STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87245

This is to certify that: WAYNE PROPERTIES LLC
PO BOX 2906
IDAHO FALLS, ID 83403-2906

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
35-8021	WR/DECREED	2/19/1982	4.030 cfs	806.8 af	N/A	201.7	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-8021	YES	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-8021	25-14520	0.010 cfs	2.0 af	0.5	353.9	35-8021	4.020 cfs	804.8 af	N/A	201.2
COMBINED TOTALS		**0.010 cfs**	**2.0 af**	**0.5**	**353.9**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 27th day of January, 2023.

Regional Manager

SUPPORT DATA
IN FILE # 35-8021

SCANNED
JAN 27 2023

WATER RIGHT NO. 35-8021

As Modified by Transfer No. 87245

In accordance with the approval of Transfer No. 87245, Water Right No. 35-8021 is now described as follows:

Right Holder: WAYNE PROPERTIES LLC
PO BOX 2906
IDAHO FALLS, ID 83403-2906

Priority Date: 2/19/1982

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	4/01	to	11/01	4.020 cfs	804.8 af
				4.020 cfs	804.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESESE Sec 5 Twp 01S Rge 36E 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
01S	36E	4							9.4	20.5	4.7	5.4	31.0	1.0					72.0
01S	36E	5													20.0	2.0	8.0	24.0	54.0
01S	36E	8	7.9	12.0		18.3									30.0	1.0		2.0	71.2
01S	36E	9										4.0							4.0

POU Total Acres: 201.2

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. Prior to the diversion and use of water under Transfer approval 82859, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

4. 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.

Transfer No. 87245

SCANNED
JAN 27 2023

WATER RIGHT NO. 35-8021

As Modified by Transfer No. 87245

CONDITIONS OF APPROVAL

5. This right does not grant any right-of-way or easement across the land of another.

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 Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
JAN 27 2023

WATER RIGHT NO. 25-14520

As Modified by Transfer No. 87245

In accordance with the approval of Transfer No. 87245, Water Right No. 25-14520 is now described as follows:

Right Holder: WAYNE PROPERTIES LLC
PO BOX 2906
IDAHO FALLS, ID 83403-2906

Priority Date: 2/19/1982

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	4/01	to 11/01	0.010 cfs	2.0 af
			0.010 cfs	2.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 11 Twp 01N Rge 38E BONNEVILLE County
GROUND WATER	NESE	Sec 11 Twp 01N Rge 38E BONNEVILLE 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
01N	38E	11													14.2		15.8	34.4	64.4
01N	38E	12										29.5	34.3						63.8
01N	38E	13						32.5	33.8	1.7	4.4	26.9	25.3	0.3					124.9
01N	38E	14																0.3	0.3
01N	38E	23	11.1			5.6													16.7
01N	38E	24					1.4	32.8	34.6	5.3	1.3	8.4							83.8

Right Acre Limit: 0.5
POU Total Acres: 353.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 0.5 acres within the 353.9-acre place of use authorized by this right in a single irrigation season. The specific 0.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 0.5 acres to be irrigated within the 353.9-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

SCANNED
JAN 27 2023

WATER RIGHT NO. 25-14520

As Modified by Transfer No. 87245

CONDITIONS OF APPROVAL

2. Prior to the diversion and use of water under Transfer approval 87245, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

4. 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.

5. This right does not grant any right-of-way or easement across the land of another.

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 Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
JAN 27 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87228

This is to certify that: WAYNE PROPERTIES LLC
PO BOX 2906
IDAHO FALLS, ID 83403-2906

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
35-8021	WR/DECREED	2/19/1982	4.060 cfs	812.0 af	N/A	203.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-8021	YES	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-8021	25-14519	0.030 cfs	5.2 af	N/A	1.3	35-8021	4.030 cfs	806.8 af	N/A	201.7
COMBINED TOTALS		**0.030 cfs**	**5.2 af**	**N/A**	**1.3**		**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 12th day of January, 2023.

Regional Manager

Transfer No. 87228

SUPPORT DATA
IN FILE # 35-8021

SCANNED
JAN 18 2023

WATER RIGHT NO. 35-8021

As Modified by Transfer No. 87228

In accordance with the approval of Transfer No. 87228, Water Right No. 35-8021 is now described as follows:

Right Holder: WAYNE PROPERTIES LLC
PO BOX 2906
IDAHO FALLS, ID 83403-2906

Priority Date: 2/19/1982

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	4/01	to 11/01	4.030 cfs	806.8 af
			4.030 cfs	806.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESESE Sec 5 Twp 01S Rge 36E 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
01S	36E	4							9.4	20.5	4.7	5.4	31.0	1.0					72.0
01S	36E	5													20.0	2.0	8.0	24.0	54.0
01S	36E	8	8.0	12.0		18.7									30.0	1.0		2.0	71.7
01S	36E	9										4.0							4.0

POU Total Acres: 201.7

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. Prior to the diversion and use of water under Transfer approval 82859, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

4. 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.

Transfer No. 87228

SCANNED
JAN 18 2023

WATER RIGHT NO. 35-8021

As Modified by Transfer No. 87228

CONDITIONS OF APPROVAL

5. This right does not grant any right-of-way or easement across the land of another.

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 Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
JAN 18 2023

WATER RIGHT NO. 25-14519

As Modified by Transfer No. 87228

In accordance with the approval of Transfer No. 87228, Water Right No. 25-14519 is now described as follows:

Right Holder: WAYNE PROPERTIES LLC
PO BOX 2906
IDAHO FALLS, ID 83403-2906

Priority Date: 2/19/1982

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	4/01	to 11/01	0.030 cfs	5.2 af
			0.030 cfs	5.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNW Sec 24 Twp 01N Rge 38E BONNEVILLE 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
01N	38E	23				0.1													0.1
01N	38E	24							1.2										1.2

POU Total Acres: 1.3

CONDITIONS OF APPROVAL

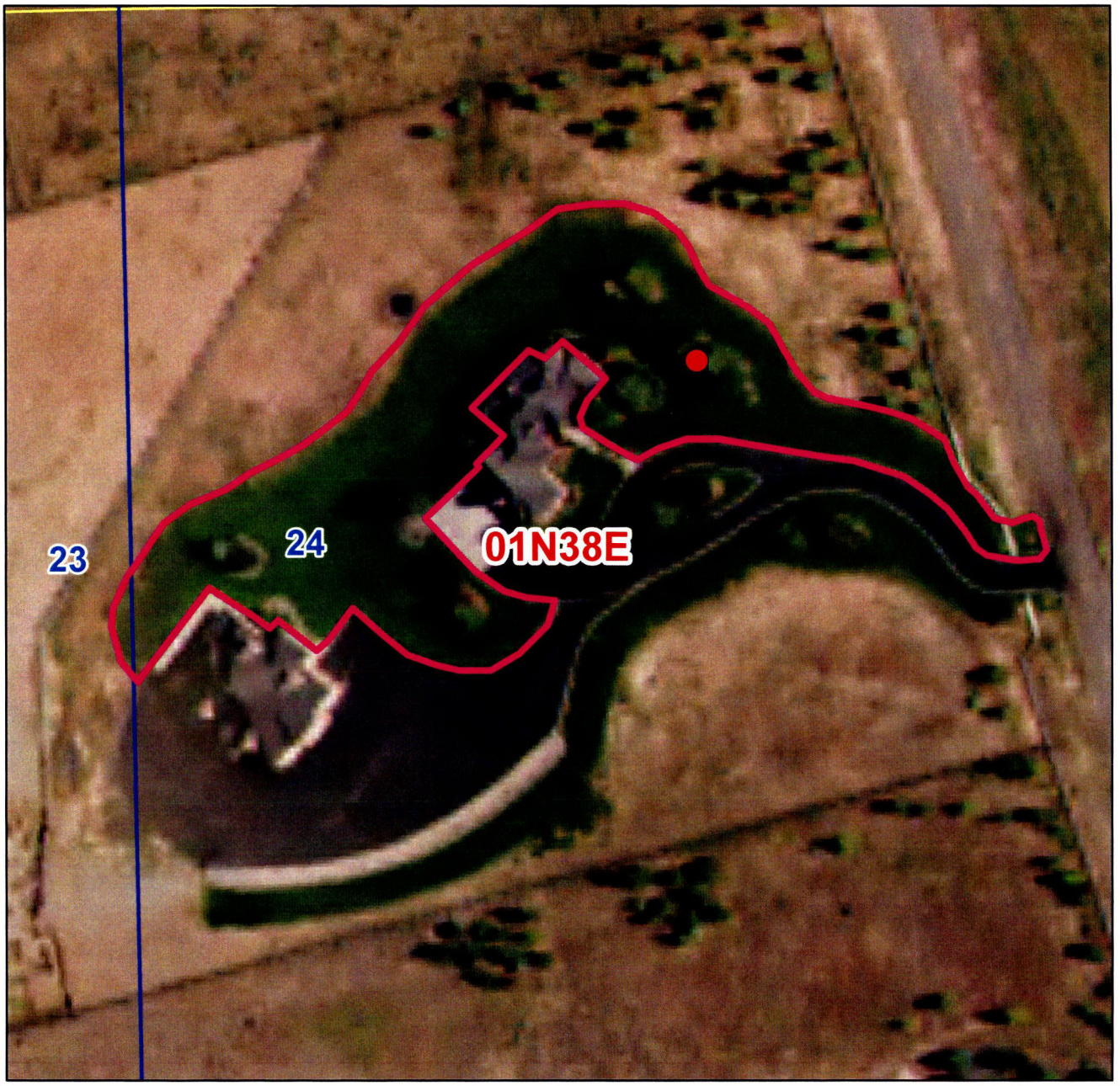
1. Place of use and point of diversion are located within Lot 5, Block 2, Iron Rim Ranch Subdivision.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 87228

SCANNED
JAN 18 2023

Attachment to Transfer Approval 87228

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 50 100 200 Feet

N
W E
S

SCANNED
JAN 18 2023

Date: 1/12/2023

Rev. 01/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 87245

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) Wayne Properties LLC

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

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

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

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

SCANNED
NOV 22 2022

Rev. 01/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Wayne Properties LLC Phone 208-569-8194

Mailing address PO Box 2906, Idaho Falls, ID 83403-2906 Email

☑ 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 Robert L. Harris Phone (208) 523-0620

Mailing address PO Box 50130, Idaho Falls, ID 83405 Email rharris@holdenlegal.com

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

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

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

Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
Robert L. Harris	Robert L. Harris, Attorney	November 9, 2022

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. 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 **Part 1A.2.**
   The purpose of this transfer is to change the point of diversion and place of use for a 0.5 acre portion of Water Right No. 35-8021. The portion of Water Right No. 35-8021 that is being transferred will be limited to the irrigation of 0.5 acres within a 353.9 acre place of use to cover one residential lot.

