

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87922

This is to certify that: JERRY ELLIOTT AND
RONDA ELLIOTT
271 S 1300 W
PINGREE, ID 83262-1133

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
35-7047B	WR/DECREED	9/4/1968	0.060 cfs	N/A	N/A	5.0	GROUND WATER
35-7526B	WR/DECREED	8/12/1975	0.030 cfs	N/A	N/A	5.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-7047B	NO	YES	NO	NO	NO	NO
35-7526B	NO	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
35-7047B	35-7047B	0.060 cfs	N/A	N/A	4.0	N/A	N/A	N/A	N/A	N/A
35-7526B	35-7526B	0.030 cfs	N/A	N/A	4.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.090 cfs	N/A	N/A	4.0		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 21st day of July, 2023.


Regional Manager

SUPPORT DATA

Transfer No. 87922

IN FILE # 35-7047B

SCANNED

JUL 24 2023

WATER RIGHT NO. 35-7047B
As Modified by Transfer No. 87922

In accordance with the approval of Transfer No. 87922, Water Right No. 35-7047B is now described as follows:

Right Holder: RONDA ELLIOTT
 JERRY ELLIOTT
 271 S 1300 W
 PINGREE, ID 83262-1133

Priority Date: 9/4/1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	3/01	to 11/30	0.060 cfs 0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSW Sec 13 Twp 03S Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	33E	13										4.0							4.0

POU Total Acres: 4.0

CONDITIONS OF APPROVAL

1. Rights 35-7047B and 35-7526B when combined shall not exceed a total annual maximum diversion volume of 16 af and the irrigation of 4 acres.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

Transfer No. 87922

SCANNED

JUL 4 2023

WATER RIGHT NO. 35-7047B
As Modified by Transfer No. 87922

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to 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. 87922

SCANNED

11/14/2023

WATER RIGHT NO. 35-7526B
As Modified by Transfer No. 87922

In accordance with the approval of Transfer No. 87922, Water Right No. 35-7526B is now described as follows:

Right Holder: JERRY ELLIOTT
RONDA ELLIOTT
271 S 1300 W
PINGREE, ID 83262-1133

Priority Date: 8/12/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01	to 11/01	0.030 cfs 0.030 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSW Sec 13 Twp 03S Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	33E	13										4.0							4.0

POU Total Acres: 4.0

CONDITIONS OF APPROVAL

1. Rights 35-7047B and 35-7526B when combined shall not exceed a total annual maximum diversion volume of 16 af and the irrigation of 4 acres.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

Transfer No. 87922

SCANNED
JUL 24 2023

WATER RIGHT NO. 35-7526B
As Modified by Transfer No. 87922

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to 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. 87922

SCANNED
JUL 24 2023

Attachment to Transfer Approval 87922

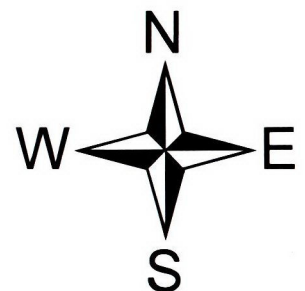
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 100 200 400 Feet



SCANNED
Date: 7/21/2023
JUL 24 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 09 2023

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s)
 ☐ Add diversion point(s)
 ☐ Ownership change
 ☐ Ownership split
- ☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Jerry and Ronda Elliott Phone (208) 681-1216

2. MAILING ADDRESS 271 S 1300 W City Pingree

State ID Zip 83262 Email ronda.bridge99@yahoo.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 35-7047B, 35-7526B

- ☐ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is .09 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Proposed well connected to sprinkler system. Will install a measuring device if required.

- b. Who owns the property at the point(s) of diversion? Ronda Elliott

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

Yes No

- ☒ ☐ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

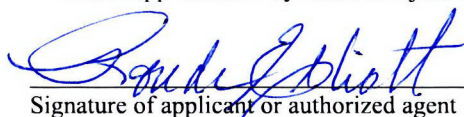
Property was acquired in 1997. Until this time, the water right was used and these 5 acres were irrigated. Existing POD's are on neighbors property. We have not had legal access to the wells since 1997.

