

FEB 26 2018

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) David AllenPhone 801 870 0075Mailing address PO Box 858 Farmington UT 84025Email allenranch@outlook.com

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

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

☐ No Representative

Name of Representative _____

Phone _____

Mailing address _____

Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

DAVID L. ALLEN

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☐ Change place of use
☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.
 I purchased the right and would like to transfer the valid 31.5 acres to my existing wells. The remaining 8.8 acres have not been irrigated and are not valid for transfer.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	29-13991	0.23	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.23 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.23 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	NW	17	11S	37E	Bannock	Ground Water	
			SE	NW	17	11S	37E	Bannock	Ground Water	

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	37E	17												32.5					32.5
Total Acres (for irrigation use)																			32.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Two pumps to two pivots, all connected

- b. Who owns the property at the point(s) of diversion? Applicant

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

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

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

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

N/A

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

29-2340 and 29-7031 at new PODs.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☒ ☐ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

32.5 ~~31.5~~ acres of this right have been irrigated consistently since decreed. The remaining ~~8.5~~ ^{7.5} acres have not been irrigated, are not valid for transfer, and will be forfeited as part of this transfer.

10/4/2017

Water Right 29-13991

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DIAMOND T RANCH LLC 1705 N HWY 38 BRIGHAM CITY, UT 84302 (435) 723-5474

Priority Date: 10/17/1960

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.230 CFS	96.8 AF
	<u>Total Diversion</u>		0.230 CFS	96.8 AF

Source and Point(s) of Diversion

GROUND WATER
GROUND WATER

**SWSWNE
NENWSE**

Sec. 20, Twp 11S, Rge 37E, BANNOCK County
Sec. 20, Twp 11S, Rge 37E, BANNOCK County

Place Of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	37E	17												40.0					40.0

POU Total Acres: 40.0

Conditions of Approval:

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

Combined Use Limits

N/A

SubCase:

