estate of HOWARD BERNARD HILDRETH (H.B.) and EDNA MAE HILDRETH, deceased, Grantors, to SPENCER HILDRETH and THEDA B. HILDRETH, husband and wife, Grantees, whose current address is 4073 N. Lower Road, Pocatello, Idaho, 83204.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. CV-2016-2284-IE, in Bannock County, Idaho;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described six parcels of real property in Bannock County, Idaho:

PARCEL 1

A tract of land in the NE¼ NE¼ of Section 17, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, and lying Southwest of the Southerly boundary of Interstate No. 15; running through said quarter more particularly described as follows:

Beginning at the Northeast 1/16 corner, thence East along the North 1/16 line 468 feet, more or less, to a point in the Southerly line of Interstate No. 15 right of way; thence Northwest along said Southerly right of way line to its intersection with the East 1/16 line; thence South along said East 1/16 line 440 feet, more or less, to the POINT OF BEGINNING.

EXCEPTING, that portion lying within the boundaries of an existing County road known as Hildreth Road.

PARCEL 2

All that portion of the S.E. Quarter of N.W. 1/4Section 17, Township 7, South Range 35 EBM, Bannock County, Idaho, lying Northeasterly of the Northeasterly right of way line of the Oregon Short Line Railroad containing 4.73 acres, more or less.

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MAR 15 2023

PARCEL 3

Commencing at the Northwest corner of the NW¼ of the NE¼ of Section 17, Township Seven, South Range Thirty-five East of the Boise Meridian, running thence due South Eighty Rods to the Southwest corner of the said NW¼ of the NE¼; thence due East Eighty Rods to the Southeast corner of the said NW¼ of the NE¼ of the NE¼, thence due North four hundred twenty feet, more or less, to the edge of the Main "Break off" or wall of lava rock, running thence in a Northwesterly direction along said "Break off" of lava rock to the place of beginning, containing twenty-six acres, more or less, situated in the NW¼ of the NE¼ of said section seventeen, township Seven south range thirty-five East of the Boise Meridian, in Idaho according to the Official Plat of the Survey of said lands returned to the General Land Office by the Survey or General.

PARCEL 4

A tract of land located in a portion of the W½ SW¼ NE¼ of Section 17, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho and more particularly described as follow:

Commencing at the Center ¼ Corner of Section 17, T. 7S., R.35E., B.M.; thence N89 degrees 19' 12"E 774.72 feet more or less along the Latitudinal Centerline of said Section 17 to a point on the Northeast Right-of-way line of the Union Pacific Railroad; said point being the TRUE POINT OF BEGINNING.

Thence N47 degrees 20' 10"W 1053.48 feet more or less (1026.5' Record Distance along said northerly Railroad Right-of-Way line to the Meridional Centerline of said Section 17;

Thence North 570.42 feet more or less (582.6' Record Distance) along the Meridional Centerline to the point on the Southerly right-of-way line to Hildreth Road; (at this point Hildreth Road is only 25; wide) said point being the north line of the SW4NE4;

Thence N89 degrees 19' 12"E 849.75 feet more or less (849.8' Record Distance) the point being the centerline of Hildreth Road (which now is 50' wide);

Thence South 1293.55 feet more or less (1295' Record Distance) to a point on the Latitudinal Centerline of Section 17;

Thence S89 degrees 19' 12" W 75.02 feet more or less (82.8' Record Distance) to the

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MAR 15 2023

TRUE POINT OF BEGINNING.

Subject to the following easement rights:

This land shall not be used for anything other than light agriculture use so as to protect the aquifer and well water of the area in perpetuity. Including but not limited to the following: light agriculture meaning light grazing of livestock, horses, etc.; no use of chemicals, fertilizers etc., on said land; no dumping or storing of any old cars, trucks, mobile homes, farm equipment etc., on said property.; nothing containing chemicals of any kind such as railroad ties can placed on said property.

A 60 foot easement shall be granted to the City of Pocatello for the future development of a walkway.

The following easement is located in the W2SW4NE4 of Section 17, Township 7 South, Range 36 E.B.M., Bannock County, Idaho, running parallel to the railroad.

Bannock County retains a 60' easement on the west side of this property. Said easement runs Northwest. 60 feet east and adjoining the railroad right-of-way, said easement used for a road right-of-way.

