

Form 222
1-87

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

RECEIVED
MAY 05 2008
Department of Water Resources
Eastern Region

Name of Applicant Michael D. Ferguson Phone (208) 523-0620
 Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, Idaho 83405

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Rearrange place of use acres under existing water right.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>31-10405A</u>	<u>01/20/1931</u>	<u>1.6 cfs/280 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
<u>31-4117</u>	<u>05/01/1961</u>	<u>3.76 cfs/ 658 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
<u>31-10405B</u>	<u>04/01/1960</u>	<u>0.8 cfs/245 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>
<u>Combined</u>		<u>6.16 cfs/1183 afa</u>	<u>Irrigation</u>	<u>04/01 to 10/31</u>

2. Total amount of water being transferred 6.16 cfs (0.34 cfs based on acres) cubic feet per second and/or 1183 (65.1 afa based on acres) acre-feet per annum.

3. Source of water Groundwater Tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	24	8N	33E	Jefferson	
		SE	NW	30	8N	34E	Jefferson	

5. Lands irrigated or place of use: (Permissible place of use for all water rights)

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	
8N	33E	25	27.8	27	27.8	28.8					32.3	18.3	17.8	29.2					209
8N	34E	30					32.8	32.4	31.6	32.2									129

Total Acres 338

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6. General Information:

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- a. Description of diversion system Well and pump
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
The transfer will rearrange the place of use to allow for irrigation of lands under 3 water pivots.
- d. Remarks:
This transfer is a follow-up to Transfer 73538. At the time, IDWR would not allow portions of 31-10405A to be moved from property owned by Edna Eills and George & Ruth Hansen, even though the water right is entirely owned by the applicant. Attached are signed letters from Ms. Ellis and the Hansens wherein both clearly state that no portion of 31-10405A was withheld by them.

ACTION OF THE DIRECTOR DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 2008.

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

*(ATTACH ONE COPY FOR EACH RIGHT)
SEE ATTACHMENTS FOR IDWR RECOMMENDATION OR SRBA CLAIM*

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A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____.
- b. License No. _____ 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 a 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 _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purpose:

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

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

amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right _____ 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

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	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above _____

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No. If yes, describe _____

B. 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 _____

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 _____

C. 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 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

				SEE ATTACHED MAP											

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

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B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/year Period of Use **76174**
 (cfs/ac-ft)
N/A _____ to _____
 _____ to _____

2. Quantity and quality of return flows and location of discharge:

N/A

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

N/A

I hereby asset 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.



Subscribed and sworn to before me this 22nd day of April, 2008.

[Signature]
 (Signature of Applicant)

Robert L. Harris
 Notary Public for Idaho
 Residing at: Idaho
 My Commission Expires 4/18/2010

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee 490⁰⁰

Receipted by _____ Date E035061

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

Exhibit A

WARRANTY DEED ALLIANCE TITLE & ESCROW CORP.

Order No.:3060314581

FOR VALUE RECEIVED

George L. Hansen and Ruth Hansen, Husband and Wife

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

Michael D. Ferguson, a married person as sole and separate property

whose current address is

2120 North 6000 West Rexburg, ID 83440

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

TRACT 1:

Township 8 North, Range 34 East of the Boise Meridian, Jefferson County, Idaho.
Section 30: NW ¼Township 8 North, Range 33 East of the Boise Meridian, Jefferson County, Idaho.
Section 25: NE ¼
SW ¼

EXCEPTING THEREFROM: Beginning at the NW Corner of said Section 25; thence S89°38'35"E 2634.42 feet to the point of beginning; thence S00°24'11"W 21.20 feet to the now existing County Road right-of-way; thence S00°24'11"W along an existing fence line 286.79 feet; thence S89°39'25"E 586.35 feet; thence N00°32'46"E 146.49 feet; thence N85°30'40"E 95.34 feet; thence N00°17'37"E 143.28 feet to the Southerly right of way of County Road 2600 North; thence N00°17'37"E 20.03 feet; thence N89°38'35"W 663.40 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

Beginning at a point which is 209 feet South of the NW Corner of SW ¼ Section 25-Township 8 North Range 33 of the Boise Meridian and running thence East 313.5 feet; thence South 313.5 feet; thence West 313.5 feet; thence North 313.5 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