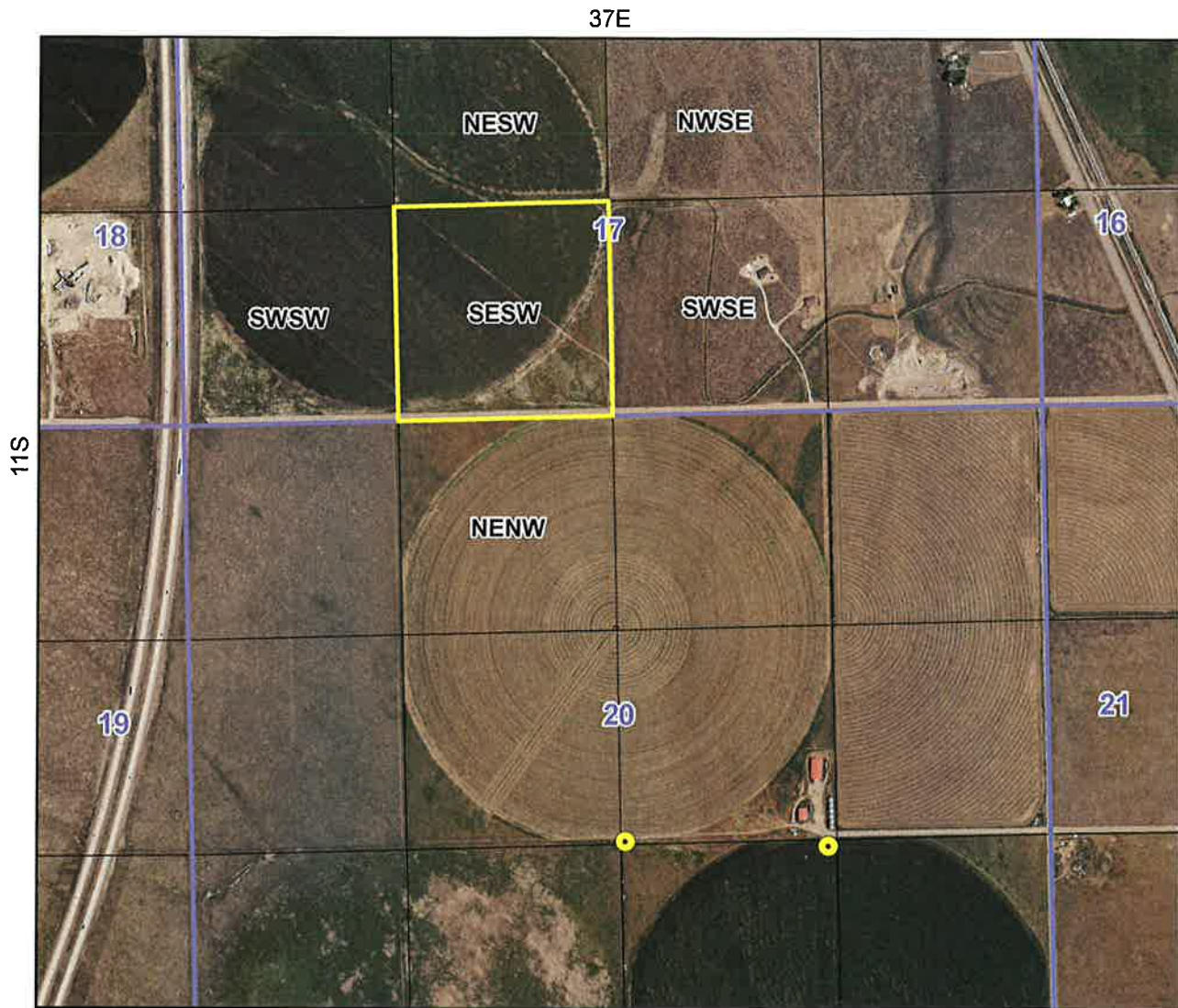
N/A

Water Supply Bank:

N/A

$$\Delta d = 111101$$

State of Idaho
Department of Water Resources