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

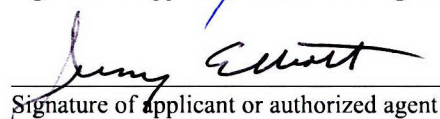
7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights*, *Water Right Transfers*, *File a Transfer Application*, *Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Ronda Elliott
Print name and title if applicable

5/5/2023
Date


Signature of applicant or authorized agent

Jerry Elliott
Print name and title if applicable

5/9/2023
Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers*, *Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$200.00 Date 5/5/23 Received by CH Receipt # E049163

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

35-7047B and 35-7526B Transfer



- Proposed POD
- ▨ Place of Use
- ▭ Township/Range
- ▭ Sections
- ▭ QQ

0 0.05 0.1 0.2 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

5/5/2023

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-7047B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JERRY ELLIOTT 271 S 1300 W PINGREE, ID 83262 2086844668
Current Owner	RONDA ELLIOTT 271 S 1300 W PINGREE, ID 83262 2086844668
Original Owner	TERRY JENSEN 209 S 1300 W PINGREE, ID 83262 2086844909
Original Owner	CLIFFORD JENSEN RT 1 BOX 100 PINGREE, ID 83262

Priority Date: 09/04/1968

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/01	11/30	0.06 CFS	
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNENW|Sec. 13|Township 03S|Range 33E|BINGHAM County

87922

SCANNED
MAY 19 2023

GROUND WATER|NENESW |Sec 13|Township 03S|Range 33E|BINGHAM County

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
03S	33E	13		NWSW	5									

Total Acres: 5

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.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-07526B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.09 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 20 AF.
3. 2 POINTS OF DIVERSION LOCATED IN NWNENW, SEC. 13, T03S, R33E.
4. USE OF THIS RIGHT WITH RIGHT NO. 35-07526B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 5 ACRES IN A SINGLE IRRIGATION SEASON.
5. M01 A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
8. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 35-07526B, 35-02570, 35-07047A AND 35-07526A.

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

SCANNED

MAY 19 2023

87922

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

5/5/2023

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-7526B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JERRY ELLIOTT 271 S 1300 W PINGREE, ID 83262 2086844668
Current Owner	RONDA ELLIOTT 271 S 1300 W PINGREE, ID 83262 2086844668
Original Owner	TERRY JENSEN 209 S 1300 W PINGREE, ID 83262 2086844909
Original Owner	CLIFFORD JENSEN RT 1 BOX 100 PINGREE, ID 83262

Priority Date: 08/12/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.03 CFS	
Total Diversion			0.03 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNENW|Sec. 13|Township 03S|Range 33E|BINGHAM County

87922

SCANNED
MAY 19 2023

GROUND WATER|NENESW |Se 13|Township 03S|Range 33E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03S	33E	13		NWSW	5									

Total Acres: 5

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.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-07047B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.09 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 20 AF.
3. 2 POINTS OF DIVERSION LOCATED IN NWNENW, SEC. 13, T03S, R33E.
4. USE OF THIS RIGHT WITH RIGHT NO. 35-07047B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 5 ACRES IN A SINGLE IRRIGATION SEASON.
5. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 35-07047B, 35-02570, 35-07047A AND 35-07526A.
7. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, 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:

Water District Number: 120

SCANNED

MAY 19 2023

87922



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 21, 2023

RONDA ELLIOTT
JERRY ELLIOTT
271 S 1300 W
PINGREE ID 83262-1133

Re: Transfer No: 87922
Water Right No(s): 35-7047B , 35-7526B

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
JUL 24 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:

SCANNED
JUL 24 2023

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 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.: 87922

Water Right No(s): 35-7047B , 35-7526B

RONDA ELLIOTT

JERRY ELLIOTT

271 S 1300 W

PINGREE ID 83262-1133



Christina Henman
Administrative Assistant

SCANNED
JUL 24 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: June 27, 2023
To: Transfer 87922
From: Thomas Lafortune
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion for water rights 35-7047B and 35-7526B. The applicants are proposing a new well to provide water for the irrigation of the acreage covered by these rights.

Authority to File: The applicants, Jerry and Ronda Elliott, are the current owners of the water rights according to department records.

