

PART 1

1st Office address 70 D. GARY PETERSON, BEARD ST. CLAIR, 2105 CORONADO, IF, ID 83404

☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes CHANGE DIVERSION POINT ON MARSH CREEK FOR WATER RIGHT 29-02293 TO POINT FURTHER UPSTREAM; PARTIAL CHANGE OF PLACE OF USE FOR WATER RIGHT NO. 29-02293

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
29-02293	11/04/50	3.0 CFS	IRRIGATION	04/01 to 10/31
				to
				to
				to

2. Total amount of water being transferred 3.0 CFS cubic feet per second and/or _____ acre-feet per annum.

3. Source of water MARSH CREEK tributary to PORTNEUF RIVER

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total Acres 197 ~~199~~

T70645

age 2 of 6

Transfer No. 70645

PART 1

6. General Information:

a. Description of diversion system PUMP WITH MAINLINE AND LATERALS

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

THE FOLLOWING ACREAGES ARE IN CRP SET-ASIDE AND WON'T BE AFFECTED:
SECTION 4 SESE (37 ACRES); SECTION 3 SWSW (40 ACRES) AND SESW (40 ACRES)
THE FOLLOWING ACREAGES WILL BE INCLUDED IN NEW PLACE OF USE AND
WON'T BE AFFECTED: SECTION 10 NWNW (40 ACRES) AND NENW (40 ACRES)

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

T70645

page 3 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

T70645

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 29-2293 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water MARSH CREEK tributary to PORTNEUF RIVER

4. Date or priority 11/04/50

5. Water is used for the following purposes:

amount 3.0 CFS for IRRIGATION purposes from 04/01 to 10/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.0 CFS cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	SW		3	12S	37E	BANNOCK	RAT FARM

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	37E	3											40	40					80
		4																37	37
		10					40	40											80

Total Acres 197

9. Describe any other water rights used for the same purpose as described above NONE

T70645

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

YES If yes, describe 80 ACRES IN SECTION 10 NOT WATERED INCIDENTAL TO CRP SET-AB11 OF OTHER 117 ACRES IN SECTIONS 3 AND 4.

DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- 1. amount for purposes from to (cfs/ac-ft)
- amount for purposes from to (cfs/ac-ft)
- amount for purposes from to (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres

DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- 1. amount for purposes from to (cfs/ac-ft)
- amount for purposes from to (cfs/ac-ft)
- amount for purposes from to (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