Water Right License
29-13991



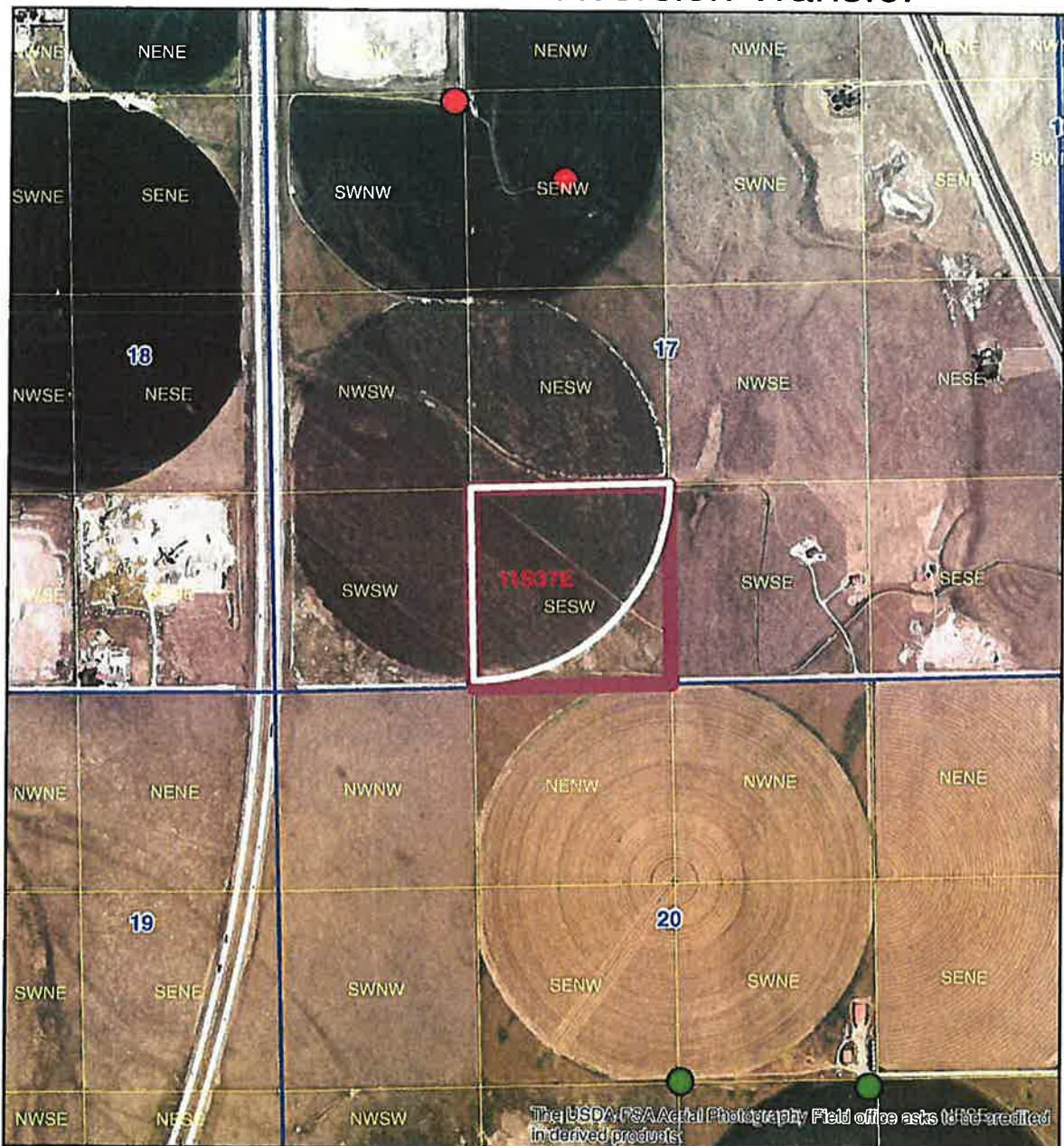
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.125 0.25 0.5 Miles