PARCEL 5

An ingress, egress, and repress easement over the West 16 feet of the Real Property described as:

Part of Section 17, Township 7 South, Range 35 East Boise Meridian, Bannock County, Idaho, described as;

Commencing at the Northwest Corner of the Northwest Quarter of the Northeast Quarter of Section 17, Township 7 South, Range 35 East and running South 1145.00 feet along the West line of a parcel described in Deed Instr. #20609395 to the True Point of Beginning;

Thence continuing South 175.00 feet along the West line of said parcel to the Southwest Corner of the said Northwest Quarter of the Northeast Quarter being the Southwest corner of said parcel,

Thence East 475.00 feet along the South line of said parcel,

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MAR 15 2023

Thence North 175.00 feet parallel to the West line of said parcel,

Thence West 475.00 feet along a line parallel to the South line of said parcel to the Point of Beginning.

PARCEL 6

An irrigation mainline maintenance easement over the North 20 feet of the East 400 feet of the Real Property described as:

A Tract of Land in the Northwest quarter (NW¼) of the Northeast quarter (NE¼), Section 17, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows: Commencing at a point which is 25 feet North and 475 feet East along the South line of the Northwest quarter (NW¼) of the Northeast quarter (NE¼) of said section 17 from the Southwest corner of the Northwest quarter (N¼) of the Northeast quarter (NE¼); running thence East along said South line of the Northwest quarter (NW¼) of the (NE¼) a distance of 420 feet; thence at right angles North 105 feet; thence at right angles West 400 feet; thence South at right angles 20 feet; thence West at right angles 20 feet, South at right angles 85 feet, to the point of beginning.

Less the following three parcels:

PARCEL 7

A Tract of Land in the Northwest quarter (NW¼) of the Northeast quarter (NE¼), Section 17, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows: Commencing at a point which is 25 feet North and 475 feet East along the South line of the Northwest quarter (NW¼) of the Northeast quarter (NE¼) of said section 17 from the Southwest corner of the Northwest quarter (NW¼) of the Northeast quarter (NE¼); running thence East along said South line of the Northwest quarter (NW¼) of the (NE¼) a distance of 420 feet; thence at right angles North 105 feet; thence at right angles West 400 feet; thence South at right angles 20 feet; thence West at right angles 20 feet, South at right angles 85 feet, to the point of beginning.

PARCEL 8

Part of Section 17, Township 7 South, Range 35 East Boise Meridian, Bannock County, Idaho, described as; Commencing at the Northwest Corner of the Northwest Quarter of the Northeast
Quarter of Section 17, Township 7 South, Range 35 East and running South 1145.00 feet along the west line of a parcel described in Deed Instr. #20609395 to the True Point of Beginning;

Thence continuing South 175.00 feet along the west line of said parcel to the

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MAR 15 2023

Southwest Corner of the said Northwest Quarter of the Northeast Quarter being the Southwest corner of said parcel,

Thence East 475.00 feet along the South line of said parcel,

Thence North 175.00 feet parallel to the west line of said parcel;

Thence West 475.00 feet along a line parallel to the south line of said parcel to the Point of Beginning.

PARCEL 9

A strip of land 25.0 feet wide lying North and adjacent to the following described centerline;
Commencing at the NE corner of section 17, T. 7S., R 35 E.B.M., thence S. 0°47' W., along East line of said section a distance of 1319.68 feet to the N. 1/16 corner on said East line, thence bearing S. 89°45' W., along the N. 1/16 line a distance point of beginning: thence continuing S. 89°45' W., along the said N. 1/16 line a distance of 1320.0 feet, more or less, to the NE. 1/16 corner of said section.

The above described tract of land is a part of the NW¼ NE¼ Sec. 17, T.7 S. R. 35 E.B.M., and contains .76 acre, more or less.

Together with the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining; subject however, to all zoning laws, city ordinances, easements, restrictive agreements and rights of ways and public roads with all appurtenances.

EXECUTED this 21 day of April, 2017.

