

03/11/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-364B
NAME AND ADDRESS: DIAMOND T RANCH LLC
1705 N HWY 38
BRIGHAM CITY UT 84302
SOURCE: GARDEN CREEK TRIBUTARY: MARSH CREEK
QUANTITY: 0.150 CFS
PRIORITY DATE: 05/01/1904
POINT OF DIVERSION:
T10S R36E S4 SWSW Within BANNOCK County Source: GARDEN CREEK
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.150 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T10S R36E S04 SWSE 7.0

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 7 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-00363B, 29-00364B

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Water Right 29-364B

PROFILED

split of 29-364
filed as 29-4402/4403
ownership change to
Diamond T Ranch

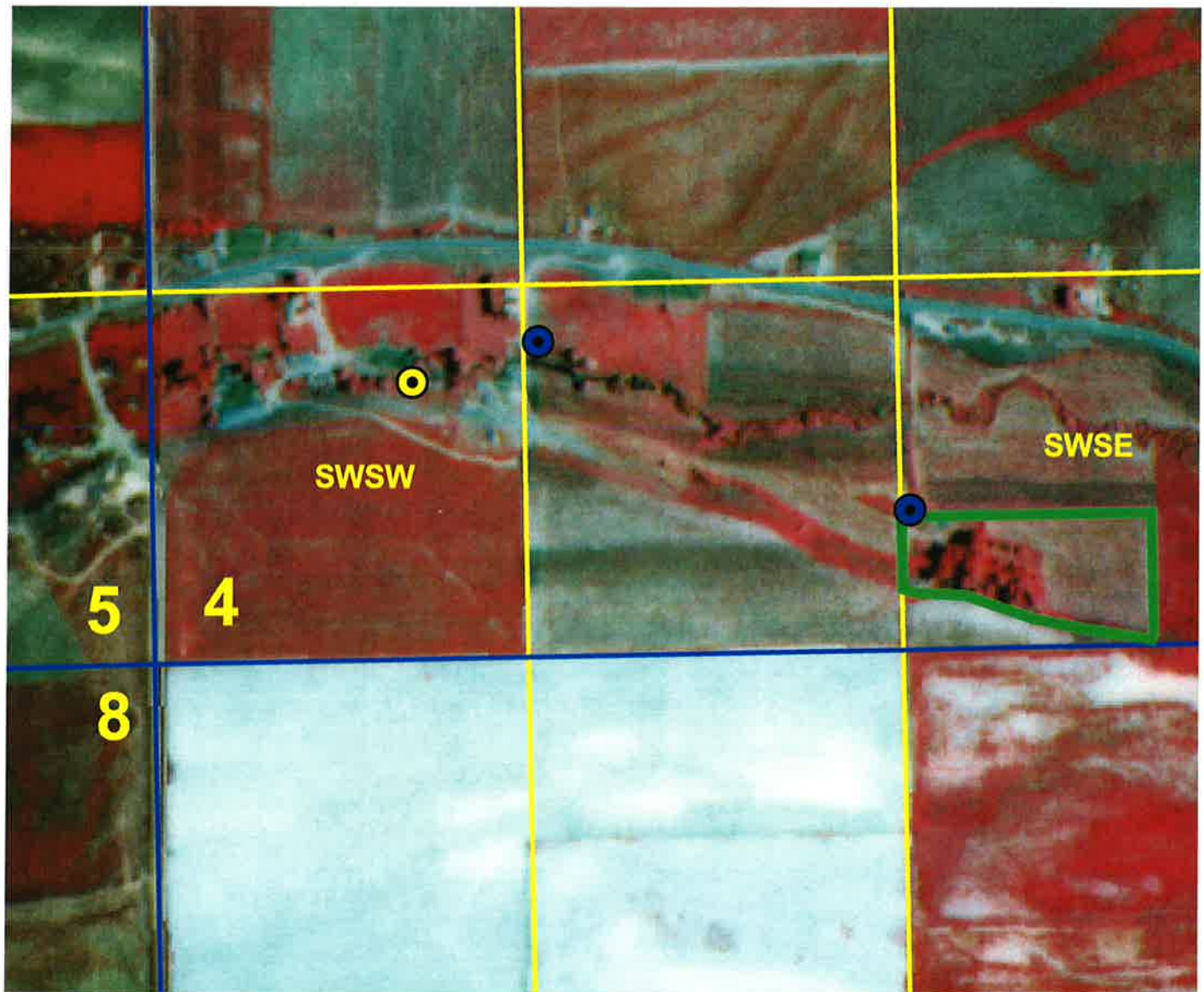
SCANNED

NOV 02 2005

IDAHO DEPARTMENT OF WATER RESOURCES

29-00363B, 29-00364B

T10S, R36E SEC. 4



PROFILED

ACRES IRRIGATED- 7



POINT OF DIVERSION



PLACE OF USE

SCANNED

NOV 02 2005

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON

12. 7.3
5.6
-9

through said two canal systems does not exceed the said four cubic feet per second of time, said right to date from the month of June, 1877, and is prior in time and superior in right to the rights of all of the defendants in this action, and to the rights of all and every of the persons signing said stipulations, or any of them, the same being the first right to the use of the waters of said stream to the amount of four cubic feet per second of time.