82835

29-13991 Point of Diversion Transfer

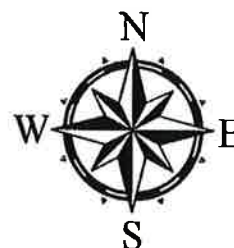


The USDA, FSA Aerial Photography Field office asks that you credit in derived products

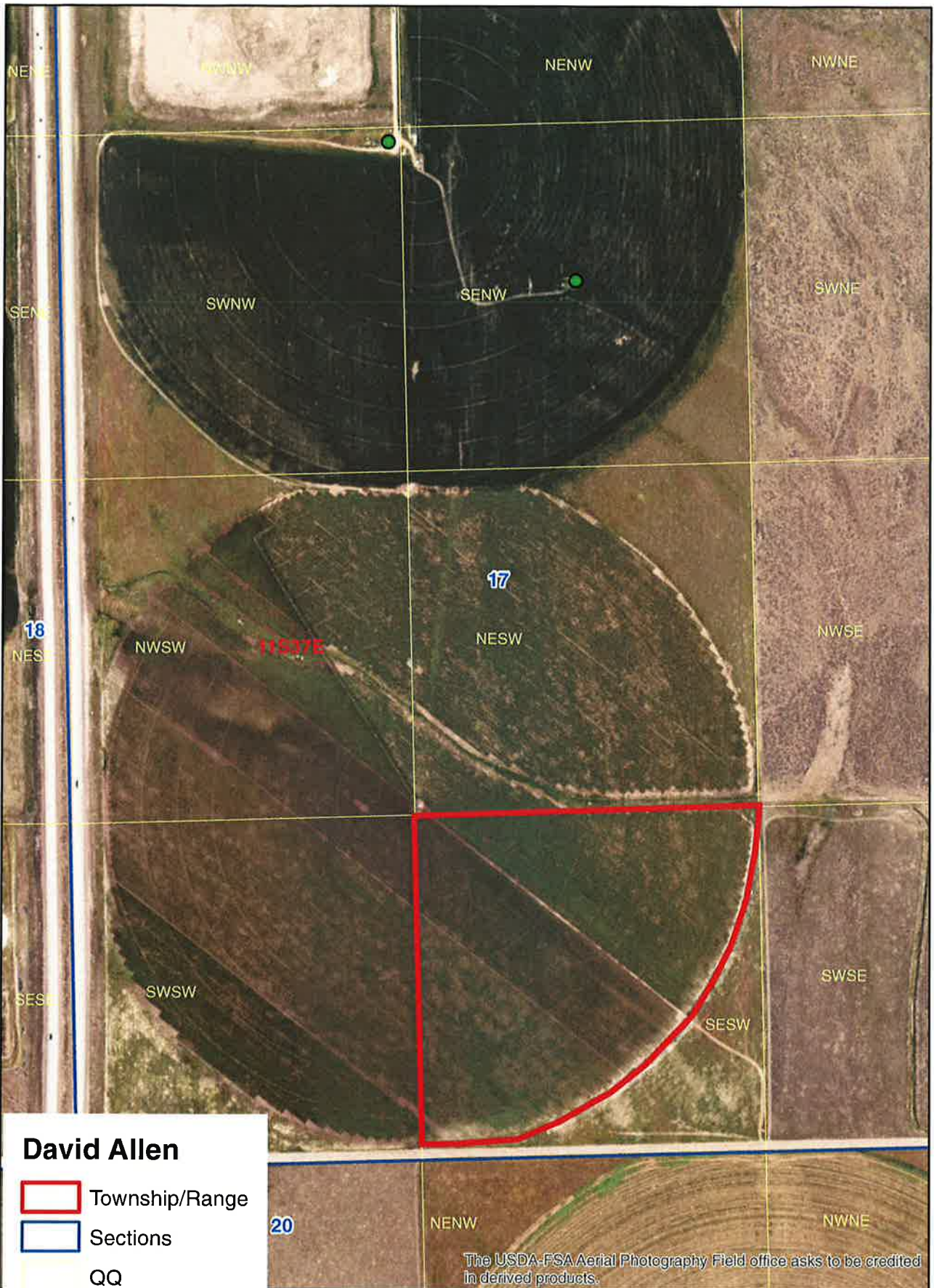
2015 Imagery

Legend

- Pre-Transfer_Points_of_Diversion
- Post-Transfer_Points_of_Diversion
- Decreed Place of Use
- 31.5 Acres Valid for Transfer
- Township/Range
- Sections
- QQ



0 0.15 0.3 0.6 Miles



RECEIVED

OCT 10 2018

Department of Water Resources
Eastern Region

ALLIANCE TITLE - POCATELLO

20916272 2009 JUL 24 AM 11:22:44
Electronically Recorded by Simplifile

WARRANTY DEED

<u>Grantor</u>	<u>Grantee</u>
Diamond T Ranch, LLC J. Phillip Adams, Manager 1705 N. Highway 38 Brigham City, Utah 84302	Equity Trust Company dba Sterling Trust, Custodian FBO David L. Allen, #138596 7901 Fish Pond Road Waco, Texas 76710

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the Grantor hereby sells and forever transfers the following parcel of real property (the "Property") located in Bannock County, Idaho, to the Grantee, including the Grantor's right, title and interest therein:

SE1/4 SW1/4 of Section 17, Township 11 South, Range 37 East of the Boise Meridian, Bannock County, Idaho.

TOGETHER WITH 0.228 cfs/96.8 AFA of Water Right No. 29-4277.

TOGETHER WITH AND INCLUDING any and all fixtures and improvements, any and all appurtenances, tenements, and hereditaments, and any and all rents, issues, and profits that relate or otherwise pertain to the foregoing parcels of real property.

TO HAVE AND TO HOLD the foregoing parcels of real property unto the Grantee and its successors and assigns forever.

Grantor does hereby covenant with and warrant the Grantee that Grantor is lawfully seized in fee simple of the Property, has good right and lawful authority to sell and convey the Property, and that Grantor fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

WARRANTY DEED - 1

82835

SUBJECT TO taxes, levies, and assessments for the current year not yet due and payable and the following items: discrepancies, conflicts in boundary lines, shortage in area, encroachments, easements, right of ways, boundary line agreements, development agreements, water supply agreements, plats, covenants, conditions, restrictions, reservations, all zoning, building and use laws or restrictions; along with any state of facts that an accurate survey or inspection of the Property would show.

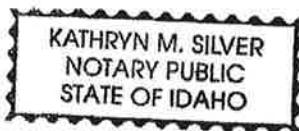
IN WITNESS WHEREOF, the Grantor hereunto sets his hand this 22nd day of July, 2009.