Commencing at the NW Corner of the SW ¼ of Section 25, Township 8 North Range 33 East of the Boise Meridian, thence South 209 feet; thence East 313.5 feet thence North 209 feet; thence West 313.5 feet to the point of beginning

ALSO EXCEPTING THEREFROM:

Commencing at a point 522.5 feet South of the NW Corner of the SW ¼ of Section 25, Township 8 North Range 33 East of the Boise Meridian, Jefferson County, Idaho; thence running East 313.5 feet; thence South 130 feet; thence West 313.5 feet; thence North 130 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

Beginning at a point that is North along the Highway right-of-way 600 feet from a two foot square lava concrete post monument that is buried flush with the ground off of the road right of way but near and adjacent to the Southwest Corner of the Southwest Quarter of Section 25, Township 8 North, Range 33 East Of the Boise Meridian, thence East at a right angle 420 feet; thence North at a right angle 520 feet; thence West at a right angle 420 feet thence South at a right angle and parallel with and along the highway right of way a distance of 520 feet to the point of beginning

ALSO EXCEPTING THEREFROM:

That Tract of located in the SW ¼ of Section 25, Township 8 North Range 33 East of the Boise Meridian, Jefferson County, Idaho. Beginning at a point that is 1750 feet North along the East right of way or Boundary line of the Montevieu Highway that connects State Highways No. 22 and No. 28 from the U.S. Highway marker, and which marker is 220 feet North along said Highway from the Montevieu Canal Bridge; thence East 275 feet; thence North 150 feet; thence West 275 feet; thence South 150 feet to the point of beginning. The said tract being located at a corner with the said Montevieu Highway as the West Boundary line and the 17 foot wide gravel road between the subject tract of land and the Mud Lake Telephone Company property being the North Boundary line thereof.

Instrument # 327405
RIGBY, JEFFERSON, IDAHO
2003-11-26 03:13:00 No. of Pages: 2
Recorded for : ALLIANCE TITLE & ESCROW
CHRISTINE BOULTER
Ex-Officio Recorder Deputy
Index to: WARRANTY DEED

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ALSO EXCEPTING THEREFROM:

Part of the SW Corner of Section 25, Township 8 North, Range 33 East of the Boise Meridian, described as follows: Beginning at a point that is North 1171.37 feet along the Section line from the SW Corner of said Section 25, said point being at the NW Corner of the property conveyed by instrument No. 206341 as recorded in the Jefferson County Recorder Office, and running thence S88°33'53"E 709.75 feet along the center of an existing access road and the North line of said property extended; thence N1°14'20"E 303.11 feet; thence N88°33'53"W 414.42 feet; thence N0°53'07"E 350.00 feet to the SE Corner of the property conveyed by instrument No. 248301; thence N89°49'06"W 307.20 feet along the South line of said property to the West line of said Section 25, thence South 646.57 feet along said West line to the point of beginning.

ALSO EXCEPTING THEREFROM:

Beginning at the Southwest Corner of Section 25, Township 8 North, Range 33 East of the Boise Meridian, and running thence East 640 feet to the true point of beginning, running thence North 220 feet; thence East 360 feet; thence South 220 feet; thence West 360 feet to the true point of beginning.

TRACT 2:

Beginning at a point that is North along the highway right of way 600 feet from a two foot square lava and concrete post monument that is buried flush in the ground off of the road right of way but near and adjacent to the Southwest corner of the Southwest Quarter of Section 25, Township 8 North, Range 33 East, Boise Meridian, thence East at a right angle 420 feet; thence North at a right angle 520 feet, thence West at a right angle 420 feet; thence South at a right angle and parallel with and along to the highway right of way a distance of 520 feet to the point of beginning.
Excepting therefrom: Highway right of way.

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: 11/25/2003

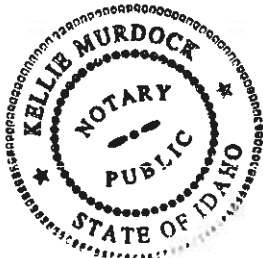
George L. Hansen
George L. Hansen

Ruth Hansen
Ruth Hansen

State of Idaho)
County of Jefferson) ss.

