

RECEIVED

APR 23 2025

DEPT. OF WATER RESOURCES
EASTERN REGION

WITHDRAWAL

OF

APPLICATION FOR TRANSFER OF WATER RIGHT(S)

I/We, Lane Arnold and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

_____ and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 88831 of Water Right

No(s). 22-2181

Signed this 23 day of April, 2025

Lane Arnold

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

DEPARTMENT OF WATER RESOURCES

JUL 12 2023

MINIMUM REQUIREMENTS CHECKLIST

Department of Water Resources
Eastern Region

FORMS SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) Lane ArnoldCheck 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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 12 2023

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resources
Eastern Region

Name of Applicant(s) Lane Arnold Phone (208) 365-0003
Mailing address 4774 S Highway 191 Rexburg, ID 83440 Email lane@arlenco.com

- ☒ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☒ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

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

☐ No Representative

Name of Representative Eric C. Miller (Yellowstone Earth Science) Phone (208) 816-2881
Mailing address 2202 W 8200 S Rexburg, ID 83440 Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.

☒ 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.

Lane Arnold
Signature of Applicant or Authorized Representative

Lane Arnold
Print Name and Title if applicable

4-11-2023
Date

Kay Lynne Arnold
Signature of Applicant or Authorized Representative

Kay Lynne Arnold
Print Name and Title if applicable

4-11-2023
Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	22-2181	0.64	Domestic	1/1 to 12/31	groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.64 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.64 cubic feet per second and/or 89.65 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 #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

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:

No change to the diversion system (i.e., pump and meter) is proposed in this transfer. The existing diversion system will continue to operate in its current configuration.

- b. Who owns the property at the point(s) of diversion? Lane & Kay Lynne Arnold

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☒ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

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:

The 39 acres currently irrigated as farmland would be used as part of a planned residential development. Although farmland irrigation would cease, some fraction of the residential development would continue to be irrigated under a "domestic" beneficial use. The net effect on the land from this change is considered small.

- 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:

no other water rights are used to irrigate this land.

- 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:

Water Right Report : 22-2181(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	ARNOLD, KAY LYNNE	4774 S HIGHWAY 191	REXBURG	ID	83440-4253
Current Owner	ARNOLD, LANE	4774 S HIGHWAY 191	REXBURG	ID	83440-4253
Original Owner	SMITH, LEO M	2511 W 4700 S	REXBURG	ID	83440
Original Owner	DUSTY ACRES INC	5060 S 2000 W	REXBURG	ID	83440
Security Interest	ZIONS FIRST NATIONAL BANK	219 E MAIN PO BOX 54	RIGBY	ID	83442
Security Interest	D L EVANS BANK	PO BOX 64	RIGBY	ID	83442-0064

Water Right Status

Priority Date : 7/19/1960
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	05N	40E	18	0	NW	NE	SE	MADISON	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	5.04 CFS	1078.00 AFA
TOTAL			5.04 CFS	1078.00 CFS

Places of Use

Place of Use Legal Description : IRRIGATION (MADISON county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
05N	40E	18		NE	NE	39	
05N	40E	18		NW	NE	36	
05N	40E	18		SW	NE	40	
05N	40E	18		SE	NE	38	
05N	40E	18		NE	SE	39	
05N	40E	18		NW	SE	40	
05N	40E	18		SW	SE	38	
05N	40E	18		SE	SE	38	

Irrigation Totals

Total Acres Acre Limit
308.00

Conditions

Code Conditions

C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates

Licensed Date :
Decreed Date : 11/24/2008
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 100
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

4/5/2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2B

AMENDED

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.