DIAMOND T RANCH, L.L.C.

By J. Phillip Adams
J. PHILLIP ADAMS, Manager

STATE OF Idaho)
County of Bannock) : ss

On the 22nd day of July, 2009, before me, a Notary Public, personally appeared J. PHILLIP ADAMS, Manager of DIAMOND T RANCH, L.L.C., known or identified to me to be the person who executed the foregoing Warranty Deed, and duly acknowledged to me that he executed the same.



(SEAL)

Kathryn M. Silver
NOTARY PUBLIC FOR: Idaho
Residing at: Pocatello
My Commission Expires: 12-1-09



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 22, 2018

David Allen
PO Box 858
Farmington, UT 84025

RE: Application for Transfer for Water Right No. 29-13991

Dear Mr. Allen:

Please see enclosed copies of application for transfer for Water Right No. 29-13991. These applications were filed with the department on February, 26 2018.

On March 20, 2018, the department requested via email information that was needed for the processing of the application for transfer. The following information was requested:

1. File for a change of ownership and provide the necessary documentation (conveyance document, quit-claim deed, warranty deed, etc.) that shows your name as the current owner of the water right. An additional \$25 fee will be required with the processing of this ownership change.
2. Make an amendment to the transfer rate from 0.18 cfs to 0.23 cfs. This amendment will change the required filing fee for the transfer from \$200 to \$500. You have already submitted the payment of \$200, so an additional \$300 would be required to continue the processing of your application.

There has been no response to the request. Please contact our office in response to the requested information, or submit a withdrawal of application no later than 30 days from this letter.

If you do not respond within 30 days, IDWR may void your application.

If you have any questions, please feel free to contact me.

Sincerely,

Jeff Nield
Stream Protection Specialist/Water Resource Agent

Enclosure: Application for Transfer

Nield, Jeff

From: Nield, Jeff
Sent: Tuesday, March 20, 2018 12:37 PM
To: 'allenranch@outlook.com'
Subject: Application for Transfer of Water Right
Attachments: David Allen Transfer.pdf

Mr. Allen,

I have taken over the task from Kerrie of completing the processing of your application for transfer. Just a couple of items that I would like to get in contact with you about:

1. In order to complete this application for transfer, you need to file for a change of ownership. Right now the water right is in the name of Diamond T Ranch LLC, and the application for transfer is in the name of David Allen. In order to complete that change of ownership, we need some documentation with your name on the ownership, and then we need to the associated \$25 dollar fee to process that paperwork.
2. We also need you to amend the application for transfer that we have. It looks like you are forfeiting some acreage, but you do not have to forfeit the rate. This being said, we would just need you to change the .180 cfs on the application right now back to the original .230 cfs. Attached to this email is the application that we have received from you.
3. After changing the rate on the application back to the .230 cfs, this will change the filing fee for the application for transfer because of the additional rate. The filing fee for applications above .200 cfs is \$500. You have already paid \$200, so we would just need an additional \$300 to continue the processing of your application as well.

All in all we are looking at the change of ownership paperwork, the amended application for transfer, and the additional combined fees of \$325 in order to continue. I am happy to help you with whatever you need help with. Please let me know if you have any other questions or concerns.

Thank you,

Jeff Nield
Stream Channel Specialist/Water Resource Agent
Idaho Dept. of Water Resources
900 N Skyline Dr, Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161



Mathews, Kerrie

From: Mathews, Kerrie
Sent: Monday, March 05, 2018 3:24 PM
To: 'allenranch@outlook.com'
Subject: Transfer Application
Attachments: maps.pdf

Good Afternoon;

The Department has received your application for transfer.. However, the water right is currently not in your name. The water right is in the name of Diamond T Ranch, in order to process your application please submit proof of ownership. If you would like to update the ownership of the right, it is a \$25.00 fee.

I put together the required maps for the application – would you please verify that this is correct.

Once I received proof of ownership and verification from you, I can proceed with the transfer. If you have any questions, please let me know.

Thank you,

Kerrie Mathews

Idaho Department of Water Resources
208-525-7161

"Life is not meant to be easy, my child; but take courage -- it can be delightful."
-George Bernard Shaw