

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 90461**

This is to certify that: MICHELLE VAN ORDEN AND
STEVEN VAN ORDEN
891 W 100 N
BLACKFOOT, ID 83221-5512

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-13858	WR/DECREED	4/27/1964	0.320 cfs	32.0 af	N/A	8.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-2737C	WR/DECREED	4/27/1964	0.120 cfs	20.0 af		5.0	GROUND WATER
35-13859	WR/DECREED	4/27/1964	1.060 cfs	106.0 af		26.5	GROUND WATER
35-14773	WR/DECREED	4/27/1964	0.080 cfs	8.0 af		2.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-13858	YES	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-13858	35-14956	0.160 cfs	16.0 af	N/A	4.0	35-13858	0.160 cfs	16.0 af	N/A	4.0
COMBINED TOTALS		0.160 cfs	16.0 af	N/A	4.0		N/A	N/A	N/A	N/A

**Support Data
In File # 35-13858**

Transfer No. 90461

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 90461

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

Dated this 9th day of July, 2026


Water Resources Program Manager



WATER RIGHT NO. 35-13858
As Modified by Transfer No. 90461

In accordance with the approval of Transfer No. 90461, Water Right No. 35-13858 is now described as follows:

Right Holder: GARY A TERNUS OR
BRENDA TERNUS
1981 SUNRISE WAY
POCATELLO, ID 83201

Priority Date: 4/27/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.160 cfs	16.0 af
			0.160 cfs	16.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNENW Sec 34 Twp 02S Rge 34E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	34E	34					0.3	3.7											4.0

POU Total Acres: 4.0

CONDITIONS OF APPROVAL

1. Rights 35-2737C, 35-13858, 35-13859 and 35-14773 when combined shall not exceed a total diversion rate of 1.50 cfs.
2. Rights 35-2737C, 35-13859 and 35-14773 are also diverted through the point(s) of diversion described above.
3. Use of this right is combined with water from Danskin Ditch Co.
4. 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.

Transfer No. 90461

WATER RIGHT NO. 35-14956
As Modified by Transfer No. 90461

In accordance with the approval of Transfer No. 90461, Water Right No. 35-14956 is now described as follows:

Right Holder: STEVEN VAN ORDEN AND
 MICHELLE VAN ORDEN
 891 W 100 N
 BLACKFOOT, ID 83221-5512

Priority Date: 4/27/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.160 cfs	16.0 af
			0.160 cfs	16.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 34 Twp 02S Rge 34E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	34E	34						4.0											4.0

POU Total Acres: 4.0

CONDITIONS OF APPROVAL

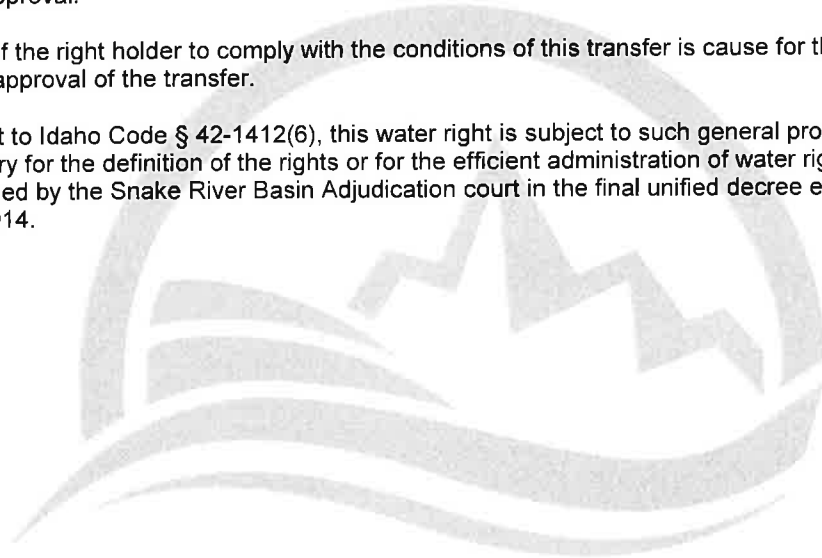
1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Prior to the diversion and use of water under Transfer approval 90461, 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.
4. 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.

Transfer No. 90461

WATER RIGHT NO. 35-14956
As Modified by Transfer No. 90461

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.



WATER RIGHT NO. 35-2737C
As Modified by Transfer No. 90461

In accordance with the approval of Transfer No. 90461, Water Right No. 35-2737C is now described as follows:

Right Holder: PAUL BURT AND
 JACQUE BURT
 853 W 100 N
 BLACKFOOT, ID 83221

Priority Date: 4/27/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	0.120 cfs	20.0 af
			0.120 cfs	20.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNENW Sec 34 Twp 02S Rge 34E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	34E	34					5.0												5.0

POU Total Acres: 5.0

CONDITIONS OF APPROVAL

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).
2. Rights 35-2737C, 35-13858, 35-13859 and 35-14773 when combined shall not exceed a total diversion rate of 1.50 cfs.
3. Right No. 35-13858, 35-13859, and 35-14773 are also diverted through point of diversion described above.
4. Use of this right is combined with water from Danskin Ditch Co.