Water Right Validity: Water rights 35-7047B and 35-7526B were decreed in the Snake River Basin Adjudication in 2002. The Elliots purchased the 5-acre parcel covered by these rights in 1997 from Clifford and Terry Jensen when the Jensens converted to center-pivot irrigation and no longer watered to the corner of their field. Rights 35-7047B and 35-7526B were split from the Jensen water rights. Aside from domestic lawn irrigation, the 5-acres have not been watered since 1997. Aerial imagery and the Climate Engine tool clearly show that the rights were used until 1996. The applicants have not had legal access to the original points of diversion since purchasing the property in 1997. Approximately one acre of the authorized place of use has not been irrigated because of the construction of buildings and driveways. This non-use is not related to the access to the original well. Therefore, one acre of the right has been lost and forfeited through non-use.

Injury to Other Water Rights: The transfer application was advertised without protest. The rights are included in Water District 120. The watermaster was asked for comment and did not oppose the approval of this transfer. The water rights are diverted from ground water within the Eastern Snake Plain Aquifer, but an ESPA model run was not required because the existing and proposed points of diversion are located in adjacent cells. No other water rights will be injured.

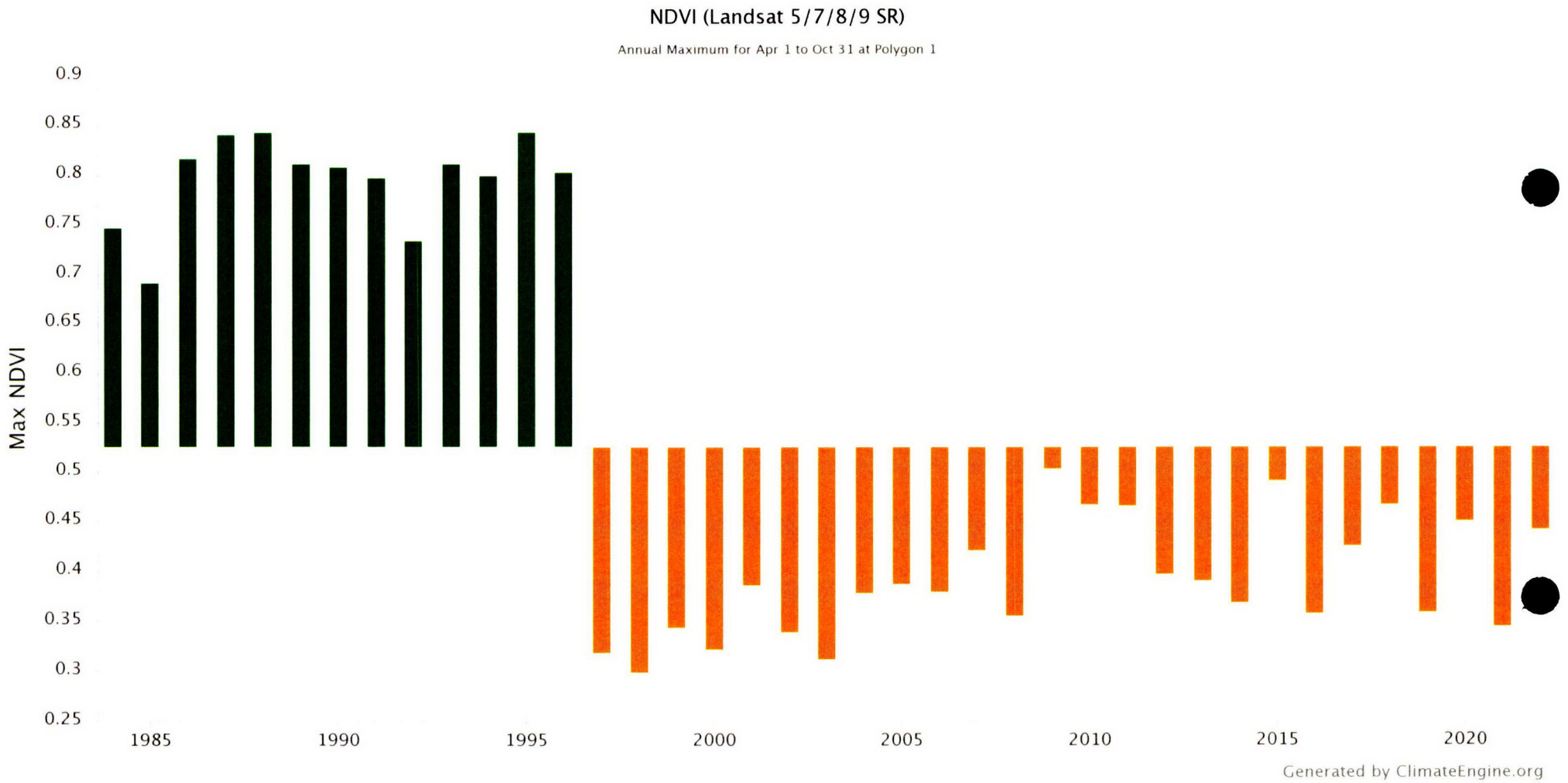
Enlargement of Use: The only change to the water rights in this transfer will be the location of the point of diversion. They will be limited to the same diversion rate, annual volume. Since one acre of the water right has been lost through non-use, the rights will be reduced by one acre, resulting in a four-acre place of use. The rights will also be administered by Water District 120. Systems irrigating less than five acres do not require a measuring device. There is no enlargement.

