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APR 22 2025

DEPT. OF WATER RESOURCES
EASTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Lee H. SuttonMailing Address 1577 E. 10000 S. Rexburg, Idaho 83440-4651Email* lhsutt@ida.net Phone 208-390-7490Name of Representative (if any) Robert L. Harris, Holden, Kidwell, Hahn & Crapo, P.L.L.C.Mailing Address PO Box 50130, Idaho Falls, Idaho 83402Email* rharris@holdenlegal.com Phone 208-523-0620

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☐ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

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C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☐ **N/A.** This application does not propose to change the place of use or nature or use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

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	
	SEE	ATT	ACH	ED		SPR	EAD	SHE	ET										

Total Irrigated Acres to be Changed: 7.5

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- | | |
|---|---|
| ☐ Change point(s) of diversion | ☒ Change place of use |
| ☐ Add point(s) of diversion | ☐ Change period of use |
| ☐ Change nature of use | ☐ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

The purpose of this transfer is to update the 1010-acre PPOU to accommodate a new small wiper pivot that has been installed on the farm and to clean up several areas of the PPOU.

As part of this transfer, the 838-acre POU is also being updated to cover the small wiper pivot and shift some acres around to be irrigated with groundwater under the rights subject to this transfer.

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DEPT. OF WATER RESOURCES
EASTERN REGION**C. Summary of Proposed Changes.**

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☒ ☐	22-2242B	6.16/1435	Irrigation	04/01 to 10/31	Ground water
☒ ☐	22-10897	5.52/1288	Irrigation	04/01 to 10/31	Ground water
☒ ☐	22-2242A	0.9/210	Irrigation	04/01 to 10/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 7.06 cfs and/or 2824.7 af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☒ **N/A. This application does not propose to add or change any points of diversion.**

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ **N/A. This application does not propose to change the place of use.**

Proposed Place of Use

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	
	SEE	ATT	ACH	ED		SPR	EAD	SHE	ET										

Total Irrigated Acres: 1010

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☒ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

None.

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

None.

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 100. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☒ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

Storage water allocated to shares in Palisades Water Users, Inc. is also used to irrigate the Applicant's farm.

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

Same as above.

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☒ Yes. Identify the water right(s) to be used for the continued irrigation.

The 838-acre POU will be irrigated with ground water; any remaining lands will be irrigated with PWUI storage water.

☐ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes No

☐

☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov).

Label the Form as Attachment 4C-7.

☐

☒

currently used in a mitigation plan limiting the use of water under the right?

☐

☒

subject to an agreement not to divert (CREP)?

☐

☒

currently enrolled in a federal set-aside program (CRP)?

D. Local Public Interest

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

Well and pump into mainlines to center pivots.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

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.

	Robert L. Harris, Attorney	4-17-2025
Signature of Applicant or Representative*	Print Name and Title, if applicable	Date
Signature of Applicant or Representative*	Print Name and Title, if applicable	Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

Fee Paid: \$ <u>200.00</u>	Receipt #: <u>E050814</u>	Date: <u>4/22/25</u>	Received by: <u>CHL</u>
Add'l Paid: \$ _____	Receipt #: _____	Date: _____	Received by: _____

PERMISSIBLE PLACE OF USE DESCRIPTION AFTER PROPOSED CHANGES

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	40E	1						23	38			28							89
		2	38	21	37	40					39	39	40	38	40	40	40	16	428
		3	32	36	39	37	5.1			5.9					31	6.7		32	224.7
		10	12		0.4	26													38.4
		11		15	39		34	37	31	16	8.6					40	9.3		229.9
TOTAL																			1010

PERMISSIBLE PLACE OF USE DESCRIPTION BEFORE PROPOSED CHANGES

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	40E	1						23	40			29	0.4						92.4
		2	38	21	37	40					39	39	40	38	40	40	40	18	430
		3	32	36	38	36	5.1			5.9					33	6.7		34	226.7
		10	12		0.5	26													38.5
		11		11.2	39		29	38	31	16	8.8					40	9.4		222.4
TOTAL																			1010

CHANGE IN ACRES

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	40E	1							-2			-1	-0.4						-3.4
		2																-2	-2
		3			1	1									-2			-2	-2
		10			-0.1														-0.1
		11		3.8			5	-1			-0.2						-0.1		7.5
TOTAL																			0

