

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 30 2025

DEPT. OF WATER RESOURCES
EASTERN REGION

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) Hard Way LPMailing Address 5313 South 5700, Rexburg, Idaho 83440Email* brandonrungp@gmail.com Phone 208-390-4349Name of Representative (if any) Rocky Mountain Environmental Associates, Inc.Mailing Address 482 Constitution Way STE 303, Idaho Falls, Idaho 83402Email* kristin.rmea@gmail.com Phone 208-524-2353

*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.

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 of 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	

Total Irrigated Acres to be Changed: _____

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:

A new well is proposed to be added to the irrigation system. Upon approval of Transfer 87765 to move 22-14166 to this farm, it was discovered that the old well could not be rehabilitated to deliver all of the water rights. A second well will be required to divert all of the ground water rights at this farm. It is proposed to include all of the water rights to allow redundancy within the system, but primarily, the new well will be used to deliver water to the lower farm ground and the existing well will continue to deliver water to the upper part of the farm where it has historically been used.

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
☒ ☐	22-14166	1.93 cfs	Irrigation	4/01 to 11/01	Groundwater
☒ ☐	22-7706	1.72 cfs	Irrigation	4/15 to 10/15	Groundwater
☒ ☐	22-7654	1.76 cfs	Irrigation	4/15 to 10/15	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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: 3.69 cfs and/or _____ 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
Y	04N	40E	3			SW	SW	Madison	Ground Water	
N	04N	40E	3			SW	SW	Madison	Ground Water	A0020284

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	

Total Irrigated Acres: _____

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.

22-14166, 22-7706, 22-7654 are used along with Sunnyside Irrigation District and Palisades Storage Water

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.

☐ 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.

Existing well, which has the capacity to deliver rights 22-7706 and 22-765, will continue to deliver water to upper lands (east). A new 24 in well will be drilled with an anticipated depth of 500' that will connect to the mainline and deliver to the lower lands. If necessary, the mainline could also send water up the hill to the upper lands with the use of a booster pump should the existing well fail.

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 Smith
Robert Smith (Dec 26, 2025 21:43:55 MST)

Robert Smith, Partner

26/12/2025

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: \$ 1,015.00 Receipt #: E051363 Date: 12-30-25 Received by: m. Pottin
Add'l Paid: \$ _____ Receipt #: _____ Date: _____ Received by: _____

90258

Water Right Report : 22-7706(License/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	HARD WAY LP	5313 S 5700 W	REXBURG	ID	83440-4225
Original Owner	BYRNE, J R	8633 S 1600 E	REXBURG	ID	83440
Previous Owner	BYRNE FARM LLC	8633 S 1600 E	REXBURG	ID	83440-4654

Water Right Status

Priority Date : 4/12/1991
 Basis : License
 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	3	0				SW SW MADISON	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/15	10/15	1.72 CFS	
TOTAL			1.72 CFS	

Places of Use

Place of Use Legal Description : IRRIGATION (MADISON county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
04N	40E	3	4		NW	NW	16.0
04N	40E	3			SW	NW	25.0
04N	40E	3			SE	NW	5.0
04N	40E	3			NE	SW	17.0
04N	40E	3			NW	SW	10.0
04N	40E	4	1		NE	NE	5.0
05N	40E	33			SE	SE	8.0

Irrigation Totals

Total Acres Acre Limit
 86.00

Conditions

Code Conditions

- WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 301 af at the field headgate for the place of use.
- X35 Rights 22-7654 and 22-7706 when combined shall not exceed a total diversion rate of 1.76 cfs and a total annual maximum diversion volume of 641.2 af at the field headgate.

90258

- 943 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
- 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 82996, 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.
- 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.

Dates

Licensed Date : 5/29/1997
 Decreed Date :
 Permit Proof Due Date : 6/1/1994
 Permit Proof Made Date : 6/22/1994
 Permit Approved Date : 5/29/1991
 Permit Moratorium Expiration Date :
 Enlargement Use Priority Date :
 Enlargement Statute Priority Date :
 Application Received Date: 3/22/1991
 Protest Deadline Date:

Other Information

State or Federal :
 Water District Number : 100
 Generic Max Rate Per Acre : 0.02
 Generic Max Volume Per Acre : 3.5
 Combined Acre Limit : 200.00
 Combined Volume Limit: 641.20
 Combined Rate Limit: 1.76
 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