Right Number: 22-2181

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) 39.00

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:

not applicable

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$750.00 Date 7/13/21 Received by CH Receipt # E049352

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

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

State of Idaho
Department of Water Resources

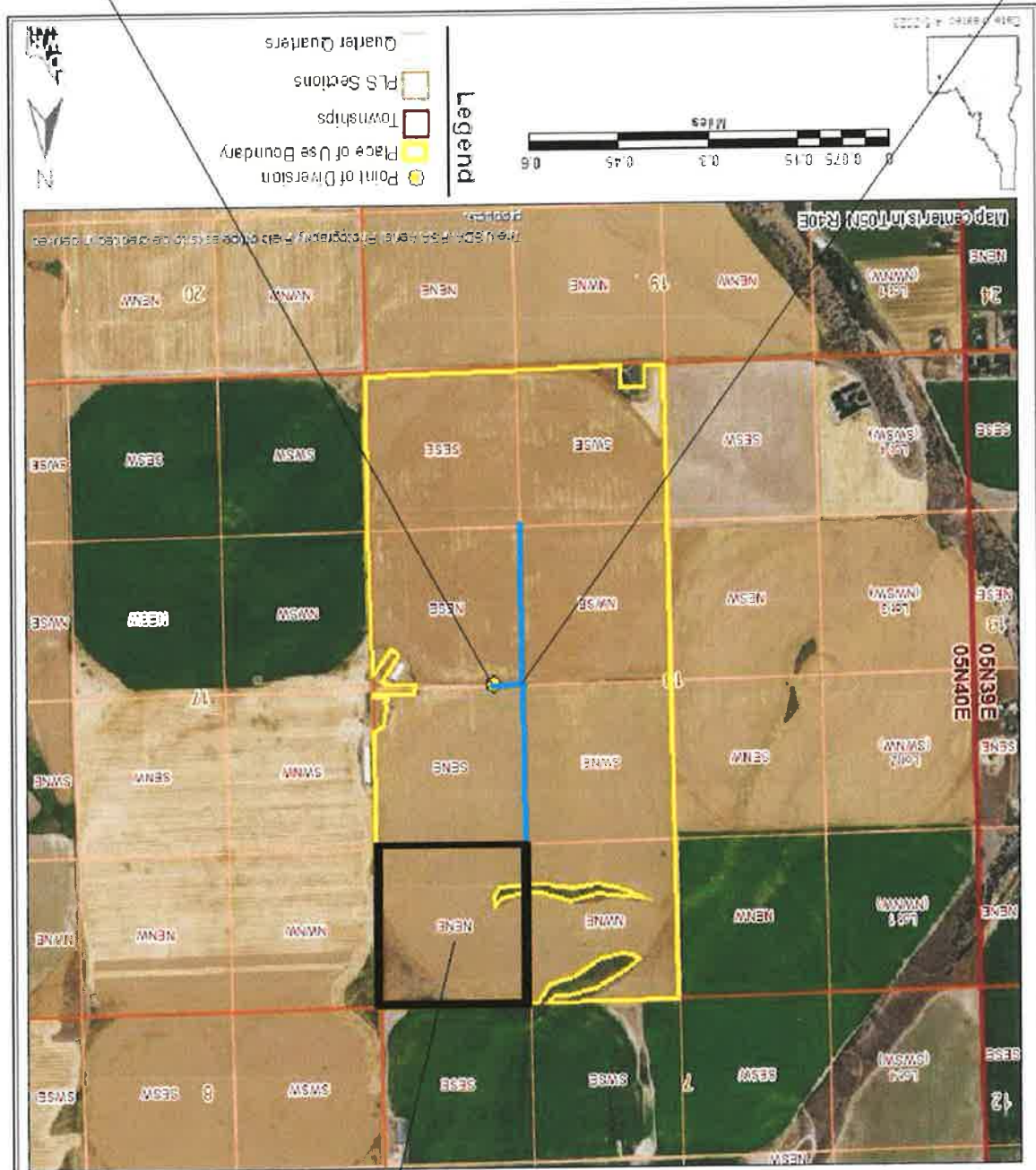
Water Right

22-2181

IRRIGATION

location of the part
(i.e., 39.0 ac) of the existing
right proposed to be changed

The map depicts the place of use for the water use listed above and points of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



point of diversion
measurement device
control point

existing distribution system

Attachment #8A

Extent of Historic Beneficial Use

WMIS/Pdef Approach

An initial estimate of historic beneficial use was attempted using Flow meter water usage from the WMIS database for the subject water right (i.e., 22-2181). The corresponding WMIS number, verified by IDWR personnel is 1002955. Usage (AFA) for the years 2018 – 2022 as reported in WMIS is found in table 1.