69731

**Attachment No. 1A
Documentation Authorizing
Representative to Sign**

SPECIAL POWER OF ATTORNEY

The undersigned hereby appoints **Robert L. Harris** of the law firm of Holden Kidwell Hahn & Crapo P.L.L.C., 1000 Riverwalk Drive, Suite 200, Idaho Falls, Idaho 83402, as our true and lawful attorney for the purpose of signing documents and acting on our behalf on matters associated with submission of a water right transfer application to the Idaho Department of Water Resources and/or the Idaho Water Resource Board, and to allow him to receive all information, and to sign documents and other filings on our behalf.

This Special Power of Attorney shall be effective from the date signed below and expires on December 31, 2025.

DATED: April 14, 2025.

I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct. Idaho Code § 9-1406; Idaho Rule of Civil Procedure 2.7.

A handwritten signature in black ink, appearing to read "Lee H. Sutton", written over a horizontal line.

Lee H. Sutton

Attachment No. 1F

Lien Holder Consent



10980 South Jordan Gateway
P.O. Box 95850
South Jordan, UT 84095
(801)571-9200
1-800-824-9198
Fax (801)571-9481

April 21, 2025

To: Idaho Department of Water Resources

From: Tony K. Powell, Western AgCredit, FLCA, Servicing Agent.

Subject: Application for Transfer of Water Right Nos. 22-2242B, 22-10897, and 22-2242A.

Lee H. Sutton ("Sutton") is the owner of Water Right No(s). 22-2242B, 22-10897, and 22-2242A (the "Water Rights").

The Bank of Commerce is the mortgagee for certain property owned by Lee H. Sutton, which includes property that is authorized for irrigation by the Water Rights. The mortgage is being serviced by Western AgCredit, FLCA.

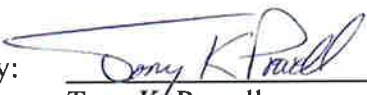
A water right transfer application concerning the Water Rights has been filed or will be filed by Sutton with proposes to amend the place of use and the permissible place of use of the Water Rights as depicted on the attached map. It is my understanding that the transfer is proposed to update the 1010-acre permissible place of use and 838-acre place of use of the Water Rights.

This document will serve to convey our consent to Sutton's transfer. This consent **does not** release the security interest of the Bank of Commerce (or any rights held by Western AgCredit, FLCA) to the land described in the mortgage or Water Rights. Rather, this document merely evidences our consent to the amendment of the Water Rights through the transfer. Upon our request, Sutton will move any authorized irrigated acres under the Water Rights back to property described in our mortgage.

I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct. Idaho Code § 9-1406; Idaho Rule of Civil Procedure 2.7.

The Bank of Commerce,
By: Western AgCredit, FLCA, Its servicing Agent

Date: April 21, 2025

By: 
Tony K. Powell
SVP-Chief Credit Officer

Attachment No. 2A

Current Water Rights

Water Right Report : 22-2242-A (Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	SUTTON, LEE H	1577 E 10000 S	REXBURG	ID	83440-4651
Original Owner	SUTTON, RANDALL D	1628 W 8200 S	REXBURG	ID	83440

Water Right Status

Priority Date : 1/28/1965
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	04N	40E	2	0	NW	SE	SW	MADISON	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.90 CFS	210.00 AFA
TOTAL			0.90 CFS	210.00 AFA

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (MADISON county)

Show entries

Search:

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
04N	40E	1			NW	NW	23.0
04N	40E	1			SW	NW	40.0
04N	40E	1			NW	SW	29.0
04N	40E	1			SW	SW	0.4
04N	40E	2			NE	NE	38.0
04N	40E	2			NW	NE	21.0
04N	40E	2			SW	NE	37.0
04N	40E	2			SE	NE	40.0
04N	40E	2			NE	SW	39.0
04N	40E	2			NW	SW	39.0

Showing 1 to 10 of 37 entries

Previous

1

2

3

4

Next

Irrigation Totals

Total Acres	Acre Limit
1010.00	60.00

Conditions

Code Conditions

X27 This right is limited to the irrigation of 60 acres within the authorized place of use in a single irrigation season.