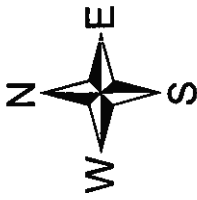
On this Nov. 25 2003, before me, a Notary Public in and for said state, personally appeared George L. Hansen & Ruth Hansen

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Kellie Murdock
Notary Public for the State of Idaho
Residing at:
Commission Expires: Residing in Jefferson County
Commission Expires: 07-17-09

VELVET RANCH WATER RIGHTS TRANSFER

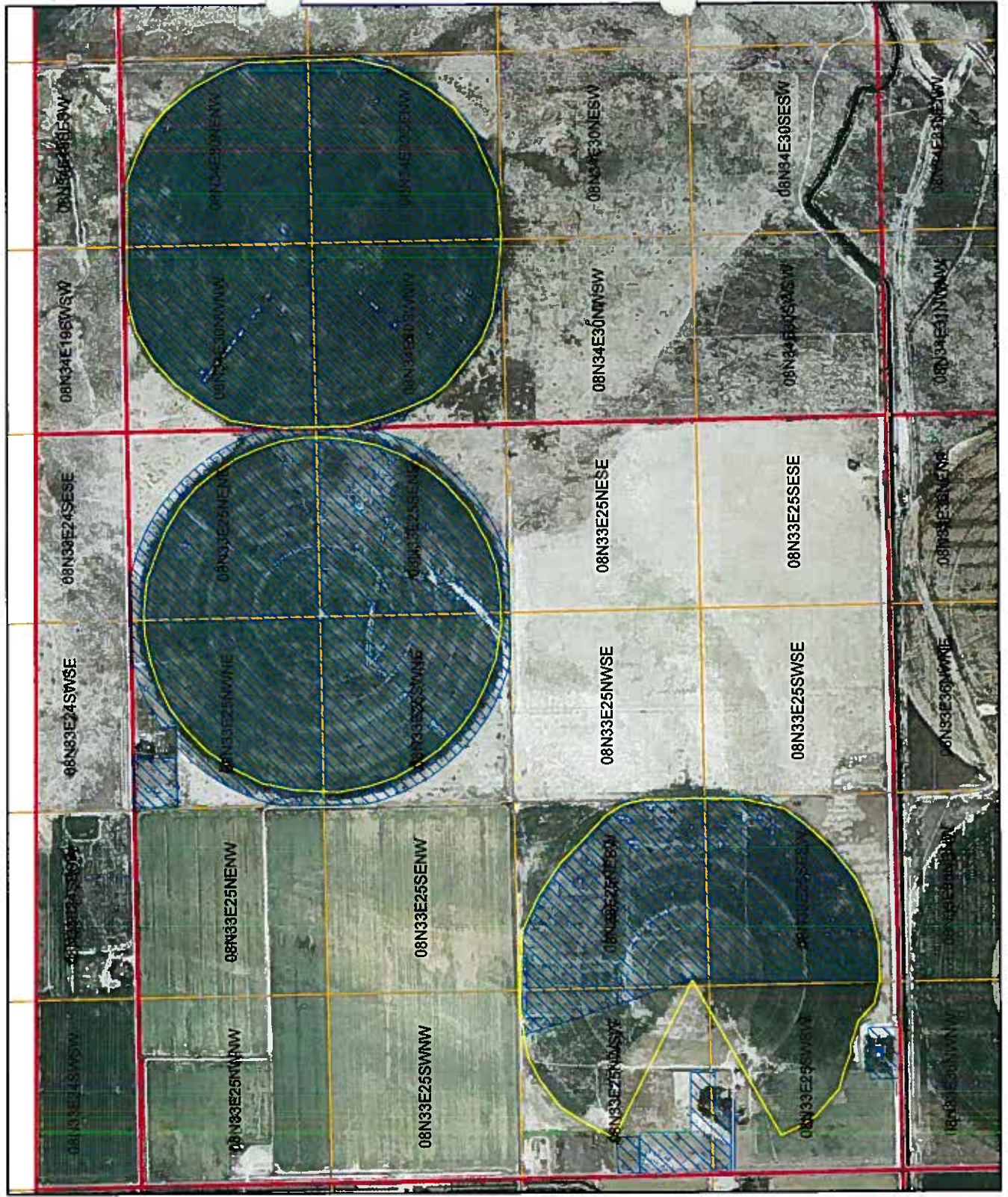


Legend

- New_POU
- Current_31-10405A_POU