Table 1. Historic Beneficial Use Based On WMIS Data

Report Year	Flow Meter Water Usage (AFA) – WMIS 1002955
2022	389.91
2021	296.35
2020	292.14
2019	370.97
2018	330.01
Average	335.88

Assuming an irrigation efficiency of 0.80 (center pivot – high pressure), the average volume of water available for crop growth would have been approximately 268.70 AFA. Precipitation deficit (Pdef) data from ET Idaho, taken from the Rexburg Rick College Station, for both spring grain (irrigated) and potatoes (late harvest) showed a growing season Pdef of 1.83 ft and 1.63 ft respectively with an average of 1.73 ft annually. This analysis indicated that only approximately 155.32 acres (i.e., 268.70 ac-ft/1.73 ft) of the total available acreage (~ 300 acres) could have been water at agronomic rates. Subsequent discussions with the land-owner indicated that there are no other sources of water to irrigate the ~ 300 acres and therefore it was concluded that the metered values were not representative of actual diversion volumes or were incorrectly listed in the WMIS database.

METRIC ET/Irrigation Efficiency Approach

In lieu of a WMIS based approach, it was determined that using METRIC ET data would be more representative of historic beneficial use. In the case of using METRIC ET data, the specific 39.0 acre quarter-quarter section (i.e., T5N R40E Section 08 NE ¼ of NE ¼) on which this change application is focused was used directly, rather than evaluating the entire 308 acre parcel. METRIC ET data for the period from 2017 – 2021 is found in Table 2.

Table 2. Historic Beneficial Use Based on METRIC ET Data

Report Year	Area (m2)	Mean METRIC ET (mm) CIR	Mean METRIC ET (ac-ft) CIR
2021	160,437	581.21	75.60
2020	160,437	704.08	91.58
2019	160,437	604.30	78.60
2018	160,437	389.39	50.65
2017	160,437	523.46	68.09
Average			72.90

Because the polygon selected in the METRIC ET data tool was slightly larger (i.e., 39.64 acres) than the 39.0 acre area of interest, the average from table 2 was reduced proportionally to a value of 71.72 ac-ft. Assuming an irrigation efficiency of 0.80, the historically supported beneficial use over the last five years is approximately 89.65 ac-ft/annually.

Enlargement

- A. The applied for "Rate" change of 0.64 cfs on the 39.0 acre parcel of interest will not enlarge the subject water right given that the ratio of the 39.0 acre parcel to the total water right approved acreage (i.e., 308 acres) is substantially equal to the ratio of 0.64 cfs to the total water right instantaneous diversion rate of 5.04 cfs. Indeed, honoring this proportionality is how the value of 0.64 cfs was derived (i.e., $(39.0 \text{ ac} \div 308 \text{ ac}) \times 5.04 \text{ cfs} = 0.64 \text{ cfs}$).
- B. The applied for "Volume" change of 89.65 ac-ft annually on the 39.0 acre parcel of interest will not enlarge the subject water right given that it has been shown, using METRIC ET data over the past five years and an assumed irrigation efficiency that the average historic beneficial use over the last five years is substantially equal to approximately 89.65 ac-ft/annually.
- C. Consumptive Use will not be enlarged under the applied for changes but will almost certainly be reduced. At present, there is nearly 100% loss of groundwater diverted either through irrigation losses or ET with almost no water lost to the deep percolation. Under the future land development scenario the water will be used for both indoor domestic uses and to a lesser extent yard/grass irrigation. That portion used for indoor domestic use will likely be treated by individual septic, Large Soil Absorption System (LSAS), or Membrane bioreactor (MBR). In these systems some portion of the treated water will end up either in deep percolation and or reuse (in the case of MBR).