87245

SCANNED
NOV 22 2022

Rev. 01/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV 14 2022
Department of Water Resources
Eastern Region

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
☐	☑	35-8021	0.01cfs/2 AF	Irrigation	04/01	to 11/01	Ground water
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	

Total authorized under rights 0.01 cfs and/or 2 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.01 cubic feet per second and/or 2 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 #
			NE	SE	11	01N	38E	Bonneville	Ground water	
			NE	SE	11	01N	38E	Bonneville	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	
01N	38E	11													14.2		15.8	34.4	64.4
		12										29.5	34.3						63.8
		13						32.5	33.8	1.7	4.4	26.9	25.3	0.3					124.9
		14																0.3	0.3
		23	11.1			5.6													16.7
		24					1.4	32.8	34.6	5.3	1.3	8.4							83.8
																		Total Acres (for irrigation use)	353.9

SCANNED
NOV 22 2022

87245

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:
Well and pump into pressurized pipeline.

b. Who owns the property at the point(s) of diversion? Lot owners of Black Hawk and Iron Rim Ranch Subdivisions.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
The HOAs of the Black Hawk Subdivision and Iron Rim Ranch Subdivision have an agreement with the Applicant to purchase portions of 35-8021 after such portions are moved to the subdivisions. See Att. 10 (Consent).

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

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

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

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
It will no longer be irrigated.

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:
Water Right Nos. 25-7669, 22-14395, 25-14305, 25-14307, 25-14308, 25-14312, 25-14315, 25-14460, 25-14461, 25-14463, 25-14473, 25-14476, & 25-14489 at new PODs and new POU.

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:

SCANNED
NOV 22 2022

87245

IDAHO DEPARTMENT OF WATER RESOURCES **11/22/2022**
Proof Report

Water Right 35-8021

Owner Type
Current Owner

Name
WAYNE PROPERTIES LLC

Priority Date: 2/19/1982
Basis: Decreed
Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	4.060 CFS	812.0 AF
	Total Diversion		4.060 CFS	812.0 AF

Source and Point(s) of Diversion:
GROUND WATER SESESE Sec. 5, Twp 01S, Rge 36E, BINGHAM County

Place Of Use:
IRRIGATION within BINGHAM County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	36E	4							9.4	20.5	4.7	5.4	31.0	1.0					72.0
01S	36E	5													20.0	2.0	8.0	24.0	54.0
01S	36E	8	8.0	12.0	1.0	19.0									30.0	1.0		2.0	73.0
01S	36E	9										4.0							4.0

POU Total Acres: 203.0

Conditions of Approval:

1. R05 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. 214 Prior to the diversion and use of water under Transfer approval 82859, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
3. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
4. R64 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

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		the place of use.
5.	004	This right does not grant any right-of-way or easement across the land of another.
6.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7.	T08	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.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates and Other Information:
Decreed Date: 4/30/2002
State or Federal: S
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits:
N/A

Water Supply Bank:

N/A

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Rev. 01/15

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 @ www.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 @ www.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: 35-8021

1. amount 0.01 cfs/ 2 ac-ft (cfs/ac-ft) for Irrigation purposes from 04/01 to 11/01
   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	
01S	36E	8	0.1			0.4													0.5

Total Acres (for irrigation use) 0.5

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

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

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

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

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid $200.00 Date 11/14/22 Receipted by CJ Receipt # E048720

Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

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

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Attachment No. 1
Documentation Identifying Officers Authorized to Sign

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Department of State: Division of Corporations

HOME
About Agency
Secretary's Letter
Newsroom
Frequent Questions
Related Links
Contact Us
Office Location

SERVICES
Pay Taxes
File UCC's
Delaware Laws Online
Name Reservation
Entity Search
Status
Validate Certificate
Customer Service Survey

INFORMATION
Corporate Forms
Corporate Fees
UCC Forms and Fees
Taxes
Expedited Services
Service of Process
Registered Agents
Get Corporate Status
Submitting a Request
How to Form a New Business Entity
Certifications, Apostilles & Authentication of Documents

View Search Results

Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number:	3503881	Incorporation Date / Formation Date:	3/26/2014 (mm/dd/yyyy)
Entity Name:	WAYNE PROPERTIES LLC		
Entity Kind:	Limited Liability Company	Entity Type:	General
Residency:	Domestic	State:	DELAWARE

REGISTERED AGENT INFORMATION

Name:	THE FIRST STATE REGISTERED AGENT COMPANY
Address:	1938 LOVERING AVE
City:	WILMINGTON
County:	New Castle
State:	DE
Postal Code:	19806
Phone:	302-652-2900

Additional information is available for a fee. You can retrieve Status for a fee of $10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of $20.00.

Would you like: Status / Status,Tax & History Information Submit

Back to Entity Search

For help on a particular field click on the Field Tag to take you to the help area.

https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx

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Attachment No. 4
Power of Attorney

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Search again

Results (as of 11/1/22)

Robert Lynn Harris

Status
Active
Admittance Date
09/30/2004

Firm
Holden, Kidwell, Hahn & Crapo, PLLC
Mailing Address
PO Box 50130
Idaho Falls, ID 83405

Phone
(208) 523-0620
Phone Ext

Fax
(208) 523-9518

Bar Email Address
rharris@holdenlegal.com
Website Address
www.holdenlegal.com
Court eService Email
efiling@holdenlegal.com

Need a correction?

Is something not correct? Please use the Address Change Form

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your own listing, please use the online Address Change Form or send an email to the Licensing Department. Please notify the Licensing Department if you find that another attorney's information is incorrect. Questions on attorney status and good standing should also be directed to the Licensing Department at (208) 334-4500.

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Attachment No. 5
ESPA Analysis and Mitigation Plan

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ENHANCED GROUND-WATER RIGHTS TRANSFER SP

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF

Cells this color are set up for user entries

UPDATE DATES | RUN MODEL | GET OUTPUT

CALCULATE EFFECTS

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR: 1982

SEASON: SUMMER

TRANSFER NO: 1

TRANSFER NAME: test

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	79	75	0	0
COLUMN	162	146	0	0

TRIMESTER OF ACTIVITY	TO WELL Projected Use AF/TRIMESTER	FROM1 WELL With Transfer AF/TRIMESTER	FROM1 WELL Without Transfer AF/TRIMESTER	FROM2 WELL With Transfer AF/TRIMESTER	FROM2 WELL Without Transfer AF/TRIMESTER	FROM3 WELL With Transfer AF/TRIMESTER	FROM3 WELL Without Transfer AF/TRIMESTER
SUM 1982	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 1982	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 1983	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 1983	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 1983	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 1984	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 1984	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 1984	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 1985	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 1985	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 1985	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 1986	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 1986	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 1986	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 1987	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 1987	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 1987	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 1988	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 1988	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 1988	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 1989	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 1989	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 1989	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 1990	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 1990	0.00	0.67	0.67	0.00	0.00	0.00	0.00

Entering Dates

Enter the starting y
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If the 'FROM3' well
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Getting the Model

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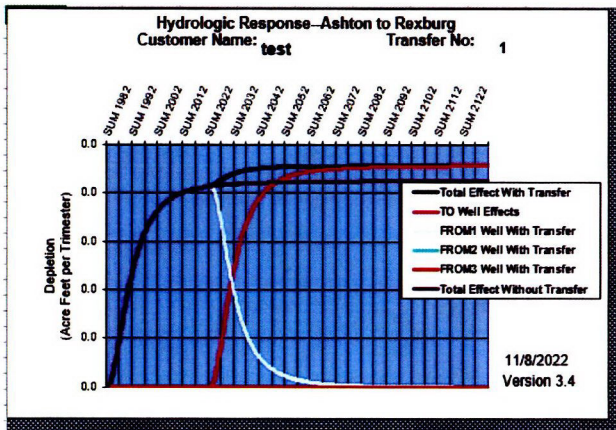
Entering 'FROM' W

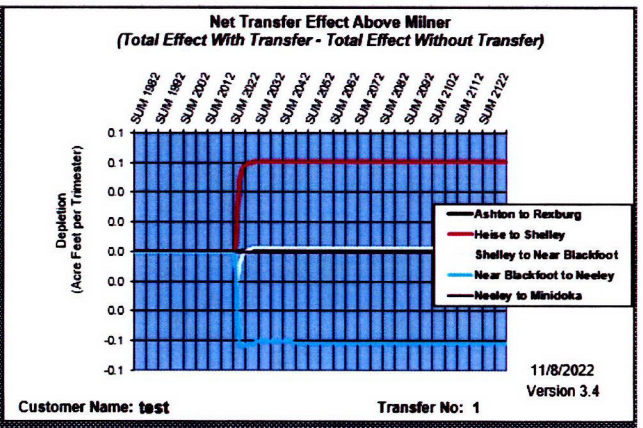
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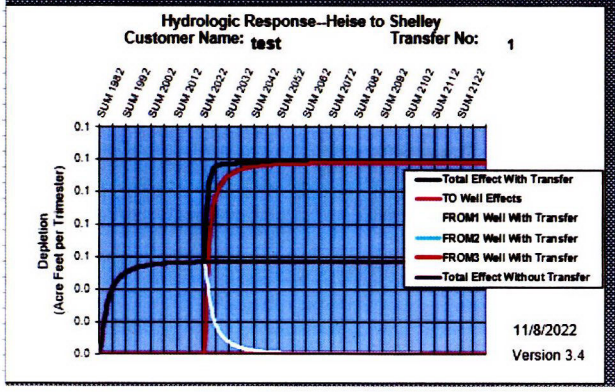
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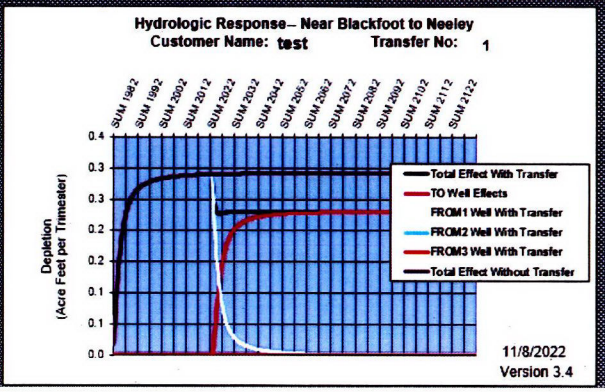
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WIN 2013	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 2014	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 2014	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 2014	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 2015	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 2015	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 2015	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 2016	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 2016	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 2016	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 2017	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 2017	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 2017	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 2018	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 2018	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 2018	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 2019	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 2019	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 2019	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 2020	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 2020	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 2020	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 2021	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 2021	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 2021	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 2022	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SUM 2022	0.00	0.67	0.67	0.00	0.00	0.00	0.00
WIN 2022	0.00	0.67	0.67	0.00	0.00	0.00	0.00
SPR 2023	0.67	0.00	0.67	0.00	0.00	0.00	0.00
SUM 2023	0.67	0.00	0.67	0.00	0.00	0.00	0.00
WIN 2023	0.67	0.00	0.67	0.00	0.00	0.00	0.00
SPR 2024	0.67	0.00	0.67	0.00	0.00	0.00	0.00
SUM 2024	0.67	0.00	0.67	0.00	0.00	0.00	0.00
WIN 2024	0.67	0.00	0.67	0.00	0.00	0.00	0.00
SPR 2025	0.67	0.00	0.67	0.00	0.00	0.00	0.00
SUM 2025	0.67	0.00	0.67	0.00	0.00	0.00	0.00
WIN 2025	0.67	0.00	0.67	0.00	0.00	0.00	0.00
SPR 2026	0.67	0.00	0.67	0.00	0.00	0.00	0.00
SUM 2026	0.67	0.00	0.67	0.00	0.00	0.00	0.00
WIN 2026	0.67	0.00	0.67	0.00	0.00	0.00	0.00
SPR 2027	0.67	0.00	0.67	0.00	0.00	0.00	0.00
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SPR 2028	0.67	0.00	0.67	0.00	0.00	0.00	0.00
SUM 2028	0.67	0.00	0.67	0.00	0.00	0.00	0.00
WIN 2028	0.67	0.00	0.67	0.00	0.00	0.00	0.00
SPR 2029	0.67	0.00	0.67	0.00	0.00	0.00	0.00
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WIN 2029	0.67	0.00	0.67	0.00	0.00	0.00	0.00
SPR 2030	0.67	0.00	0.67	0.00	0.00	0.00	0.00
SUM 2030	0.67	0.00	0.67	0.00	0.00	0.00	0.00
WIN 2030	0.67	0.00	0.67	0.00	0.00	0.00	0.00
SPR 2031	0.67	0.00	0.67	0.00	0.00	0.00	0.00
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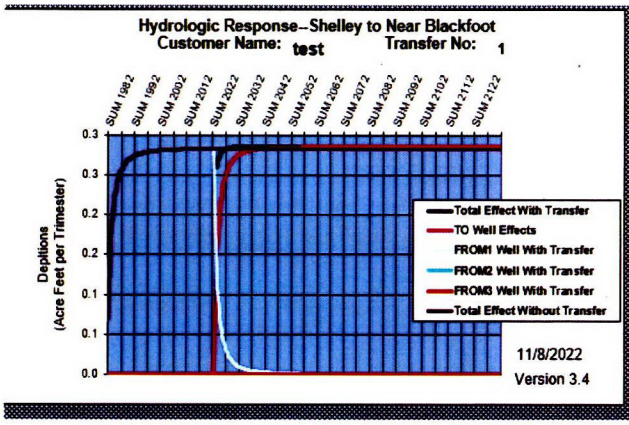
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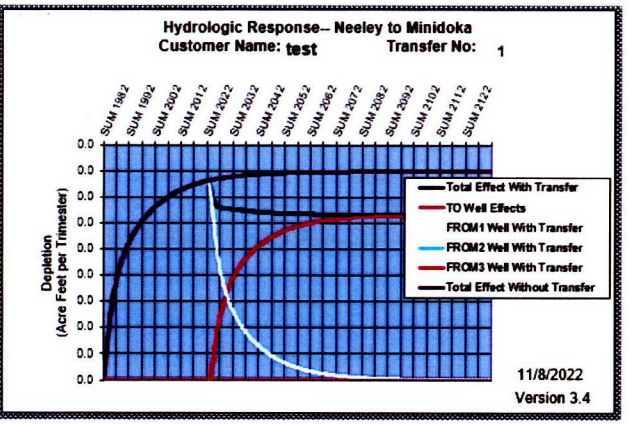