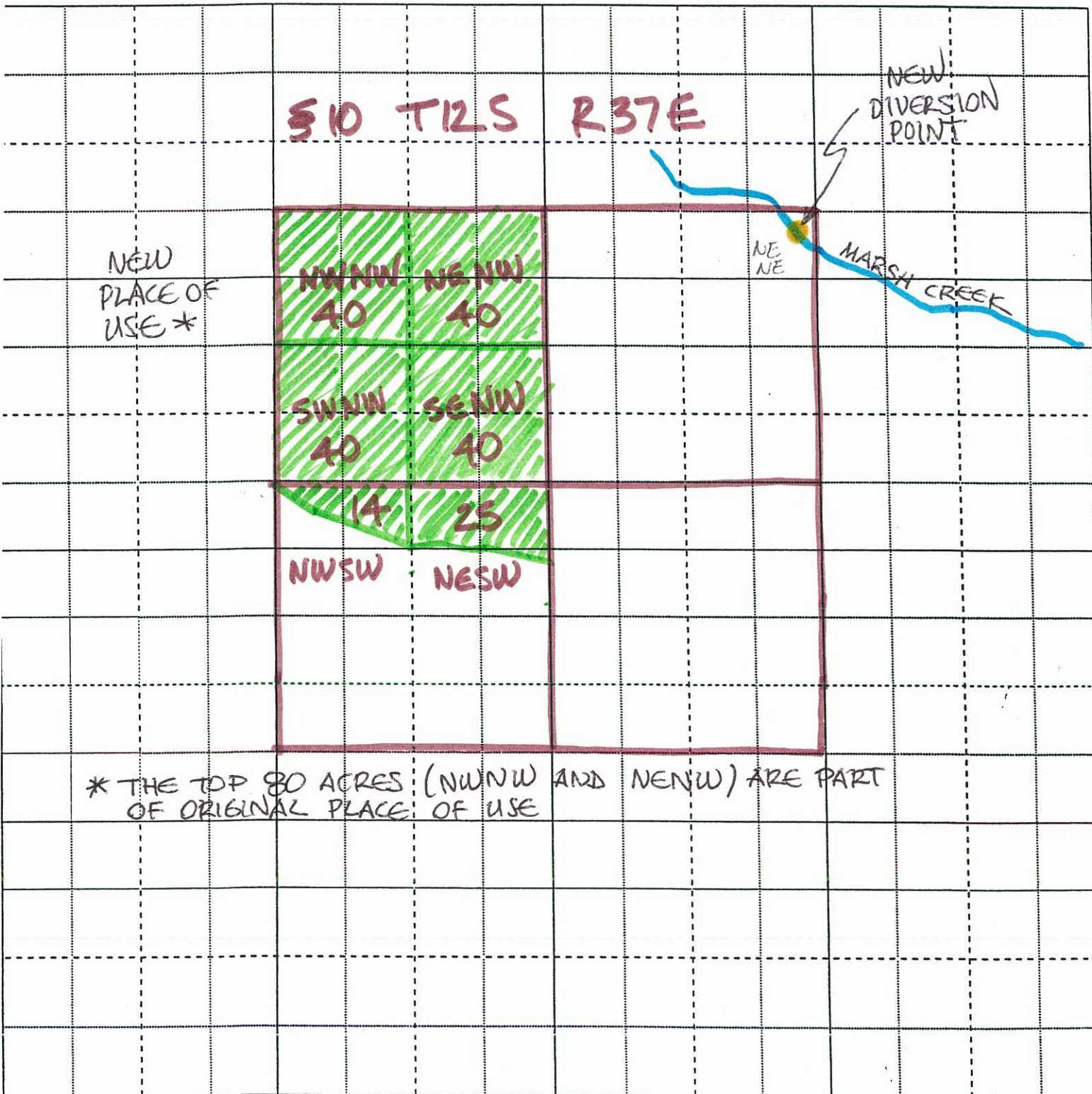
3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

page 6 of 6

PART 3

T70645

CHANGES IN NATURE OF USE

New Nature of Use

Amount(cfs/af-ft)

Hours/days/year

Period of Use

NONE

to

to

Quantity and quality of return flows and location of discharge:

Describe effects on other water uses resulting from the proposed change:

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.

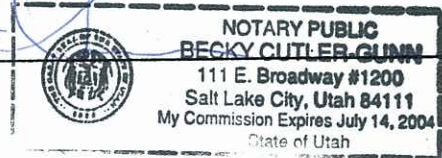
I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this 4th day of June, 2003

(Notary Public)

My commission expires 7-14-2004



FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 6 attachments

Received by SC Date 6/20/03 Protest filed by

Prelim. Check by DC Fee 330 EO 28906

Received by DC Date 6/20/2003

Published in ID State Journal Copies of protest forwarded by

Pub. Dates Aug 21 & 28, 2003 Hearing held by Date

Watermaster recommendations requested on Recommended for ☐ approval ☐ denial

received by

Copy of transfer sent to lien holder

T70645

Agreement to the Proposed Change
in Point of Diversion
and Place of Use

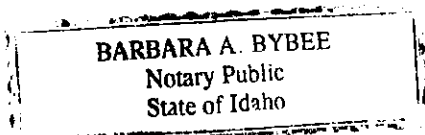
State of Idaho)
) ss.
County of Bannock)

I, Lori Davis, Vice President of Ireland Bank, Downey, Idaho, being duly sworn on oath, hereby states:

1. That she is Vice President of Ireland Bank, Downey, Idaho;
2. That Ireland Bank is the lien holder on the property described in the Application for Transfer of Water Right, prepared and submitted by Downata Ranch & Recreations Company;
3. That Ireland Bank agrees to the proposed change in the point of diversion and place of use for water right no. 29-02293 as shown on the attached referenced map.

Lori Davis, Vice President
Lori Davis, Vice President

Subscribed and sworn to before me this 17 day of June,
2003.

