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Department of Water Resources
Eastern Region

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Transfer No. 75451

Receipt No. E036328

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information CHRISTINE BASTIAN
16580 S MARSH VALLEY RD
ARIMO ID 83214
(208)897-5066
And

LYNN S BASTIAN
16580 S MARSH VALLEY RD
ARIMO ID 83312
(208)897-5066

Will this transfer result in an ownership change? X Yes X No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
29-11463	WR/Beneficial Use	0.91		45.7	313.0	UNNAMED STREAM
29-4302	WR/Beneficial Use	6.26			313.0	MARSH CREEK
29-11465	WR/Beneficial Use	0.50		100.0	313.0	HAWKINS CREEK

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
29-11463	NO	NO	YES	NO	NO	NO
29-4302	NO	NO	YES	NO	NO	NO
29-11465	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Swapping approximately 20 acres of property with the Wheatleys. We are seeking to keep our water rights and propose to change the place of use for our water rights to the 20 acres of property that we are obtaining.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

75 45 1

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
29-11463	0.91 cfs	45.7	313.0	
29-4302	6.26 cfs		313.0	
29-11465	0.50 cfs	100.0	313.0	
TOTAL	7.67 cfs	313.0	313.0	

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.


(Signature of Applicant)

owner
(Title or Office)


(Signature of Applicant)

OWNER
(Title or Office)

Transfer No. 75451

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

Current Water Right No. 29-11463

Priority Date: June 01, 1926

Origin: Water Right

Basis: Decreed

Status: Active

Source: UNNAMED STREAM**Tributary:** HAWKINS CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.02 CFS		
IRRIGATION	04/01 10/31	0.91 CFS		
Total Diversion		0.91 CFS		

Source and Point(s) of Diversion:

UNNAMED STREAM L8 (NESWSW) Sec. 30 Twp 10S Rge 37E BANNOCK County

UNNAMED STREAM L1 (NENWNW) Sec. 31 Twp 10S Rge 37E BANNOCK County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 36E 25																5.6	5.6
10S 36E 36	18.0	16.0	20.0	37.0									41.0	38.0			170.0
10S 37E 30					24.0	.6	5.7		1.0	37.0							68.3
10S 37E 31						L 1	L 4			L 6	L 8						26.6
						15.0	.1			10.0	1.5						
						L 2	L 4			L 6	L 7						

Total Acres: 313

Conditions/Remarks:

- THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45.7 ACRES IN A SINGLE IRRIGATION SEASON.
- THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

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4. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 313.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-04302, 29-11463, 29-11465.
5. 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.

Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

It will be dry

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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

Current Water Right No. 29-4302

Priority Date: June 01, 1926

Origin: Water Right

Basis: Decreed

Status: Active

Source: MARSH CREEK**Tributary:** PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	6.26 CFS		
STOCKWATER	01/01 12/31	0.02 CFS		
	Total Diversion	6.26 CFS		

Source and Point(s) of Diversion:

MARSH CREEK L5 (NWSW) Sec. 30 Twp 10S Rge 37E BANNOCK County

MARSH CREEK L8 (SWSW) Sec. 30 Twp 10S Rge 37E BANNOCK County

MARSH CREEK L1 (NWNW) Sec. 31 Twp 10S Rge 37E BANNOCK County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 36E 25																5.6	5.6
10S 36E 36	18.0	16.0	20.0	37.0									41.0	38.0			170.0
10S 37E 30					24.0	.6	5.7			1.0	37.0						68.3
10S 37E 31						L 1	L 4				L 6	L 8					26.6
						15.0	.1			10.0	1.5						
						L 2	L 4				L 6	L 7					

Total Acres: 313

Conditions/Remarks:

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. Section 42-1412(6), Idaho Code.
2. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 313.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-04302, 29-11463, 29-11465.
4. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

It will be dry

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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

Current Water Right No. 29-11465

Priority Date: June 01, 1955

Origin: Water Right

Basis: Decreed

Status: Active

Source: HAWKINS CREEK**Tributary:** MARSH CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.02 CFS		
IRRIGATION	04/01 10/31	0.50 CFS		
Total Diversion		0.50 CFS		