D. L. Evans Bank

"Idaho's Hometown Community Bank Since 1904"



April 18, 2023

Idaho Department of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls, ID 83402

Subject: Lane & Kay Lynne Arnold Transfer Application for Water Right 22-2181

Dear Reviewing Agent,

DL Evans as lien holder on the above water right and the corresponding Real Estate that it is appurtenant to, acknowledges Arnold's request to transfer the change in purpose of the water right on the 39 acres portion of the water right.

DL Evans can concur with this action with the understanding that this does not constitute any release of security interest in said water right or other collateral.

Sincerely,

A handwritten signature in blue ink, appearing to read "Grant Boehme".

Grant Boehme

Senior Vice President

Rigby Branch
208-745-8107

P.O. Box 64 135 Farnsworth Way
Fax 208-745-8394

Rigby, ID 83442
Express Banking 1-888-873-9777



April 4, 2023

Idaho Department of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls, ID 83402

RECEIVED

JUL 12 2023

Department of Water Resources
Eastern Region

Subject: Lane & Kay Lynne Arnold Transfer Application for Water Right 22-2181

Dear Reviewing Agent,

Please find enclosed an Application for Transfer of Water Right for Mr. Lane Arnold and a check for filing fees in the amount of \$750.00.

The applicant is proposing a change in purpose of use (from Irrigation to Domestic) for a 39 acre portion of the water right in order to support domestic uses as part of a large residential development planned to be initiated in the Fall of 2024. It is anticipated that the entire 308 acres of the existing farm ground would ultimately be developed over a period of approximately 20 years. However, the development is planned to be completed in eight phases, corresponding to each of the eight quarter/quarter sections which are approximately 40 acres. The current application addresses only the first anticipated portion of the development which is the NENE quarter/quarter of Township 05N, Range 40E Section 18. Additional transfer application are anticipated in the future as the development takes place.

Current plans, should the water rights transfer be approved, are to create a formal Public Water System (PWS) for the domestic uses of the development. This area currently not served by the City of Rexburg and therefore would not be connected to the City's wastewater treatment system, nor is it anticipated to be in the foreseeable future.



Historic consumptive use for the 39.0 acre section was evaluated by using MetricET data from IDWR and precipitation data from Agrimet. This analysis included estimates of pivot irrigation efficiency assumed to be 80%. This analysis (see Attachment #8A) indicated that the average consumptive use from 2017 - 2021 was approximately 89.65 acre feet annually (AFA). The 39.0 acre section represents approximately 12.662% of the total acreage of 308 acres. The total 308 acres is currently authorized to have an instantaneous diversion rate of 5.04 cfs. 12.662% of 5.04 cfs is equal to approximately 0.64 cfs which is the applied for instantaneous diversion rate in the application.

We look forward to working with the department over the coming months to evaluate this application. Please contact me with questions and thanks for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric C. Miller". The signature is fluid and cursive, with the first name "Eric" and last name "Miller" clearly distinguishable.

Eric C. Miller

cc: Mr. Lane Arnold (Water Right Owner)
Mr. Rick Rumsey (Rumsey Engineering)

Attachment: Check for Transfer Application



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 Mathew Weaver

April 23, 2025

LANE ARNOLD
4774 S HIGHWAY 191
REXBURG, ID 83440

RE: Application for Transfer No. 88831

Withdrawal of Application

Dear Applicant:

The Department of Water Resources acknowledges receipt of your withdrawal of the application for transfer referenced above. The withdrawal removes your application from any further consideration or action by the Department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Christina Henman
Administrative Assistant