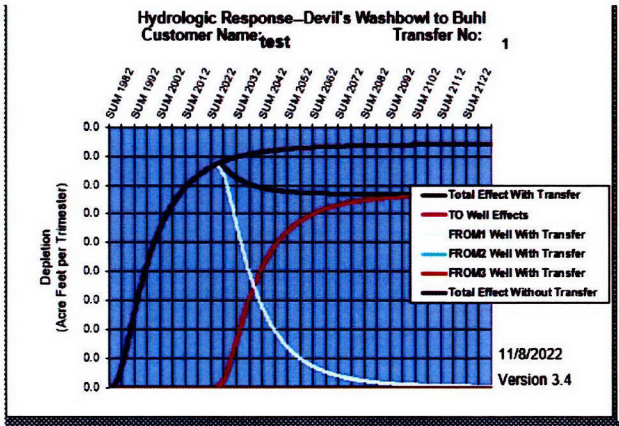


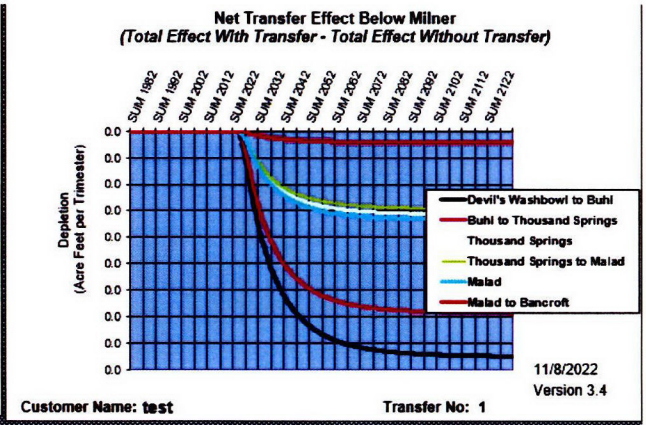


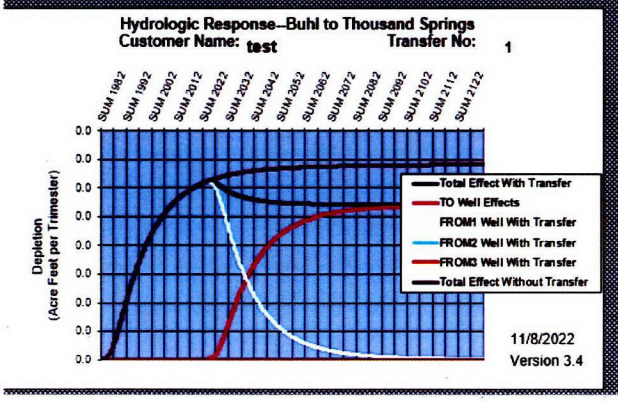


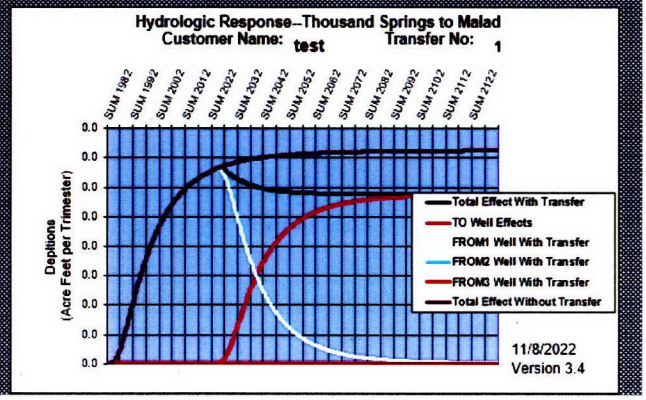


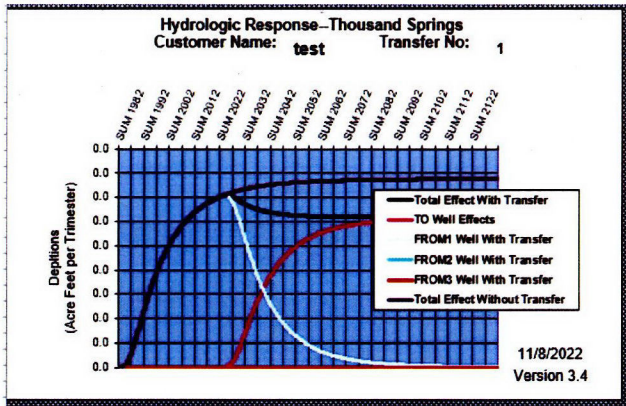
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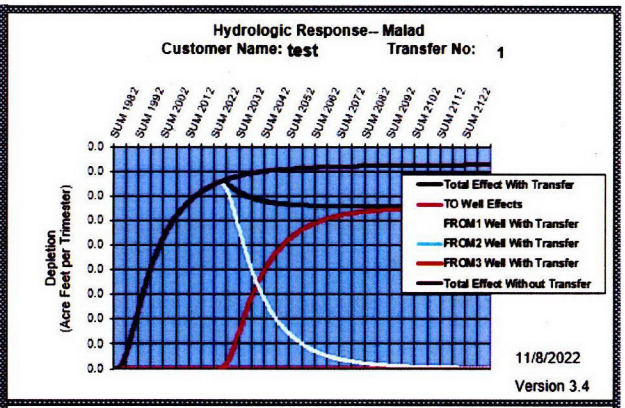


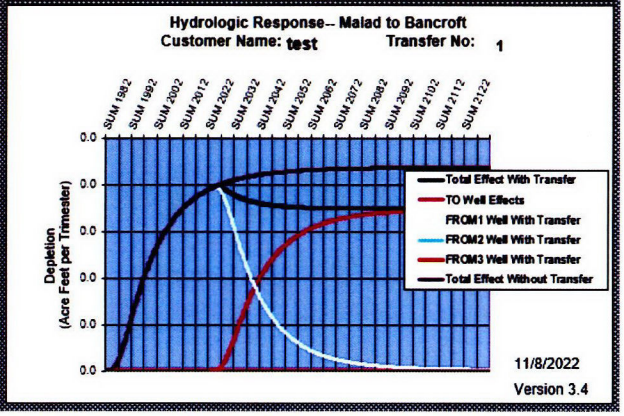












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Enter First Time Step of Transfer: SUM 2022

Match: 121 Match: 456

	AtR	HtS	StNB	NBtN	NtM	DWtB	BtTS	TS	TStM	M	MtB	Total	
Preexisting Effects @ SS (Last Time Step)	0.02	0.06	0.28	0.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.67	Total Effects without Transfer - Last Timestep
Steady State - Value of Dep. @ Last Time Step	0.02	0.12	0.29	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.67	Total Effects with Transfer - Last Time Step
Preexisting Effects @ Transient State (Max Value Timestep)	0.02	0.06	0.28	0.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.67	Total Effects without Transfer - Correlates to Max Value from Total Effects with Transfer
Transient State - Max. Value of Dep. After Transfer	0.02	0.12	0.29	0.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.73	Total Effects with Transfer - Max Value from Start of Transfer to Last Time Step
Steady State Change	0.00	0.06	0.00	-0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
Transient State Change	0.00	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		

Mitigation Analysis Period

Trimester

One-Way Analysis of Independent Transfers

New Water Right

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT		Model Node
Transfer 1: Proposed Steady State Impacts following Transfer								
???	???	275.6	68.9	1/1/1960	8S26E-3	275.6	91.9	SP082075
???	???	275.6	68.9	1/1/1960	8S26E-3	275.6	91.9	SP068066
Transfer 1: Worst Case Transient State Impacts following Transfer								
???	???	275.6	68.9	1/1/1960	8S26E-3	275.6	91.9	SP082075
???	???	275.6	68.9	1/1/1960	8S26E-3	275.6	91.9	SP068066

Impact by Reach (AF/Trimester)

	Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blckft	Nr Blckft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
	0.02	0.06	0.28	0.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.02	0.12	0.29	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.02	0.06	0.28	0.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.02	0.12	0.29	0.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Steady State Analysis: Mitigation Check 1 - >10% of Historical:	7.6%	106.8%	0.9%	-21.1%	-20.6%	-20.2%	-20.2%	-20.2%	-20.2%	-20.2%	-20.2%
Mitigation Check 2: > 2 AF/T:	0.0	0.1	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total:	3.4%	17.6%	42.6%	34.4%	0.5%	0.5%	0.4%	0.2%	0.2%	0.2%	0.0%
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.1	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Transient State Analysis: Mitigation Check 1 - >10% of Historical:	7.6%	106.8%	0.9%	-0.7%	-4.6%	-8.5%	-8.5%	-8.5%	-8.5%	-8.6%	-9.7%
Mitigation Check 2: > 2.01 AF/T:	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Read Me

