STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 88222

This is to certify that: CRAIG E GATES OR
MARY E THOMPSON
1276 W HOFF RD
BLACKFOOT, ID 83221-5103

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
35-2096B	WR/DECREED	5/13/1948	0.200 cfs	40.0 af	N/A	10.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-2096B	YES	YES	NO	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
35-2096B	35-14842	0.020 cfs	4.0 af	N/A	1.0	35-2096B	0.180 cfs	36.0 af	N/A	9.0
COMBINED TOTALS		**0.020 cfs**	**4.0 af**	**N/A**	**1.0**		**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 31st day of August, 2023.

Regional Manager

SUPPORT DATA
IN FILE # 35-2096 B

Transfer No. 88222

SCANNED
AUG 31 2023

WATER RIGHT NO. 35-2096B

As Modified by Transfer No. 88222

In accordance with the approval of Transfer No. 88222, Water Right No. 35-2096B is now described as follows:

Right Holder: MAX L LE FEVRE
1294 W HOFF RD
BLACKFOOT, ID 83221-5103
OR
KERI A LE FEVRE
1276 W HOFF RD
BLACKFOOT, ID 83221

Priority Date: 5/13/1948

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to 10/31	0.180 cfs	36.0 af
			0.180 cfs	36.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec 36 Twp 02S Rge 33E BINGHAM 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
02S	33E	36											9.0						9.0

POU Total Acres: 9.0

CONDITIONS OF APPROVAL

1. 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.

Transfer No. 88222

SCANNED
AUG 31 2023

WATER RIGHT NO. 35-14842

As Modified by Transfer No. 88222

In accordance with the approval of Transfer No. 88222, Water Right No. 35-14842 is now described as follows:

Right Holder: MARY E THOMPSON AND
CRAIG E GATES
1276 W HOFF RD
BLACKFOOT, ID 83221-5103

Priority Date: 5/13/1948

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to	10/31	0.020 cfs	4.0 af
				0.020 cfs	4.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec 36 Twp 02S Rge 33E BINGHAM 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
02S	33E	36											1.0						1.0

POU Total Acres: 1.0

CONDITIONS OF APPROVAL

1. 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. 120.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. 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.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 88222