- PLS-Section
- gcdb_qq

TOTAL ACRES
FOR NEW POU:
338 Acres

Prepared by:
Robert L. Harris
2006 NAIP Aerial Photo



VELVET RANCH WATER RIGHTS TRANSFER

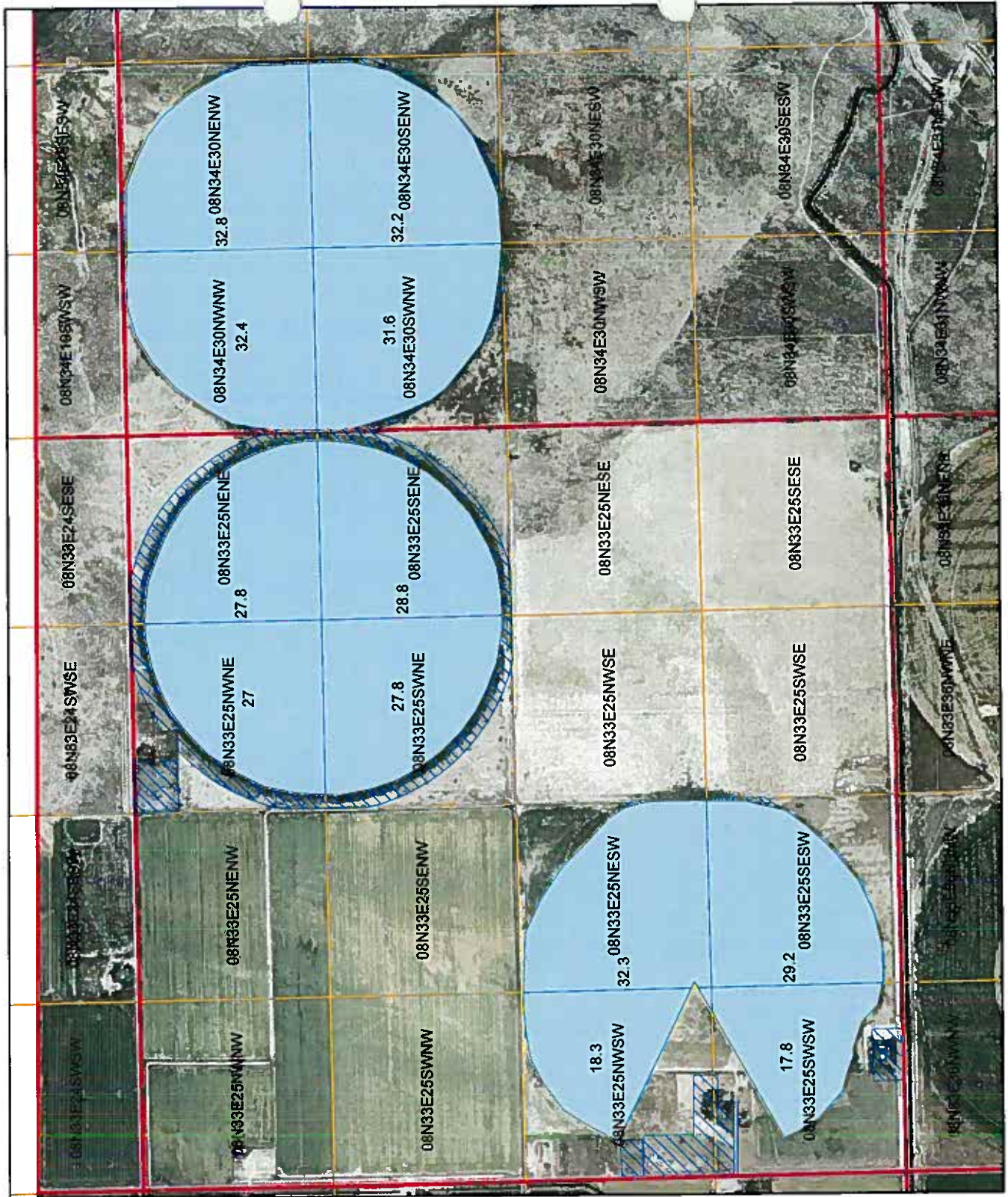


Legend

- New_POU
Current_31-10405A_POU
PLS-Section
gcdb_bqq

**TOTAL ACRES
FOR NEW POU:
338 Acres**

Prepared by:
Robert L. Harris
2006 NAIP Aerial Photo



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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

