

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82301

RECEIVED

MAR 28 2018

Department of Water Resources
Eastern Region

**MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Scott and Kimberly Stroh

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.e.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☒ ☐ #10 Other. Please describe: Attachment #10 used to show the correct legal description of the place of use. It is unclear as to why the legal description for 11-0216 on IDWR's database is incorrect.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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Department of Water Resources
Eastern Region

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Scott and Kimberly Stroh Phone 801-514-5669Mailing address 343 W Cimmaron, Erda, UT 84074 Email toolsbc@yahoo.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 RepresentativeName of Representative Rocky Mountain Environmental Associates, Inc Phone 208-524-2353Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.com

- ☐ 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

Scott Stroh
Print Name and Title if applicable

3/19/18
Date

Signature of Applicant or Authorized Representative

Kimberly Stroh
Print Name and Title if applicable

3-19-18
Date

A. PURPOSE OF TRANSFER

Print Name and Title if applicable

Date

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. 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**.
 The legal description was previously described as the same as for A.O. Christensen water right (11-0216) in the Thornock vs. Bloomington Irrigation Co. Decree. Applicants would like to change the legal description to reflect the actual place of use. IDWR's database also does not match the decree.

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 ☒ ☐	11-0216	0.10 cfs	Irrigation	05/01 to 10/01	Bloomington Creek
☐ ☐				to	Center Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.10 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.10 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 #
			NW	NW	26	14S	43E	Bear Lake	Bloomington Creek	Thomas-Krogue Ditch*
			NW	NW	26	14S	43E	Bear Lake	Center Creek	Thomas-Krogue Ditch*

* Diversion may also be known as "Bateman-Krogue-Thomas" or "Thomas-Krug" Ditch

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	
14S	43E	26					5												5.0
Total Acres (for irrigation use)																			5.0

**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:

Delivery of water is under the control of Water District 11J

- b. Who owns the property at the point(s) of diversion? Bateman-Krogue-Thomas Ditch

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

Decree: Thornock Vs. Bloomington Irrigation Co.

- 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: N/A

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? **N/A**

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:

No effect as the Place of Use will continue to be irrigated as before, only the legal description will change to reflect today's improved survey accuracy.

- 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:

N/A

- 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:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/20/2018

Water Right 11-216

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANTHONY HARDLE 10219 S 3200 W SOUTH JORDAN, UT 84095 (801) 209-2395
Current Owner	PETE HARDLE 10219 S 3200 W SOUTH JORDAN, UT 84095 (801) 209-2395
Current Owner	BRENDA HARDLE 10219 S 3200 W SOUTH JORDAN, UT 84095 (801) 209-2395

Priority Date: 5/1/1868

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CENTER CREEK	BEAR LAKE
BLOOMINGTON CREEK	BEAR LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/01	0.100 CFS	
	<u>Total Diversion</u>		0.100 CFS	

Source and Point(s) of Diversion

CENTER CREEK	NWNW	Sec. 26, Twp 14S, Rge 43E, BEAR LAKE County
BLOOMINGTON CREEK	NWNW	Sec. 26, Twp 14S, Rge 43E, BEAR LAKE County

Place Of Use

IRRIGATION within BEAR LAKE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	43E	26				X			X						X				0.0

Conditions of Approval:

Dates and Other Information

Decreed Date: 7/25/1923
Judicial District: Fifth District
Owner Name Connector: AND
Water District Number: 11J
Decree Defendant: Bloomington Irrigation Co, et al

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. **11-216**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANTHONY HARDLE
Current Owner	BRENDA HARDLE
Current Owner	PETE HARDLE
	10219 S 3200 W, SOUTH JORDAN, UT 84095
Original Owner	A O CHRISTENSEN

Priority Date: 05/01/1868

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BLOOMINGTON CREEK	BEAR LAKE
CENTER CREEK	BEAR LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/01	0.1 CFS	
Total Diversion			0.1 CFS	

Location of Point(s) of Diversion:

BLOOMINGTON CREEK	NWNW	Sec. 26	Township 14S	Range 43E	BEAR LAKE County
CENTER CREEK	NWNW	Sec. 26	Township 14S	Range 43E	BEAR LAKE County

Place of Use Legal Description: IRRIGATION BEAR LAKE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
14S	43E	26		SENE										
				SWNW										
				NESE										