SCANNED
AUG 31 2023

WATER RIGHT NO. 35-14842

As Modified by Transfer No. 88222

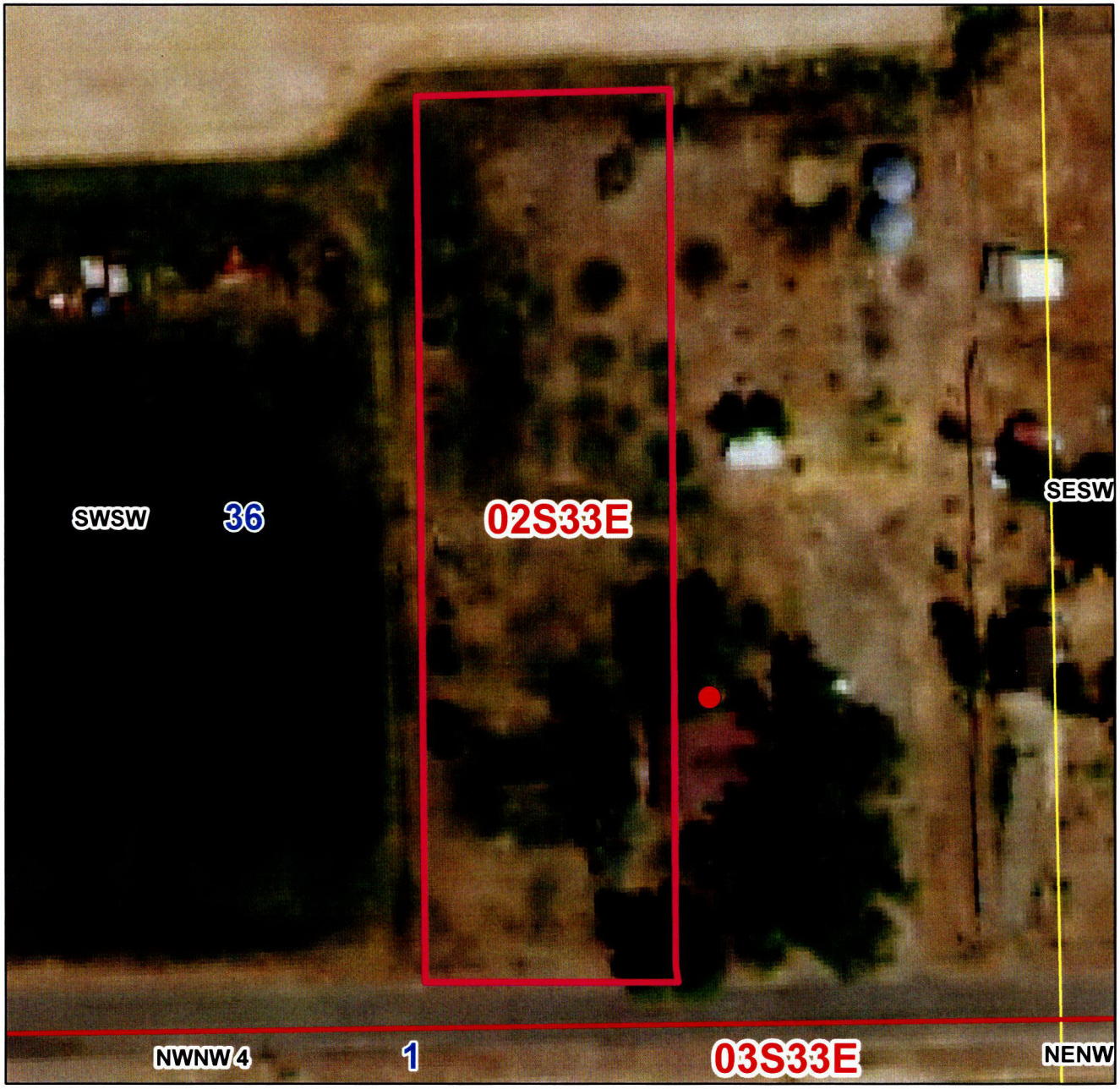
CONDITIONS OF APPROVAL

6. 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
AUG 31 2023

Attachment to Transfer Approval 88222

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 25 50 100 Feet

N
W E
S

SCANNED
AUG 31 2023

Date: 8/31/2023

RECEIVED

JUL 12 2023

Department of Water Resources
Eastern Region

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Craig E. Gates or Mary E. Thompson Phone 208-223-3629

Mailing address 1276 W. Hoff Rd Blackfoot ID Email Cmida7@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 _____ 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.

AMENDED

☐ 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.

Craig E Gates	Craig Gates	July 12, 2023
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
Mary E Thompson	Mary E Thompson	July 12, 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**.
   Transfer 0.8 acres of irrigation right to current well on property.

88222

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JUL 19 2023

88222

Rev. 07/18

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
☐	☑	35-2096B	.02/4	Irrigation	4/1 to 10/31	Ground Water
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 0.02 cfs and/or 4 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or 4 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 #
			SW	SW	36	02S	33E	Bingham	Ground Water	

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	

Total Acres (for irrigation use)

88222

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JUL 19 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 well with 1.5 hp pump

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

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:
n/a

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:
Domestic right 35-12918

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:

88222

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JUL 19 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: 35-2096B

1. amount .02 (cfs/ac-ft) for irrigation purposes from 4/1 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	
02S	33E	36											1						1

Total Acres (for irrigation use) 1

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JUL 19 2023

88222

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 M. Pettis Date 7-5-23 Preliminary check by_____ Date_____
Fee paid 325.00 Date_____ Receipted by_____ Receipt # E049331
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)

→ $300 THIS APP

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JUL 19 2023

88222

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

6/27/2023

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-2096B

Owner Type	Name and Address
Current Owner	KERI A LE FEVRE 1276 W HOFF RD BLACKFOOT, ID 83221 2086844970
Current Owner	MAX L LE FEVRE 1294 W HOFF RD BLACKFOOT, ID 83221-5103 2086814971
Original Owner	CLENDON W MERRILL 1127 W HWY 39 BLACKFOOT, ID 83221 2086844662
Original Owner	GLENN A ANDERSON RT 2 BLACKFOOT, ID 83221

Priority Date: 05/13/1948

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	0.2 CFS	40 AFA
Total Diversion			0.2 CFS	40 AFA

Location of Point(s) of Diversion:

GROUND WATER	SWSW	Sec. 36	Township 02S	Range 33E	BINGHAM County

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JUL 19 2023

88222

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	33E	36		SWSW	10									

Total Acres: 10

Conditions of Approval:

1. 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.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plantiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

