

RECEIVED

DEC 22 2023

DEPARTMENT OF
WATER RESOURCES

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DEC 18 2023

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESREQUEST FOR EXTENSION OF TIME
TO COMPLETE TRANSFER

The holder of the water rights listed below requests an additional period of time in which to accomplish change(s) authorized by approval of Application for Transfer of Water Right(s) No. 87316 approved on January 27, 2023.
Water Right No(s). 25-14521

Number of Year(s) Authorized in which to Accomplish Change(s) X (1) (2) (3) (4) (5)

Number of Additional Year(s) Requested in which to Accomplish Change(s) (1) (2) X (3) (4)
(Not to exceed 5 years total from date of the approval.)

Name(s) of Right Holder: Paul Landon and Jessica Landon

(If not the right holder of record, submit a Notice of Change of Water Right Ownership, appropriate fee and documentation.)

Mailing Address: P O Box 2288

City Idaho Falls State ID Zip 83403-2288

Phone No.: 208-569-2673 Email: landon@ashleyif.com

Explain why additional time to complete transfer is needed and show a reasonable cause for the delay:

The well authorized to divert water under the above water right has been drilled, but power and installation of the irrigation system has yet to be completed. Full installation of the irrigation system will be constructed at approximately the same time as the applicants' home on the property, which is soon to get under way.
The water right holders had a difficult time getting their well construction on a well driller's schedule, which resulted in a delay. Costing \$ 50,000.00

Robert L. Lanning, ATTORNEY
(Signature) If other than right holder, Power of Attorney must be supplied.

12/12/2023
(Date)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department approved the above referenced Application for Transfer with a condition that it be completed within year(s).

The right holder has notified the Department that the transfer has not yet been accomplished.

The right holder has requested an extension of time for completion of the transfer and has shown reasonable cause for the delay.

IT IS, THEREFORE, HEREBY ORDERED that the right holder of Transfer No. is granted an extension to , 20 in which to accomplish the transfer. **IT IS FURTHER HEREBY ORDERED** that this extension does not stay the accumulation of the 5 year period associated with forfeiture of a water right for non-use.

OR Extension is not granted. (See correspondence in water right file.)

Signed this day of , 20 .

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 05 2023

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

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

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
25-14521 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Wayne Properties LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Paul and Jessica Landon
New owner(s) as listed on the conveyance document Name connector ☒ **and** ☐ **or**
- P.O. Box 2288 Idaho Falls ID 83403
Mailing address City State Zip
208-569-2683 landon@ashleyif.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: February 23, 2023
6. Do you own the land identified as the water right place of use? Yes ☐ No ☒
☐ If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
☐ \$25 per *undivided* water right.
☐ \$100 per *split* water right.
☐ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: *Robert L. Harris* Attorney May 31, 2023
Signature of new owner/claimant Title, if applicable Date
Robert L. Harris
Print name

Signature: _____
Signature of new owner/claimant Title, if applicable Date
Print name

For IDWR Office Use Only:

Received by *JB* Date *6/6/2023* Receipt No. *E049251* Receipt Amt. *\$25.-*
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by *JB* Processed by *JB* Date *6/7/2023*

JUN 08 2023

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
PO Box 50130
Idaho Falls, ID 83405

Instrument # 1745259
Bonneville County, Idaho Falls, Idaho
04/21/2023 03:27:06 PM No. of Pages: 3
Recorded for: HOLDEN KIDWELL
Penny Manning Fee \$15.00
Ex-Officio Recorder Deputy
Index to DEED WARRANTY

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHT

Wayne Properties LLC ("Grantor"), hereby sells and conveys unto Paul and Jessica Landon, whose address is P.O. Box 2288, Idaho Falls, Idaho 83403 (collectively "Grantee"), all of Grantor's right, title, and interest in Water Right No. 25-14521 as described on Exhibit A attached hereto (the "Water Right").

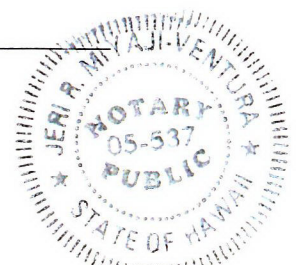
Grantor hereby covenants and warrants to Grantee that: (a) Grantor is the owner in fee simple of the Water Right; (b) Grantor has not conveyed any part of the Water Right to anyone other than Grantee; (c) the Water Right is free from all liens, claims, or encumbrances; (d) Grantor has authority to convey the Water Right to Grantee. Grantor makes no other covenants or warranties as to the Water Right.

WAYNE PROPERTIES LLC

By: [Signature]
Wayne Ball, Member

Date: 2-23-23

STATE OF HAWAII)
) ss.
County of Kauai)



This record was acknowledged before me on this 23 day of February, 2023, by Wayne Ball as a member of Wayne Properties LLC.