Cc
YELLOWSTONE EARTH SCIENCE
C/O ERIC C MILLER
2202 W 8200 S
REXBURG, ID 83440



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 Mathew Weaver

March 24, 2025

LANE ARNOLD
4774 S HWY 191
REXBURG ID 83440

Dear Applicant,

On July 12, 2023, we received your application to change the nature of use of a 39-acre portion of water right 22-2181 to domestic use. The application was assigned to an IDWR agent who no longer works for the Department, so I am picking up the application where he left off. I have some ideas about how the application could be improved. These are relatively simple changes to the existing application. I have discussed some of these ideas with your representative. Please feel free to call if you would like to discuss these changes with me and/or your representative.

If the transfer application is not amended within 30 days, we will move forward with advertising the application in its current form.

If you have any questions, please feel free to contact me at (208)525-7161.

Respectfully,

Michael Holliday
Water Rights Supervisor

cc: Eric Miller by email

Lafortune, Thomas

From: Lafortune, Thomas
Sent: Thursday, March 7, 2024 12:25 PM
To: eric.miller@yellowstoneearthscience.com
Cc: lane@arlenco.com
Subject: RE: Water Right Transfer
Attachments: App-Process-79.pdf

Eric,

I have not received this amended application. After looking at the application again, reading the guidance document, and talking with my supervisors about this more, I can move forward with advertising because it is a complete application. An application can be approved at a lesser amount than it was advertised at, which would be the case in this situation. Since the only proposed change is 'nature of use,' any proposed irrigation in the subdivision would not need to be included in the transfer at all if it was amended. The Department will still need more information about the amount of irrigation in the subdivision before approval.

I have attached 'Application Processing Memo No. 79' for your convenience. The relevant portion is on page 4. If I do not receive an amended application by next Tuesday, March 12, I will advertise the transfer as is.

Thank you,

Thomas Lafortune
Water Resource Agent, Sr.
(208) 497-3779
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402



IDAHO DEPARTMENT OF
WATER RESOURCES

From: eric.miller@yellowstoneearthscience.com <eric.miller@yellowstoneearthscience.com>
Sent: Tuesday, February 13, 2024 11:04 AM
To: Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov>
Subject: RE: Water Right Transfer

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Tom,

My apologies for the delay. I will submit a further amendment on/before February 20, 2024 for this application.

Happy New Year!
Eric C. Miller
Principal Hydrologist/Earth Scientist
208-816-2881
ericmiller@yellowstoneearthscience.com

From: Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov>
Sent: Wednesday, January 24, 2024 11:49 AM
To: lane@arlenco.com
Cc: eric.miller@yellowstoneearthscience.com
Subject: Water Right Transfer

Hello,

I am reaching out regarding an application for transfer for water right 22-2181 filed in the summer. We were discussing amendments to the application to align with the latest IDWR guidance documents related to multiple home subdivisions. Are there any updates on this application?

Thank you,

Thomas Lafortune
Water Resource Agent, Sr.
(208) 497-3779
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402



IDAHO DEPARTMENT OF
WATER RESOURCES

Lafortune, Thomas

From: eric.miller@yellowstoneearthscience.com
Sent: Friday, November 3, 2023 10:07 AM
To: Lafortune, Thomas
Subject: RE: Amendments to Lane Arnold Application for Water Right 22-2181

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Tom,

Thanks for reaching out and I appreciate your guidance. I will work to make the modifications and resubmit by Thanksgiving. Please have a great weekend!

Best!

Eric C. Miller
Principal Earth Scientist
Yellowstone Earth Science
(208) 816-2881

From: Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov>
Sent: Thursday, November 2, 2023 4:24 PM
To: eric.miller@yellowstoneearthscience.com
Subject: RE: Amendments to Lane Arnold Application for Water Right 22-2181

Actually, this means that 2B will need to be changed again as well, because less of the right as it currently stands will be changed. Some of the figures in your narrative might also need to be updated.