Decreed Date: 07/25/1923

Owner Name Connector: AND

Water District Number: 11J

82301

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance) N/A

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS **N/A**

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

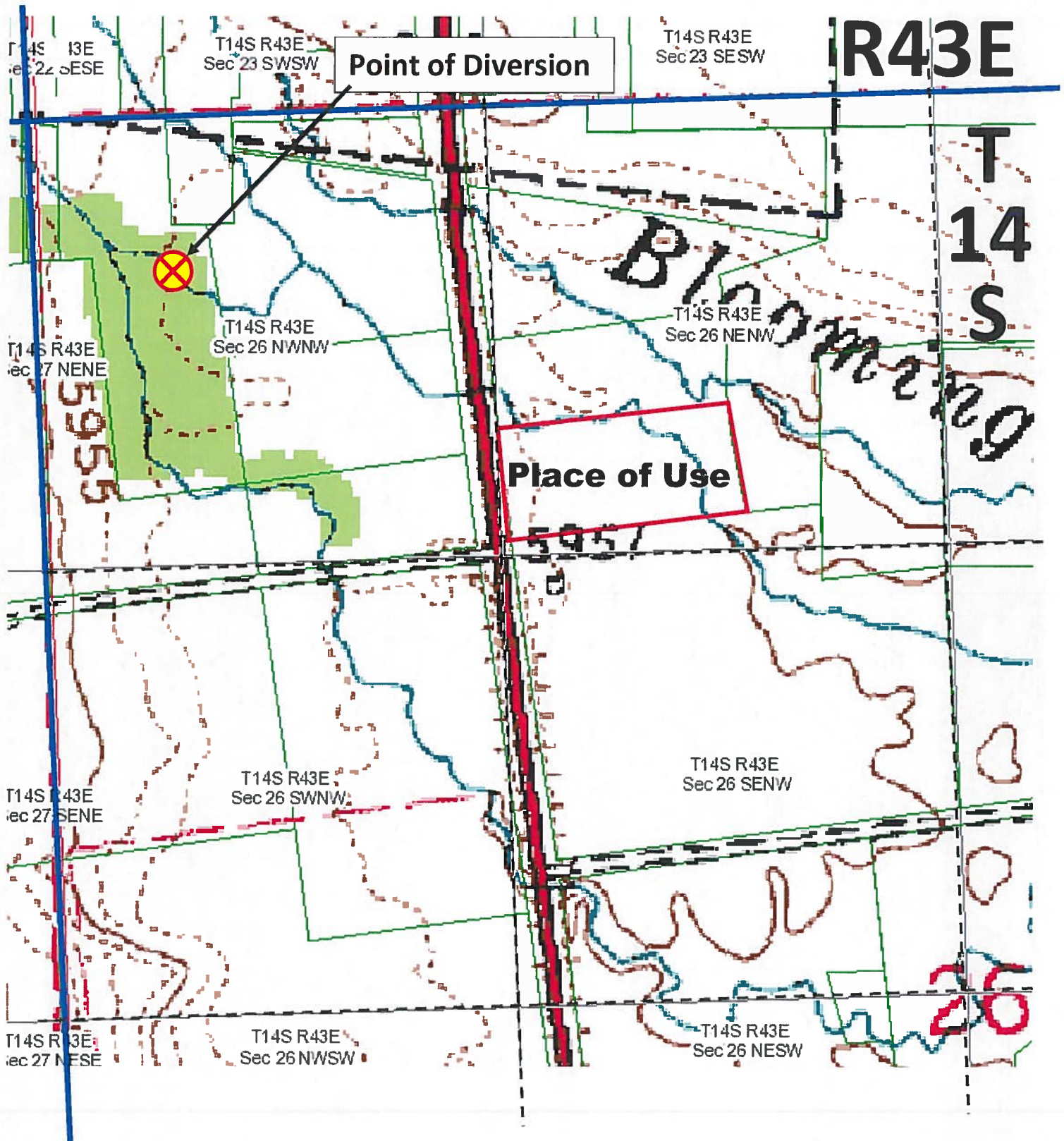
Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

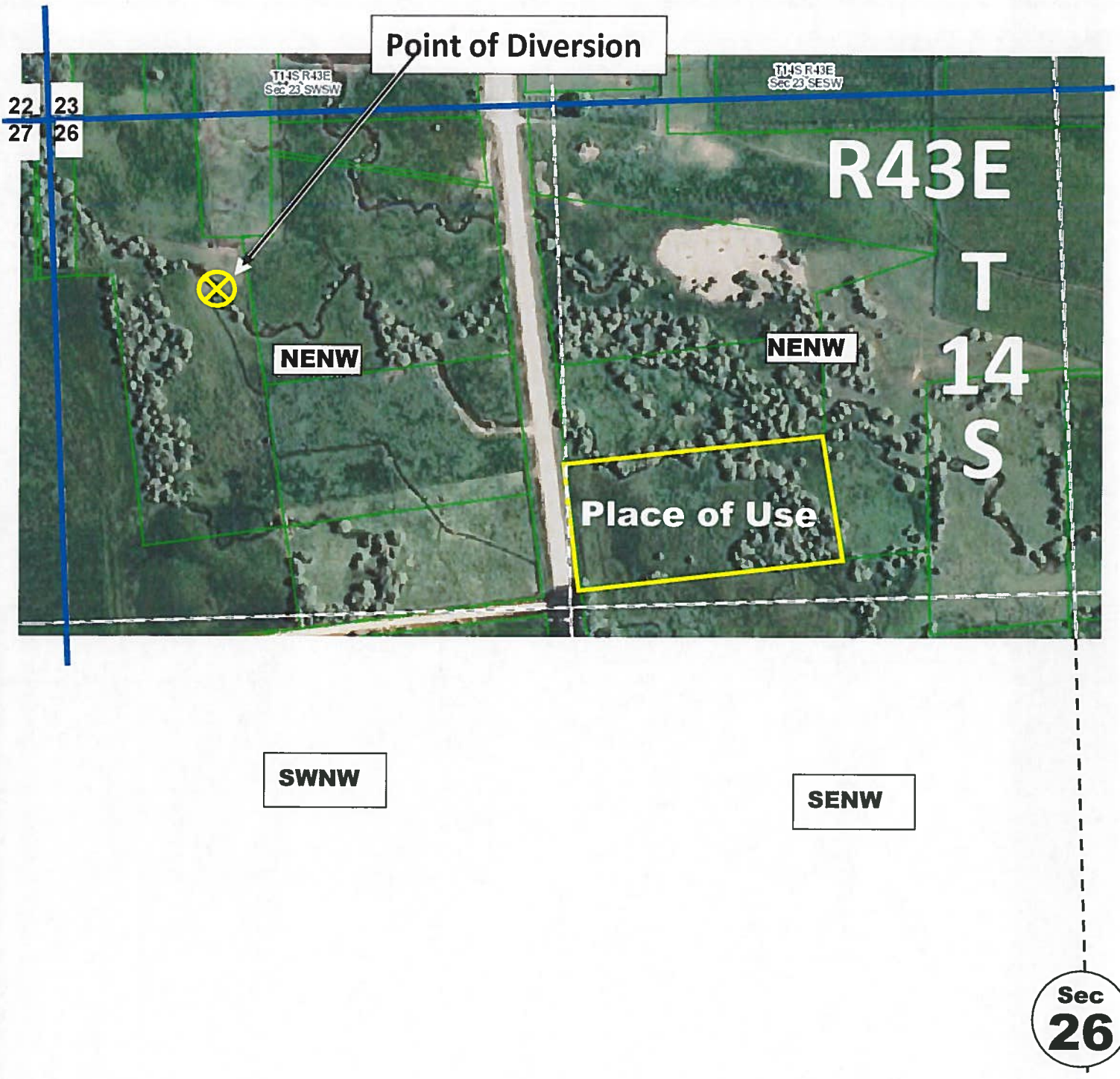
FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____
 Fee paid \$200. Date 3-28-2018 Received by *JA* Receipt # E043839
 Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)