- 206 Rights 22-2242A, 22-2242, 22-10897 are limited to the irrigation of a specific 838 acres within the 1,010 acre place of use authorized by this right in a single irrigation season. The specific 838 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 838 acres to be irrigated within the 1,010 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.
- R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
- 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. 100.
- 214 Prior to the diversion and use of water under Transfer approval 88753, 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.
- 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 Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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 : 0.02
 Generic Max Volume Per Acre : 3.5
 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

4/14/2025

Water Right Report : 22-2242-B (Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	SUTTON, LEE H	1577 E 10000 S	REXBURG	ID	83440-4651
Original Owner	SUTTON, RICHARD THOMAS	7586 W PORTNEUF RD	POCATELLO	ID	83204
Original Owner	ESTATE OF JESSE L SUTTON	9471 S 600 E	REXBURG	ID	83440
Original Owner	SUTTON, KENT V	9471 S 600 E	REXBURG	ID	83440
Security Interest	THE BANK OF COMMERCE	C/O WESTERN AGCREDIT PO BOX 95850	SOUTH JORDAN	UT	84095-0850

Water Right Status

Priority Date : 1/28/1965

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	04N	40E	2	0	NW	SE	SW	MADISON	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	6.16 CFS	1435.00 AFA
TOTAL			6.16 CFS	1435.00 AFA

Places of Use

Printable View

Paged view

Place of Use Legal Description : IRRIGATION (MADISON county)

Show entries

Search:

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
04N	40E	1			NW	NW	23.0
04N	40E	1			SW	NW	40.0
04N	40E	1			NW	SW	29.0
04N	40E	1			SW	SW	0.4
04N	40E	2			NE	NE	38.0
04N	40E	2			NW	NE	21.0
04N	40E	2			SW	NE	37.0
04N	40E	2			SE	NE	40.0
04N	40E	2			NE	SW	39.0
04N	40E	2			NW	SW	39.0

Showing 1 to 10 of 37 entries

Previous

2

3

4

Next

Irrigation Totals

Total Acres Acre Limit

1010.00 410.00

89731

Conditions

Code Conditions

- X27 This right is limited to the irrigation of 410 acres within the authorized place of use in a single irrigation season.
- X35 Rights 22-2242B and 22-10897 when combined shall not exceed a total diversion rate of 6.16 cfs, a total annual maximum diversion volume of 2614.7 af at the field headgate, and the irrigation of 778 acres.
- 206 Rights 22-2242A, 22-2242B and 22-10897 are limited to the irrigation of a specific 838 acres within the 1,010 acre place of use authorized by this right in a single irrigation season. The specific 838 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 838 acres to be irrigated within the 1,010 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.
- K01 Right No. 22-10897 is an enlargement of this right pursuant to Idaho Code § 42-1426.
- 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. 100.
- 214 Prior to the diversion and use of water under Transfer approval 88753, 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.
- R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 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 Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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 : 0.02
Generic Max Volume Per Acre : 3.5
Combined Acre Limit : 778.00
Combined Volume Limit: 2614.70
Combined Rate Limit: 6.16
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

4/14/2025

Water Right Report : 22-10897(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	SUTTON, LEE H	1577 E 10000 S	REXBURG	ID	83440-4651
Security Interest	THE BANK OF COMMERCE	C/O WESTERN AGCREDIT PO BOX 95850	SOUTH JORDAN	UT	84095-0850

Water Right Status

Priority Date : 6/20/1976
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	04N	40E	2	0	NW	SE	SW	MADISON	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	5.52 CFS	1288.00 AFA
TOTAL			5.52 CFS	1288.00 AFA

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (MADISON county)

Show entries

Search:

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
04N	40E	1			NW	NW	23.0
04N	40E	1			SW	NW	40.0
04N	40E	1			NW	SW	29.0
04N	40E	1			SW	SW	0.4
04N	40E	2			NE	NE	38.0
04N	40E	2			NW	NE	21.0
04N	40E	2			SW	NE	37.0
04N	40E	2			SE	NE	40.0
04N	40E	2			NE	SW	39.0
04N	40E	2			NW	SW	39.0

Showing 1 to 10 of 37 entries

Previous

1

2

3

4

Next

Irrigation Totals

Total Acres	Acres Limit
1010.00	368.00

Conditions

Code Conditions

K09 This right is for an enlargement of 368 acres within the place of use described for this right.