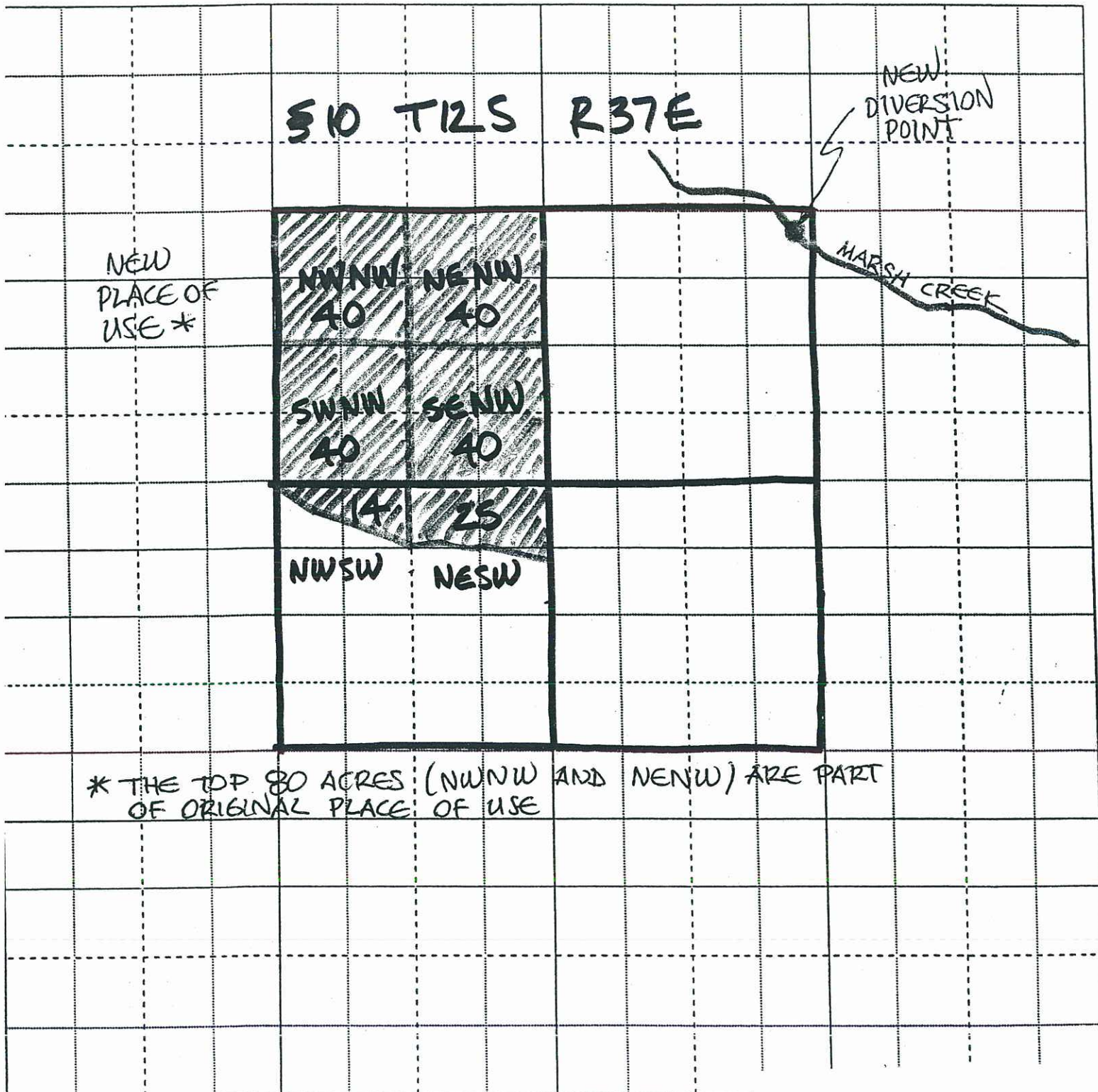


Barbara A Bybee
Notary Public

My commission expires: 12-22-05

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

PARCEL NUMBER	BANNOCK COUNTY	Land	14.00	FULL TAX	171.00
R4471002000	TAX YEAR 2002	Imp.			
	REAL	HM-			
		MVE-			
SW4 160 AC		TAXABLE		1ST TAX	85.50
TR SW4SE4 TAX 7 20 AC		VALUE	\$14,000	HALF	
S3-T12S-R37E				2ND TAX	85.50
				HALF	