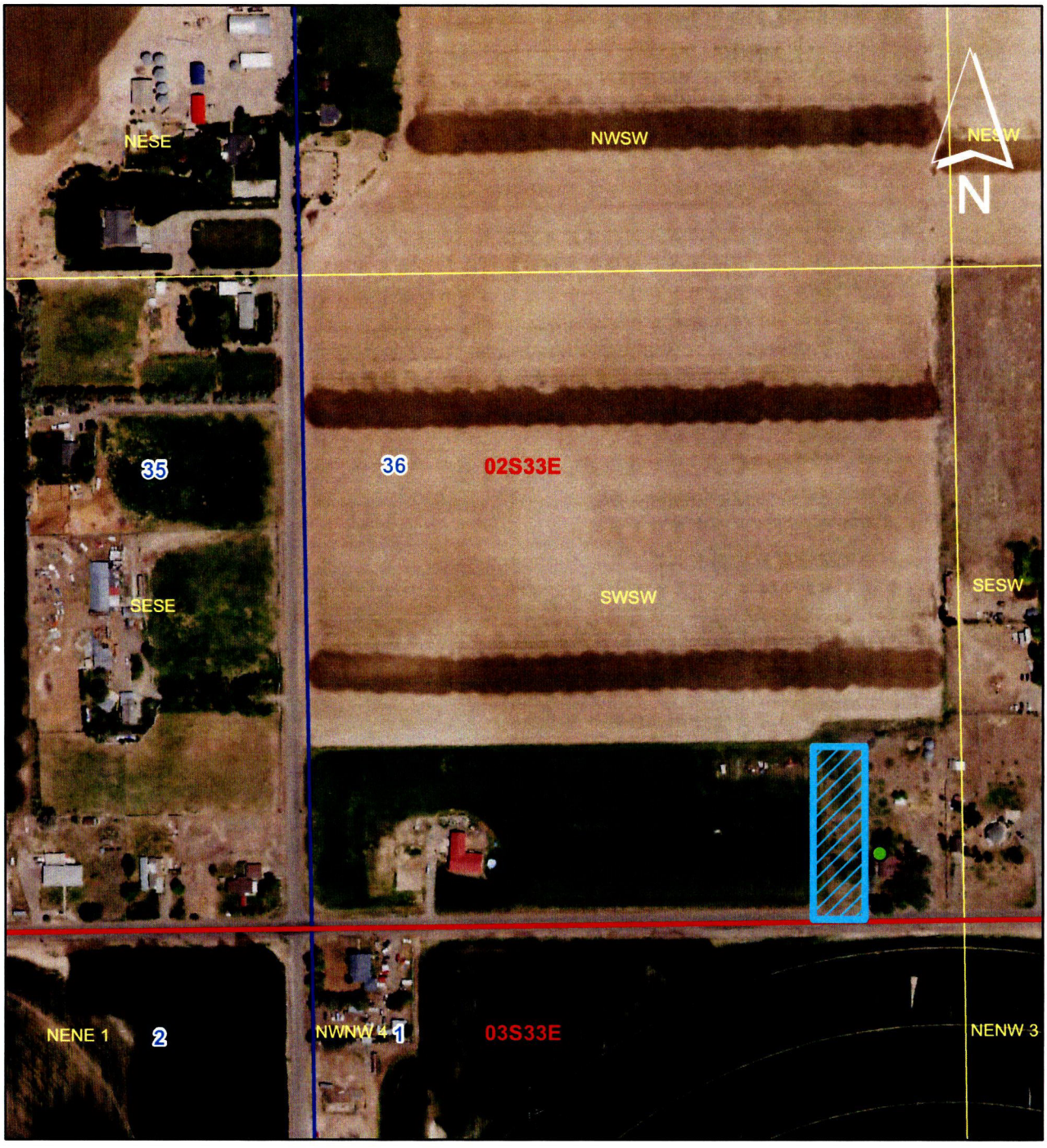
Swan Falls Dismissed:

DLE Act Number:

88222

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JUL 19 2023

Gates and Thompson Transfer



GatesThompsonPOD
GatesThompsonPOU
Township/Range
Sections
QQ

0 0.035 0.07 0.14 Miles

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JUL 19 2023

88222

This home was owned by Glenn and Melba Anderson, Glenn was called "Red" by some. I never met Glenn, I have spoken to Melba on the phone and corresponded by letter. I believe they originally owned 170 acres. I bought 11 acres in 1991 for $48K, 1/4 mile long frontage 363 feet deep. I measured the house to be 1922 square feet. With around a 170 square feet dirt floor lava rock cellar. I was told they tore down the original structure, expanded the footprint and used salvaged materials from the old Riverside Schoolhouse to reconstruct it. Some time later the back patio was closed in. Melba ordered the Mexican style doors from California. I replaced the East door with a metal one in probably 2000. It was severely weathered and coming apart. I also built a carport on the East side that was later closed in by the Ternus kid. Making the kitchen very dark. I sold the house and two acres to Shane and Bridgette Haney in 2002 for 85K. The property sold was 363 feet deep by 240 feet wide. They sold to the Daniel Ternus family. Who sold it to the Peterson family - Misty and Troy, who then sold to Ben and Lisa Edgar. The well was registered with Idaho Dept of Water Resources by me in the 1990s. I transferred the point of diversion to the irrigation well on the west end of the property from the main well on the north end of the original farm. I only show 10 shares of water that I pay a yearly fee on to the Bingham County Water District. So that would give this property one share of water available to transfer. I used to hay off the acreage and water the place until the Ternus family mowed the grass and planted trees and I couldn't anymore. I believe the Haneys may have planted the Russian Olive trees on the north side of the property and over the property line. The farm to the north was sold to Robert Shawver, originally I believe, then to Clendon Merrill, then to Blair Dance - Investment group. Polatis Farms currently lease it. The Farm was to provide water to the home place through the mainline, there was a valve and 4 inch piping along the East side that went into a series of small ditches up around the house. In exchange there was an easement for the farm to access through the property. A very long time ago the farm had Aberdeen-Springfield Canal Water Rights but those ditches are long gone. You can still find concrete irrigation works on the north side of the farm that have been dug up and piled in a corner. I built the slab wood barn in the 1990s to raise bottle fed dairy calves in, then chickens. Daniel Ternus cut holes in the barn to make a paint ball course. The grain bins are 6000 bushel. The north one was the last one to hold grain, Hard Red Wheat in the 1993 harvest. It encroaches upon the north farm property about 4 feet or so. Troy Peterson had to re-pour some concrete in it to keep it from blowing over. Prevailing winds come from the southwest. Back to the house, It has ceiling cable heat sandwiched between 2 layers of sheetrock. The master bedroom and the kitchen went out so I ran cadet heat to the master and