12/12/2025

Water Right Report : 22-14166(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	HARD WAY LP	5313 S 5700 W	REXBURG	ID	83440-4225
Original Owner	WARD, GEORGE H	201 E CHAPEL DOWNS DR	SOUTHLAKE	TX	76092
Original Owner	WARD, MARJORIE M	201 E CHAPEL DOWNS DR	SOUTHLAKE	TX	76092
Previous Owner	RANDKLEV, JOYCE	201 E CHAPEL DOWNS DR	SOUTHLAKE	TX	76092

Water Right Status

Priority Date : 5/15/1968

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	3	0				SW SW MADISON	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	1.93 CFS	108.00 AFA
TOTAL			1.93 CFS	108.00 AFA

Places of Use

Place of Use Legal Description : IRRIGATION (MADISON county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
04N	40E	3	4		NW	NW	14.0
04N	40E	3			SW	NW	27.0
04N	40E	3			SE	NW	4.0
04N	40E	3			NE	SW	15.0
04N	40E	3			NW	SW	10.0
04N	40E	3			SW	SW	38.0
04N	40E	3			SE	SW	18.0
04N	40E	4	1		NE	NE	19.0
04N	40E	4	2		NW	NE	40.0
04N	40E	4			SW	NE	40.0
04N	40E	4			SE	NE	32.0
04N	40E	4			NE	SE	37.0
04N	40E	4			NW	SE	40.0
04N	40E	4			SW	SE	39.0
04N	40E	4			SE	SE	40.0
04N	40E	10			NE	NW	19.0
04N	40E	10			NW	NW	39.0
05N	40E	33			SW	SE	16.0
05N	40E	33			SE	SE	11.0

Irrigation Totals

Total Acres Acre Limit

498.00 112.00

Conditions**Code Conditions**

- 206 This right is limited to the irrigation of a specific 112 acres within the 498-acre place of use authorized by this right in a single irrigation season. The specific 112 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 112 acres to be irrigated within the 498-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.
- 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 87765, the right holder shall install and maintain acceptable measuring devices at the authorized point 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. A measuring device shall be installed to record the quantity of water delivered under this right and a separate measuring device shall be installed to record the quantity of water delivered under water rights 22-7706 and 22-7654.
- 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.
- F14 Use of this right is combined with water from Sunnyside Irrigation District on all irrigated acres authorized under this right.
- 943 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
- 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 : 1/5/2007
 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

12/12/2025

Water Right Report : 22-7654(License/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	HARD WAY LP	5313 S 5700 W	REXBURG	ID	83440-4225
Original Owner	BYRNE, J R	8633 S 1600 E	REXBURG	ID	83440
Previous Owner	BYRNE FARM LLC	8633 S 1600 E	REXBURG	ID	83440-4654

Water Right Status

Priority Date : 3/16/1989
Basis : License
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	3	0				SW SW MADISON	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/15	10/15	1.76 CFS	
TOTAL			1.76 CFS	

Places of Use

Place of Use Legal Description : IRRIGATION (MADISON county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
04N	40E	3		SW	SW		38.0
04N	40E	3		SE	SW		17.0
04N	40E	10		NE	NW		19.0
04N	40E	10		NW	NW		40.0

Irrigation Totals

Total Acres Acre Limit
114.00

Conditions

Code Conditions

- 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
- R25 This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
- 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 079 This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
- Rights 22-07654 and 22-07706 when combined shall not exceed a total diversion rate of 1.76 cfs and a total annual diversion volume of 641.2 af for the irrigation of a total of 200 acres. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 399 af for the lands above. Right 22-07706 is also diverted through the point(s) of diversion described above.