DOWNATA RANCH & REC CO
PO BOX 185
DOWNEY ID 83234-0185

CODE AREA 004900

*TAXING DISTRICT *	**RATE**	**AMOUNT**
COUNTY	.005509029	77.12
SCHOOL NO. 21	.005119316	71.67
BAN FREE LIB	.000366603	5.13
DOWN-SWAN HWY	.000623457	8.73
MARSH VAL CEM	.000331097	4.64
AMBULANCE	.000265099	3.71
TOTAL TAX/SPECIALS		171.00

MAKE CHECK PAYABLE TO:
GENIE ALEXANDER
BANNOCK COUNTY TREASURER
P.O. BOX 4626
POCATELLO, ID 83205-4626
(208) 236-7220
PARCEL R4471002000 2002

BILL NO
R09447

SUBTOTAL 171.00
TOTAL DUE 171.00

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

DELINQUENCIES ON SUB-ROLLS, RECENTLY SUBDIVIDED OR
COMBINED PROPERTY MAY NOT APPEAR ON THIS NOTICE.

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
DOWNATA RANCH & REC CO BANNOCK
R4471002000



2002 REAL

R09447

2ND HALF

85.50

CHECK _____

LATE

CASH _____

INT

COST

TOT

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2003

* TO AVOID LATE FEE MAIL BY THE 19TH *

T 70645
ATTACHMENT 3 OF 6

PARCEL NUMBER R4471002400 BANNOCK COUNTY TAX YEAR 2002 REAL Land Imp. 14 13 FULL TAX 175.20

TR LOTS 1 & 2; S2N2 TAX 2 216.93 AC - E2SE4 80 AC S4-T12S-R37E HM-MVE- TAXABLE VALUE \$14,343 1ST TAX HALF 87.60 2ND TAX HALF 87.60

DOWNATA RANCH & REC CO
PO BOX 185
DOWNEY ID 83234-0185

CODE AREA 004900
*TAXING DISTRICT * **RATE** **AMOUNT**
COUNTY .005509029 79.02
SCHOOL NO. 21 .005119316 73.43
BAN FREE LIB .000366603 5.26
DOWN-SWAN HWY .000623457 8.94
MARSH VAL CEM .000331097 4.75
AMBULANCE .000265099 3.80
TOTAL TAX/SPECIALS 175.20

MAKE CHECK PAYABLE TO:
GENIE ALEXANDER
BANNOCK COUNTY TREASURER
P.O. BOX 4626
POCATELLO, ID 83205-4626
(208) 236-7220
PARCEL R4471002400 2002
BILL NO R09451
SUBTOTAL 175.20
TOTAL DUE 175.20

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

DELINQUENCIES ON SUB-ROLLS, RECENTLY SUBDIVIDED OR
COMBINED PROPERTY MAY NOT APPEAR ON THIS NOTICE. *

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
DOWNATA RANCH & REC CO BANNOCK R4471002400



2002 REAL R09451 2ND HALF 87.60

CHECK _____ LATE
CASH _____ INT
COST
TOT

DELINQUENT IF NOT PAID ON OR BEFORE JUNE 20, 2003

ATTACHMENT T 70645 4 OF 6

PARCEL NUMBER
R4471006501

BANNOCK COUNTY
TAX YEAR 2002
REAL

Land
Imp.

5,775

FULL TAX

70.54

N2NW4 80 AC
S10-T12S-R37E

HM-
MVE-

TAXABLE
VALUE

\$5,775

1ST TAX
HALF

35.27

2ND TAX
HALF

35.27

DOWNATA RANCH & REC CO
PO BOX 185
DOWNEY ID 83234-0185

CODE AREA 004900

*TAXING DISTRICT *	**RATE**	**AMOUNT**
COUNTY	.005509029	31.82
SCHOOL NO. 21	.005119316	29.56
BAN FREE LIB	.000366603	2.12
DOWN-SWAN HWY	.000623457	3.60
MARSH VAL CEM	.000331097	1.91
AMBULANCE	.000265099	1.53
TOTAL TAX/SPECIALS		70.54

MAKE CHECK PAYABLE TO:
GENIE ALEXANDER
BANNOCK COUNTY TREASURER
P.O. BOX 4626
POCATELLO, ID 83205-4626
(208) 236-7220
PARCEL R4471006501 2002

BILL NO
R09524

SUBTOTAL

70.54

TOTAL DUE

70.54

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

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PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

DELINQUENCIES ON SUB-ROLLS, RECENTLY SUBDIVIDED OR
COMBINED PROPERTY MAY NOT APPEAR ON THIS NOTICE.