04/09/2008

WATER RIGHT NO. 31-4117

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHAEL D FERGUSON PO BOX 413 REXBURG, ID 83440 (208)356-4336
Original Owner	ROBERT S ELLIS HC 63 BOX 2045 MONTEVIEW, ID 83435 (208)657-2253

Priority Date: 05/01/1961

Basis: Decreed

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>Volume</u>
IRRIGATION	04/01	10/31	3.76 CFS	658 AFA
Total Diversion			3.76 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENW	Sec. 30	Township 08N	Range 34E	JEFFERSON County
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IRRIGATION Use:

Acre Limit: 188

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Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08N	33E	25		NENE	33		NWNE	35		SWNE	33		SENE	33
				NESW	32		NWSW	8		SWSW	3		SESW	29
	34E	30		NENW	33	1	NWNW	33	2	SWNW	33		SENW	33

Total Acres: 338

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 188 acres within the place of use described above in a single irrigation season.
2.	T07	The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
3.	R05	Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
4.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5.	R02	A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7.	F06	The following rights are also diverted through point of diversion described above: 31-10405A, 31-10405B
8.	X35	Rights 31-4117, 31-10405A and 31-10405B when combined shall not exceed a total diversion rate of 6.16 cfs, a total annual maximum diversion volume of 1183 af at the field headgate, and the irrigation of 338 acres.
9.	131	Prior to the diversion and use of water under Transfer approval 73538, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10.	R63	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Dates:

Licensed Date:

Decreed Date: 02/22/2002

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Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector:
Water District Number: 110
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 3.5
Combined Acres Limit: 338
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

04/09/2008

WATER RIGHT NO. 31-10405A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHAEL D FERGUSON PO BOX 413 REXBURG, ID 83440 (208)356-4336
Original Owner	ROBERT S ELLIS HC 63 BOX 2045 MONTEVIEW, ID 83435 (208)657-2253

Priority Date: 01/20/1931

Basis: Decreed

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>Volume</u>
IRRIGATION	04/01	10/31	1.6 CFS	280 AFA
Total Diversion			1.6 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 24	Township 08N	Range 33E	JEFFERSON County
GROUND WATER	SENW	Sec. 30	Township 08N	Range 34E	JEFFERSON County

IRRIGATION Use:

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Acre Limit: 80

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08N	33E	25		NENE	33		NWNE	35		SWNE	33		SENE	33
				NESW	32		NWSW	8		SWSW	3		SESW	29
	34E	30		NENW	33	1	NWNW	33	2	SWNW	33		SENW	33

Total Acres: 338

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2.	T07	The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
3.	R05	Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
4.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5.	R02	A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7.	F06	The following rights are also diverted through point of diversion described above: 31-4117, 31-10405B
8.	X35	Rights 31-4117, 31-10405A and 31-10405B when combined shall not exceed a total diversion rate of 6.16 cfs, a total annual maximum diversion volume of 1183 af at the field headgate, and the irrigation of 338 acres.
9.	I31	Prior to the diversion and use of water under Transfer approval 73538, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10.	P21	This right is a split from former right 31-2244.
11.	R63	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Dates:

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Licensed Date:
Decreed Date: 02/22/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal:
Owner Name Connector:
Water District Number: 110
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 3.5
Combined Acres Limit: 338
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

04/09/2008

WATER RIGHT NO. 31-10405B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHAEL D FERGUSON PO BOX 413 REXBURG, ID 83440 (208)356-4336
Original Owner	ROBERT S ELLIS HC 63 BOX 2045 MONTEVIEW, ID 83435 (208)657-2253

Priority Date: 04/01/1960

Basis: Decreed

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>Volume</u>
IRRIGATION	04/01	10/31	0.8 CFS	245 AFA
Total Diversion			0.8 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 24	Township 08N	Range 33E	JEFFERSON County
GROUND WATER	SENW	Sec. 30	Township 08N	Range 34E	JEFFERSON County

IRRIGATION Use:

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Acre Limit: 150

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08N	33E	25		NENE	33		NWNE	35		SWNE	33		SENE	33
				NESW	32		NWSW	8		SWSW	3		SESW	29
	34E	30		NENW	33	1	NWNW	33	2	SWNW	33		SENW	33