RECEIVED

MAR 28 2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES Department of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, [see #6](#) of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
11-216	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name:

PETE HARDIE, Anthony Hardie, Brenda Hardie
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Scott Stroth Kimberly Stroth
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or

343 W. Cimmarron Way
Mailing address

ERDA
City

UT
State

84074
ZIP

801-514-5669
Telephone

Toolsbc@yahoo.com
Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: March 6 - 2018

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed [IRS Form W-9](#) for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed [Lessor Designation](#) form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☐ Filing fee (see instructions for further explanation):
 ☐ \$25 per *undivided* water right.
 ☐ \$100 per *split* water right.
 ☐ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature:

[Signature]
Signature of new owner/claimant

Title, if applicable

3/19/18
Date

- Signature:

[Signature]
Signature of new owner/claimant

Title, if applicable

March 19-18
Date

For IDWR Office Use Only:

Received by [Signature]

Date 3-28-2018

Receipt No. E043839

Receipt Amt. \$25.00

Active in the Water Supply Bank? Yes ☐ No ☐

If yes, forward to the State Office for processing

W-9 received? Yes ☐ No ☐

Name on W-9 _____

Approved by _____

Processed by _____

Date _____

82301

File #20180052
Tax I.D. #4688

Instrument # 226399

BEAR LAKE COUNTY

3-9-2018 08:35:10 AM No. of Pages: 2

Recorded for : FIRST AMERICAN TITLE

CINDY GARNER

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

[Signature]

WARRANTY DEED

For Value Received,

PETE C HARDLE and BRENDA J HARDLE, husband and wife and
ANTHONY B HARDLE, an unmarried person
of 6918 W IVIE FARMS DT, HERRIMAN, County of SALT LAKE, State of UT. 84096,

THE GRANTORS,

do hereby, grant, bargain, sell, and convey unto

SCOTT STROH and KIMBERLY STROH, husband and wife, as community property with rights of
survivorship,
of 343 W CIMMARRON WAY, ERDA, County of TOOELE, State of UT. 84074,

THE GRANTEEES,

For the sum of ten dollars and other good and valuable consideration, the following described tract of land in
the County of Bear Lake, State of Idaho:

See Attached Exhibit "A"

To have and to hold the said premises, with their appurtenances unto the said Grantee(s), their heirs and
assigns forever. And the said Grantor(s) hereby covenant to and with the said Grantee(s) that they are the
owner(s) in fee simple of said premises; that they are free from all encumbrances, and that they will warrant
and defend the same from all lawful claims whatsoever.

DATED THIS March 4, 2018

[Signature]
PETE C HARDLE

[Signature]
BRENDA J HARDLE

[Signature]
ANTHONY B HARDLE

STATE OF UTAH, COUNTY OF SALT LAKE

On this 6 day of March, 2018, before me a Notary Public in and for the State, personally
appeared PETE C HARDLE and BRENDA J HARDLE, known to me to be two of the persons whose
names are subscribed to the within instrument, and acknowledged to me that they executed the same.

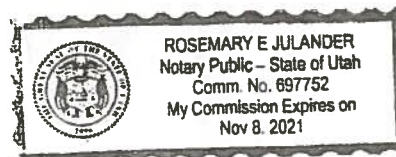
IN WITNESS WHEREOF, I hereunto set my hand and seal the day and year in the certificate first
above written.

[Signature]
Notary Public

Residing at:

My Commission Expires:

11-8-2021



STATE OF UTAH, COUNTY OF SALT LAKE

On this 6 day of March, 2018, before me a Notary Public in and for the State, personally
appeared ANTHONY B HARDLE, known to me to be one of the persons whose name is subscribed to
the within instrument, and acknowledged to me that they executed the same.