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
JUL 24 2023



SCANNED
JUL 24 2023



PROOF OF PUBLICATION
Idaho State Journal and Post Register

RECEIVED

JUN 02 2023

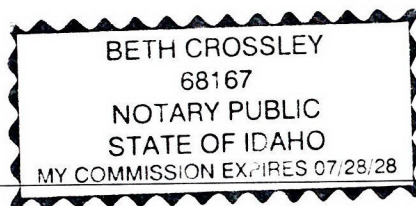
Department of Water Resources
Eastern Region

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 for 2 day(s), first publication having been made on 05/24/2023 last publication having been made on 05/31/2023, 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.

Subscribed and sworn to before me, on this 31st day of May, 2023



Notary Public
My commission expires:

attached jurat _____

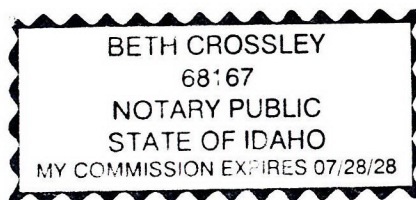
STATE OF IDAHO

ss.

COUNTY OF BINGHAM

On this 31st day of May, 2023 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

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


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

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87817**

GARDNER FARMS, 578 N 100 W, BLACKFOOT, ID 83221-5714 has filed Application No. 87817 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-2177; 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, add point of diversion, change place of use, change nature of use and change period of use. Proposed points of diversion (2 wells) are in Lot 2 (SESWNW) Sec 30 T01S R36E for 0.86 cfs from ground water. Proposed purposes of use are commercial and stockwater from 1/1 to 12/31. Proposed place of use is in Sec 30 T01S R36E.

TRANSFER NO. 87922

RONDA & JERRY ELLIOTT, 271 S 1300 W, PINGREE, ID 83262 has filed Application No. 87922 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-7047B, 35-7526B; 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 NWSW Sec 13 T03S R33E for 0.09 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 6/12/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Published: May 24, 31, 2023 (PR/ISJ2497-374317)

SCANNED
JUN 23 2023

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

RE: Transfer No. 87922

Transfer Applicant's Name:

RONDA ELLIOTT
JERRY ELLIOTT
271 S 1300 W
PINGREE, ID 83262

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 22nd day of May 2023.

Blake Jordan

Blake Jordan
Watermaster's Signature
WD120

SCANNED
JUN 23 2023

Henman, Christina

From: Henman, Christina
Sent: Thursday, May 18, 2023 10:35 AM
To: Jordan, Blake
Subject: Application for Transfer No. 87817, 87922
Attachments: tmpAE4F.docx; tmp2B6C.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. 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 untested 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.



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 17, 2023

RONDA ELLIOTT
JERRY ELLIOTT
271 S 1300 W
PINGREE, ID 83262

RE: Transfer No. 87922
Water Right No(s). 35-7047B, 35-7526B

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 5/25/2023 and 6/1/2023. 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
MAY 19 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, May 17, 2023 12:26 PM
To: legalnotices@postregister.com
Subject: Legal Notice for News Chronicle
Attachments: 87817, 87871 News Chronicle.docx

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

RE: Transfer No. 87817, 87922
Water Right No(s). 35-2177, 35-7047B, 35-7526B

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 6/12/2023. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

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GARY SPACKMAN, Director

Published on 5/25/2023 and 6/1/2023

SCANNED

MAY 19 2023