

**STARTING
LEFT
SIDE OF
FILE**

STATE OF IDAHO
ID^{HO} DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

FEB 09 1999

Department of Water Resources
Eastern Region

1. Water Right Number(s) 11-00931, 11-00933, 11-00934

Adjudication Claim Number(s) _____

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

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

1180 Old Hwy 30 Bancroft ID 83217

4. New Owner/Claimant(s) Keith N Rigby and Lila Rigby

Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR

New Mailing Address 6734 Pegram RD Montpelier ID 83254

City, State and ZIP Code _____

New Telephone Number (208) 847-2396

5. Date you acquired the property Apr 29 1991

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Keith N Rigby

Date 2/5/99

Lila Rigby

Date 2/5/99

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

MICROFILMED

MAY 26 1999

WARRANTY DEED

For Value Received TEN DOLLARS AND OTHER VALUABLE CONSIDERATION

RULON F. WISTISEN and SHARON WISTISEN, husband and wife

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

KEITH N. RIGBY and LILA RIGBY, husband and wife
6734 Pegram Road, Montpelier, Idaho 83254

the grantee s, the following described premises, in Bear Lake County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do 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 incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 29 April 1991

Rulon F. Wistisen
Sharon M. Wistisen

STATE OF IDAHO, COUNTY OF

On this 1st day of May, 1991,
before me, a notary public in and for said State, personally
appeared

RULON F. WISTISEN and SHARON
WISTISEN, husband and wife

known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Alvin R. Roush
Notary Public
Residing at Boise, Id.
Comm. Expires 31, 1993

91 PM 6 AM 9 31
Cindy Ann \$6.00
DEPUTY FEE

BEAR LAKE COUNTY RECORDER
M. P. EBBORN

152410

INSTRUMENT No

MICROFILMED

MAY 26 1999

EXHIBIT "A"

TOWNSHIP 14 SOUTH, RANGE 46 EAST OF THE BOISE MERIDIAN, IDAHO:

Section 31: All that portion of the SE1/4 located South and East of the Union Pacific Railroad Right-of-Way.
EXCEPT THEREFROM: NW1/4SE1/4SE1/4.

Section 32: SW1/4SW1/4; W1/2SE1/4SW1/4.

TOWNSHIP 15 SOUTH, RANGE 46 EAST OF THE BOISE MERIDIAN, IDAHO:

Section 5: Lot 4

Section 6: Lot 1; ALSO: All that portion of Lot 2 lying South and East of the Union Pacific Railroad Right-of-Way.

ALSO: All that portion of the NE1/4NW1/4 and NE1/4SW1/4 lying South and East of the Union Pacific Railroad Right-of-Way.

ALSO: All that portion of Lot 6 located South and East of the Union Pacific Railroad Right-of-Way.

ALSO: Commencing at the Southwest Corner of said Section 6, and running thence East 109.56 feet; thence North $30^{\circ}40'$ East 1329.24 feet to the TRUE POINT OF BEGINNING; and running thence South 87° East 100 feet; thence South $30^{\circ}40'$ West 165 feet; thence South 87° East to the East line of Lot 7 of said Section 6; thence North to the Northeast Corner of Lot 7 of said Section 6; thence West along the North line of Lot 7, 442 feet, more or less, to the Easterly Right-of-Way line of the Union Pacific Railroad; thence South $30^{\circ}40'$ West along the Easterly line of the Union Pacific Railroad Right-of-Way to the Point of Beginning.

EXCEPTING THEREFROM: Any Right-of-Way for roads, highways, and railroads.

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MAY 26 1999

All of said waters to be diverted from Bear River by means of the Taylor Ditch located at or near the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 32, Township 15 South, Range 46 East of the Boise Meridian, to be used on 50 acres of land described as follows, to-wit:

NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 32, Tp. 15 South Range 46.45

0933 1880- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st, 3 cubic feet per second

July 1st - September 30th, 2 cubic feet per second.

0934 April 15th, 1885- What is designated in this decree as an "Agricultural Right".

1 cubic foot per second.