- X35 Rights 22-2242B and 22-11 when combined shall not exceed a total diversion rate of 6.16 cfs, total annual maximum diversion volume of 2614.7 af at the field headgate, and the irrigation of 778 acres.
- 206 Rights 22-2242A, 22-2242B and 22-10897 are limited to the irrigation of a specific 838 acres within the 1,010 acre place of use authorized by this right in a single irrigation season. The specific 838 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 838 acres to be irrigated within the 1,010 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.
- K02 This right is based upon an enlargement of Right No. 22-2242B pursuant to Idaho Code § 42-1426.
- C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
- 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. 100.
- 214 Prior to the diversion and use of water under Transfer approval 88753, 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.
- R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 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 Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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 : 4/12/1994
 Application Received Date:
 Protest Deadline Date:

Other Information

State or Federal : S
 Water District Number : 100
 Generic Max Rate Per Acre : 0.02
 Generic Max Volume Per Acre : 3.5
 Combined Acre Limit : 778.00
 Combined Volume Limit: 2614.70
 Combined Rate Limit: 6.16
 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

4/14/2025

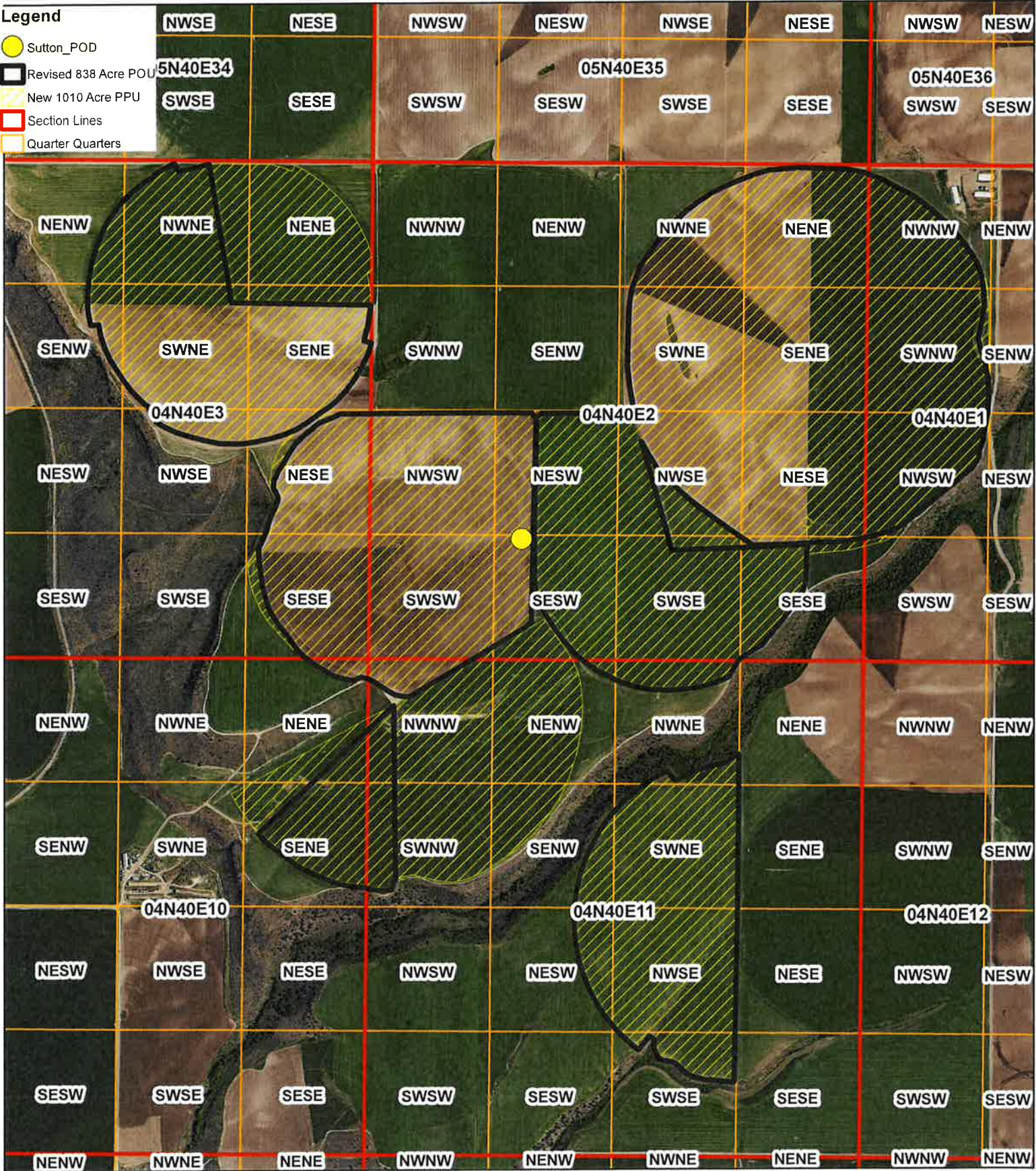
Attachment No. 2B

Map of Current System

SUTTON TRANSFER APPLICATION

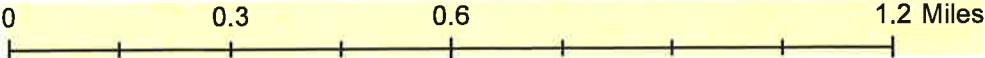


- Legend**
- Sutton_POD
 - Revised 838 Acre POU
 - New 1010 Acre PPU
 - Section Lines
 - Quarter Quarters