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JUL 19 2023

installed a freestanding gas log stove in the kitchen, a Dover 400. I also ran a cadet into the back family room as it has a wood stove insert. Shane Haney installed a gas insert when he lived there. House had wood shakes, I put on the metal roof and changed the aluminum windows to vinyl. I also tore up the carpet and refinished the oak gym flooring. I replaced the pump, 1/2 hp and installed the frost free bury hydrants out to the grain bins where my daughters raised 4-H pigs. Daniel Ternus built a putting green where the hog pens stood. I had Terry Van Orden change out the main electrical panel and meter base as it had begun to heat up and probably had loose aluminum wire connections. That was $800. I also had to replace the drain field. The septic is on the west side of the house. I had to bring in a few dump truck loads of dirt to have adequate coverage and to keep it from collecting water over the drain field. I was told there was a couple barn fires there. I found evidence of one in the northwest corner of debris and charred earth/wood remnants when I plowed it. There were quite a few schoolhouse bricks in the dirt around the property as well. You may still find some today if you dig or disturb the soil around the house. There were also quite a few tulips that would pop up from time to time. The milk can mailbox base is original as well. Mailbox has been replaced though. There used to be an old wood pole dirt potato cellar on the west end, I took that down and built the house there beginning in 2002. There is intermittent stream flow through the low spot in the property that floods during times of heavy snowfall and rapid melt in the spring. It has flooded 3 times since 2005. Harper Leavitt engineering surveyed out the house from the flood plain so there is no flood insurance required. The culvert under the road is undersized though so the possibility is there. Hoff road was raised up in the late nineties with Gale Lim Construction doing the work. Before that the water would run over the road. Only after Clendon Merrill and myself contacted the County did they put in the culvert, way too small, during the construction of the road. Pressure needs to be put on the Public Works Director to have this rectified. I am sure I have more to say on the details of the place but all I can think of right now. Thats a bit of the history of the Hoff Road property.

Max LeFevre

SCANNED
JUL 19 2023

PART OF THE SW 1/4 OF SECTION 36, T. 2 S., R. 33 E.B.M. BINGHAM COUNTY, IDAHO

RECORDER'S CERTIFICATE

Instrument # 701211
BINGHAM COUNTY
10-16-2018 01:23:03 PM No. of Pages: 1
Recorded for: 246 HARPER LEAVITT ENGINEERING
PAMELA W. ECKHARDT Fee: 5.00
Ex-Officio Recorder Deputy