All of said waters to be diverted from Bear River by means of the Nuffer Ditch located at or near a point where the South line of the Southeast Quarter of Section 31, Township 14 South, Range 46 East of the Boise Meridian, intersects Bear River, to be used upon 150 acres out of the following land, described as follows, to-wit:

S $\frac{1}{2}$ of the SE $\frac{1}{4}$ Section 31, N $\frac{1}{2}$ of the NE $\frac{1}{4}$, N $\frac{1}{2}$ of the NW $\frac{1}{4}$, S $\frac{1}{2}$ of the NW $\frac{1}{4}$ N $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 3, Township 15 S. Range 46

0935 1885- April 15th, What is designated in this decree as an "Agricultural Right". 1 cubic foot per second.

All of said waters to be diverted from Bear River by means of the Taylor ditch located at or near the Southeast Corner of the Northeast Quarter of the Southeast Quarter of Section 32, Township 15 South, Range 46 East of the Boise Meridian, to be used on 50 acres, described as follows, to-wit:

NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 15 South, Range 46 E.B.M.

0936 J. A. C. NIELSON: 1877- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st, 4.5 cubic feet per second.

July 1st - September 30th, 3.0 cubic feet per second.

0937 1880- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st, 2.5 cubic feet per second.

July 1st - September 30th, 1.7 cubic feet per second.

0938 1885- April 15th, What is designated in this decree as an "Agricultural Right".

.8 cubic ft. per second.

All of said waters to be diverted from Bear River by means of the Nuffer ditch at or near the point where the South line of the Southeast Quarter of Section 31, Township 14 South, Range 46 East of the Boise Meridian intersects Bear River, to be used upon 275 acres of land, described as follows, to-wit:

The northwest quarter and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 12, Lots 1 and 2, Section 7, Township 15 South, Range 46 East Boise Meridian.

JOHN H. JENSEN:

0939 1877- April 15th, what is designated in this decree as a "Meadow Right".

April 15th - July 1st, 7.5 cubic feet per second.

July 1st - Sept. 30th, 5 cubic feet per second.

0940 1885- April 15th, what is designated in this decree as an "Agricultural Right" .8 cubic feet per second.

All of said waters to be diverted from Bear River by means of a cut or ditch cut of said river at or near the northwest corner of the southeast quarter of the northeast quarter of Section 26, Township 14 South, Range 45 East of the Boise meridian, to be used upon 290 acres, described as follows, to-wit:

MAY 14 1996

11-00931
(part)