Source and Point(s) of Diversion:

HAWKINS CREEK NWSWNE Sec. 36 Twp 10S Rge 36E BANNOCK County

HAWKINS CREEK NWNWSE Sec. 36 Twp 10S Rge 36E BANNOCK County
(Rediversion)PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 36E 25																5.6	5.6
10S 36E 36	18.0	16.0	20.0	37.0									41.0	38.0			170.0
10S 37E 30					24.0	.6	5.7		1.0	37.0							68.3
10S 37E 31						L 1	L 4		L 6	L 8							26.6
						15.0	.1		10.0	1.5							
						L 2	L 4		L 6	L 7							

Total Acres: 313

Conditions/Remarks:

1. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. 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.
3. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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4. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 313.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-4302, 29-11463, 29-11465.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES IN A SINGLE IRRIGATION SEASON.

Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

It will be dry

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 29-11463

Priority Date: June 01, 1926

Origin: Water Right

Basis: Decreed

Status: Active

Source: UNNAMED STREAM**Tributary:** HAWKINS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.02 CFS		
IRRIGATION	04/01 10/31	0.91 CFS		
	Total Diversion	0.91 CFS		

Source and Point(s) of Diversion:

UNNAMED STREAM L8 (NESWSW) Sec. 30 Twp 10S Rge 37E BANNOCK County

UNNAMED STREAM L1 (NENWNW) Sec. 31 Twp 10S Rge 37E BANNOCK County

Describe the proposed diversion system**PLACE OF USE:** IRRIGATION/STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 36E 25																	5.6
10S 36E 36	18.0	6.3	35.0	40.0									40.0	31.0			170.3
10S 37E 30					24.0	.6	5.7			1.0	15.0						46.3
10S 37E 31						L 1	L 4				L 6	L 7					38.8
						L 1	L 3				L 6	L 7					

Total Acres: 313

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**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 29-4302

Priority Date: June 01, 1926

Origin: Water Right

Basis: Decreed

Status: Active

Source: MARSH CREEK

Tributary: PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	6.26 CFS		
STOCKWATER	01/01 12/31	0.02 CFS		
	Total Diversion	6.26 CFS		

Source and Point(s) of Diversion:

MARSH CREEK	L5 (NWSW)	Sec. 30 Twp 10S	Rge 37E	BANNOCK County
MARSH CREEK	L8 (SWSW)	Sec. 30 Twp 10S	Rge 37E	BANNOCK County
MARSH CREEK	L1 (NWNW)	Sec. 31 Twp 10S	Rge 37E	BANNOCK County

Describe the proposed diversion system

PLACE OF USE: IRRIGATION/STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
10S	36E	25																	5.6	5.6
10S	36E	36	18.0	6.3	35.0	40.0									40.0	31.0				170.3
10S	37E	30					24.0	.6	5.7					1.0	15.0					46.3
10S	37E	31						18.0	8.3					11.0	1.5					38.8
								L 1	L 3						L 6	L 7				

Total Acres: 313

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 29-11465

Priority Date: June 01, 1955

Origin: Water Right

Basis: Decreed

Status: Active

Source: HAWKINS CREEK**Tributary:** MARSH CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.02 CFS		
IRRIGATION	04/01 10/31	0.50 CFS		
	Total Diversion	0.50 CFS		

Source and Point(s) of Diversion:

HAWKINS CREEK NWSWNE Sec. 36 Twp 10S Rge 36E BANNOCK County

HAWKINS CREEK NWNWSE Sec. 36 Twp 10S Rge 36E BANNOCK County
(Rediversion)Describe the proposed diversion system**PLACE OF USE:** IRRIGATION/STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 36E 25																5.6	5.6
10S 36E 36	18.0	6.3	35.0	40.0									40.0	31.0			170.3
10S 37E 30					24.0	.6	5.7		1.0	15.0							46.3
10S 37E 31						L 1	L 4			L 6	L 7						38.8
						18.0	8.3			11.0	1.5						
						L 1	L 3			L 6	L 7						