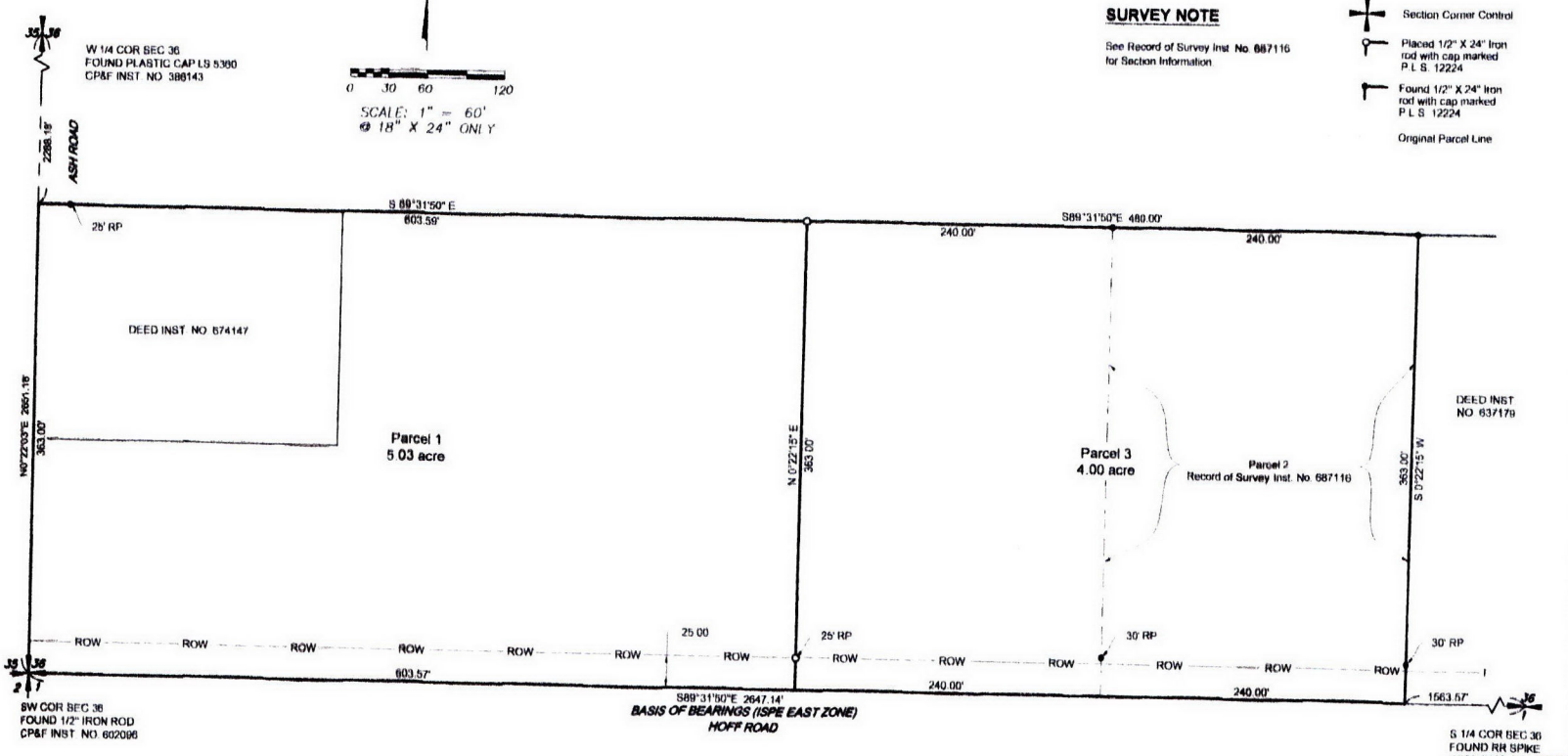


SURVEY NOTE

See Record of Survey Inst. No. 687116 for Section Information

LEGEND

- Section Corner Control
- Placed 1/2" X 24" Iron rod with cap marked P.L.S. 12224
- Found 1/2" X 24" Iron rod with cap marked P.L.S. 12224
- Original Parcel Line



SURVEYORS CERTIFICATE

I, Chris G. Street, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey completed under my supervision

PROFESSIONAL LAND SURVEYOR REGISTERED 12224 STATE OF IDAHO CHRIS G. STREET

Chris G Street License No. 12224 Date 10/2/18

LEGAL DESCRIPTION

Parcel 3

Part of the South 363 feet of the SW ¼ of, Section 36, Township 2 South, Range 33 East, B.M. Bingham County, Idaho described as:

Commencing at the Southwest corner of said Section; Thence S 89°31'50" E 603.57 feet along the South line of said Section to the Point of Beginning; Thence, N 00° 22' 15" E 363.00 feet; Thence, S 89° 31' 49" E 480.00 feet along said North line; Thence, S 00° 22' 15" W 363.00 feet to the South line of said Section; Thence N 89° 31' 50" W 480.00 feet along said South line to the Point of Beginning.

Parcel Contains 4.00 acres, more or less.

LEGAL DESCRIPTION

PARCEL 1

Part of the South 363 feet of the SW1/4 of Section 36, Township 2 South, Range 33 East, B.M., Bingham County, Idaho described as

Commencing at the SW corner of said Section 36; thence along the west line of said Section N00°22'03" E 363.00 feet; thence S89°31'50" E 603.59 feet; thence S00°22'15"W 363.00 feet to the south line of said Section; thence along said south line N89°31'50"W 603.57 feet to the Point of Commencement

Parcel Contains 5.03 Acres more or less

LAND SURVEYING | 3D SCANNING | DESIGN SURVEYING
CIVIL AND STRUCTURAL ENGINEERING | MATERIALS TESTING
806 W. Judicial Street • Blackfoot, Idaho 83221 • Office Phone: 208.785.2977 • Fax: 208.785.2990
101 S. Park Avenue • Idaho Falls, Idaho 83402 • Office Phone: 208.524.0212 • Fax: 208.524.0229
460 Lincoln Street • American Falls, Idaho 83211 • Office Phone: 208.226.5764

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DRAWN BY	ENGINEER	CHECKED
NP	HLE	CGS

JOB NO. 2018.187
DATE October 2, 2018

REVISIONS	DATE

RECORD OF SURVEY MAX LAFEVER

SEC. 36, T. 2 S., R. 33 E.B.M.
BINGHAM COUNTY, IDAHO

SHEET No. 1 of 1

Z:\Projects\30-2018 Projects\18-187 LaFever Dog\18-187 LaFever.dwg

88222
SCANNED
JUL 19 2023

Rev. 07/18

RECEIVED

JUL 05 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) Craig E Gates or Mary E Thompson Phone 208 223 3629

Mailing address 1276 W Hoff Rd Blackfoot, ID Email Cmida7@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 _____ 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.

SUPERCEDED

☐ 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.

Craig Gates — Signature of Applicant or Authorized Representative
Craig Gates — Print Name and Title if applicable
7/5/2023 — Date

Mary E Thompson — Signature of Applicant or Authorized Representative
Dr Mary E Thompson — Print Name and Title if applicable
7/5/2023 — 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**.
   Transfer about 1 acre of irrigation right to current well on property.

88222

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JUL 19 2023

Form 42-248/42-1409(6) Rev. 6/22

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES JUL 05 2023

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-12918 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: KERI + MAX LE FEVRE
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Craig Gates + MARY E Thompson
New owner(s) as listed on the conveyance document Name connector ☐ and ☒ or

1276 W Hoff Rd — Mailing address
Blackfoot — City
ID — State
83221 — Zip

(208) 223-3629 — Telephone
cmida7@gmail.com — Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☑ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 6-3-21.

6. Do you own the land identified as the water right place of use? Yes ☑ No ☐
- If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:
☑ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☑ Filing fee (see instructions for further explanation):
  - $25 per *undivided* water right.
  - $100 per *split* water right.
  - No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Craig Gates — Signature of new owner/claimant — Title, if applicable — 7/5/2023 Date
Craig Gates — Print name

Signature: Mary E Thompson — Signature of new owner/claimant — Dr. Title, if applicable — 7/5/2023 Date
MARY E Thompson — Print name

For IDWR Office Use Only: Domestic use 1 home Original Claim 1279 address.