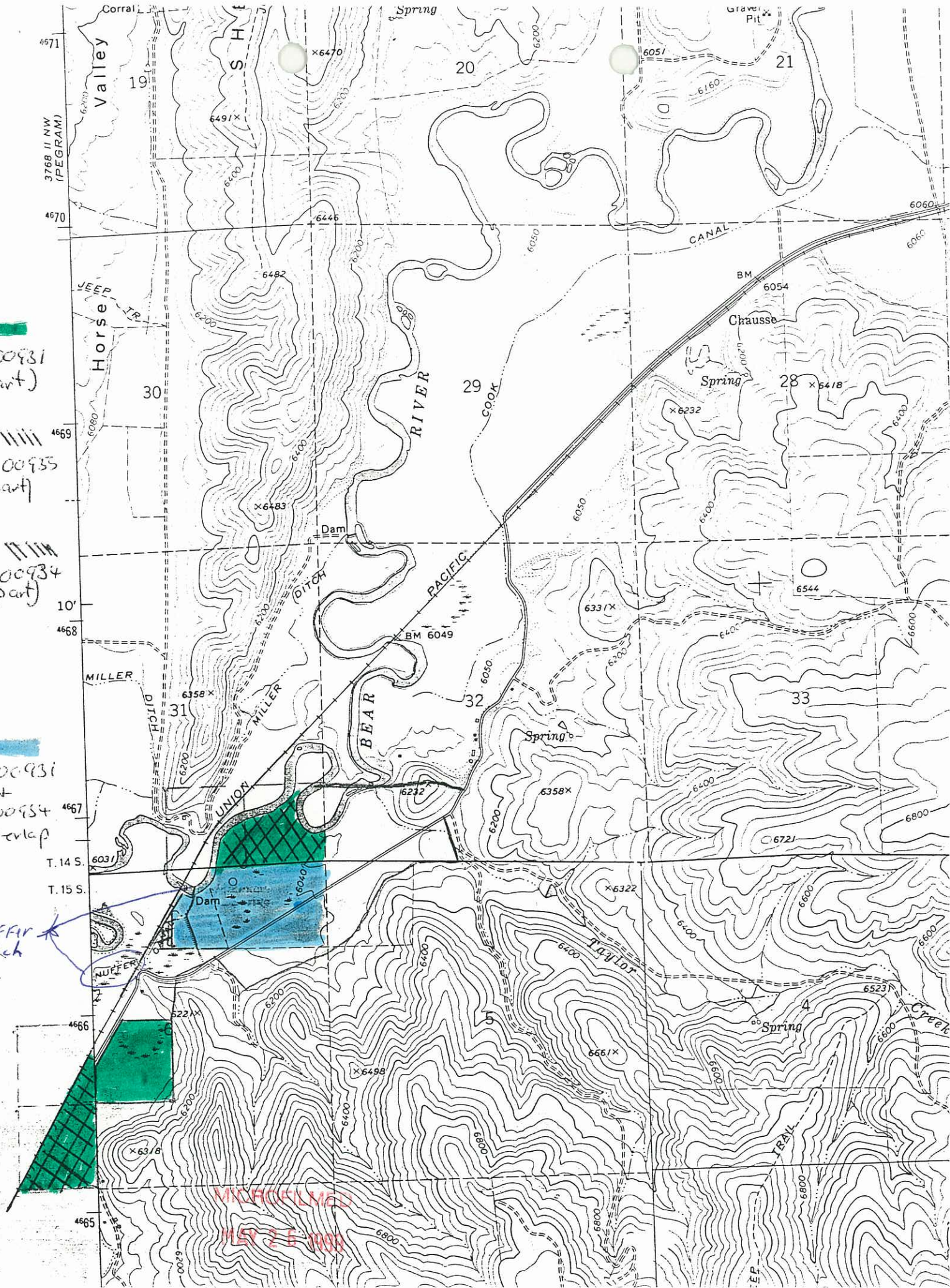
11-00935
(part)

11-00934
(part)

11-00931
+
1-00934
overlap

Nuffir
Ditch

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JUL 26 1980



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

PRESTON-MONTPELIER IRRIGATION
COMPANY, a corporation,

Plaintiff,

vs.

DINGLE IRRIGATION COMPANY, a cor-
poration; Grinnett-Black Otter
Irrigation Company, a corporation;
Peg Leg Island Irrigation Company, a
corporation; West Fork Irrigation
Company, a corporation; Ream-Crockett
Irrigation Company, a corporation;
Pugmire Livestock & Land Company, a
corporation; Continental Life Insur-
ance Company, a corporation; Ole
Transtum; Carrie Hill; J.A.C. Nielson;
John A. Jensen; Oron Quayle; Thomas
Quayle; George Parker; Edw. LaRocco;
John O. Miller; Ezra J. Phelps; George
A. Sparks; Hyrum Esterholdt, and Joseph
Esterholdt,