Prepared by:
Robert L. Harris
2021 NAIP Aerial Photo

89731

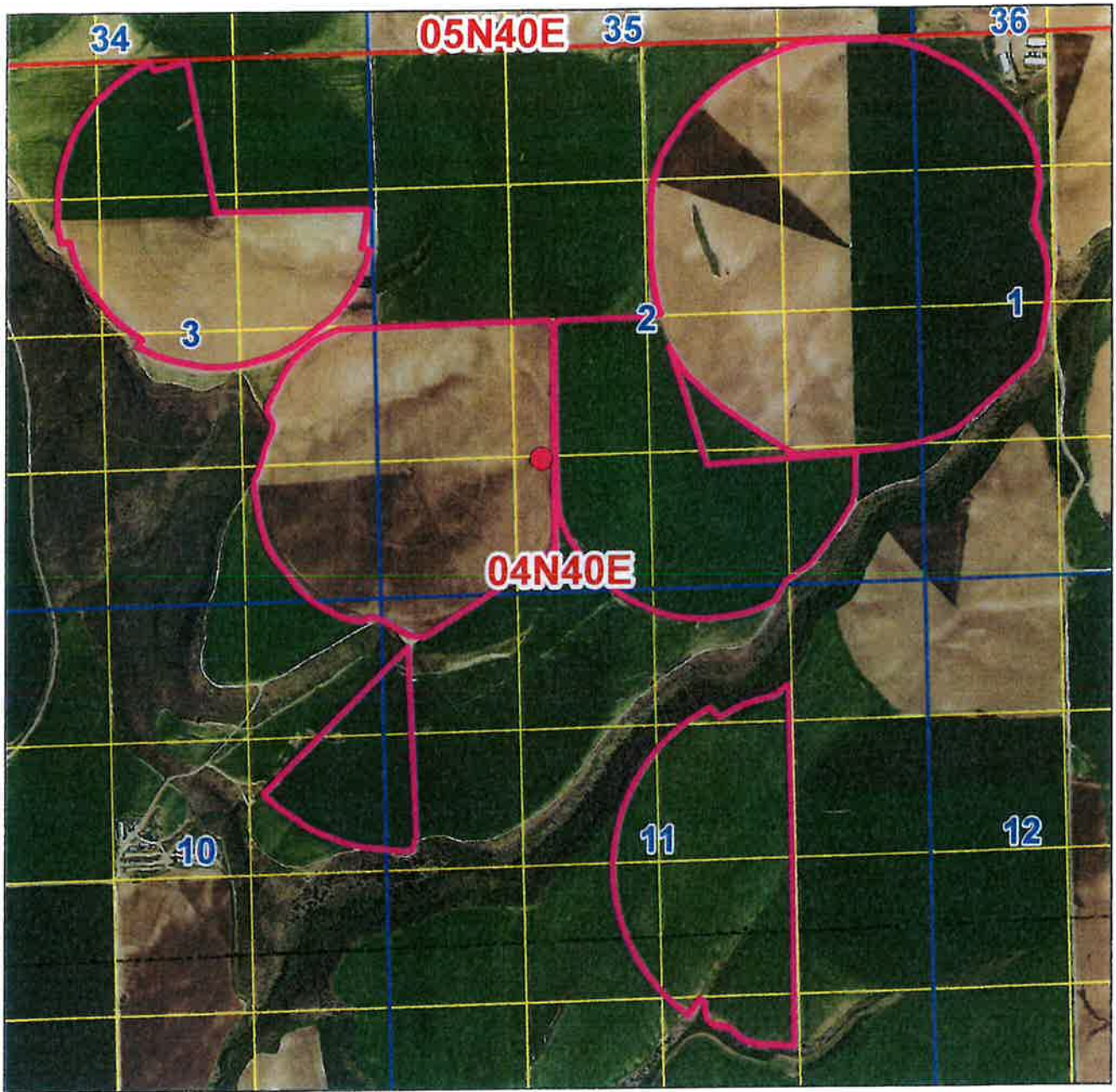


Attachment No. 2C

Current Location of Irrigated Acres

Attachment to Transfer Approval 88753

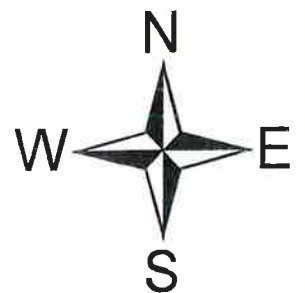
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 1,000 2,000 4,000 Feet