(SEAL) NOTARY CERTIFICATE, STATE OF HAWAII
Doc. Description/ID: Special Warranty Deed for Water Rights
Doc. Date: 02-23-2023 Pages: 3
Notary Name: Jeri R. Miyaji-Ventura
Notary Signature: [Signature] Cert. Date: 02-23-2023

NOTARY PUBLIC FOR IDAHO State of Hawaii
My Commission Expires: _____
Jeri R. Miyaji-Ventura

JERI R. MIYAJI-VENTURA
EXPIRATION: August 28, 2025

JUN 08 2023

EXHIBIT A **Water Right Description**

Page 4 of 5

WATER RIGHT NO. 25-14521

As Modified by Transfer No. 87316

In accordance with the approval of Transfer No. 87316, Water Right No. 25-14521 is now described as follows:

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

Priority Date: 1/14/1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.110 cfs	40.0 af
			0.110 cfs	40.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (NWSW) Sec 7 Twp 01N Rge 39E BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	39E	12													2.2			0.1	2.3
01N	39E	7										7.7							7.7

POU Total Acres: 10.0

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 87316, 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.
2. 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.
3. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (October 18, 1990) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

Transfer No. 87316

WATER RIGHT NO. 25-14521
As Modified by Transfer No. 87316

CONDITIONS OF APPROVAL

4. This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10136, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.
5. 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 lands above.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 87316

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87316

This is to certify that: JESSICA LANDON AND
PAUL LANDON
PO BOX 2288
IDAHO FALLS, ID 83403

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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-14746	WR/LICENSE	1/14/1983	3.640 cfs	1328.0 af	332.0	912.5	GROUND WATER

Purpose of Transfer (Changes Proposed)

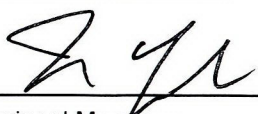
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-14746	YES	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-14746	25-14521	0.110 cfs	40.0 af	N/A	10.0	35-14746	3.530 cfs	1288.0 af	322.0	912.5
COMBINED TOTALS		0.110 cfs	40.0 af	N/A	10.0		N/A	N/A	N/A	N/A

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

Dated this 27th day of January, 2023.



Regional Manager

SUPPORT DATA

Transfer No. 87316

IN FILE # 35-14746

SCANNED
JAN 27 2023

WATER RIGHT NO. 35-14746**As Modified by Transfer No. 87316**

In accordance with the approval of Transfer No. 87316, Water Right No. 35-14746 is now described as follows:

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

Priority Date: 1/14/1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	3.530 cfs	1288.0 af
			3.530 cfs	1288.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 13 Twp 03N Rge 34E BONNEVILLE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	34E	13	33.3	34.8	39.7	34.0	33.4	34.2	39.5	39.7	39.7	39.5	39.6	39.7	33.8	39.7	39.8	33.2	593.6
03N	34E	14	1.6			0.8									1.3	0.6	30.3	36.6	71.2
03N	34E	23	37.1	28.7	0.4	0.7													66.9
03N	34E	24		34.2			39.9	39.9	33.4	33.4									180.8

Right Acre Limit: 322.0

POU Total Acres: 912.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 322.0 acres within the 912.5 acre place of use authorized by this right in a single irrigation season. The specific 322.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 322.0 acres to be irrigated within the 912.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. Use of water under this right will 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.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 87316

SCANNED

JAN 27 2023

WATER RIGHT NO. 35-14746

As Modified by Transfer No. 87316

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 74838, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
5. 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 lands above.
6. The approval of transfer 77958 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
8. This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.
9. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 25-14521**As Modified by Transfer No. 87316**

In accordance with the approval of Transfer No. 87316, Water Right No. 25-14521 is now described as follows:

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

Priority Date: 1/14/1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.110 cfs	40.0 af
			0.110 cfs	40.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (NWSW) Sec 7 Twp 01N Rge 39E BONNEVILLE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	38E	12													2.2			0.1	2.3
01N	39E	7										7.7							7.7
												L3							

POU Total Acres: 10.0

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 87316, 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.
2. 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.
3. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (October 18, 1990) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