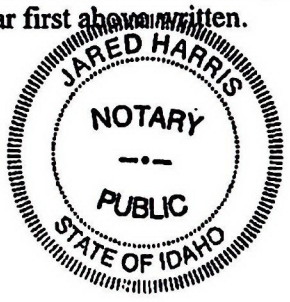
Patti Strawn, Personal Representative of the Estate of Howard B. Hildreth and Edna Mae Hildreth, deceased

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MAR 15 2023

STATE OF IDAHO)
: ss
County of)

On this 21st day of April, 2017, before me, the undersigned, a notary public in and for said state, personally appeared, PATTI STRAWN, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of HOWARD BERNARD HILDRETH and EDNA MAE HILDRETH, deceased, and acknowledged to me that she executed the same as such Personal Representative.

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



Jared Harris
NOTARY PUBLIC
Residing at Blackfoot
My Commission Expires: 2/13/23

87604

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MAR 15 2023

WATER RIGHT PURCHASE AND SALE AGREEMENT

This Water Right Purchase and Sale Agreement ("Agreement") is entered into between L. M. Bull, 5787 W. Portneuf Road, Pocatello, Idaho 83204 ("Seller") and Spencer Hildreth & Theda Hildreth, husband and wife, 4073 N. Lower Rd., Pocatello, Idaho 83204 ("Buyer").

1. **Sale of Water Right.** Seller agrees to sell to Buyer, and Buyer agrees to purchase from Seller, upon the terms and conditions herein, the following described portion of Idaho water right no. 29-7798:

Water Right #	29-7798
Source	Ground Water
Priority Date	June 25, 1985
Beneficial Use	Irrigation
Diversion Rate	0.09 cfs
Acres	7

The above described portion of Idaho water right no. 29-7798 is referred to herein as the "Water Right." The land to which the Water Right is appurtenant is depicted in Exhibit A attached hereto.

2. **Purchase Price.** The purchase price is [redacted] per acre of water transferrable to Buyer's property, based on 0.012 cfs per acre. If all 7 acres are transferrable, then the purchase price will be [redacted] The amount of water transferrable to Buyer's property will be determined by the Idaho Department of Water Resources ("IDWR") as set forth in section 4 below.

3. **Payment.** Buyer shall pay [redacted] in full to be held in escrow by Racine Olson, PLLP until closing.

4. **Transfer of Water Right.** Seller will within 10 days after both parties sign this Agreement file an Application for Transfer of Water Right ("Transfer Application") with IDWR to change the point of diversion and place of use of the Water Right to property designated by Buyer.

   4.1 Seller is responsible for the costs associated with accomplishing the transfer to Buyer's property.

   4.2 Seller will use its best efforts to obtain approval of the Application as soon as reasonably practicable.

   4.3 Buyer will cooperate with Seller in processing the Transfer Application, and will execute any documents necessary to obtain IDWR approval of the Transfer Application.

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MAR 15 2023

87604

4.4 Seller may amend the Transfer Application as necessary to obtain IDWR approval of the Application in a manner satisfactory to Buyer.

4.5 If the Transfer Application is not approved by IDWR within one (1) year after both parties sign this Agreement, or is approved in a manner that is not satisfactory to Buyer, then Seller will have the right to withdraw the Transfer Application and terminate this Agreement. without further liability.

4.6 The Water Right will remain in Seller's name until the Transfer Application has been approved. After department approval, Seller will deed the Water Right to buyer. After receipt of the deed, Buyer will file a Notice of Change in Water Right Ownership with the IDWR to change the Water Right into Buyer's name.

5. **Conditions Precedent.** Buyer's obligation to close this transaction is subject to the fulfillment of each of the following conditions before or at closing, unless waived by Buyer in writing:

5.1 Buyer's reasonable satisfaction that the Water Right is valid and transferrable and that there are no liens or other encumbrances against the Water Right. At any time during this Agreement, Buyer and its agents are authorized to inspect government records and make inquiries of regulatory officials with respect to the Water Rights and the land to which they are appurtenant.

5.2 IDWR approval of the Transfer Application. If the IDWR refuses to process the Transfer Application or if a protest is filed against the Transfer Application that Seller reasonably believes creates a significant risk of precluding full approval of the Transfer Application, Seller may withdraw the Transfer Application and terminate this Agreement.