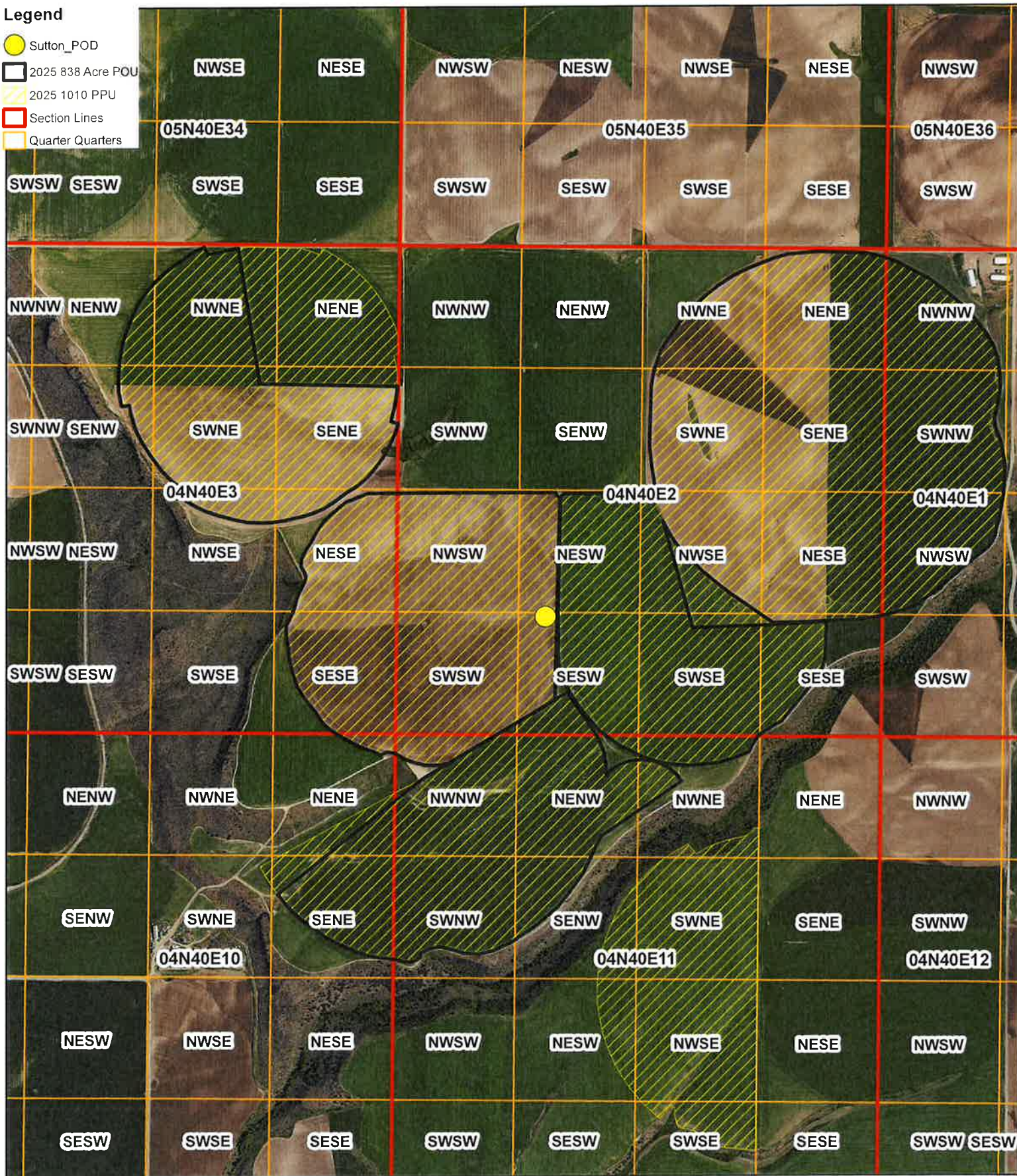
89731

Date: 3/26/2024

Attachment No. 3C

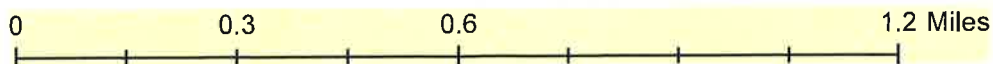
Map of Proposed System

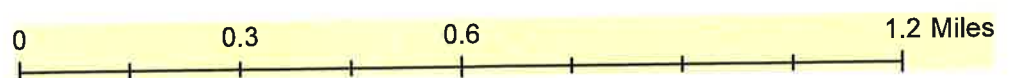
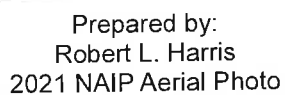
 Sutton_POD
 2025 838 Acre POU