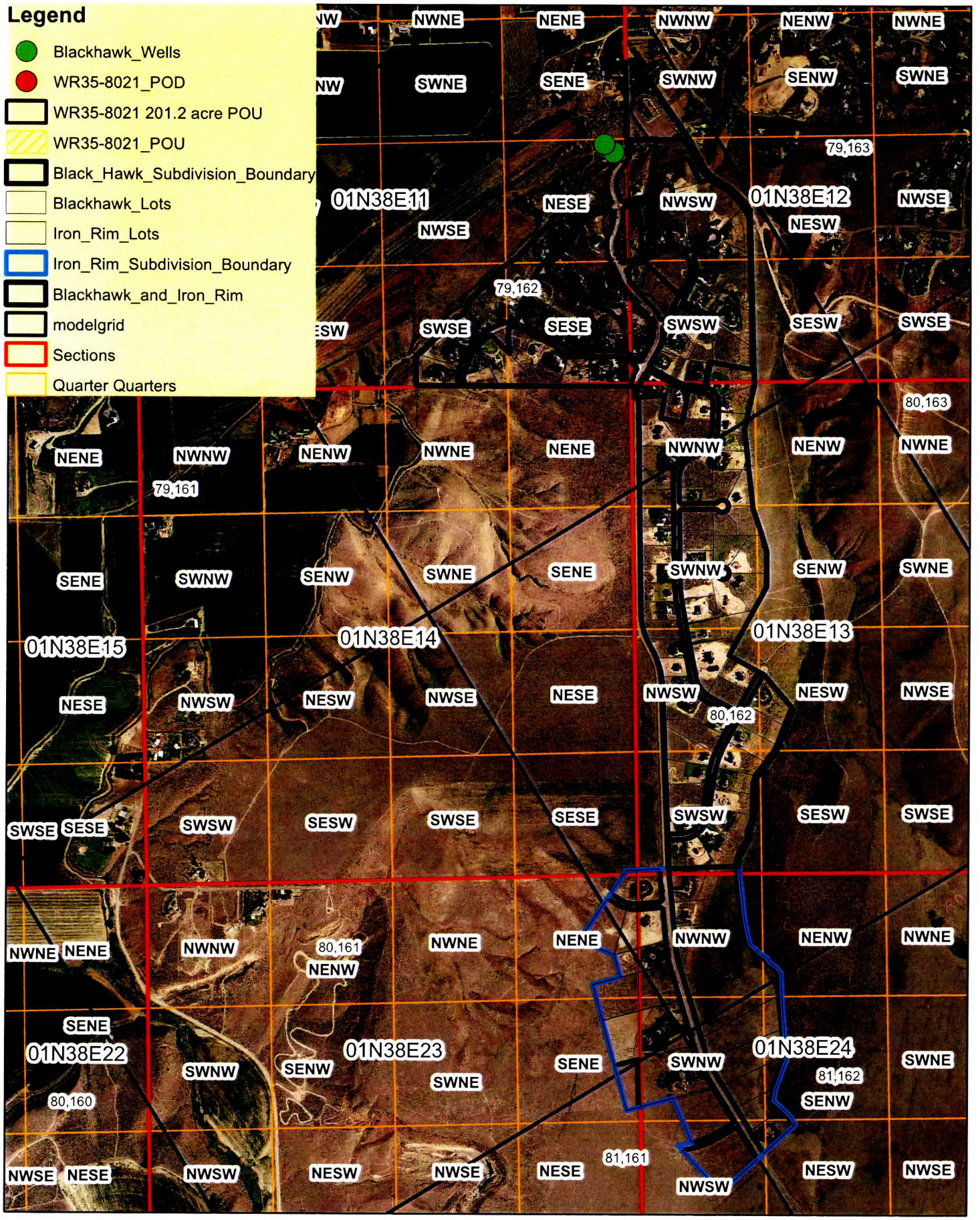
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Attachment No. 7a
Map

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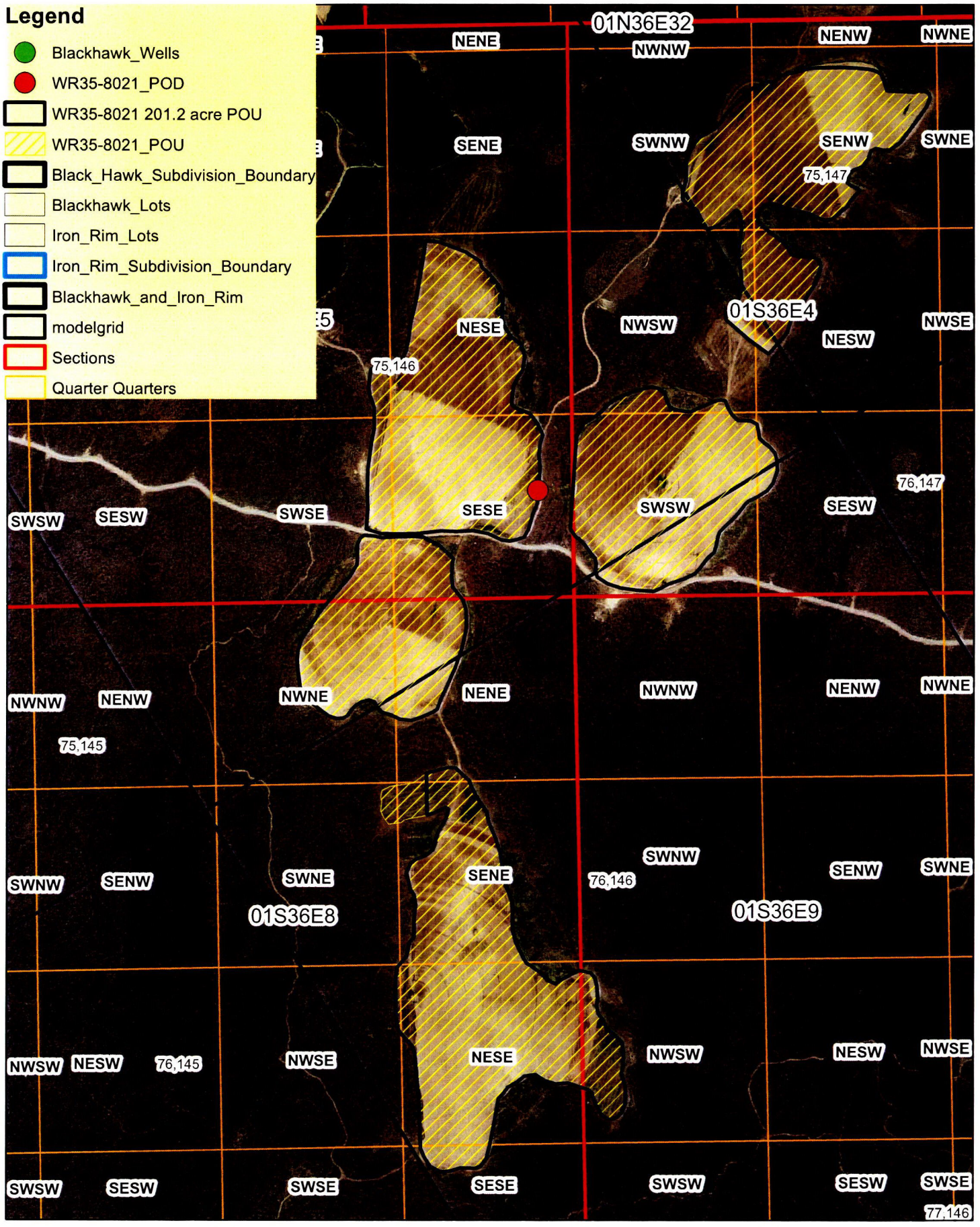
BLACKHAWK TRANSFER



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BLACKHAWK TRANSFER



0 0.175 0.35 0.7 Miles

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Attachment No. 7b
Map (GIS shapefile)

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GIS shapefiles will be emailed upon request to rharris@holdenlegal.com.

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Attachment No. 10
Other

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January 11, 2018

To: The Idaho Department of Water Resources

From: Black Hawk Homeowner's Association, Inc. and Iron Rim Ranch Home Owners Association, Inc.

Subject: Transfers of Portions of Water Right No. 35-8021—owned by Wayne Properties LLC—to Black Hawk Subdivision and Iron Rim Ranch Subdivision

This letter will serve to convey our consent to transfer applications filed by Wayne Properties LLC of portions of Water Right No. 35-8021 in the aggregate amount of 28 acres to the Black Hawk Subdivision and Iron Rim Ranch Subdivision.

The Black Hawk Homeowner's Association, Inc. and Iron Rim Ranch Home Owners Association, Inc. have an agreement with Wayne Properties LLC for the movement and purchase of water rights transferred to the subdivisions.

BLACK HAWK HOMEOWNER'S ASSOCIATION, INC.

By: Colvin Jergins
Colvin Jergins, President

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 11th day of January, 2018, before me, a Notary Public for said County and State, personally appeared COLVIN JERGINS, known or identified to me, to be the president of the BLACK HAWK HOMEOWNER'S ASSOCIATION, INC., an Idaho limited liability company, and the president who subscribed said corporation's name to the foregoing instrument, and acknowledged to me that he executed the same in said corporation's name.

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

SHUREE HOWARD
NOTARY PUBLIC
STATE OF IDAHO

Shuree Howard
NOTARY PUBLIC FOR IDAHO
Residing at: Bonneville County
My commission expires: _____

My Commission Expires:
September 25, 2023

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IRON RIM RANCH HOMEOWNER'S ASSOCIATION, INC.

By: _____
Ammon Hartner, President

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 25th day of January, 2018, before me, a Notary Public for said County and State, personally appeared AMMON HARTNER, known or identified to me, to be the president of the ~~BLACK HAWK~~ HOMEOWNER'S ASSOCIATION, INC., an Idaho limited liability company, and the president who subscribed said corporation's name to the foregoing instrument, and acknowledged to me that he executed the same in said corporation's name.

Iron Rim

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 IDAHO
Residing at: Ammon ID
My commission expires: 12/18/18

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) Wayne Properties LLC

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

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

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

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Wayne Properties LLC Phone 208-569-8194

Mailing address PO Box 2906, Idaho Falls, ID 83403-2906 Email

☑ 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 Robert L. Harris Phone (208) 523-0620

Mailing address PO Box 50130, Idaho Falls, ID 83405 Email rharris@holdenlegal.com

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

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

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

Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
Robert L. Harris	Robert L. Harris, Attorney	November 9, 2022

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. 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 **Part 1A.2.**
   The purpose of this transfer is to change the point of diversion and place of use for a portion (1.3 acres) of Water Right No. 35-8021. The portion of Water Right No. 35-8021 that is being transferred is to cover irrigated acres associated with a residence in excess of the 0.5 acres allowed under the domestic exemption (I.C. 42-111).

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Department of Water Resour
Eastern Region

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 or Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use		Source & Tributary
☐ ☑	35-8021	0.03cfs/5.2af	Irrigation	04/01	to 11/01	Ground water
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	
☐ ☐					to	

Total authorized under rights 0.03 cfs and/or 5.2 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.03 cubic feet per second and/or 5.2 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	NW	24	01N	38E	Bonneville	Ground water	0037706

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	
01N	38E	23				0.1													0.1
01N	38E	24							1.2										1.2

Total Acres (for irrigation use) 1.3

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

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

b. Who owns the property at the point(s) of diversion? Wayne Ball
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Wayne Ball is the sole member of Wayne Properties LLC.

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

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

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

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
1.3 acres of ground identified in this transfer will no longer be irrigated.