Receipted by M. Pettis Date 7-5-23 Receipt No. E049331 Receipt Amt. 325.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 Approved by JB Processed by JB Date 7/7/2023

SCANNED
JUL 19 2023

58222

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

Craig E Gates
Mary E Thompson

6/27/2023

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-12918

Owner Type	Name and Address
Current Owner	KERI A LE FEVRE 1276 W HOFF RD BLACKFOOT, ID 83221 2086844970
Current Owner	MAX L LE FEVRE 1294 W HOFF RD BLACKFOOT, ID 83221-5103 2086814971

Priority Date: 05/01/1940

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER	1/01	12/31	0.02 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

GROUND WATER | SWSWSW | Sec. 36 | Township 02S | Range 33E | BINGHAM County

Place(s) of use:

Place of Use Legal Description: STOCKWATER BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	33E	36		SWSW										

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JUL 19 2023

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Place of Use Legal Description: DOMESTIC BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	33E	36		SWSW										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP0333901 STOCKWATER, 10 RANGE CATTLE, 4 HORSES

Dates:

Licensed Date:

Decreed Date: 11/28/1997

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: EXC

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plantiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

SCANNED
JUL 19 2023

ALLIANCE
TITLE & ESCROW
569377

TitleOne
a title & escrow co.

Order Number: 21420766

Instrument # 735523
BINGHAM COUNTY, IDAHO
2021-08-03 04:27:06 PM No. of Pages: 3
Recorded for: ALLIANCE TITLE - RIGBY OFFICE
PAMELA W. ECKHARDT Fee: $15.00
Ex-Officio Recorder Deputy JPulley
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Warranty Deed

For value received,

Benjamin A Edgar, a married man as his sole and separate property

the grantor, does hereby grant, bargain, sell, and convey unto

Craig Gates and Mary Thompson, husband and wife

whose current address is 1276 W Hoff Rd., Blackfoot ID 83221

the grantee, the following described premises, in Bingham County, Idaho, to wit:

See Exhibit A, attached hereto and incorporated herein.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Remainder of page intentionally left blank.

SCANNED
JUL 19 2023

88222

Dated: July 29, 2021

Benjamin A Edgar

Lisa Edgar

State of Idaho, County of Bonneville, ss.

On this 3 day of ~~July~~ Aug in the year of 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Benjamin A Edgar, and Lisa Edgar, 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.

Notary Public
Residing In:
My Commission Expires:
(seal)

SHANNON K CROFT
COMMISSION #40345
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/15/27

SCANNED
JUL 19 2023

88222

EXHIBIT A
LEGAL DESCRIPTION OF THE PREMISES

EXHIBIT "A"

569377

Parcel 1:
Township 2 South, Range 33 East, Boise Meridian, Bingham County, Idaho

Section 36: The East 240.00 feet of the South 363 feet of the Southwest Quarter Southwest Quarter

SCANNED
JUL 19 2023

88222

Instrument # 711420
BINGHAM COUNTY, IDAHO
2019-10-18 03:17:17 PM No. of Pages: 1
Recorded for: ALLIANCE TITLE - BLACKFOOT OFF
PAMELA W. ECKHARDT Fee: $15.00
Ex-Officio Recorder Deputy DWootton
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:455234

FOR VALUE RECEIVED

Troy Peterson and Misty Peterson, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Benjamin A. Edgar, a married man as his sole and separate property

whose current address is

1276 W Hoff Road
Blackfoot, ID 83221

the grantee(s), the following described premises, in Bingham County, Idaho, TO WIT:

Township 2 South, Range 33 East, Boise Meridian, Bingham County, Idaho

Section 36: The East 240.00 feet of the South 363 feet of the Southwest Quarter Southwest Quarter

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: October 18, 2019

Troy Peterson

Misty Peterson

State of Idaho} ss
County of Bingham}

On this 18 day of October, 2019, before me, the undersigned, a Notary Public in and for said state, personally appeared Troy Peterson and Misty Peterson, 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 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.

Kassandra Stecklein

Notary Public for the State of Idaho
Residing at:
Commission Expires: Residing in: Blackfoot, ID
Commission Expires: 2-21-2025

KASSANDRA STECKLEIN
COMMISSION #61148
NOTARY PUBLIC
STATE OF IDAHO

File No. 455234

SCANNED
JUL 19 2023

Instrument # 711421
BINGHAM COUNTY, IDAHO
2019-10-18 03:17:17 PM No. of Pages: 1
Recorded for: ALLIANCE TITLE - BLACKFOOT OFF
PAMELA W. ECKHARDT Fee: $15.00
Ex-Officio Recorder Deputy DWootton
Index To: QUIT CLAIM DEED
Electronically Recorded by Simplifile

QUITCLAIM DEED

ATEC ORDER NO.: 455234

FOR VALUE RECEIVED,

Lisa Edgar, Spouse of Benjamin A. Edgar

do(es) hereby convey, release, remise and forever quitclaim unto

Benjamin A. Edgar, a married man as his sole and separate property

whose current address is: 1276 W. Hoff Rd Blackfoot, ID 83221

the following described premises:

Township 2 South, Range 33 East, Boise Meridian, Bingham County, Idaho

Section 36: The East 240.00 feet of the South 363 feet of the Southwest Quarter Southwest Quarter

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: October 18, 2019

Lisa Edgar

State of Idaho } ss
County of Bingham}

On this 18 day of October, 2019, before me, the undersigned, a Notary Public in and for said state, personally appeared Lisa Edgar, 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 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.