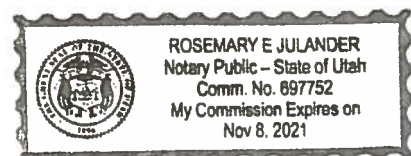
IN WITNESS WHEREOF, I hereunto set my hand and seal the day and year in the certificate first
above written.

[Signature]
Notary Public

Residing at:

My Commission Expires:

11-8-2021



MAIL TAX NOTICE TO:

SCOTT STROH and KIMBERLY STROH
343 W CIMMARRON WAY, ERDA, UT. 84074

82301

EXHIBIT A

A parcel of land located in the NW¼ of Section 26, Township 14 South, Range 43 East, Boise Meridian, Bear Lake County, Idaho, and being the parcel of land described in Instrument No. 134762 (excepting the right of way of Highway 89) as recorded in the official records of Bear Lake County, more particularly described as follows:

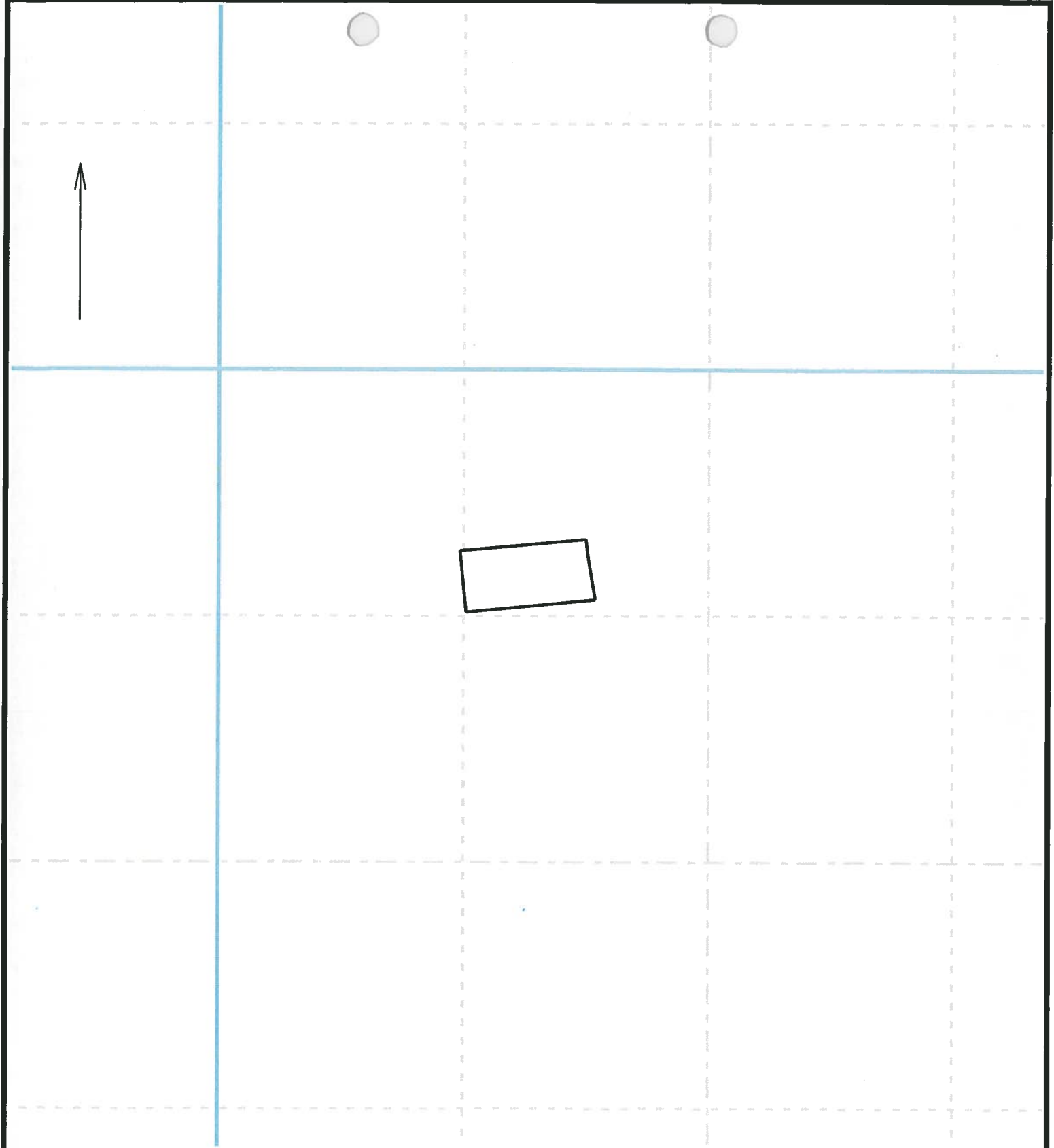
Commencing at the SW corner of said Section 26, from which the NE corner of Section 26 bears North 44°47'20" East; thence North 3974.92 feet; thence East 1285.09 feet to a point at the centerline of Highway 89; thence North 84°33'30" East 50.00 feet to a 5/8" rebar and cap labeled "Allen Land Surveying, PLS 9163" at the East right of way line of said Highway, the Point of Beginning; thence North 05°48'52" West 330.50 (North 23° West 5 chains by record) along said right of way line to a 5/8" rebar and cap; thence North 84°55'15" East 680.41 feet (North 66° East 11 chains by record) to a 5/8" rebar and cap at a fence line; thence Southeasterly (South 23° East 5 chains by record) along said fence line the following two (2) courses: thence South 06°36'40" East 103.37 feet to a 5/8" rebar and cap; thence South 09°49'43" East 223.50 feet to a 5/8" rebar and cap at a fence corner; thence South 84°33'30" West 697.45 feet (South 66° West 11 chains by record) to the Point of Beginning.