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

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

Yes No

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

If yes, describe:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.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 @ www.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: 35-8021

1. amount 0.03 cfs/ 5.2 ac-ft (cfs/ac-ft) for Irrigation purposes from 04/01 to 11/01
   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	
01S	36E	8			1	0.3													1.3

Total Acres (for irrigation use) 1.3

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

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

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

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

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid $200.00 Date 11/14/22 Receipted by CH Receipt # E048719

Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

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

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Close

Water Right Report : 35-8021(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	WAYNE PROPERTIES LLC	PO BOX 2906	IDAHO FALLS	ID	83403-2906
Original Owner	SMITH, ROBERT LEE	663 E 1275 N	SHELLEY	ID	83274
Previous Owner	DC FARMS LLC	578 N 100 W	BLACKFOOT	ID	83221-5714
Previous Owner	GARDNER FARMS, AN IDAHO GENERAL PARTNERSHIP	589 N 150 W	BLACKFOOT	ID	83221-5752
Previous Owner	BURNT BASIN INC	C/O RONALD SEARLE 541 E 1250 N	SHELLEY	ID	83274

Water Right Status

Priority Date : 2/19/1982
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	01S	36E	5	0	SE	SE	SE	BINGHAM	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	4.06 CFS	812.00 AFA
TOTAL			4.06 CFS	812.00 CFS

Places of Use

Printable View | Paged View

Place of Use Legal Description : IRRIGATION (BINGHAM county)

Show 25 entries Search:

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01S	36E	4			SW	NW	9.4
01S	36E	4			SE	NW	20
01S	36E	4			NE	SW	4.7
01S	36E	4			NW	SW	5.4
01S	36E	4			SW	SW	31
01S	36E	4			SE	SW	1
01S	36E	5			NE	SE	20

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Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01S	36E	5			NW	SE	2
01S	36E	5			SW	SE	8
01S	36E	5			SE	SE	24
01S	36E	8			NE	NE	8
01S	36E	8			NW	NE	12
01S	36E	8			SW	NE	1
01S	36E	8			SE	NE	19
01S	36E	8			NE	SE	30
01S	36E	8			NW	SE	1
01S	36E	8			SE	SE	2
01S	36E	9			NW	SW	4

Showing 1 to 18 of 18 entries Previous 1 Next

Irrigation Totals

Total Acres Acre Limit

203.00

Conditions

Code	Condtions
R05	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.
214	Prior to the diversion and use of water under Transfer approval 82859, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
213	Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
R64	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.
004	This right does not grant any right-of-way or easement across the land of another.
T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates

Licensed Date :
Decreed Date : 4/30/2002
Permit Proof Due Date : 5/1/1983
Permit Proof Made Date : 4/28/1983
Permit Approved Date : 4/15/1982
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :
Enlargement Statute Priority Date :
Application Recevied Date: 2/19/1982

Other Information

State or Federal : S
Water District Number : 120
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 4
Civil Case Number :
Decree Plantiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :

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Protest Deadline Date: [redacted]

DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

11/8/2022

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Attachment No. 1
Documentation Identifying Officers Authorized to Sign

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Department of State: Division of Corporations

View Search Results

Allowable Characters

Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number:	3503831	Incorporation Date / Formation Date:	3/26/2014 (mm/dd/yyyy)
Entity Name:	WAYNE PROPERTIES LLC		
Entity Kind:	Limited Liability Company	Entity Type:	General
Residency:	Domestic	State:	DELAWARE

REGISTERED AGENT INFORMATION

Name:	THE FIRST STATE REGISTERED AGENT COMPANY		
Address:	1935 LOVERING AVE		
City:	WILMINGTON	County:	New Castle
State:	DE	Postal Code:	19806
Phone:	302-652-2500		

Additional information is available for a fee. You can retrieve Status for a fee of $10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of $20.00

Would you like ☐ Status ☐ Status,Tax & History Information Submit

Back to Entity Search

For help on a particular field click on the Field Tag to take you to the help area.

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Attachment No. 4
Power of Attorney

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Search again

Results (as of **11/1/22**)

Robert Lynn Harris

Status
Active
Admittance Date
09/30/2004

Firm
Holden, Kidwell, Hahn & Crapo, PLLC
Mailing Address
PO Box 50130
Idaho Falls, ID 83405

Phone
(208) 523-0620
Phone Ext

Fax
(208) 523-9518

Bar Email Address
rharris@holdenlegal.com
Website Address
www.holdenlegal.com
Court eService Email
efiling@holdenlegal.com

Need a correction?

Is something not correct? Please use the Address Change Form

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your own listing, please use the online Address Change Form or send an email to the Licensing Department. Please notify the Licensing Department if you find that another attorney's information is incorrect. Questions on attorney status and good standing should also be directed to the Licensing Department at (208) 334-4500.

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Attachment No. 5
ESPA Analysis and Mitigation Plan

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ENHANCED GROUND-WATER RIGHTS TRANSFE

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTM

Cells this color are set up for user entries

UPDATE DATES | RUN MODEL | GET OUTPUT

CALCULATE EFFECTS

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR: 1982

SEASON: SPRING

TRANSFER NO: 1

TRANSFER NAME: Domestic

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	80	75	0	0
COLUMN	161	146	0	0

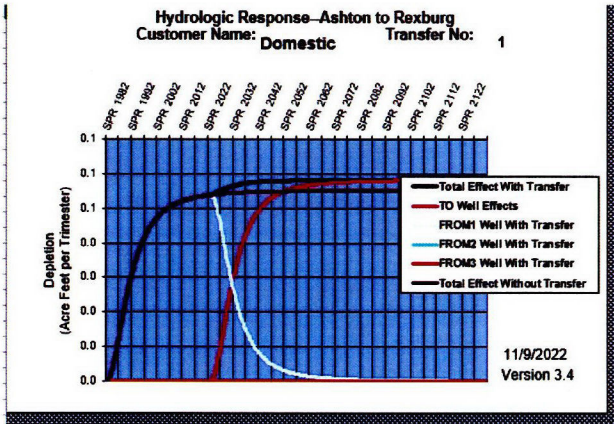
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SPR 1982	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 1982	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 1982	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 1983	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 1983	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 1983	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 1984	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 1984	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 1984	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 1985	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 1985	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 1985	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 1986	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 1986	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 1986	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 1987	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 1987	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 1987	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 1988	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 1988	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 1988	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 1989	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 1989	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 1989	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 1990	0.00	1.74	1.74	0.00	0.00	0.00	0.00

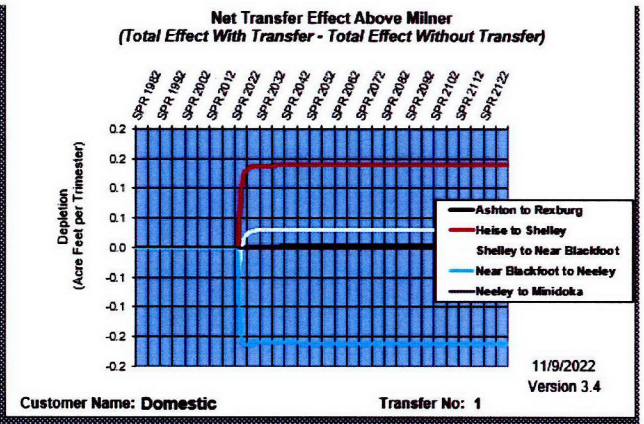
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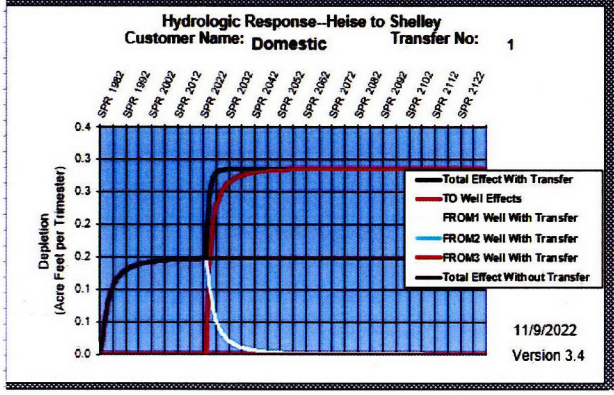
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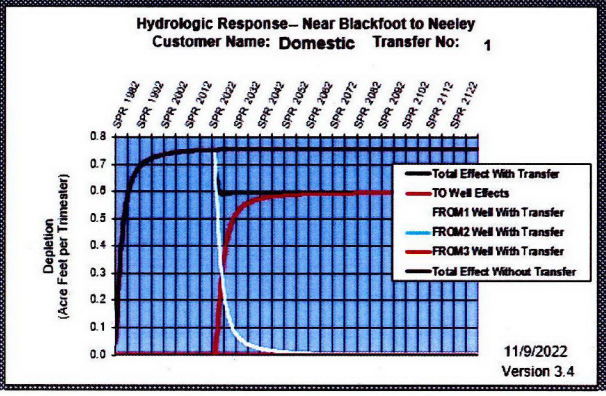
WIN 2014	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 2015	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 2015	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 2015	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 2016	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 2016	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 2016	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 2017	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 2017	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 2017	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 2018	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 2018	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 2018	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 2019	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 2019	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 2019	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 2020	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 2020	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 2020	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 2021	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 2021	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 2021	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 2022	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SUM 2022	0.00	1.74	1.74	0.00	0.00	0.00	0.00
WIN 2022	0.00	1.74	1.74	0.00	0.00	0.00	0.00
SPR 2023	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SUM 2023	1.74	0.00	1.74	0.00	0.00	0.00	0.00
WIN 2023	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SPR 2024	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SUM 2024	1.74	0.00	1.74	0.00	0.00	0.00	0.00
WIN 2024	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SPR 2025	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SUM 2025	1.74	0.00	1.74	0.00	0.00	0.00	0.00
WIN 2025	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SPR 2026	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SUM 2026	1.74	0.00	1.74	0.00	0.00	0.00	0.00
WIN 2026	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SPR 2027	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SUM 2027	1.74	0.00	1.74	0.00	0.00	0.00	0.00
WIN 2027	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SPR 2028	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SUM 2028	1.74	0.00	1.74	0.00	0.00	0.00	0.00
WIN 2028	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SPR 2029	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SUM 2029	1.74	0.00	1.74	0.00	0.00	0.00	0.00
WIN 2029	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SPR 2030	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SUM 2030	1.74	0.00	1.74	0.00	0.00	0.00	0.00
WIN 2030	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SPR 2031	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SUM 2031	1.74	0.00	1.74	0.00	0.00	0.00	0.00
WIN 2031	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SPR 2032	1.74	0.00	1.74	0.00	0.00	0.00	0.00
SUM 2032	1.74	0.00	1.74	0.00	0.00	0.00	0.00
WIN 2032	1.74	0.00	1.74	0.00	0.00	0.00	0.00