049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Dates

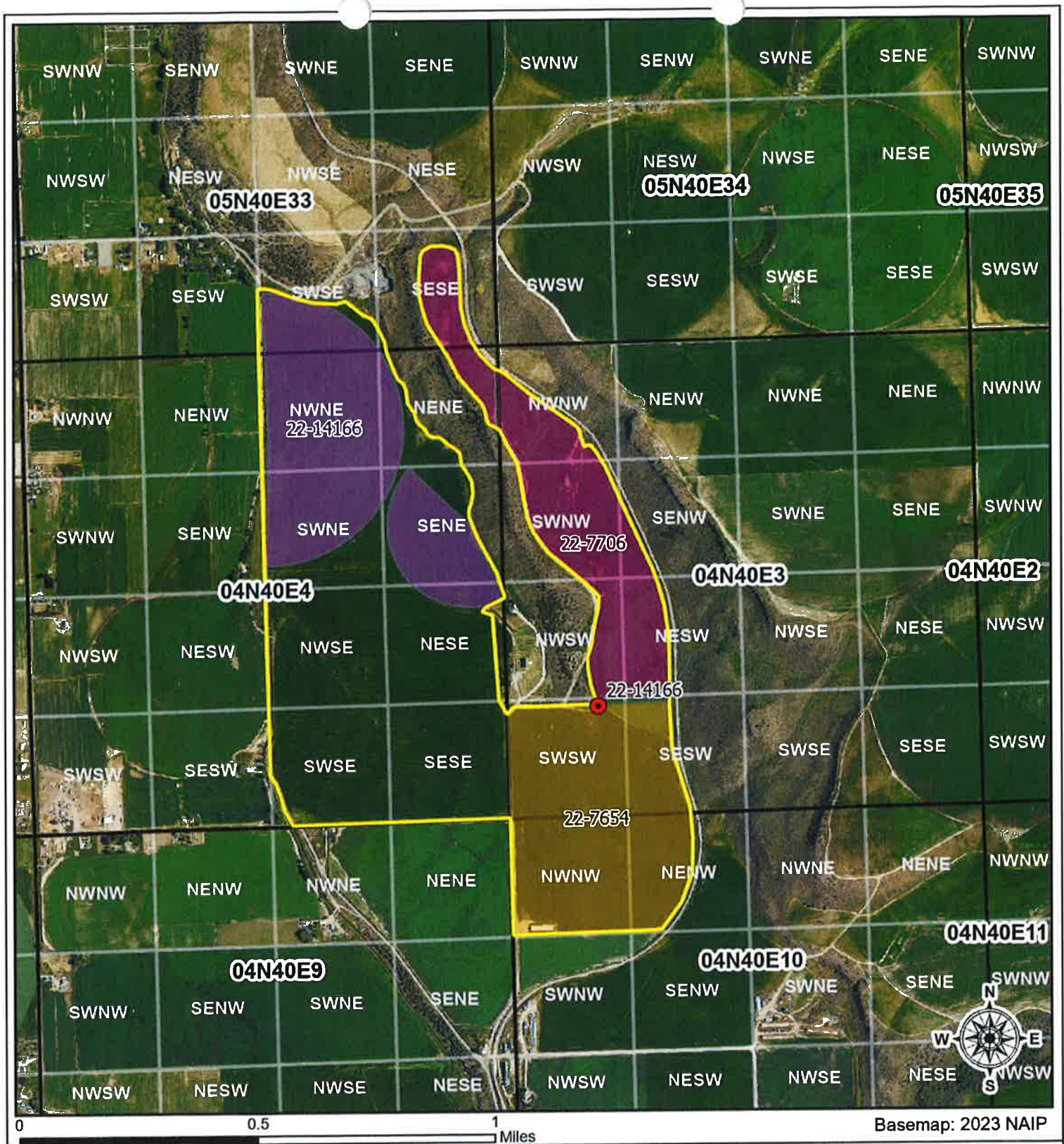
Licensed Date : 5/29/1997
Decreed Date :
Permit Proof Due Date : 2/1/1994
Permit Proof Made Date : 1/5/1994
Permit Approved Date : 3/7/1991
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date: 3/16/1989
Protest Deadline Date:

Other Information

State or Federal :
Water District Number : 100
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Combined Acre Limit : 200.00
Combined Volume Limit: 641.20
Combined Rate Limit: 1.76
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