Total Acres: 338

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 150 acres within the place of use described above in a single irrigation season.
2.	T07	The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
3.	R05	Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
4.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5.	R02	A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7.	F06	The following rights are also diverted through point of diversion described above: 31-4117, 31-10405A
8.	X35	Rights 31-4117, 31-10405A and 31-10405B when combined shall not exceed a total diversion rate of 6.16 cfs, a total annual maximum diversion volume of 1183 af at the field headgate, and the irrigation of 338 acres.
9.	131	Prior to the diversion and use of water under Transfer approval 73538, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10.	R63	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Dates:

Licensed Date:

76174

Decreed Date: 02/22/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal:
Owner Name Connector:
Water District Number: 110
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 3.5
Combined Acres Limit: 338
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

This instrument made the 1-04 day of January, in the
 year of our Lord one thousand nine hundred and 1994,
 between Ellis and Marie Ellis, husband and wife
 of the County of Jefferson, State of Idaho, the parties of the
 first part, and Charles Deschades and Wendy Ann Deschades, husband and wife
 of the County of Blaine, State of Idaho, the parties of the
 second part, witnesses:

That the said parties of the first part, for and in consideration of the Love and Affection
 duty which the said parties of the first part has and bears unto the said parties of the second part,
 as well for the better maintenance, support, protection, and livelihood of the said parties of the second
 part, do hereby present, give, grant, alien, and confirm unto the said parties of the second part,
 their heirs and assigns forever, all of the following described real estate, situated in
 the County of Jefferson, State of Idaho, (to-wit:

Beginning at the Southwest Corner of Section 23, Township 8 North, Range 33 East of
 the Boise Meridian, and following as follows:
 Thence North 17° 37' East along the Section Line from
 the Southwest Corner of said Section 23, said point being at the Northwest
 Corner of the Section 23, Township 8 North, Range 33 East of the Boise Meridian,
 and running thence North 17° 37' East 703.72
 feet to an existing wall, and the North line of said
 Section 23, Township 8 North, Range 33 East of the Boise Meridian;
 thence North 17° 37' East 300.11 feet; thence North 17° 37' East
 350.00 feet to the Southeast Corner of the property;
 thence North 17° 37' East 307.20 feet along the
 East line of said Section 23, thence South
 17° 37' East to the point of beginning.
 The above described real estate is a public road right of way along the West Side
 of the Boise River, and is intended to add to an existing wall for the use and
 benefit of the public.

RECEIVED BY
 ASSESSOR

By 1-12-94

(Registration No.)

270970

By Charles Deschades

By Wendy Ann Deschades

By 1-12-94

Recorded at

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... and singular the said premises, together with the appurtenances, unto the ... heirs and assigns forever, as the separate property of the said ... and not in anywise community property.

Whereof, the said part ... of the first part have ... hereinto set their ... hand ... and ... day and year first above written.

Witness Sealed and Delivered in Presence of

Edna M. Ellis (SEAL)
Edna M. Ellis (SEAL)

Shawna Bate
Shawna Bate

On this 10th day of January, in the year 1994, before me,

Shawna Bate Notary Public,

personally appeared Robert S. Ellis and Edna M. Ellis

... whose name ... subscribed to the within instrument, and ... executed the same.

... I have hereinto set my hand and affixed my official seal, the day and year in ...

Shawna Bate

Notary Public for the State of Idaho,

Residing at Terreton, Idaho.

RECORDED
 10 24 94
 STATE OF IDAHO

Shawna Bate
Shawna Bate

10 24 94
STATE OF IDAHO

Clerk of ...

I hereby certify that this instrument was filed for record at request of

at ... minutes past ... o'clock ... M., this ... day of ... A.D. 19 ... in my office, and duly recorded in Book ... of ... at page ...

By ... Ex-Officio Recorder.

Deputy.

Fees, \$...

Mailed to ...

ALLIANCE TITLE & ESCROW CORP.

WARRANTY DEED

Order No.: 3060010288

FOR VALUE RECEIVED

Edna Marie Ellis also known as Marie D. Ellis, an unmarried person, AND Edna Marie Ellis, Personal Representative of the Estate of Robert S. Ellis, deceased

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

George L. Hansen and Ruth Hansen, Husband and Wife

whose current address is

626 East 2700 North Montevieu, ID 83435

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

302129

McNish No.