Total Acres: 313

75 45 1



WARRANTY DEED

Order No.:3011018452KF

FOR VALUE RECEIVED

Lynn S. Bastian and L. Christine Bastian, Husband and Wife



the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Ralph Wheatley and Vauna Wheatley, Husband and Wife and Randy Wheatley and Brittany Wheatley, Husband and Wife

whose current address is

PO Box 116 McCammon, ID 83250

the grantee(s), the following described premises, in Bannock County, Idaho, TO WIT:

Parcel 1:

A parcel of land located in the North $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 36, Township 10 South, Range 36 East, Boise Meridian, Bannock County, Idaho, said parcel being more particularly described as follows:

Section 36:

All that portion of the North $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ lying South of the Southerly right of way of East Hawkins Road.

Parcel 2:

A parcel of land located in the Northeast $\frac{1}{4}$ of Section 36, Township 10 South, Range 36 East, Boise Meridian, Bannock County, Idaho, said parcel being more particularly described as follows:

Section 36:

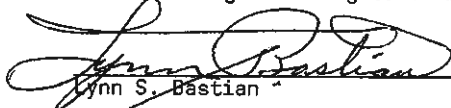
All that portion of the Northeast $\frac{1}{4}$ lying West of the Westerly right of way of South Marsh Valley Road and South of the Southerly right of way of Meadow brook Ranch Road.

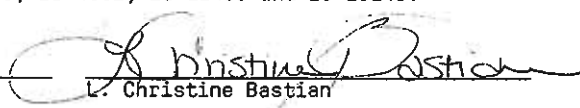
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: December 13, 2010

**Withholding water rights 29-11463, 29-4302, 29-11465 and 29-10149.


Lynn S. Bastian


L. Christine Bastian

55.

} S5.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public for the State of Idaho
Residing at: Pocatello
Commission Expires: 06-01-13

SS.

3

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public for the State of Idaho
Residing at: Pocatello
Commission Expires: 06-01-13



WARRANTY DEED

Order No.:3011018451KF

FOR VALUE RECEIVED

Randy Wheatley and Brittany Wheatley, Husband and Wife and Ralph Wheatley and Vauna Wheatley, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Lynn S. Bastian and L. Christine Bastian, Husband and Wife

whose current address is

16580 S Marsh Valley Road Arimo, ID 83214

the grantee(s), the following described premises, in Bannock County, Idaho, TO WIT:

Tax No. 2, described as follows:

BEGINNING at the Southwest corner of the tract which bears North 89°45' East 252 feet distant from the Southwest corner of the Northeast ¼ of Section 36, Township 10 South, Range 36 East, Boise Meridian, or the center of said Section 36;

Thence running North 89°45' East, 1278 feet to the Southeast corner of the tract;

Thence North 692.80 feet to the Northeast corner of the tract;

Thence South 89°45' West, 1437.60 feet to a corner at the Wagon Bridge in the lane;

Thence South 31°46' West, along center line of lane 175.60 feet;

Thence South 203.50 feet;

Thence North 89°45' East, 252 feet;

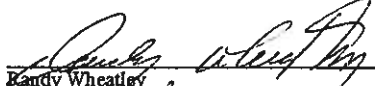
Thence South 340 feet to the PLACE OF BEGINNING.

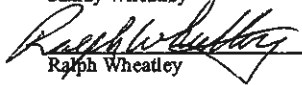
***Withholding water right 29-8020.

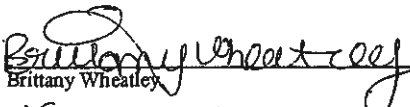
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

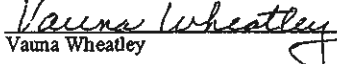
And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: December 13, 2010


Randy Wheatley


Ralph Wheatley


Brittany Wheatley


Vauna Wheatley

ss.

ss.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public for the State of Idaho
Residing at: Pocatello
Commission Expires: 06-01-13