And the remaining waters of said stream are decreed as follows, to-wit:

- 29 0363 To Thomas E. Wolverton, three-fourths second foot of water to date from the 1st day of May, 1886 and one second foot of water to date from the 1st day of May, 1904, said water to be used upon the S.W. 1/4 of the S.W. 1/4 of Sec. 4, and the N. Half of the S.E. 1/4 of Sec. 9 in Township 10, South of Range 36 E.B.M.
- 29 0365 To John Morley, three-fourths second foot of water to date from the 1st day of May, 1886, and one second foot of water to date from the 1st day of May, 1904, to be used on the E. half of the N.E. 1/4, Sec. 8, the S.E. 1/4 of the S.E. 1/4 of Sec. 5, and the S.W. 1/4 of the N.W. 1/4 of Sec. 9, in Township 10 South of Range 36 E. B. M.:-
- 29 0367 To Thomas C. Smith, three-fourths second foot of water to date from the 1st day of May, 1890 and one second foot of water to date from the 1st day of May, 1904, to be used on the N.W. 1/4 of Sec. 10, Township 10 South of Range 36 E.B.M.:-
- 29 0369 To William J. Millard, three-fourths second foot of water to date from the 1st day of May, 1893, and one second foot of water to date from the 1st day of May, 1904, to be used on the S.E. 1/4 of Sec. 3, Township 10 South of Range 36 E.B.M.:-
- 29 0371 To Albert Evans, three-eighths second foot of water to date from the 1st day of May, 1893, and three-eighths second foot of water to date from the 1st day of May, 1898; also one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N.W. 1/4 of Sec. 8, Township 10 South of Range 36 E.B.M.:-
- 29 0374 To L. S. Whitney three-eighths second foot of water to date from the 1st day of May, 1893, and three-eighths second foot of water to date from the 1st day of May, 1904, to be used on the West half of the N.W. 1/4 of Sec. 8, Township 10, South of Range 36 E.B.M.
- 29 0376 To J. S. Wheeler, three-fourths second foot of water to date from the 1st day of May, 1887 and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the S. W. 1/4, and the N.W. 1/4 of the S.E. 1/4 and S.W. 1/4 of the N.E. 1/4 in Sec. 2, Township 10, South of Range 36 E. B. M.:- Also the S.W. 1/4 of the N. W. 1/4 and the West half of the S. W. 1/4 of Sec. 2, Township 10 South of Range 36 E.B.M.:-
- 29 0378 To David Armstrong, three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the S.W. 1/4 of Sec. 10; also three-sixteenths second foot of water to date from the 1st day of May, 1895, and one-fourth of second foot of water to date from the 1st day of May, 1904, to be used on the S. W. 1/4 of the S.E. 1/4 of Sec. 9 all in Township 10, South of Range 36 E.B.M.:-
- 29 0381 To Andrew N. Thacker, three-fourths second foot of water to date from the 1st day of May, 1895 and one second foot of water to date from the 1st day of May, 1904, to be used upon the S. W. 1/4 of Sec. 9; also three-fourths second foot of water to date from the 1st day of May 1895; and one second foot of water to date from the 1st day of May, 1904, to be used on the West half of the N.W. 1/4 and the N.W. 1/4 of the S.W. 1/4 of Sec. 8, Township 10, South, of Range 36 E. B. M.
- 29 0385 To Thomas Exeter, three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the South half of the S. E. 1/4 Sec. 8, and the North half of the N.E. 1/4 Sec. 17, Township 10 South of Range 36 E. B. M.
- 29 0387 To William Jenkins, Jr., three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N. E. 1/4 and the East half of the S. E. 1/4 Sec. 10, Township 10, South of Range 36 E. B. M.:-
- 29 0388 To William Jenkins, Jr., three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N. E. 1/4 and the East half of the S. E. 1/4 Sec. 10, Township 10, South of Range 36 E. B. M.:-

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
29-2450		No	29-363		yes
29-385		No	29-364		yes
29-386		No			
29-4403					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Meadowbrooke Ranch