Said land was previously described as:

Commencing at a point 17 chains and 94 links South 72°30' West and 20 chains and 40 links North 23° West from the SE corner of the NW¼ of Section 26, Township 14 South, Range 43 East of the Boise Meridian, Idaho, U.S. Survey, and running thence North 23° West 5 chains; thence North 66° East 11 chains; thence South 23° East 5 chains; thence South 66° West 11 chains to the Place of Beginning.

NOTE: Description appears to be written on a 17° magnetic variation.

Together with all appurtenant water rights, including but not limited to water right 11-216.



4/17/2018

Scale: 1 inch= 700 feet File:

Tract 1: 5.1775 Acres (225532 Sq. Feet), Closure: n22.5949w 0.01 ft. (1/355496), Perimeter=2035 ft.

- | | |
|---------------------|---------------------|
| 01 /sw,26,14s,43e | 08 s09.4943e 223.50 |
| 02 /n00e 3974.92 | 09 s84.3330w 697.45 |
| 03 /n90e 1285.09 | |
| 04 /n84.3330e 50.00 | |
| 05 n05.4852w 330.50 | |
| 06 n84.5515e 680.41 | |
| 07 s06.3640e 103.37 | |

82301 1

WARRANTY DEED

**Rebecca Arndt and Gerhard H. Arndt, wife and husband, as
community property, with rights of survivorship**

Grantor(s)

of Ogden County of Weber, State of Utah

hereby **CONVEY AND WARRANT** to

**Pete C. Hardle and Brenda J. Hardle and Anthony B. Hardle, tenants in
common**

Grantee(s)

of South Jordan, County of Salt Lake, State of Utah

for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE
CONSIDERATION, the following described tract of land in Bear Lake County, State of
ID:

SEE EXHIBIT "A" ATTACHED AND MADE A PART HERETO

To have and to hold the said premises, with their appurtenances unto the said Grantee(s), their heirs and
assigns forever. And the said Grantor(s) hereby covenant to and with the said Grantee(s) that they are the
owner(s) in fee simple of said premises; that they are free from all encumbrances, and that they will warrant
and defend the same from all lawful claims whatsoever

Subject to easements, declarations of covenants and restrictions, rights of way of record, and
taxes for the current year and thereafter.

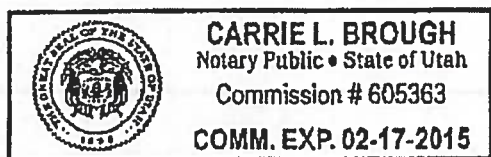
Witness, the hand(s) of said Grantor(s), this November 29, 2012

Rebecca Arndt
Rebecca Arndt

Gerhard Arndt
Gerhard Arndt

State of ~~ID~~ ^{Utah},
County of ~~Bear Lake~~ ^{Weber}

On November 29, 2012, personally appeared before me Rebecca Arndt and Gerhard
Arndt the signer(s) of the within instrument, who duly acknowledged to me that they
executed the same.



Carrie L. Brough
Notary Public
Resides At: ~~Montpelier, Idaho~~ ^{Ogden, UT}
My Commission Expires On: ~~October 24, 2017~~
^{02/17/2015}

"EXHIBIT A"**Paragraph #1**

A parcel of land located in the NW¼ of Section 26, Township 14 South, Range 43 East, Boise Meridian, Bear Lake County, Idaho, and being the parcel of land described in Instrument No. 134762 (excepting the right of way of Highway 89) as recorded in the official records of Bear Lake County, more particularly described as follows:

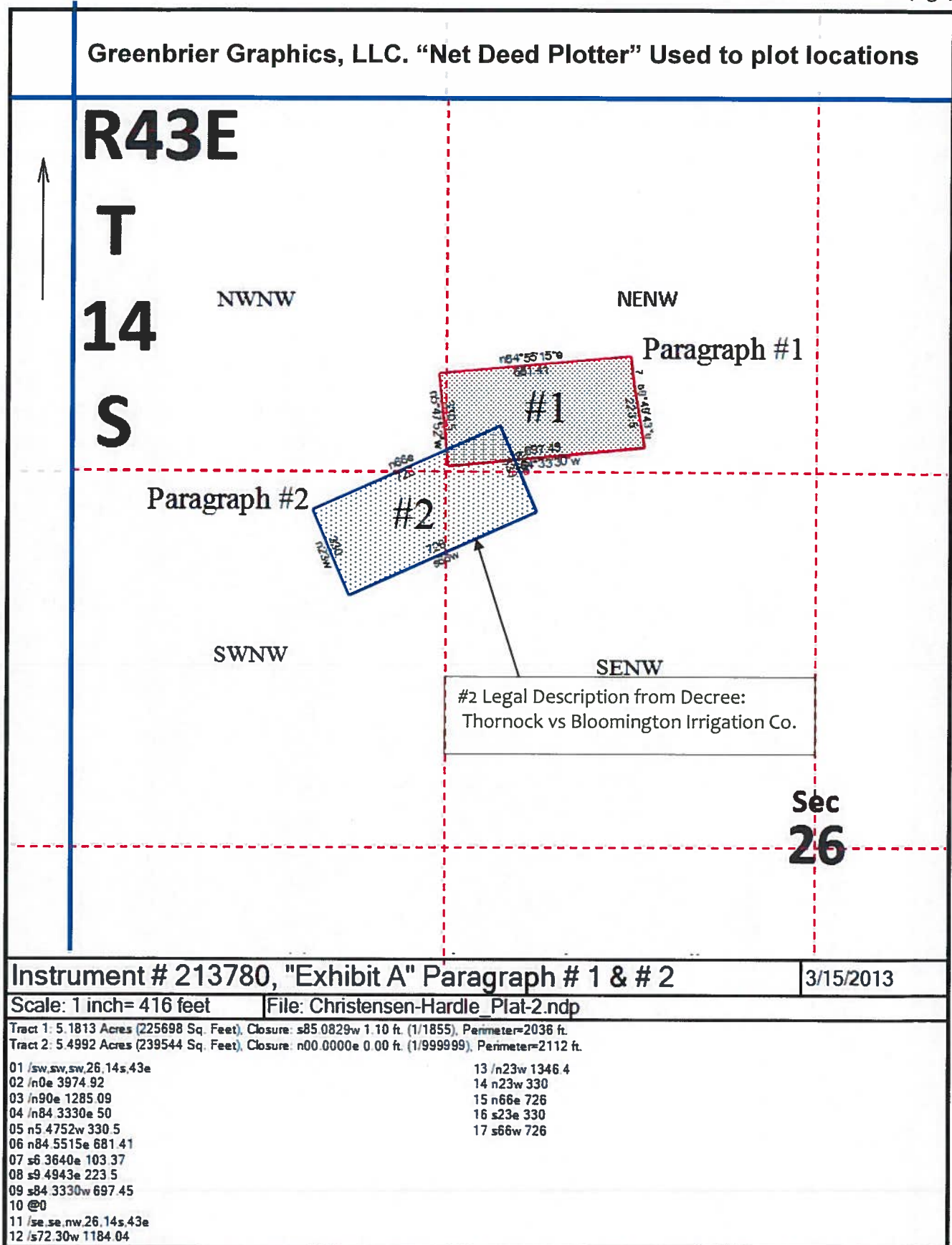
Commencing at the SW corner of said Section 26, from which the NE corner of Section 26 bears North 44°47'20" East; thence North 3974.92 feet; thence East 1285.09 feet to a point at the centerline of Highway 89; thence North 84°33'30" East 50.00 feet to a 5/8" rebar and cap labeled "Allen Land Surveying, PLS 9163" at the East right of way line of said Highway, the POINT OF BEGINNING; thence North 05°48'52" West 330.50 feet (North 23° West 5 chains by record) along said right of way line to a 5/8" rebar and cap; thence North 84°55'15" East 680.41 feet (North 66° East 11 chains 330' by record) to a 5/8" rebar and cap at a fence line; thence Southeasterly (South 23° East 5 chains by record) along said fence line the following two (2) courses: thence South 06°36'40" East 103.37 feet to a 5/8" rebar and cap; thence South 09°49'43" East 223.50 feet to a 5/8" rebar and cap at a fence corner; thence South 84°33'30" West 697.45 feet (South 66° West 11 chains by record) to the Point of Beginning.