Defendants

DECKEE

SCANNED
FEB 14 2007

This cause came on regularly for trial on the 4th
day of August, 1923, John A. Bagley, Esquire, and D. G. Kunz,
Esquire, appearing as attorneys for the plaintiff Preston- Montpelier
Irrigation Company, a corporation, and John A. Bagley, Esquire, appearing
as attorney for Oron Quayle, Thomas Quayle, George Parker, Edw. LaRocco,
John O. Miller, Ezra J. Phelps, and George A. Sparks, defendants and cross-
complainants; and D. G. Kunz, Esquire, appearing as attorney for the
Continental Life Insurance Company, a corporation, Ole Transtrum, Carry
Hill, J. A. C. Nielson and John A. Jensen, defendants and cross-complain-
ants; and A. B. Gough, Esquire, appearing as attorney for Dingle Irrigation
Company, a corporation, Peg Leg Island Irrigation Company, a corporation,
Grinnett Black Otter Irrigation Company, a corporation, and the Pugmire
Livestock & Land Company, a corporation, defendants and cross-complainants;
Ross W. Bates, Esquire, appearing as attorney for the Ream-Crockett Irriga-
tion Company, a corporation, defendants and cross-complainants; and Jesse P.
Rich, Esquire, appearing as attorney for the West Fork Irrigation Company,
a corporation, defendants and cross-complainants and Darwin Haddock, Esquire,
appearing as attorney for Hyrum Esterholdt and Joseph Esterholdt, defendants
and cross-complainants. Whereupon, the respective parties proceeded to
negotiate a settlement and adjustment of the issues raised by the complainants.

MAY 14 1996

to supply said 6012.25 acres of said agricultural lands to the full extent of their decreed rights.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED: That the Court shall retain jurisdiction, and jurisdiction is hereby reserved for a period of five years from the date hereof for the purpose of correcting said decree if it shall be made to appear to the court that there are errors in the description or amounts of land to which water has been decreed under this decree

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That each party pay his own costs herein.

Dated this 7th day of March, 1924.

ROBERT M. TERRELL
District Judge.

STATE OF IDAHO
COUNTY OF BEAR LAKE

I, J. S. Peterson, Clerk of the District Court of the Fifth Judicial District of Idaho, in and for Bear Lake County, do hereby certify that the within and foregoing is a full and true copy of the original Water Decree in the case of Preston-Montpelier Irrigation Company vs. Dingle Irrigation Company, et al duly filed in my office on the 7th day of March, 1924.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Paris, Idaho, this 8th day of July, 1924.

(SEAL)

J. S. PETERSON
Clerk

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MAY 14 1996

**STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

January 10, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RULON F WISTISEN
1180 OLD HWY 30
BANCROFT ID 83217

RE: Change in Ownership for Water Right No. 11-931, 11-933, & 11-934

Dear Mr. Wistisen:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

- ☒ **Evidence of Water Right Ownership:** copy of Warranty Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question
- ☒ **Legal Description of Property**

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right(s) indicated in your notice. The documentation provided to our office does not show ownership in your name, rather in the names of several other individuals. Please forward sufficient proof of ownership which shows you as the property owner.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information **within 30 days** we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in 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 (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call Kari Lynn Townsend at 208-287-4952.

Sincerely,

Kandice McDermott
Records Analyst

/klm



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

May 5, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KEITH N RIGBY
LILA RIGBY
6734 PEGRAM RD
MONTPELIER ID 83254

RE: Decreed Water Rights 11-00931/11-00933/11-00934

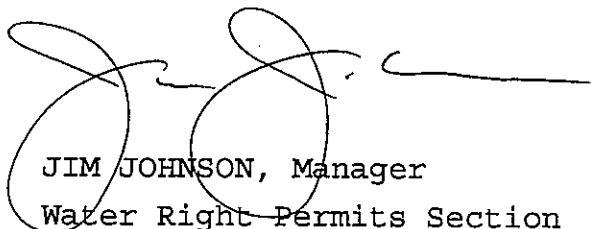
Dear Mr. & Mrs. Rigby:

The Department is in receipt of the correspondence changing the ownership of the above referenced water rights to you. We have modified our records to reflect these changes in ownership and computer-generated reports are enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

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MAY 26 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 10, 1999

KEITH & LILA RIGBY
6734 PEGRAM RD
MONTPELIER ID 83254

RE: CHANGE OF OWNERSHIP FOR 11-00931, 11-00933, 11-00934

Dear Mr. & Mrs. Rigby:

On February 9, 1999 our office received the above-referenced request. I forwarded this request to our state office in Boise for processing. If you would like to follow-up on the status of this change, please contact the Allocations Bureau at (208) 327-7900.

Sincerely,

Jennifer Hoagland
Technical Records Specialist

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