Tom

From: Lafortune, Thomas
Sent: Thursday, November 2, 2023 4:11 PM
To: eric.miller@yellowstoneearthscience.com
Subject: RE: Amendments to Lane Arnold Application for Water Right 22-2181

Eric,

I have some good news and some bad news. The bad news is that we're not quite done with amendments to this application. The good news is that I think it'll be easier than we were thinking before.

Part 2B looks good with your amendment. I didn't do a very good job of explaining what I meant on Part 1 though. I intended for there to be a separate irrigation component, with its own diversion rate, and domestic component, with its own diversion rate. After talking with my boss however, I realized that the irrigation component doesn't need to be included in this transfer at all because there is no change proposed to that portion of the right. The nature of use and place of use legal description will remain the same.

This does mean that the diversion rate for the domestic use should be reduced though, because we will only be accounting for in-home use. I will need to know how many acres of irrigation in this quarter-quarter will be converted to in-home domestic use. I have attached a document that can be used to determine the needed diversion rate depending on the number of homes, unless you have another method you would like to use.

Also, I may have asked this before, but is it correct that there is no proposed change to the point of diversion? Are they planning to provide domestic water to the subdivision through the existing irrigation well?

Thanks for your time,

Tom

From: eric.miller@yellowstoneearthscience.com <eric.miller@yellowstoneearthscience.com>

Sent: Monday, October 30, 2023 11:46 AM

To: Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov>

Subject: Amendments to Lane Arnold Application for Water Right 22-2181

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Tom,

Good to catch up today. I have made the changes to Part 1 to add "irrigation" as a domestic use. I have also corrected Part 2B to be consistent with the water rights instantaneous diversion and AF as the exists currently.

Please advise if any additional changes are needed and thanks for your continued patience.

Best!

Eric C. Miller
Principal Earth Scientist
Yellowstone Earth Science
(208) 816-2881

Lafortune, Thomas

From: eric.miller@yellowstoneearthscience.com
Sent: Tuesday, October 17, 2023 12:24 PM
To: Lafortune, Thomas
Subject: RE: Lane Arnold Water Right Transfer

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Tom,

My apologies. The court case has been demanding. In fact, I am heading to Boise in about an hour for the hearing. The good news is that it will be over Thursday. I can commit to have the revised application to you by Friday October 27.

Thx for your patience.

Best!

Eric C. Miller
Principal Earth Scientist
Yellowstone Earth Science
(208) 816-2881

From: Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov>
Sent: Thursday, October 12, 2023 11:52 AM
To: eric.miller@yellowstoneearthscience.com
Subject: RE: Lane Arnold Water Right Transfer

Eric,

I don't want to come off as pushy; I know you said you were dealing with court deadlines. Any updates on this application though?

Thanks,

Tom

From: eric.miller@yellowstoneearthscience.com <eric.miller@yellowstoneearthscience.com>
Sent: Tuesday, September 12, 2023 3:17 PM
To: Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov>
Subject: RE: Lane Arnold Water Right Transfer

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Thomas,

Thanks for reaching out! Yes, an amendment is planned. I will have that back to you by September 21. I apologize for the delay. I have some other court related deadlines on project to address.

Thanks for your patience.

Best!

Eric C. Miller
Principal Earth Scientist
Yellowstone Earth Science
(208) 816-2881

From: Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov>
Sent: Tuesday, September 12, 2023 3:14 PM
To: eric.miller@yellowstoneearthscience.com
Subject: Lane Arnold Water Right Transfer

Eric,

I just wanted to reach out regarding the Lane Arnold transfer application for water right 22-2181 submitted in July. I believe last we talked, you were going to prepare an amended application describing the water use as domestic and irrigation, as well as correct Part 2B of the application. Should I still expect this amended application?

Thank you,

Thomas Lafortune
(208) 525-7161
Senior Water Resource Agent
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402