 2025 1010 PPU
 Section Lines
 Quarter Quarters



Prepared by:
Robert L. Harris
2021 NAIP Aerial Photo

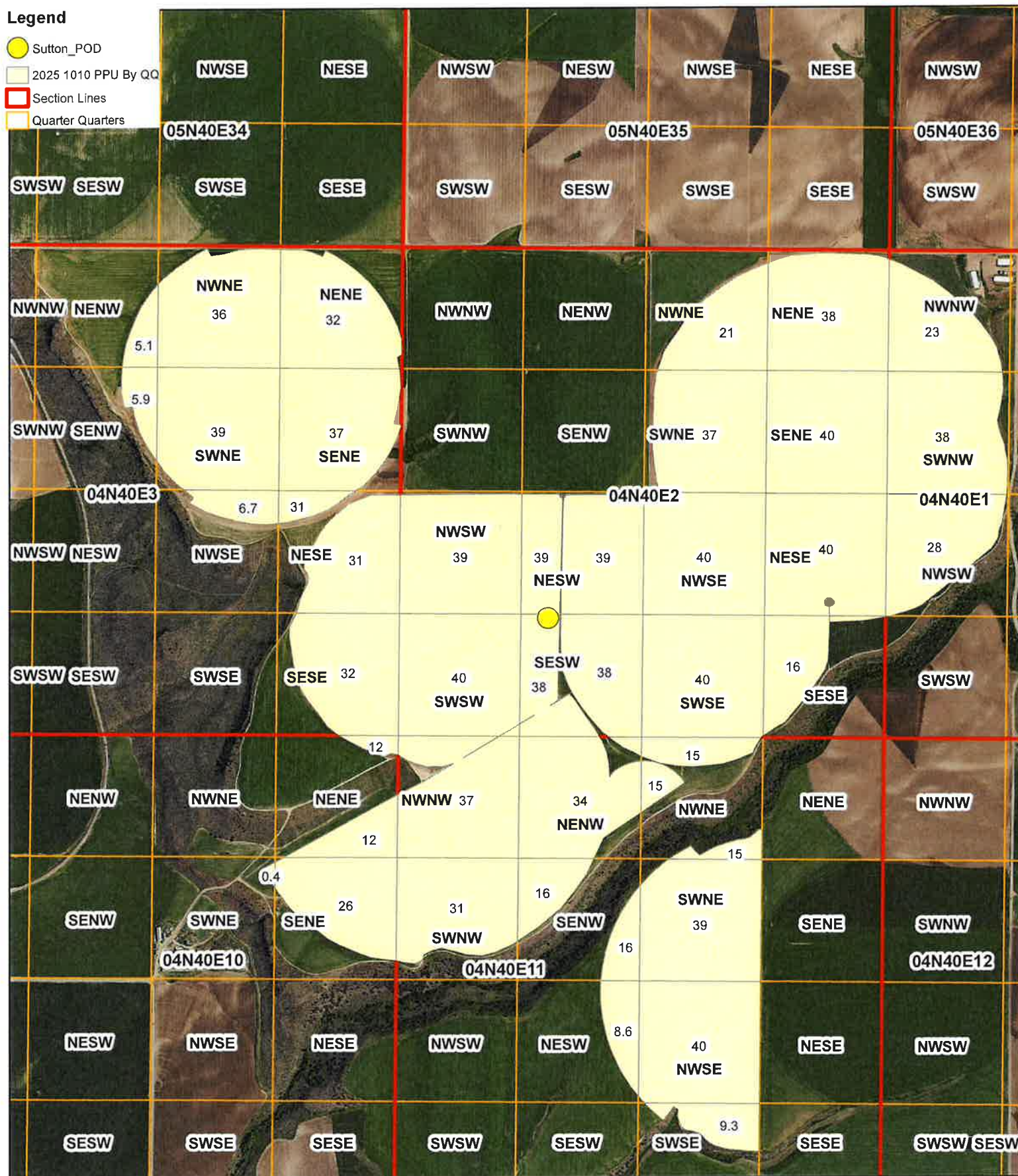
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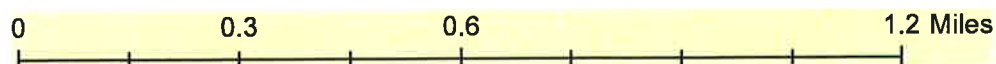
89731