5.3 Seller's performance and compliance with all terms of this Agreement.

6. **Closing.** Closing shall occur within thirty (30) days after (a) Seller is notified of the IDWR's approval of the Transfer Application, or (b) the one year anniversary of this Agreement, whichever occurs first. Closing shall occur at the Racine Olson law office, 201 E. Center St., Pocatello, Idaho, or such other place as may be mutually agreed upon by the parties.

6.1 Warranty Deed. Seller will execute a Warranty Deed in form satisfactory to Buyer.

6.2 Notice of Change in Water Right Ownership. Buyer will file a form Notice of Change of Water Right Ownership with the IDWR to reflect

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MAR 15 2023

Buyer's ownership of the Water Right.

6.3 Additional Documents. Seller and Buyer will execute such other documents as may be required to complete the sale.

6.4 Possession. Buyer will be given exclusive possession and use of the Water Right.

7. **Seller Warranties and Representations.** Seller represents and warrants to Buyer that the following are true now and will be at closing.

7.1 Authority. Seller has full power and authority to sell and transfer the Water Right to Buyer.

7.2 Title. Seller holds good and marketable title to the Water Right in fee simple absolute. The Water Right is free and clear of liens, security interests, mortgages, taxes, assessments, charges, claims, or encumbrances of any kind.

7.3 Correct Description. The description of the Water Right in section 1 above is accurate and complete to the best of Seller's knowledge.

7.4 No Supplemental Rights. The Water Right is the sole source of irrigation water for the land to which it is appurtenant.

7.5 Cooperation. Seller will cooperate with Buyer before, during and after closing to effectuate the transactions contemplated in this Agreement.

7.6 Broker Fees. No real estate agent represents Seller in connection with this transaction and there are no commissions or fees payable in connection with this sale.

8. **Buyer Representations.** Buyer makes the following representations:

8.1 Legal and Tax Advice. Buyer has had the opportunity to consult with independent counsel to be advised on legal and tax matters concerning this Agreement.

8.2 Broker Fees. No real estate agent represents Buyer in connection with this transaction and there are no commissions or fees payable in connection with this sale.

9. **Default.** In the event of Seller's default or permissible termination, all money shall be refunded to Buyer and Buyer shall not be entitled to specific performance.

10. **Attorney Fees.** Each party is responsible for paying their own attorney fees

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MAR 15 2023

and other expenses incurred in connection with forming and completing this Agreement. If either party is required to retain an attorney to enforce this Agreement, the prevailing party in any dispute arising therefrom shall be entitled to recover reasonable attorney fees and costs incurred.

11. **Time of Essence.** Time is of the essence of this Agreement.

12. **Binding Effect.** This agreement shall be binding upon the heirs, personal representatives, successors and assigns of the respective parties hereto.

13. **Entire Agreement.** This Agreement shall constitute the entire Agreement between the parties and supersedes any and all previous oral or written agreements between the parties concerning the subject matter of this Agreement.

14. **Amendment.** No alteration, modification, or amendment of this Agreement shall be valid except in writing and when signed by the parties.

15. **Severability.** The invalidity or unenforceability of any provision of this Agreement shall not affected the validity or enforceability of any other provision.

(Signatures on following page)

87604

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MAR 15 2023

SELLER:

L.M. BULL Date: 2-16-2023

BUYERS:

By: SPENCER HILDRETH Date: 2-21-2023

By: THEDA HILDRETH Date: 2-21-2023

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MAR 15 2023

87604

RACINE OLSON
ATTORNEYS

RECEIVED
MAR 14 2023
Department of Water Resources
Eastern Region

March 10, 2023

Thomas Lafortune
Idaho Department of Water Resources
900 N Skyline Dr.
Idaho Falls, ID 83402
Thomas.Lafortune@idwr.idaho.gov

Sent via Email

Re: Larry Bull Amended Transfer Application

Dear Thomas:

Attached please find the Amended Application for Transfer of water right on behalf of Larry Bull.

We have made corrections to A.3. to note that the place of use for water right no. 29-2149 is being changed to still overlap the place use of the remaining acres of 29-7798. Changes were also made to part 2.B. on page 5 of the Application to correct the 7 acre portion description.