*
*

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
DOWNATA RANCH & REC CO BANNOCK
R4471006501



2002 REAL

R09524

2ND HALF

35.27

CHECK _____

LATE

CASH _____

INT

COST

TOT

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2003

* TO AVOID LATE FEE MAIL BY THE 19TH *

ATTACHMENT T 70645
5 OF 6



D. Gary Peterson
Attorney at Law
2105 Coronado Street
Idaho Falls, ID 83404-7495

Beard St. Clair Gaffney McNamara Calder PA

(208) 523-5171 Fax (208) 529-9732
Email gary@idahoFallsLaw.com
Internet www.IdahoFallsLaw.com

June 19, 2003

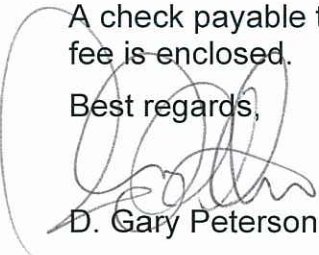
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402

Re: Downata Ranch & Recreation, Inc. application for transfer of water right 29-02293:

Enclosed is an Application for Transfer of Water Right for transfer of water right no. 29-02293 to a new diversion point. Please conduct your examination and, if everything is in order, proceed with notice of the proposed change as provided by law. Please feel free to contact me if you have any questions. You may contact me at 538-5504 on mornings and 359-2446 on afternoons.

A check payable to Idaho Department of Water Resources for \$330 to cover the filing fee is enclosed.

Best regards,


D. Gary Peterson

ATTACHMENT T 70645
6 OF 6

RECEIVED

JUN 20 2003

Department of Water Resources
Eastern Region



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]

[[Get a certificate of existence for DOWNATA RANCH AND RECREATION COMPANY](#)]

DOWNATA RANCH AND RECREATION COMPANY

2105 CORONADO ST.
IDAHO FALLS, ID 83402

Type of Business: CORPORATION, GENERAL BUSINESS

Status: GOODSTANDING, ANREPT SENT 06 Jun 2003

State of Origin: IDAHO

Date of 08 May 1987

Origination/Authorization:

Current Registered Agent: WINSTON V BEARD
2105 CORONADO ST.
IDAHO FALLS, ID 83402

Organizational ID / Filing C83840
Number:

Number of Authorized Stock 100000
Shares:

Date of Last Annual Report: 25 Apr 2002

Amendments:

Amendment 0 filed 08 May 1987 INCORPORATION

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Amendment 1 filed 18 Feb 1997 REINSTATEMENT

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Annual Reports:

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[Download \(TIFF format\)](#)**Report for year 2002** ANNUAL REPORT[View Document Online](#)
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Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7406 V1

WATER RIGHT NUMBER: 29-7406 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DOWNATA RANCH & RECREATION INC C/O DARLENE DOUNS PO BOX 185 DOWNEY, ID 83234 (208) 897-5736
Original Owner	DARRELL RANK C/O CHARLES OSBORN PO BOX 432 VERDUGO, CA 91046
Attorney	DOWNATA RANCH & RECREATION INC C/O D GARY PETERSON BEARD ST CLAIR GAFFNEY MCNAMARA CALDER 2105 CORONADO IDAHO FALLS, ID 83404
Attorney	DOWNATA RANCH & RECREATION INC C/O ROGER H THOMPSON THOMPSON MICHIE ASSOCIATES INC 111 E BROADWAY STE 1200 SALT LAKE CITY, UT 84111
Representative	DOWNATA RANCH & RECREATION INC C/O MARILYN GUNNELL 1740 MELWOOD DR GLENDALE, CA 91207

Priority Date: 06/02/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.310 CFS	416.50 AF
	<u>Total Diversion:</u>	1.310 CFS	416.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 10, Twp 12S, Rge 37E, B.M.
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	
12S	37E	10							40.0	40.0	25.0	14.0							119.0

Total Acres: 119

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-7406 V1

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.

Remarks:Comments:

1. dcarlson 7/10/2001 pod/pou change
Comment: 1/4, 1/4s on the licensing field exam wrong c03, c05 changes
2. dcarlson 7/10/2001 cfs/div vol as licensed
Comment: license reduced cfs

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: C
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False