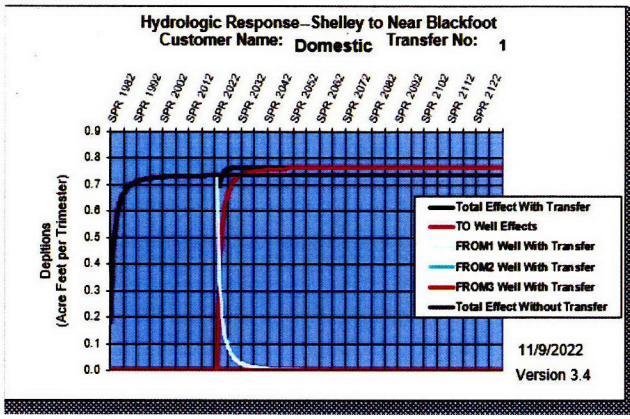
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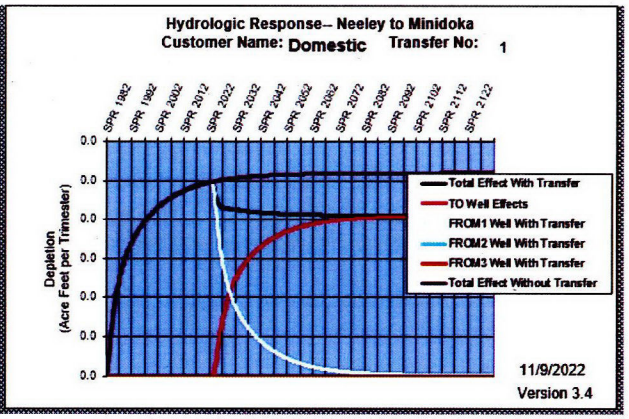




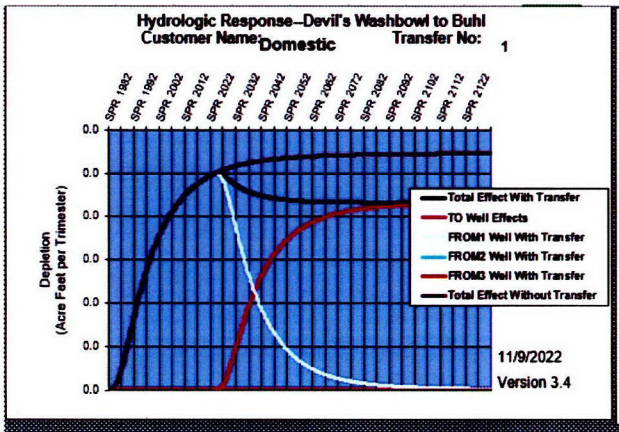


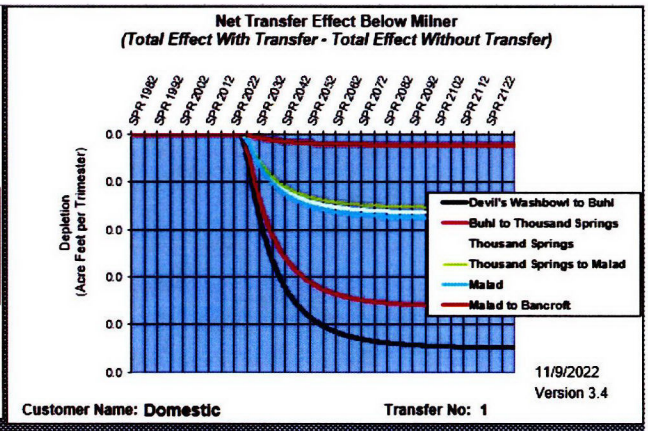


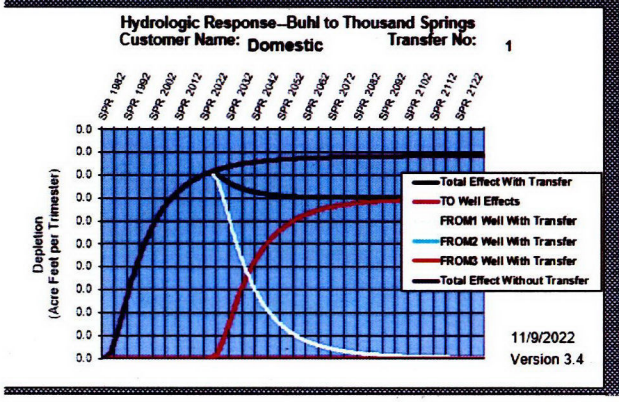


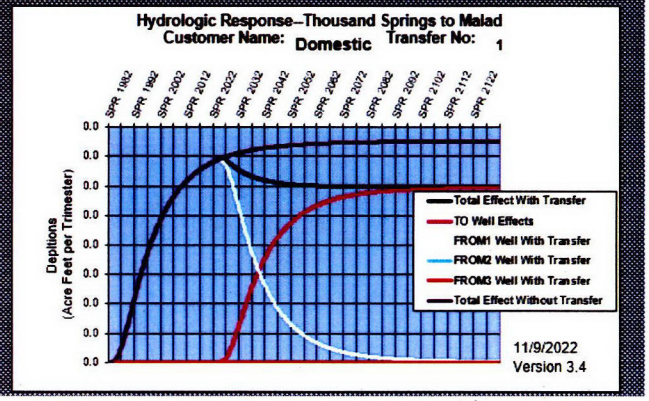


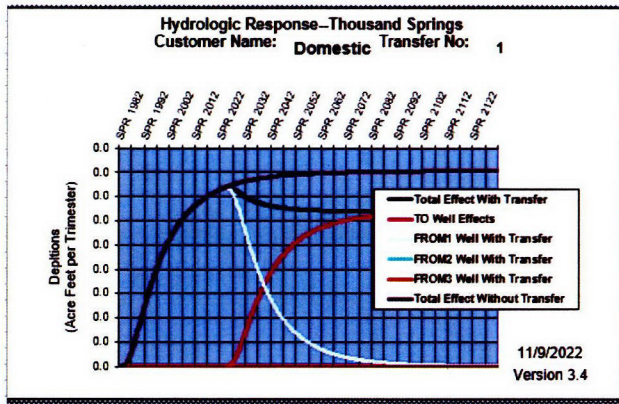
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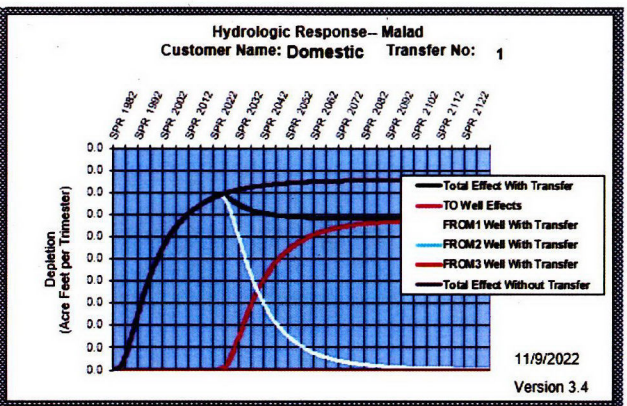


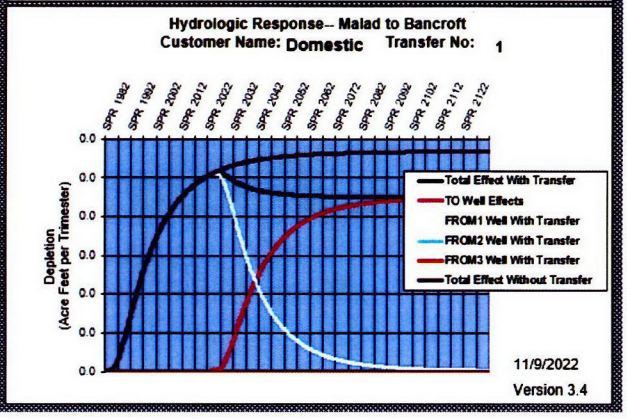












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NOV 22 2022

Enter First Time Step of Transfer: SUM 2022

Match: 122 Match: 456

	AtR	HtS	StNB	NBtM	NtM	DWtB	BtTS	TS	TStM	M	MtB	Total	
Preexisting Effects @ SS (Last Time Step)	0.06	0.15	0.74	0.76	0.01	0.01	0.01	0.00	0.00	0.00	0.00	1.74	Total Effects without Transfer - Last Timestep
Steady State - Value of Dep. @ Last Time Step	0.06	0.29	0.76	0.60	0.01	0.01	0.01	0.00	0.00	0.00	0.00	1.74	Total Effects with Transfer - Last Time Step
Preexisting Effects @ Transient State (Max Value Timestep)	0.06	0.15	0.74	0.76	0.01	0.01	0.01	0.00	0.00	0.00	0.00	1.74	Total Effects without Transfer - Correlates to Max Value from Total Effects with Transfer
Transient State - Max. Value of Dep. After Transfer	0.06	0.29	0.76	0.75	0.01	0.01	0.01	0.00	0.00	0.00	0.00	1.90	Total Effects with Transfer - Max Value from Start of Transfer to Last Time Step
Steady State Change	0.00	0.14	0.03	-0.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
Transient State Change	0.00	0.14	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		

Mitigation Analysis Period

Trimester

One-Way Analysis of Independent Transfers

New Water Right

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node	Impact by Reach (AF/Trimester)	Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blckft	Nr Blckft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
Transfer 1: Proposed Steady State Impacts following Transfer									0.06	0.15	0.74	0.76	0.01	0.01	0.01	0.00	0.00	0.00	0.00
									0.06	0.29	0.76	0.60	0.01	0.01	0.01	0.00	0.00	0.00	0.00
Transfer 1: Worst Case Transient State Impacts following Transfer									0.06	0.15	0.74	0.76	0.01	0.01	0.01	0.00	0.00	0.00	0.00
									0.06	0.29	0.76	0.75	0.01	0.01	0.01	0.00	0.00	0.00	0.00

		Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blckft	Nr Blckft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
Steady State Analysis	Mitigation Check 1 - >10% of Historical:	5.6%	93.4%	4.1%	-21.4%	-20.9%	-20.5%	-20.5%	-20.5%	-20.5%	-20.5%	-20.5%
	Mitigation Check 2: > 2 AF/T:	0.0	0.1	0.0	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Mitigation Check 3 - >10% of Total:	3.4%	16.5%	44.0%	34.3%	0.5%	0.5%	0.4%	0.2%	0.2%	0.2%	0.0%
	Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	Mitigation Vol. Req'd (ac-ft):	0.0	0.1	0.0	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Transient State Analysis	Mitigation Check 1 - >10% of Historical:	5.6%	93.4%	4.1%	-0.6%	-4.5%	-8.3%	-8.3%	-8.3%	-8.4%	-8.5%	-9.5%
	Mitigation Check 2: > 2.01 AF/T:	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Read Me	Mitigation Vol. Req'd (ac-ft):	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Not Used