Kassandra Stecklein

Notary Public for the State of Idaho
Residing at:
Commission Expires: Residing at: Blackfoot, ID
Commission Expires: 2-21-2025

KASSANDRA STECKLEIN
COMMISSION #61148
NOTARY PUBLIC
STATE OF IDAHO

88222

SCANNED
JUL 19 2023

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific/P.O. Box 868
Blackfoot, ID 83221

Instrument # 637179
BINGHAM COUNTY, IDAHO
2012-04-09 02:09:09 PM No. of Pages: 2
Recorded for: ALLIANCE TITLE - BLACKFOOT OFF
SARA J. STAUB Fee: $13.00
Ex-Officio Recorder Deputy CRobinson
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

136797

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **411145-B (ld)**

Date: **March 29, 2012**

For Value Received, **Daniel A. Ternus and Sarah M. Ternus, husband and wife,** hereinafter called the Grantor, **hereby grants,** bargains, sells and conveys unto **Troy Peterson and Misty Peterson, husband and wife,** hereinafter called the Grantee, whose current address is **1276 West Hoff Road, Blackfoot, ID 83221,** the following described premises, situated in **Bingham** County, **Idaho,** to-wit:

Township 2 South, Range 33 E.B.M., Bingham County, Idaho
Section 36: The East 240 feet of the South 363 feet of the SW¼SW¼

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

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

SCANNED
JUL 19 2023

Daniel A. Ternus

Sarah M. Ternus

STATE OF Idaho)
SS.
COUNTY OF Bingham)

On this **29th day of March, 2012,** before me, a **Notary Public** in and for said State, personally appeared **Daniel A. Ternus and Sarah M. Ternus,** 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.

LORI DAY NOTARY PUBLIC STATE OF IDAHO

Notary Public for the State of Idaho
Residing at: Blackfoot, Idaho
My Commission Expires: 11/27/2015

637179

SCANNED
JUL 19 2023

88222

ALLIANCE
TITLE & ESCROW CORP

Instrument # 609634
BINGHAM COUNTY, IDAHO
08-05-2009 12:50:42 PM No. of Pages: 1
Recorded for: ALLIANCE TITLE - BLACKFOO
SARA J. STAUB Fee:3.00
Ex-Officio Recorder Deputy KBell
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

WARRANTY DEED

Order No.:3020912744-R

FOR VALUE RECEIVED

Shane M. Haney and Bridgett M. Haney, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Daniel A. Ternus and Sarah M. Ternus, Husband and Wife ST DT

whose current address is

1276 West Hoff Road BlackfootID 83221

the grantee(s), the following described premises, in **Bingham** County, Idaho, TO WIT:

Township 2 South, Range 33 East, Boise Meridian, Bingham County, Idaho
Section 36: The East 240.00 feet of the South 363 feet of the SW¼SW¼.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/28/2009

Shane M. Haney

Bridgett M. Haney

State of ID }
}ss.
County of Bingham }

On this 28th day of July, in the year 2009 before me, a Notary Public in and for said state, personally appeared Shane M. Haney and Bridgett M. Haney known or identified to me to be the person whose name is subscribed to the within instrument 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 first above written.

Notary Public for the State of Idaho
Residing at: Residing in: Blackfoot, ID
Commission Expires: Commission Expires: 3-25-2010

MISTY L. MYLER
NOTARY PUBLIC
STATE OF IDAHO

609634

SCANNED
JUL 19 2023

88222

516399

WARRANTY DEED

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 3.00 DEP Mail

Order No.:3020003167-L

2002 AUG 28 PM 3:57

FOR VALUE RECEIVED

RECORDED AT THE REQUEST OF

Max Leonard LePevre, Jr. and Keri Ann LePevre, Husband and Wife

Alliance Title & Escrow Corp.

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Shane M. Haney and Bridgett M. Haney, Husband and Wife

whose current address is

1276 W. Heff Road Blackfoot, Idaho 83221

the grantee(s), the following described premises, in Bingham County, Idaho, TO WIT:

Township 2 South, Range 33 East, Boise Meridian, Bingham County, Idaho
Section 36: The East 240.00 feet of the South 363 feet of the SW¼SW¼.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 8/28/2002

Max Leonard LePevre, Jr.

Keri Ann LePevre

State of Idaho }
}ss.
County of Bingham }

On this 8-28-02, before me, a Notary Public in and for said state, personally appeared Max Leonard LePevre, Jr. and Keri Ann LePevre

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, 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 first above written.