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,

JARED FLUCKIGER

Enclosures: Amended Application for Transfer

c: Larry Bull
5787 W. Portneuf Rd.
Pocatello, ID 83204

201 E. Center St. | P.O Box 1391 | Pocatello, ID 83204
P: (208) 232-6101 | F: (208) 232-6109 | racineolson.com

87604

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MAR 15 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

May 11, 2023

LM BULL
5787 W PORTNEUF RD
POCATELLO ID 83204

Re: Transfer No: 87604
Water Right No(s).: 29-2149, 29-7798

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
MAY 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,

Christina Henman
Administrative Assistant

Enclosure
CC:

RACINE OLSON PLLP
C/O JARED FLUCKIGER
201 E CENTER ST
PO BOX 1391
POCATELLO ID 83204

BURNA DEAN BULL
5787 W PORTNEUF RD
POCATELLO ID 83204

SCANNED
MAY 15 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 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.: 87604
Water Right No(s).: 29-2149, 29-7798

LM BULL
BURNA DEAN BULL
5787 W PORTNEUF RD
POCATELLO ID 83204

RACINE OLSON PLLP
C/O JARED FLUCKIGER
201 E CENTER ST
PO BOX 1391
POCATELLO ID 83204

Christina Henman
Administrative Assistant

SCANNED
MAY 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.

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MAY 15 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.

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MAY 15 2023

MEMORANDUM

Date: April 20, 2023

To: Transfer 87604

From: Thomas Lafortune

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion and place of use for a 7-acre portion of water right 29-7798.

Authority to File:
The applicant, L.M. Bull, is the current owner of the water right, according to department records. Land at the proposed place of use for the 7-acre portion being changed is owned by Spencer Hildreth. A Water Right Purchase and Sale Agreement between Bull and Hildreth was provided as part of the application.

Water Right Validity:
Water right 29-7798 was licensed in 2002 after a beneficial use field exam. Aerial imagery shows consistent use of the right since it was licensed. Forfeiture is not an issue.

Injury to Other Water Rights:
The transfer application was advertised without protest. There is no injury to other water rights.

Enlargement of Use:
The remaining unchanged 5-acre portion of right 29-7798 is supplemental to 29-2149. These two rights, when combined, are limited to the irrigation of 5 acres. As part of this transfer, the shapefile for right 29-2149 was adjusted so that the 3-acre place of use for 29-2149 falls completely within the 5-acre place of use for 29-7798. The applicant states that the spring source for right 29-2149 has not produced water in many years. The number of irrigated acres and the diversion rate of the unchanged portion (29-7798) and the split portion (29 -14508) will add up to the original diversion rate and irrigated acres under 29-7798 prior to this transfer. There is no enlargement.

Local Public interest:
No issues identified.

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

Effect on Economy the Local Area:
No issues identified.

Effect on Agricultural Base of the Local Area:
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
MAY 15 2023

EMPOWERING THE COMMUNITY SINCE 1890

IDAHO STATE JOURNAL

WWW.IDAHOSTATEJOURNAL.COM

PROOF OF PUBLICATION
Idaho State Journal

RECEIVED

MAR 27 2023

Department of Water Resources
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 03/22/2023 last publication having been made on 03/24/2023, 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 24th day of March, 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 24th day of March, 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:

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 87604

LM BULL, 5787 W PORTNEUF RD, POCATELLO, ID 83204 has filed Application No. 87604 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-7798; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in NWNE Sec 17 T07S R35E for 0.09 cfs from ground water. Proposed place of use is in NENE and NWNE Sec 17 T07S R35E for 7 acres. 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 4/10/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Published: March 22, 29, 2023 (ISJ2497-347541)

SCANNED
APR 24 2023

AD# 347541

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 15, 2023

LM BULL
5787 W PORTNEUF RD
POCATELLO, ID 83204

RE: Transfer No. 87604
Water Right No(s). 29-7798

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 3/22/2023 and 3/29/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Christina Henman
Administrative Assistant

CC:
RACINE OLSON PLLP
C/O JARED FLUCKIGER
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204

SCANNED
MAR 15 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 15, 2023 1:57 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Idaho State Journal
Attachments: 87604 Idaho State Journal.docx

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

RE: Transfer No. 87604
Water Right No(s). 29-7798

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 4/10/2023. 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
MAR 15 2023

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TRANSFER NO. 87604

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GARY SPACKMAN, Director Published on 3/22/2023 and 3/29/2023

SCANNED
MAR 15 2023