4. New Owner/Claimant(s)

Diamond T Ranch LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

30W 990 South 1705 N Hwy 38

City, State and ZIP Code

Brigham City, Utah 84302

New Telephone Number

() 8

5. Date you acquired the property

2001

SCANNED

NOV 02 2005

PROFILED

WARRANTY DEED

For Value Received **RALPH O. WHEATLEY AND VAUNA WHEATLEY**, husband and wife,

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

DIAMOND T. RANCH LLC

whose address is: **1705 NORTH HIGHWAY 38 BRIGHAM CITY, UT. 84302**

Hereinafter called the Grantee, the following described premises situated in Bannock County, Idaho, to-wit:

SEE ATTACHED "ADDENDUM A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: March 12, 2001


RALPH O. WHEATLEY

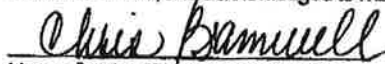

VAUNA WHEATLEY

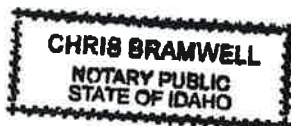
STATE OF IDAHO

vs.

COUNTY OF BANNOCK

On this MARCH 13TH, 2001, before me, personally appeared RALPH O. WHEATLEY AND VAUNA WHEATLEY, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public of BANNOCK CTY, ID.
Residing at: POCA TELLO, ID.
Commission Expires: 10/30/06



SCANNED
NOV 02 2005

PROFILE

20104958

1st Update

6-5
LEGAL DESCRIPTION
(Continued)

Order No.: P33185

THE SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 4, TOWNSHIP 10 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO.

EXCEPTING THEREFROM:

COMMENCING AT THE NORTHEAST CORNER OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 4; THENCE SOUTH 37 RODS; THENCE WEST 14 RODS; THENCE NORTH 37 RODS; THENCE EAST 14 RODS TO THE PLACE OF BEGINNING.

ALSO EXCEPTING:

COMMENCING AT THE NORTHWEST CORNER OF SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SAID SECTION 4; THENCE SOUTH 35 $\frac{1}{2}$ RODS; THENCE EAST 11 RODS; THENCE NORTH 35 $\frac{1}{2}$ RODS; THENCE WEST 11 RODS TO PLACE OF BEGINNING.

ALSO EXCEPTING:

A PORTION OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SAID SECTION 4; THENCE EAST 181.5 FEET TO THE POINT OF BEGINNING; THENCE EAST 300 FEET; THENCE SOUTH 352 FEET; THENCE WEST 300 FEET; THENCE NORTH 352 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING:

A PORTION OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SAID SECTION 4, THENCE EAST 481.5 FEET TO THE POINT OF BEGINNING; THENCE EAST TO A POINT THAT IS 231 FEET WEST OF THE WEST 1/16 SECTION LINE; THENCE SOUTH 585.75 FEET; THENCE WEST TO A POINT THAT IS 181.5 FEET EAST OF THE WEST SECTION LINE; THENCE NORTH 233.75 FEET; THENCE EAST 300 FEET; THENCE NORTH 352 FEET TO THE POINT OF BEGINNING.

ALSO:

BEGINNING AT THE SOUTHEAST CORNER OF THE SW $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, THENCE WEST 80 RODS; THENCE NORTH 80 RODS; THENCE WEST 65 RODS; THENCE NORTHEAST AT AN ANGLE OF 6°, 65 RODS AND 6 FEET; THENCE SOUTHEAST AT AN ANGLE 20.4°, 81 $\frac{1}{4}$ RODS; THENCE SOUTH 71 RODS TO PLACE OF BEGINNING.

EXCEPTING THEREFROM:

BEGINNING AT THE NE $\frac{1}{4}$ OF SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SAID SECTION 4; THENCE WEST 65 RODS; THENCE NORTHEAST AT AN ANGLE OF 6°, 65 RODS AND 6 FEET TO THE WEST 1/16 LINE; THENCE SOUTH TO THE NE CORNER OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$, BEING THE POINT OF BEGINNING.

ALTA Plain Language Commitment Legal Description
(P33185/P33185/22)

PROFILED

SCANNED
NOV 02 2005

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-364B
Date Received: 3/11/2003
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

filed as

A2900364B



1. Name of Claimant(s)

DIAMOND T RANCH LLC Phone: (435) 723-5474
1705 N HWY 38
BRIGHAM CITY UT USA 84302

2. Date of Priority: 05/01/1904

3. Source: GARDEN CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	36E	4	SW SW	BANNOCK	

5. Description of diverting works:

ditch to flood

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.28	

7. Total Quantity Appropriated is:

0.28 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
10S	36E	4	SW SE	IRRIGATION	7
Section Acres					7

NOV 02 2005

Total Acres 7

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing

Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the

Organization
foregoing document are true and correct. _____

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____