WATER RIGHT NO. 35-13859
As Modified by Transfer No. 90461

In accordance with the approval of Transfer No. 90461, Water Right No. 35-13859 is now described as follows:

Right Holder: JANICE COOK AND
 JEFF COOK
 885 W 100 N
 BLACKFOOT, ID 83221

Priority Date: 4/27/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	1.060 cfs	106.0 af
			1.060 cfs	106.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNENW Sec 34 Twp 02S Rge 34E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	34E	34					11.2	15.3											26.5

POU Total Acres: 26.5

CONDITIONS OF APPROVAL

1. Rights 35-2737C, 35-13858, 35-13859 and 35-14773 when combined shall not exceed a total diversion rate of 1.50 cfs.
2. Use of this right is combined with water from Danskin Ditch Co.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Rights 35-2737C, 35-13858 and 35-14773 are also diverted through the point(s) of diversion described above.

WATER RIGHT NO. 35-14773
As Modified by Transfer No. 90461

In accordance with the approval of Transfer No. 90461, Water Right No. 35-14773 is now described as follows:

Right Holder: THOMAS BEVAN AND
DONNA BEVAN
897 W 100 N
BLACKFOOT, ID 83221-5512

Priority Date: 4/27/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.080 cfs	8.0 af
			0.080 cfs	8.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNENW Sec 34 Twp 02S Rge 34E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	34E	34						2.0											2.0