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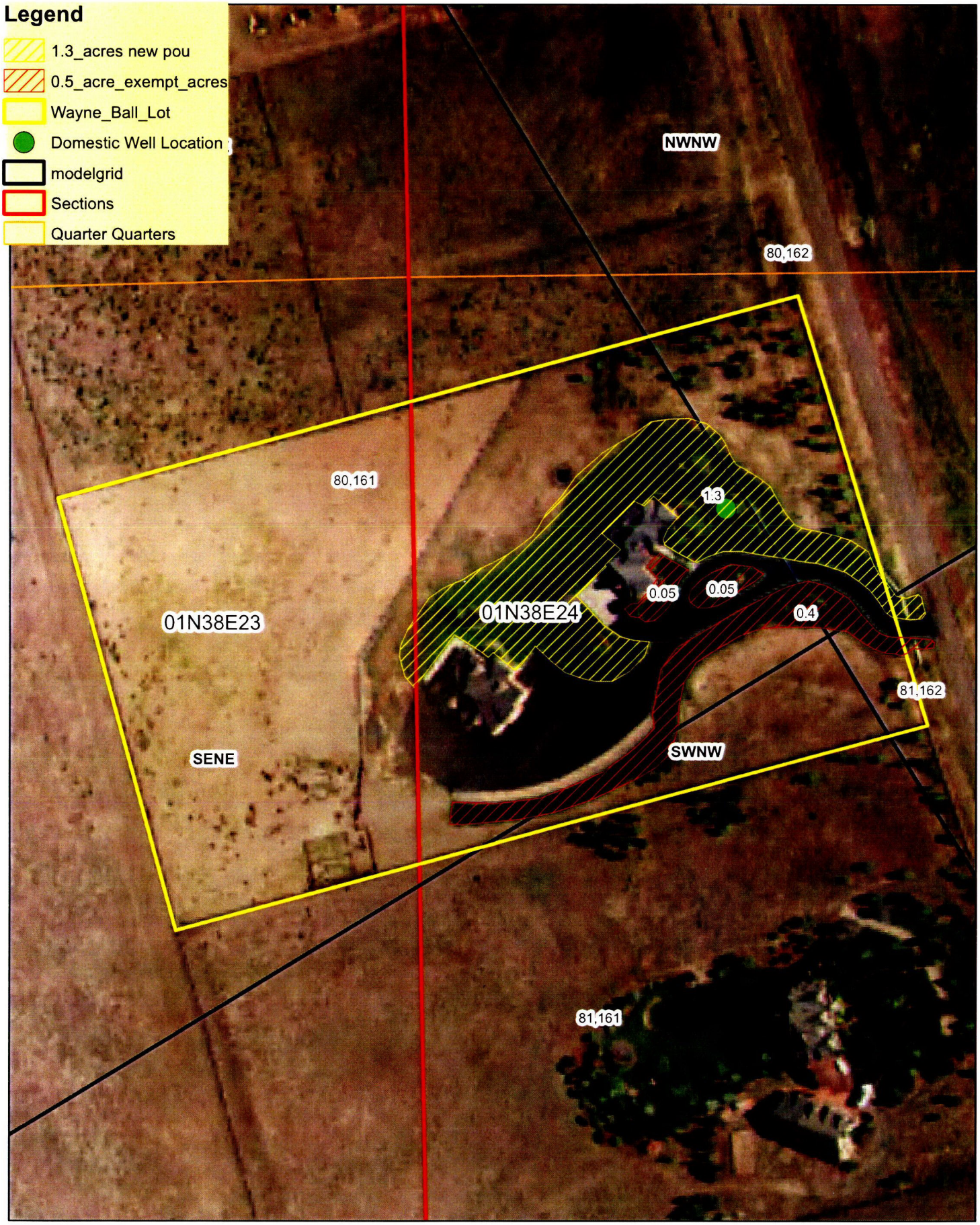
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Attachment No. 7a
Map

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NOV 22 2022

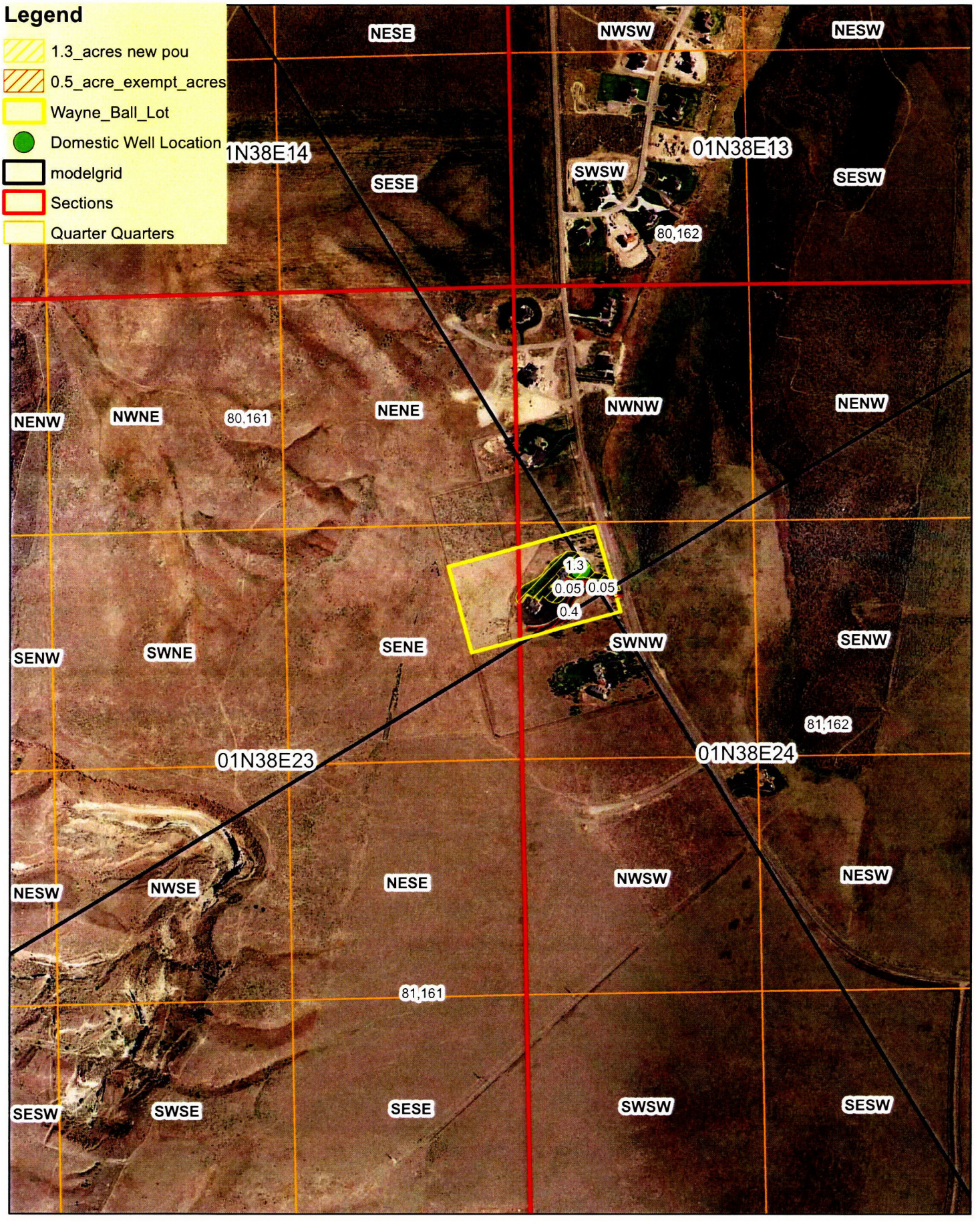
WAYNE BALL TRANSFER



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JUN 22 2022

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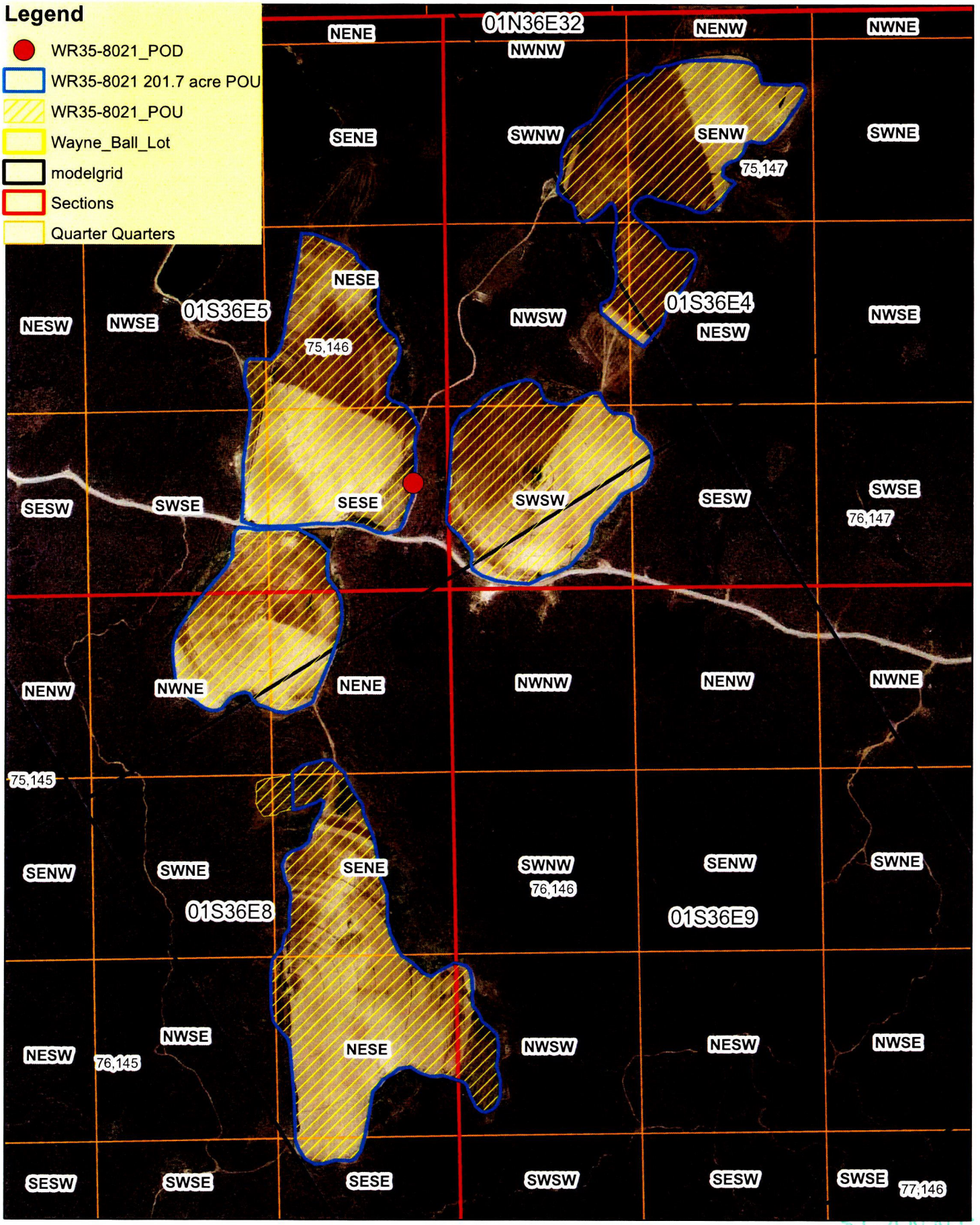
WAYNE BALL TRANSFER



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WAYNE BALL TRANSFER



0 0.175 0.35 0.7 Miles

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NOV 22 2022

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Attachment No. 7b
Map (GIS shapefile)

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GIS shapefiles will be emailed upon request to rharris@holdenlegal.com.