CATHY G. PULLEN NOTARY PUBLIC STATE OF IDAHO

Notary Public for the State of Idaho
Residing at: Blackfoot
Commission Expires: 03-19-2007

516399

88222

SCANNED
JUL 19 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**

July 07, 2023

CRAIG GATES
MARY E THOMPSON
1276 W HOFF RD
BLACKFOOT ID 83221-5103

Re: Change in Ownership for Water Right No(s): 35-12918

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Baily
Technical Records Specialist 1

Enclosure(s)

SCANNED
JUL 19 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**

August 31, 2023

MARY E THOMPSON
CRAIG E GATES
1276 W HOFF RD
BLACKFOOT ID 83221-5103

Re: Transfer No: 88222
Water Right No(s).: 35-2096B

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
AUG 31 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:

KERI A LE FEVRE
1276 W HOFF RD
BLACKFOOT ID 83221

MAX L LE FEVRE
1294 W HOFF RD
BLACKFOOT ID 83221-5103

SCANNED
AUG 31 2023

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 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.: 88222
Water Right No(s).: 35-2096B

MARY E THOMPSON
CRAIG E GATES
KERI A LE FEVRE
1276 W HOFF RD
BLACKFOOT ID 83221

MAX L LE FEVRE
1294 W HOFF RD
BLACKFOOT ID 83221-5103

Christina Henman
Administrative Assistant

SCANNED
AUG 31 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
AUG 31 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
AUG 31 2023

MEMORANDUM

Date: August 25, 2023

To: Transfer 88222

From: Jake Nebeker

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion for a 0.8-acre portion of water right 35-2096B.

Authority to File:
The applicant provided ownership documents for the split portion. Bingham County tax lot data shows the applicant as the owner of the proposed point of diversion and the split place of use. The applicant has authority to make the change.

Water Right Validity:
The right included in this transfer was decreed in the SRBA in 2002. Review of 2016, 2017, 2020 and 2021 aerial photography shows growing vegetation on the current place of use. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:
Other rights do not appear to be injured by the proposed change. The quantity authorized to be diverted will not change as a result of the transfer. The point of diversion is simply being moved to the applicant's property 350 yards to the east. The Water Master was notified and did not oppose the approval of this transfer. The transfer was advertised without protest.

Enlargement of Use:
The proposed change does not appear to result in enlargement because neither rate nor volume nor irrigated acreage will increase as a result of the transfer. There are no overlapping water rights.

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
AUG 31 2023

EMPOWERING THE COMMUNITY SINCE 1890
IDAHO STATE JOURNAL
PR Post Register
Local • Proven • Essential

PROOF OF PUBLICATION
Idaho State Journal and Post Register

RECEIVED
AUG 07 2023
Department of Water Resources
Eastern Region

State of Idaho
County of Bingham

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 The Idaho State Journal and Post Register, a newspaper of general circulation, published 4 days, Tuesday, Wednesday, Friday and Saturday, at Pocatello and Idaho Falls, 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 and Post Register and on IdahoPublicNotices.com for 4 day(s), first publication having been made on 07/26/2023 last publication having been made on 08/02/2023, and that the said notice was published in the regular and entire issue of said papers 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 2nd day of August, 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 BINGHAM

On this 2nd day of August, 2023 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini or~~ Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

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

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

Beth Crossley

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

399850

SCANNED
AUG 17 2023

AD# 399850AD#

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 88222

MARY E THOMPSON and CRAIG GATES, 1276 W HOFF RD, BLACKFOOT, ID 83221-5103 has filed Application No. 88222 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-2096B; 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. Proposed point of diversion is in SWSW Sec 36 T02S R33E for 0.02 cfs from ground water.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 8/14/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Published: July 26, & Aug. 2, 2023 (PR/ISJ2497-399850)

SCANNED
AUG 17 2023

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

RE: Transfer No. 88222

Transfer Applicant's Name:

MARY E THOMPSON
CRAIG GATES
1276 W HOFF RD
BLACKFOOT, ID 83221-5103

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 20th day of July 2023.

Blake Sorensen
Watermaster's Signature
WD120

SCANNED
AUG 17 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, July 19, 2023 12:05 PM
To: Jordan, Blake
Subject: Application for Transfer No. 88222
Attachments: tmpF780.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://idwr.idaho.gov/apps/ExtSearch/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
AUG 17 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**

July 19, 2023

MARY E THOMPSON
CRAIG GATES
1276 W HOFF RD
BLACKFOOT, ID 83221-5103

RE: Transfer No. 88222
Water Right No(s). 35-2096B

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 BINGHAM NEWS CHRONICLE on 7/26/2023 and 8/2/2023. 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
JUL 19 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, July 19, 2023 11:27 AM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for News Chronicle
Attachments: 88222 Bingham News Chronicle.docx

LEGAL NOTICE DEPARTMENT
BINGHAM NEWS CHRONICLE
PO BOX 70
BLACKFOOT, ID 83221-0070

RE: Transfer No. 88222
Water Right No(s). 35-2096B

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 8/14/2023. 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
JUL 19 2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88222

MARY E THOMPSON and CRAIG GATES, 1276 W HOFF RD, BLACKFOOT, ID 83221-5103 has filed Application No. 88222 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-2096B; 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. Proposed point of diversion is in SWSW Sec 36 T02S R33E for 0.02 cfs from ground water.

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GARY SPACKMAN, Director

Published on 7/26/2023 and 8/2/2023

SCANNED
JUL 19 2023