POU Total Acres: 2.0

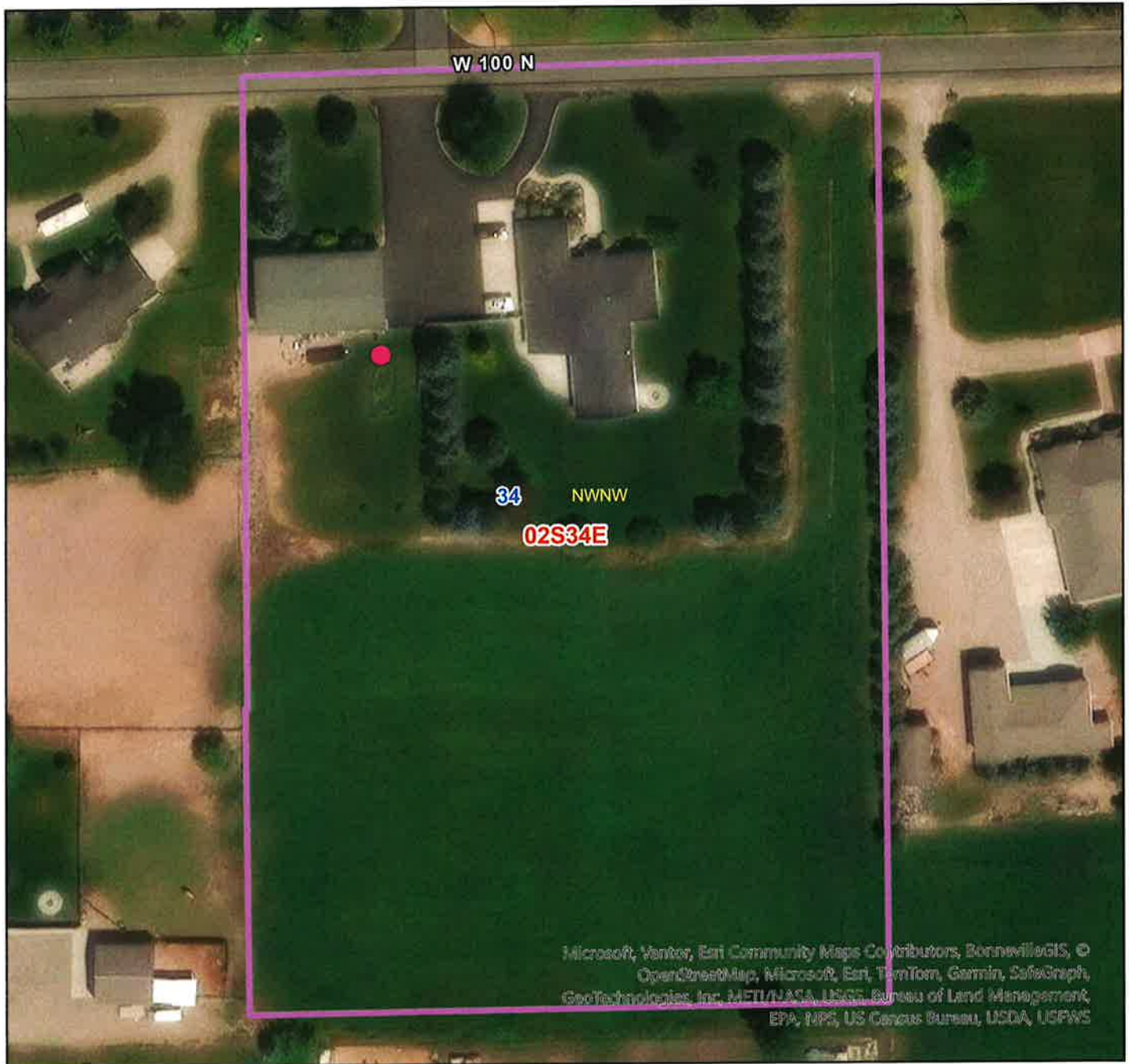
CONDITIONS OF APPROVAL

1. Rights 35-2737C, 35-13858, 35-13859 and 35-14773 when combined shall not exceed a total diversion rate of 1.50 cfs.
2. Use of this right is combined with water from Danskin Ditch Co.
3. Rights 35-2737C, 35-13858 and 35-13859 are also diverted through the point(s) of diversion described above.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Transfer No. 90461

Attachment to Transfer Approval 90461

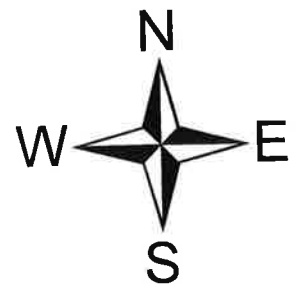
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections
- QQ

0 55 110 220 Feet



Date: 7/9/2026



July 09, 2026

STEVEN VAN ORDEN
MICHELLE VAN ORDEN
891 W 100 N
BLACKFOOT ID 83221-5512

Re: Transfer No: 90461
Water Right No(s): 35-2737C , 35-13858, 35-13859, 35-14773, 35-14956

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,



Christina Henman
Administrative Assistant

Enclosure
CC:

PAUL BURT
JACQUE BURT
853 W 100 N
BLACKFOOT ID 83221

JANICE COOK
JEFF COOK
885 W 100 N
BLACKFOOT ID 83221

THOMAS BEVAN
DONNA BEVAN
897 W 100 N
BLACKFOOT ID 83221-5512

BRENDA TERNUS
GARY A TERNUS
1981 SUNRISE WAY
POCATELLO ID 83201

CERTIFICATE OF SERVICE

I hereby certify that on July 09, 2026 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 90461

Water Right No(s): 35-2737C , 35-13858, 35-13859, 35-14773, 35-14956

**STEVEN VAN ORDEN
MICHELLE VAN ORDEN
891 W 100 N
BLACKFOOT ID 83221-5512**

**PAUL BURT
JACQUE BURT
853 W 100 N
BLACKFOOT ID 83221**

**JANICE COOK
JEFF COOK
885 W 100 N
BLACKFOOT ID 83221**

**THOMAS BEVAN
DONNA BEVAN
897 W 100 N
BLACKFOOT ID 83221-5512**

**BRENDA TERNUS
GARY A TERNUS
1981 SUNRISE WAY
POCATELLO ID 83201**



**Christina Henman
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

The accompanying document is a “**Preliminary Order**” issued by the Idaho Department of Water Resources (“Department”) pursuant to Idaho Code § 67-5243. **This preliminary order can and will become a final order without further action of the Department, unless a party petitions for reconsideration, petitions for review, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5243(3))

Any party may file a petition for reconsideration of this preliminary order with the Department within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The presiding officer will issue a written order disposing of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

PETITION FOR REVIEW (EXCEPTIONS)

(See Idaho Code § 67-5245)

Within fourteen (14) days after: (a) the service date of this preliminary order, (b) the service date of a denial of a petition for reconsideration of this preliminary order, or (c) the failure of the presiding officer to dispose of a petition for reconsideration of this preliminary order within twenty-one (21) days, any party may petition the Director in writing to review any part of this preliminary order by filing exceptions, and any supporting brief, with the Department.¹ Any parties opposing the exceptions shall have fourteen (14) days from the service date of the exceptions to file a brief. If the Director determines that oral argument is necessary, the Director will provide reasonable notice to the parties of the place, date, and hour for the argument.

The Director will issue a final order on exceptions within fifty-six (56) days of receipt of the final written brief or oral argument, whichever is later, unless extended for good cause. The Director may remand the matter for or hold an evidentiary hearing if further factual development of the record is necessary before issuing a final order.

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

Unless the right to a hearing before the Director or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order,

¹ The Director may decide to review this preliminary order upon his own motion. Should the Director decide to do so, the Director will provide written notice to the parties within the period the parties are allowed to petition the Director for review of the preliminary order.

or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Director to contest the action. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the action issued by the Director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the Director and requesting a hearing. **Note: The request must be received by the Department within this fifteen (15) day period.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration, petition for review, or a request for hearing of this preliminary order shall be served on all other parties to the proceeding in accordance with Rules 53 and 202 of the Department's Rules of Procedure.