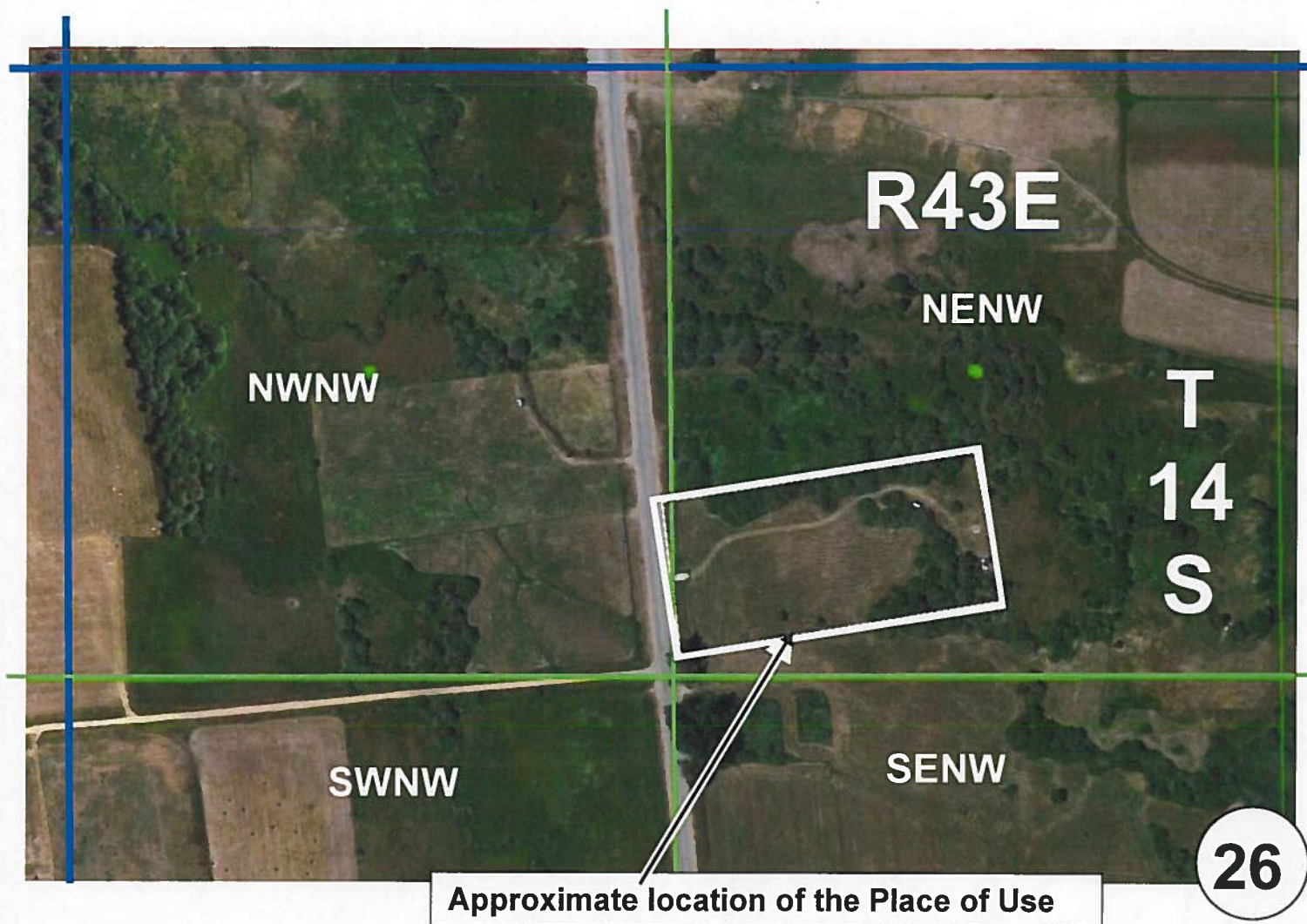
Paragraph #2

Said land was previously described as:

Commencing at a point 17 chains and 94 links South 72°30' West and 20 chains and 40 links North 23° West from the SE corner of the NW¼ of Section 26, Township 14 South, Range 43 East of the Boise Meridian, Idaho, U.S. Survey, and running thence North 23° West 5 chains; thence North 66° East 11 chains; thence South 23° East 5 chains; thence South 66° West 11 chains to the Place of Beginning.

NOTE: Description appears to be written on a 17° magnetic variation.





DECREE: THORNOCK VS. BLOOMINGTON IRRIGATION CO.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR BEAR LAKE
COUNTY.

GEORGE T. THORNOCK, HERBERT BATEMAN and STAFFORD CLEVELAND,	)	
Plaintiffs,	)	
vs.	)	<u>D E C R E E</u>
BLOOMINGTON IRRIGATION COMPANY, a corporation, GEORGE REESE CANAL COMPANY, a corporation, ALMA FINDLAY, GEORGE JARVIS, THOMAS JARVIS, ALBERT JARVIS, ROY HILL, ANTON MADISON, WILLIAM BATEMAN, NELS L. KROGUE, BURTON L. THOMAS, A. O. CHRISTENSEN, JOHN P. HULME, BEN F. HULME, ALFRED A. HART, IRA OSMOND, H. H. BROOMHEAD, JOURNAL PALMER, J. T. BRISCOE, O. C. DUNFORD, and Wm. C. PIGGOTT; and ALMA FINDLAY Jr., ARCHIE BEE and WILLIAM BEE, JOHN WARD, THOMAS WARD and UTAH POWER & LIGHT COMPANY,	)	
Defendants.	)	
.....	)	

This cause came on regularly for trial on the 8th day of
December, 1922; John A. Bagley, Esquire, of Montpelier, Idaho;
appearing as attorney for the plaintiffs; A. B. Gough, Esq., of
Montpelier, Idaho; and Darwin E. Haddock, Esq., of Paris, Idaho;
appearing as attorneys for the defendants and cross-complainants;
Bloomington Irrigation Company; and John T. Briscoe, William C.
Piggott; and O. C. Dunford; Charles H. Hart, Esq., of Salt Lake City
Utah; appearing as attorney for the defendant and cross-complainant,
George Reese Canal Company; a corporation; William Bateman; Nels
L. Krogue; Burton L. Thomas, A. O. Christensen and Alfred A. Hart;
Budge & Merrill of Pocatello, Idaho; appearing as attorneys for
the defendants and cross-complainants; Alma Findlay; Thomas Jarvis
and Albert Jarvis; Jesse P. Rich and Darwin E. Haddock, Esqs.,
appearing as attorneys for the defendants and cross-complainants;
John P. Hulme and Ben F. Hulme; D. O. Kuns, Esq., of Montpelier,
Idaho, appearing as attorney for the defendants; Anton Madsen,
William Bee, Archie Bee and Herbert Bateman; and Darwin E. Haddock,
Esq., appearing as attorney for the defendant and cross-complainant,
Peter E. Ward; Whereupon, the respective parties proceeded to ne-
gotiate a settlement and adjustment of the issues raised by the

DECREE: THORNOCK VS. BLOOMINGTON IRRIGATION CO.