Transfer No. 87316

SCANNED

JAN 27 2023

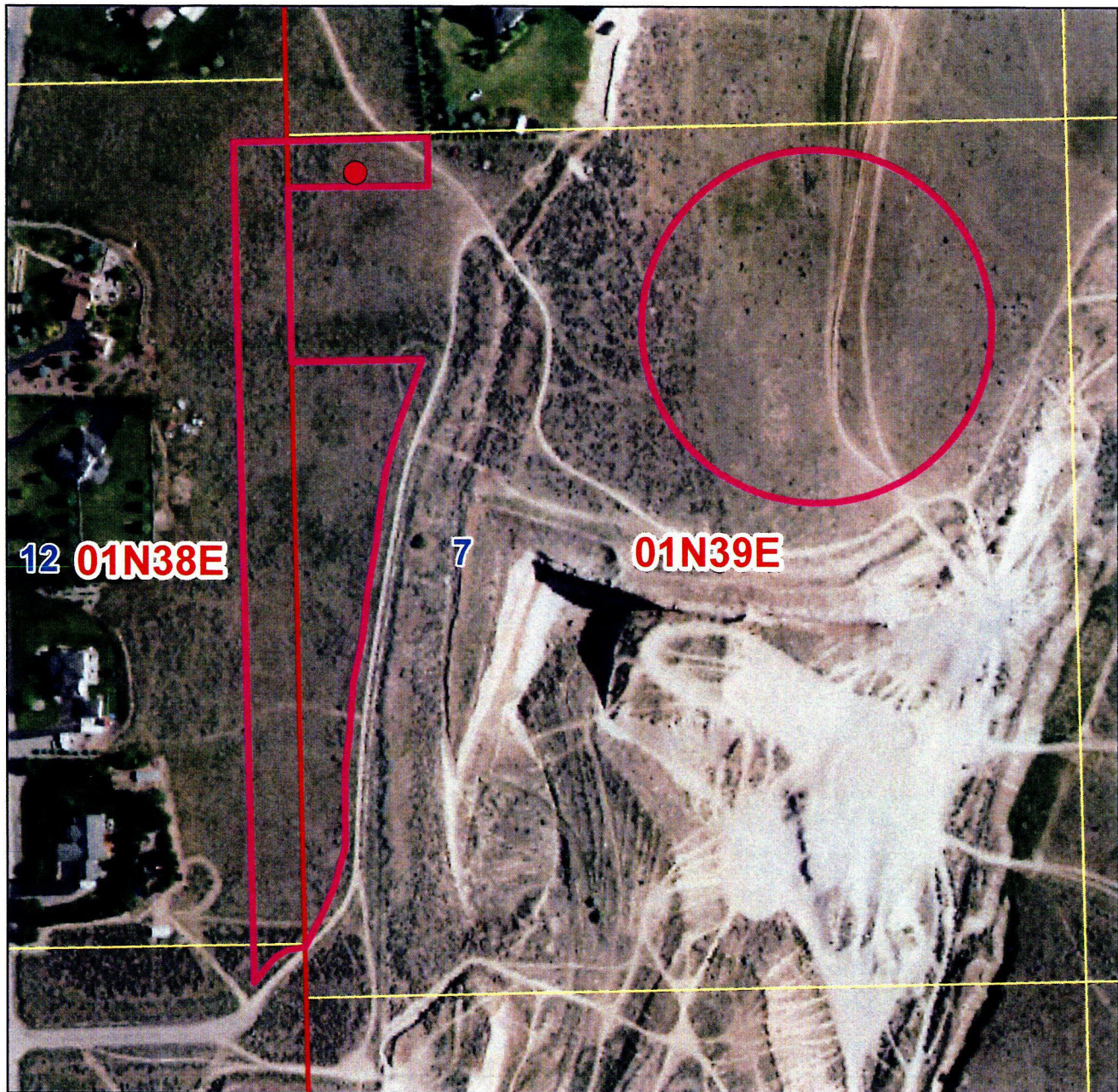
WATER RIGHT NO. 25-14521
As Modified by Transfer No. 87316

CONDITIONS OF APPROVAL

4. This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.
5. 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 lands above.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Attachment to Transfer Approval 87316

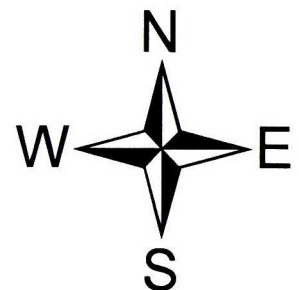
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 125 250 500 Feet



SCANNED
Date: 1/27/2023
JAN 27 2023



Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 07, 2023

PAUL LANDON
JESSICA LANDON
PO BOX 2288
IDAHO FALLS ID 83403-2288

Re: Change in Ownership for Water Right No(s): 25-14521

Dear Water Right Holder(s):

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

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

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

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

Sincerely,

Jonie Baily
Technical Records Specialist 1

Enclosure(s)

cc: HOLDEN KIDWELL HAHN AND CRAPO

SCANNED

JUN 08 2023



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

RECEIVED

JUN 05 2023

Department of Water Resources
Eastern Region

May 31, 2023

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

RE: Notice of Change in Water Right Ownership for WR 25-14521.

Dear Jonie:

Enclosed for processing is a *Notice of Change in Water Right Ownership* for WR 25-14521. The ownership needs to be updated to the name of Paul and Jessica Landon, who purchased the water right from Wayne Properties LLC. This is the final step in the purchase process, where the water right has been moved to the Landons' property, the parties have closed on the purchase as evidenced by the enclosed *Special Warranty Deed for Water Right*, and now the final step is to update ownership to the Landons' name. The water right is identified specifically in the deed. Also enclosed is the filing fee of \$25.00 as the water right is not being split. Let me know if you have any questions or concerns.

Best regards,

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

Enclosures

g:\wpdata\rlh\22459-000 landon, paul and jessica\2023.05.31 ltr to baily.docx

SCANNED

JUN 08 2023