 Sutton_POD
 2025 1010 PPU By QQ
 Section Lines
 Quarter Quarters



Prepared by:
Robert L. Harris
2021 NAIP Aerial Photo

Photo 89 7 3 1



GIS shapefiles will be emailed upon request to the Applicant's representative.



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

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

April 22, 2025

RECEIVED

APR 22 2025

DEPT. OF WATER RESOURCES
EASTERN REGION

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

**RE: *Application for Transfer for WR 22-2242B, WR 22-10897, and WR 22-2242A,
Filed in the Name of Lee H. Sutton.***

Dear Reviewing Agent:

Enclosed for processing is a completed *Application for Transfer* for the above-referenced water rights. As described in the Application, it simply proposes to rearrange and update the current 1010-acre permissible place of use to accommodate a new small pivot (and make several other de minimis changes) and update the actual irrigated place of use of 838 acres. Upon email request, we will email IDWR the GIS shapefiles generated for this transfer.

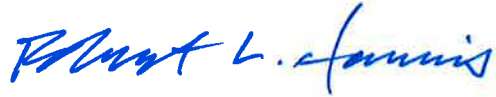
For this transfer, there is only a net change of 7.5 acres. Accordingly, enclosed is a check in the amount of \$200 for the filing fee associated with a transfer of this type. Where there is no proposed change in the point of diversion of the above water rights, and the only amendments relate to the place of use and permissible place of use of the water rights, it is our understanding that this transfer will not be advertised under Department policies and procedures. If the Department does decide to advertise the transfer, please let us know.

We appreciate your assistance in the review and processing of this Application. If you have any questions or concerns, please let me know.

89731

IDWR
April 22, 2025
Page 2 of 2

Best regards,



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

Enclosures

g:\wpdata\rlh\16818 sutton, lee\05 - 2025 transfer\2025.04.16 ltr to idwr.docx

89731

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☒ ☐	22-2242	6.16/1435	Irrigation	04/01 to 10/31	Ground water
☒ ☐	22-10897	5.52/1288	Irrigation	04/01 to 10/31	Ground water
☒ ☐	22-2242A	0.9/210	Irrigation	04/01 to 10/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

SUPERCEDED

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 7.06 cfs and/or 2824.7 af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.