11-0216

A. O. CHRISTENSEN:

11

11-0216

1868---1/10 of a cubic foot per second, to be diverted through said Bateman-Kroque-Thomas Ditch, for the irrigation of the following described lands: Commencing at a point 17 chains and 94 links South 72° 30' West and 20 chains and 40 links North 23° West from the Southeast corner of the Northwest Quarter, Section 26, Township 14 South of Range 43 East of Boise Meridian, U. S. Survey, and running thence North 23° West 5 chains; thence North 66° East 11 chains; thence South 23° East 5 chains; thence South 66° West 11 chains to place of beginning and containing 5 acres of land more or less.

11-0217

ALFRED A. HART:

11

11-0217

1868---21/50 of a cubic foot per second, to be diverted through said Bateman-Kroque-Thomas Ditch, for the irrigation of the following described lands: Commencing at a point 5 chains and 72 links North 89° West and 5 chains and 52 links South 2° 35' West from the Northeast corner of Southeast Quarter of Section 26 in Township 14 South of Range 43 East of Boise Meridian in Idaho, and running thence South 2° 35' West 66 links; thence South 88° 35' West 19 chains and 72 links; thence South 2° West 10 chains and 42 links; thence North 89° 30' East 17 chains to center of Bloomington Creek; thence up said creek following the center of the channel to the place of beginning, containing 16 acres more or less. Commencing at a point 1 chain and 90 links North 17° 45' West along the East side of Quarter Section; thence 7 chains South 66° 45' West from the Southeast corner of the Northwest Quarter, Section 26, Township 14 South, Range 43 East of Boise Meridian, U. S. Survey; and running thence South 66° 45' West 10 chains; thence North 23° West 5 chains and 25 links; thence North 66° 45' East 10 chains; thence South 23° East 5 chains and 25 links to place of beginning, and containing five and one-quarter acres of land, more or less.

11-0218

GEORGE T. THORNOCK:

11

11-0218

1890---1-27/50 cu. ft. per second, up to and including June 25th of each and every year, to be diverted through what is known as the "Long and Bateman Ditch" having its intake near center of Southeast Quarter of Section 26, Township 14 South, Range 43 East, Boise Meridian, for the irrigation of 77 acres within the South Half of the Northeast Quarter, the Southeast Quarter of the Northwest Quarter, and the South Half of the South Half of the Northeast Quarter of the Northwest Quarter of Section 36, Township 14 South, Range 44 East, Boise Meridian.

11-0219

11-0219

1890---23/50 of a cubic foot per second, to be diverted through said Long and Bateman Ditch, for the Irrigation of 23 acres of said lands last above described.

HERBERT BATEMAN:

11-0220

11-0220

1880---5-1/2 cubic feet per second, up to and including June 25th of each and every year, to be diverted through said Long & Bateman Ditch, for the irrigation of 175 acres within the following described tracts, to-wit: The Northeast Quarter of the Northeast Quarter of Section 36; and 10 acres in Section 26, Township 14 South, Range 43 East; the North Half of the Northwest Quarter of Section 31, and the Southeast Quarter of the Southwest Quarter, and Lots 5 and 6 of Section 30; and Lots 1 and 2 of Section 31, Township 14 South, Range 44 East, Boise Meridian.

DECREE: THORNOCK VS. BLOOMINGTON IRRIGATION CO.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that all rights hereinbefore decreed shall have a date of priority as of May 1st of the respective years hereinbefore specified, and that all such rights shall, unless otherwise specified, be for the irrigation season of each and every year, to-wit; from May 1st to October 1st.

In accordance with said stipulation, IT IS HEREBY ADJUDGED that all pleadings have been deemed amended to conform to said stipulation and that pleadings have been filed as a basis for the several awards made to individuals not specifically named as defendants in the complaint herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the court shall retain jurisdiction; and jurisdiction is hereby reserved for a period of three years from the date hereof for the purpose of granting relief to any party to the action on account of clerical or typographical errors or inadvertence or for the purpose of making further inquiry and entering additional or modified findings and decree with reference to the rights of the Bloomington Irrigation Company in the event it shall be satisfactorily made to appear that the award of water to said company, as hereinbefore set forth, is in excess of what is required to properly irrigate the lands of the share-holders of said company hereinbefore described, and that claimants possessing subsequent right to the waters of said Bloomington Creek are suffering detriment by reason of such excessive use; and it is ORDERED, ADJUDGED and DECREED that the several persons to whom water is awarded under this decree or those in joint control of any ditch whereby water is diverted shall at his or their own cost and expense install and maintain a measuring device at or near each such point of diversion in order that it may be readily determined what quantity of water is being diverted. Such measuring devices shall be under the exclusive control of those who install or own the same and all others are hereby restrained and enjoined from molesting, tampering or interfering with (but may at any time inspect) any such device.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party pay its own costs herein.

DATED this 25th day of July, 1925.

O. R. BAUM
District Judge.

Filed July 25, 1925,
J. S. Peterson,
Clerk.