12/12/2025



Attachment 2B. Map of current POD and POU

WaterRightNumber

- 22-14166
- 22-7654
- 22-7706

● Existing POD

QQ

Section

PPU

Hard Way LP
5313 S 5700 W, Rexburg, ID
Water Right Transfer

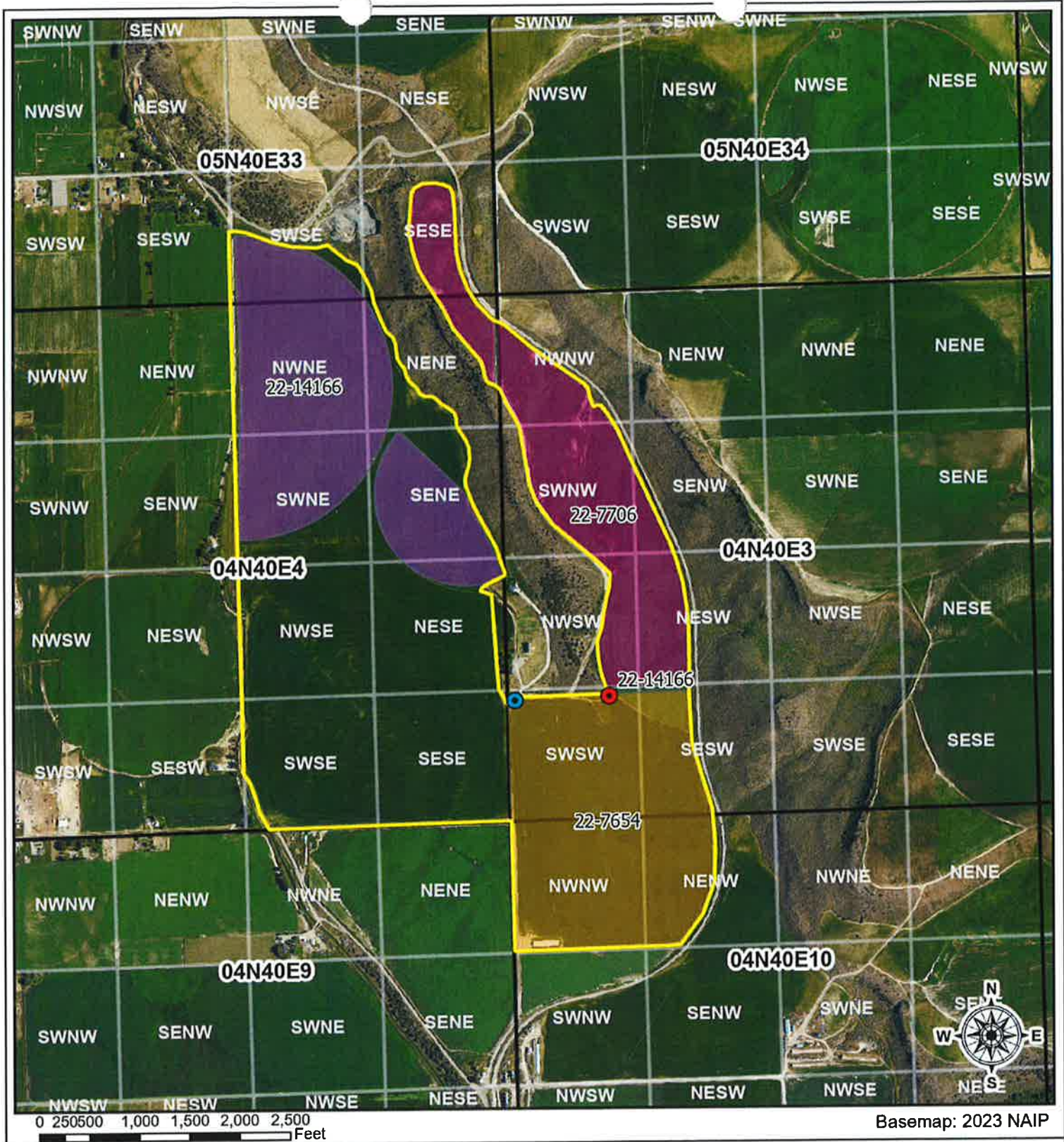
Date: 12/19/2025

RMEA #: 22-0148

Drafted by: QQ



90258



Attachment 3C. Proposed Location, Page 1

WaterRightNumber 22-14166 22-7654 22-7706	● New POD ● Existing POD □ Section □ QQ □ PPU	Hard Way LP 5313 S 5700 W, Rexburg, ID Water Right Transfer	Date: 12/19/2025 RMEA #: 22-0148 Drafted by: QQ  Rocky Mountain ENVIRONMENTAL ASSOCIATES, P.C.
--	--	---	--

90258



Attachment 3C. Proposed Location, Page 2

Legend

	New POD	WaterRightNumber
	Existing POD	22-14166
	Section	22-7654
	QQ	22-7706
		PPU

Hard Way LP
5313 S 5700 W, Rexburg, ID
Water Right Transfer

Date: 12/19/2025

RMEA #: 22-0148

Drafted by: QG



90258



0006144915

**STATE OF IDAHO**

Office of the secretary of state, Phil McGrane

ANNUAL REPORT

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

RECEIVED**JAN 08 2026**DEPT. OF WATER RESOURCES
EASTERN REGION

For Office Use Only

-FILED-

File #: 0006144915

Date Filed: 3/6/2025 8:12:44 AM

Entity Name and Mailing Address:

Entity Name: **HARD WAY, LP**
The file number of this entity on the records of the Idaho Secretary of State is: **0000030570**
Address: **5313 S 5700 W
REXBURG, ID 83440-4225**

Entity Details:

Entity Status: **Active-Current**
This entity is organized under the laws of: **IDAHO**
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: **L5410**

The registered agent on record is:

Registered Agent: **Robert B. Smith
Registered Agent
Physical Address
5313 SOUTH 5700 WEST
REXBURG, ID 83440
Mailing Address
5313 S 5700 W
REXBURG, ID 83440-4225**

Limited Partnership General Partners

Name	Business Address
ROBERT B SMITH	5313 S 5700 W REXBURG, ID 83440
RANAE SMITH	5313 S 5700 W REXBURG, ID 83440

The annual report must be signed by an authorized signer of the entity.

Job Title: **Partner**Robert Smith

Sign Here

03/06/2025

Date

B0994-6935 03/06/2025 8:12 AM Received by Office of the Idaho Secretary of State



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

January 14, 2026

HARD WAY LP
5313 S 5700 W
REXBURG, ID 83440-4225

RE: Transfer No. 90258
Water Right No(s). 22-14166, 22-7654, 22-7706

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the REXBURG STANDARD JOURNAL on 1/23/2026 and 1/30/2026. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Christina Henman
Administrative Assistant

CC:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, January 14, 2026 1:54 PM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for Standard Journal
Attachments: 90258 Standard Journal.docx

LEGAL NOTICE DEPARTMENT
REXBURG STANDARD JOURNAL
PO BOX 100
REXBURG, ID 83440-0100

RE: Transfer No. 90258
Water Right No(s). 22-14166, 22-7654, 22-7706

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/9/2026. Your cooperation is appreciated.

Thank You,



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

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 90258**

HARD WAY LP, 5313 S 5700 W, REXBURG, ID 83440-4225 has filed Application No. 90258 for changes to the following water rights within MADISON County(s): Right No(s). 22-14166, 22-7654, 22-7706; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: add point of diversion. The two proposed points of diversion (1 new) are in SWSW Sec 3 T04N R40E for 3.69 cfs from Ground Water.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 2/9/2026. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 1/23/2026 and 1/30/2026

Re: Hard Way LP Transfer

From McKenna Webster <mckenna.webster@idwr.idaho.gov>

Date Thu 1/8/2026 9:25 AM

To Kristin Moore <kristin.rmea@gmail.com>

Kristin,

Including those documents is helpful for those reviewing the application. It just confirms that the individual who signed the application has the authority to do so.

Best Regards

McKenna Webster | Water Resource Agent

900 N Skyline Dr. Ste. A Idaho Falls, ID 83402

(208) 525-7161 (office) | www.idwr.idaho.gov



From: Kristin Moore <kristin.rmea@gmail.com>

Sent: Thursday, January 8, 2026 8:31 AM

To: McKenna Webster <mckenna.webster@idwr.idaho.gov>

Subject: Re: Hard Way LP Transfer

SUSPICIOUS MESSAGE: This message may be impersonating a State of Idaho user. Proceed with caution and verify legitimacy of the sender before replying. 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.

McKenna,

Since Robert Smith is listed under the business entity with the state, it was my understanding we didn't need to submit documentation. I've downloaded the most recent annual report and have attached it.

Thanks,

Kristin Moore

Water Rights Analyst

482 Constitution Way, Ste 303, Idaho Falls, ID 83402

E-Mail: kristin.rmea@gmail.com

VOICE: 208-524-2353 ||| FAX: 208-524-1795



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On Wed, Jan 7, 2026 at 3:14 PM McKenna Webster <mckenna.webster@idwr.idaho.gov> wrote:

Kristin,

I've been reviewing the Hard Way LP Water Right Transfer, and there weren't any documents provided that connect Robert Smith to Hard Way LP. I just need something that shows Robert Smith has the authority to sign the application.

Thank you

Best Regards

McKenna Webster | Water Resource Agent

900 N Skyline Dr. Ste. A Idaho Falls, ID 83402

(208) 525-7161 (office) | www.idwr.idaho.gov