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Attachment No. 10
Other

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NOV 22 2022

Form 238-7
5/02

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

25

Office Use Only
Well ID No.
Inspected by
Twp ____ Rge ____ Sec ____
____ 1/4 ____ 1/4 ____ 1/4
Lat: : : Long: : :

1. WELL TAG NO. D 0037706
DRILLING PERMIT NO.
Water Right or Injection Well No.

2. OWNER:
Name Greg Sellars % Rob Quilling Regal Const.
Address P.O. Box 3232
City Idaho Falls State ID Zip 83403

3. LOCATION OF WELL by legal description:
You must provide address or Lot, Blk, Sub. or Directions to well.
Twp. ____ North ☒ or South ☐
Rge. 38 East ☒ or West ☐
Sec. 24, 10 acres ____ 1/4, 40 acres SW 1/4, 160 acres NW 1/4
Gov't Lot ____ County ____
Lat: 43 : 24 : 341 Long: 111 : 56 : 583
Address of Well Site 45th E (Crowley Rd.)
City Idaho Falls
(Give at least name of road - Distance to Road or Landmark)
Lt. ____ Blk. ____ Sub. Name ____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other ____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other ____

6. DRILL METHOD:
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other ____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
Bentonite	0		100#	overbore

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 556'
Was drive shoe seal tested? ☐ Y ☐ N How? ____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8"	+2	264	.250	Steel	☒	☐	☒	☐
6"	166	566	.250	Steel	☐	☒	☒	☐
					☐	☐	☐	☐

Length of Headpipe ____ Length of Tailpipe ____
Packer ☐ Y ☐ N Type ____

9. PERFORATIONS/SCREENS PACKER TYPE
Perforation Method Torch
Screen Type & Method of Installation ____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
506	566	¼"x3"	14	6"	Steel	☐	☒
						☐	☐
						☐	☐

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
522 ft. below ground Artesian pressure ____ lb.
Depth flow encountered ____ ft. Describe access port or control devices: ____

12. WELL TESTS:
☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. ____ Bottom hole temp. ____
Water Quality test or comments: ____
Depth first Water Encounter ____

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water Y	Water N
	0	148	Clay		
	148	176	Rhyolite		
	176	230	pumice		
	230	258	Rhyolite		
	258	428	Pumice		
	428	550	Rhyolite		
	550	566	Fractured + caving		
	566	590	Rhyolite		
	590	600	Fractured + caving		

RECEIVED
FEB 21 2006
Department of Water Resources
Eastern Region

Completed Depth 590' (Measurable)
Date: Started 10-18-05 Completed 10-26-05

14. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Jody Denning Drilling Firm No. 519
Principal Driller Jody J. Denning Date ____
and
Driller or Operator II Tyler Hall Date 10-26-05
Operator I ____ Date ____
Principal Driller and Rig Operator Required.
Operator I must have signature of Driller/Operator II.

FORWARD WHITE COPY TO WATER RESOURCES

7228

SCANNED
NOV 22 2022

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 27, 2023

WAYNE PROPERTIES LLC
PO BOX 2906
IDAHO FALLS ID 83403-2906

Re: Transfer No: 87245
Water Right No(s).: 35-8021

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
JAN 27 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:

ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

SCANNED
JAN 27 2023

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 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.: 87245
Water Right No(s).: 35-8021

WAYNE PROPERTIES LLC
PO BOX 2906
IDAHO FALLS ID 83403-2906

ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

Christina Henman
Administrative Assistant

SCANNED
JAN 27 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
JAN 27 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
JAN 27 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

January 12, 2023

WAYNE PROPERTIES LLC
PO BOX 2906
IDAHO FALLS ID 83403-2906

Re: Transfer No: 87228
Water Right No(s).: 35-8021

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
JAN 18 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:

ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

SCANNED
JAN 18 2023

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 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.: 87228
Water Right No(s).: 35-8021

WAYNE PROPERTIES LLC
PO BOX 2906
IDAHO FALLS ID 83403-2906

ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

Christina Henman
Administrative Assistant

SCANNED
JAN 18 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)

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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.

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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.

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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
JAN 18 2023

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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:
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> (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.

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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
JAN 18 2023

MEMORANDUM

Date: January 4, 2023

To: Transfer 87245

From: Thomas Lafortune

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion and place of use for a 0.5-acre portion of water right 35-8021. The new place of use will be within a 353.9-acre permissible place of use in Basin 25, covering the Black Hawk and Iron Rim subdivisions. The transferred acreage will be associated with a specific lot within the subdivision.

Authority to File:
The applicant is the current owner of water right 35-8021 according to department records. The application was signed by attorney Rob Harris, a representative authorized to sign on behalf of the applicant. The land at the points of diversion is owned by the Black Hawk and Iron Rim Ranch Homeowners Associations. An agreement between the property owners and the applicant was provided with the application and labeled "Attachment No. 10."

Water Right Validity:
Water right 35-8021 was decreed in the SRBA in 2002. Aerial imagery shows consistent irrigation since the decree. Forfeiture is not an issue.

Injury to Other Water Rights:
The applicant used the ESPA Transfer Model. Impacts did not reach the 2 af per trimester threshold necessary to require mitigation. The application was advertised without protest.

Enlargement of Use:
Generally, the Department will not approve transfers proposing to move less than one irrigated acre, because the reduction at the original place of use is difficult to verify. This application represents the final application in a series of transfers moving portions of water right 35-8021 to lots within Black Hawk and Iron Rim subdivisions. After a review of lots and acres, the developer discovered that the previous transfers were short by one half acre. Because this transfer is the final step in a larger effort to move acres from water right 35-8021, the Department can approve the change.

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
JAN 27 2023

MEMORANDUM

Date: December 12, 2022

To: Transfer 87228

From: Thomas Lafortune

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion and place of use for a 1.3-acre portion of water right 35-8021. The proposed point of diversion and place of use are within Iron Rim Ranch subdivision, which is located in Basin 25. Previous portions of the parent right have been transferred into a permissible place of use and diverted from 2 community wells. However, the portion changed in this transfer will cover a specific 1.3 acres within the boundary and is not associated with the permissible place of use. The water will be diverted from a private well.

Authority to File:
The applicant is the current owner of water right 35-8021 according to department records. The application was signed by attorney Rob Harris, a representative authorized to sign on behalf of the applicant.

Water Right Validity:
Water right 35-8021 was decreed in the SRBA in 2002. Aerial imagery shows consistent irrigation since the decree. Forfeiture is not an issue.

Injury to Other Water Rights:
The applicant provided a transfer tool analysis and the results were verified. Impacts did not reach the 2 af per trimester threshold necessary to require mitigation. The application was advertised without protest. No water district at proposed point of diversion.

Enlargement of Use:
The elements of water right 35-8021 were reduced to reflect the transfer. No issues identified.

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
JAN 18 2023

EMPOWERING THE COMMUNITY SINCE 1890

IDAHO STATE JOURNAL

WWW.IDAHOSTATEJOURNAL.COM

PROOF OF PUBLICATION
Idaho State Journal

RECEIVED
DEC 16 2022
Department of Water Resources
Eastern Region

RECEIVED
DEC 12 2022
FISCAL

RECEIVED
DEC 12 2022
DEPARTMENT OF
WATER RESOURCES

State of Idaho
County of Bannock

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

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Idaho State Journal for 2 day(s), first publication having been made on 12/02/2022 last publication having been made on 12/09/2022, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Collins Crapo

Subscribed and sworn to before me, on this 9th day of December, 2022

Vera J Powell

VERA J POWELL
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 20222624
MY COMMISSION EXPIRES 5-31-2028

Notary Public
My commission expires:

_____ attached jurat _____

STATE OF IDAHO

ss.

COUNTY OF BANNOCK

On this 9th day of December, 2022 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.

VERA J POWELL
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 20222624
MY COMMISSION EXPIRES 5-31-2028

Vera J Powell

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

307922

SCANNED
DEC 28 2022

AD# 307922AD#

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 87228

WAYNE PROPERTIES LLC, PO BOX 2906, IDAHO FALLS, ID 83403-2906 has filed Application No. 87228 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-8021; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. The proposed point of diversion is in SWNW Sec 24 T01N R38E for 0.03 cfs from ground water. The proposed place of use is in SENE Sec 23 and SWNW Sec 24 T01N R38E for irrigation of 1.3 acres.

TRANSFER NO. 87245

WAYNE PROPERTIES LLC, PO BOX 2906, IDAHO FALLS, ID 83403-2906 has filed Application No. 87245 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-8021; 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, and change place of use. The proposed points of diversion (2 wells) are in NESE Sec 11 T01N R38E for 0.01 cfs from ground water. The proposed place of use is in Sec 11, 12, 13, 14, 23, and 24 T01N R38E for 0.5 acres within a 353.9-acre permissible place of use. 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 12/19/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Published: December 2, 9, 2022 (BNC2497-307922)

SCANNED
DEC 28 2022

IDAHO DEPARTMENT
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**

November 22, 2022

WAYNE PROPERTIES LLC
PO BOX 2906
IDAHO FALLS, ID 83403-2906

RE: Transfer Nos. 87228, 87245
Water Right No(s). 35-8021

Dear Applicant:

The Department of Water Resources has received your water right transfer applications. Please refer to the transfer numbers referenced above in all future correspondence regarding these transfers.

A legal notice of the applications has been prepared and is scheduled for publication in the BINGHAM NEWS CHRONICLE on 12/2/2022 and 12/9/2022. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

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

If the applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications are approved, the Department will send you a copy of the approval documents.

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

Sincerely,

Christina Henman
Administrative Assistant

CC:
ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS, ID 83405-0130

SCANNED
NOV 22 2022

Henman, Christina

From: Henman, Christina
Sent: Tuesday, November 22, 2022 2:58 PM
To: legalnotices@postregister.com
Subject: Legal Notice for News Chronicle
Attachments: 87228, 87245 News Chronicle.docx

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

RE: Transfer No. 87228, 87245
Water Right No(s). 35-8021, 35-8021

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 12/19/2022. 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
NOV 22 2022

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87228

WAYNE PROPERTIES LLC, PO BOX 2906, IDAHO FALLS, ID 83403-2906 has filed Application No. 87228 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-8021; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. The proposed point of diversion is in SWNW Sec 24 T01N R38E for 0.03 cfs from ground water. The proposed place of use is in SENE Sec 23 and SWNW Sec 24 T01N R38E for irrigation of 1.3 acres.

TRANSFER NO. 87245

WAYNE PROPERTIES LLC, PO BOX 2906, IDAHO FALLS, ID 83403-2906 has filed Application No. 87245 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-8021; 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, and change place of use. The proposed points of diversion (2 wells) are in NESE Sec 11 T01N R38E for 0.01 cfs from ground water. The proposed place of use is in Sec 11, 12, 13, 14, 23, and 24 T01N R38E for 0.5 acres within a 353.9-acre permissible place of use.

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 12/19/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/2/2022 and 12/9/2022

SCANNED
NOV 22 2022

Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

Established in 1896

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405
Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
rharris@holdenlegal.com

November 9, 2022

Michael Holliday
Eastern Region Office
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Application for Transfer for 1.3-Acre Portion of WR 35-8021.

Dear Michael:

Enclosed for processing is an *Application for Transfer* for a 1.3-acre portion of WR 35-8021. Also included is the required $200.00 filing fee. As described in the transfer application, the transfer covers irrigation occurring around a residential home in excess of the half acre allowed under Idaho's domestic exemption found in Idaho Code § 42-111(a). As indicated in the transfer application, the relevant shapefiles can be emailed to the IDWR agent processing the application upon email request. If you have any questions or concerns regarding this transfer, please let me know.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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87228

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November 9, 2022

Michael Holliday
Eastern Region Office
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Application for Transfer for 0.5-Acre Portion of WR 35-8021.

Dear Michael:

Enclosed for processing is a transfer application to move 0.5 acres of WR 35-8021 to the Blackhawk Subdivision to cover one additional residential lot to be serviced by the Blackhawk water system. We believe this will be the last transfer in the series of transfers of water rights to the Blackhawk Subdivision. We have also enclosed the required $200.00 filing fee. Let me know if you have any questions or concerns. As noted in the application, if the reviewing IDWR agent needs any of the GIS shapefiles, send me an email, and I will email the shapefile them as requested.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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SCANNED
NOV 22 2022

87245