MAR 29 2000

At

1st

O'clock

in

CONNIE M. KELLER

Jefferson Co. Recorder

for \$

Recorded at Request of

Deputy

ATC

SEE ATTACHED LEGAL

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: 3/29/2000

Edna Marie Ellis
Edna Marie Ellis

Edna Marie Ellis, P.R.
Edna Marie Ellis, as personal representative

State of Idaho

County of Jefferson

On this March 29 2000, before me, a Notary Public in and for said state, personally appeared Edna Marie Ellis

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

KELLIE MURDOCK
NOTARY PUBLIC
STATE OF IDAHO

Jefferson County, Idaho

Commission Expires: 6/26/2003

Kellie Murdock
Notary Public for the State of Idaho
Residing at: Terreton
Commission Expires: 6/26/2003

State of Idaho

County of Jefferson

On this 29 day of March 2000, before me, a Notary Public in and for said state, personally appeared Edna Marie Ellis known or identified to me to be the person whose name is subscribed in the foregoing instrument as personal representative of the Estate of Robert S. Ellis, and acknowledged to me that she executed the same as Personal Representative

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

KELLIE MURDOCK
NOTARY PUBLIC
STATE OF IDAHO

Jefferson County, Idaho

Commission Expires: 6/26/2003

Kellie Murdock
Notary Public for the State of Idaho
Residing at: Terreton
Commission Expires: 6/26/2003

Order No.: 3060010288

LEGAL DESCRIPTION

EXHIBIT 'A'

Township 8 North, Range 34 East of the Boise Meridian, Jefferson County, Idaho.
Section 30: NW ¼

Township 8 North, Range 33 East of the Boise Meridian, Jefferson County, Idaho,
Section 25: NE ¼
SW ¼

EXCEPTING THEREFROM: Beginning at the NW Corner of said Section 25; thence S89°38'35"E 2634.42 feet to the point of beginning; thence S00°24'11"W 21.20 feet to the now existing County Road right-of-way; thence S00°24'11"W along an existing fence line 286.79 feet; thence S89°39'25"E 586.35 feet; thence N00°32'46"E 146.49 feet; thence N85°30'40"E 95.34 feet; thence N00°17'37"E 143.28 feet to the Southerly right of way of County Road 2600 North; thence N00°17'37"E 20.03 feet; thence N89°38'35"W 663.40 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:
Beginning at a point which is 209 feet South of the NW Corner of SW ¼ Section 25-Township 8 North Range 33 of the Boise Meridian and running thence East 313.5 feet; thence South 313.5 feet; thence West 313.5 feet; thence North 313.5 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:
Commencing at the NW Corner of the SW ¼ of Section 25, Township 8 North Range 33 East of the Boise Meridian, thence South 209 feet; thence East 313.5 feet thence North 209 feet; thence West 313.5 feet to the point of beginning

ALSO EXCEPTING THEREFROM:
Commencing at a point 522.5 feet South of the NW Corner of the SW ¼ of Section 25, Township 8 North Range 33 East of the Boise Meridian, Jefferson County, Idaho; thence running East 313.5 feet; thence South 130 feet; thence West 313.5 feet; thence North 130 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:
Beginning at a point that is North along the Highway right-of-way 600 feet from a two foot square lava concrete post monument that is buried flush with the ground off of the road right of way but near and adjacent to the SW Corner of the SW ¼ of Section 25, Township 8 North, Range 33 East of the Boise Meridian, thence East at a right angle 420 feet; thence North at a right angle 520 feet; thence West at a right angle 420 feet thence South at a right angle and parallel with and along the highway right of way a distance of 520 feet to the point of beginning

ALSO EXCEPTING THEREFROM:
That Tract of located in the SW ¼ of Section 25, Township 8 North Range 33 East of the Boise Meridian, Jefferson County, Idaho. Beginning at a point that is 1750 feet North along the East right of way or Boundary line of the Montevieu Highway that connects State Highways No. 22 and No. 28 from the U.S. Highway marker, and which marker is 220 feet North along said Highway from the Montevieu Canal Bridge; thence East 275 feet; thence North 150 feet; thence West 275

feet; thence South 150 feet to the point of beginning. The said tract being located at a corner with the said Montevicw Highway as the West Boundary line and the 17 foot wide gravel road between the subject tract of land and the Mud Lake Telephone Company property being the North Boundary line thereof.

ALSO EXCEPTING THEREFROM:

Part of the SW Corner of Section 25, Township 8 North, Range 33 East of the Boise Meridian, described as follows: Beginning at a point that is North 1171.37 feet along the Section line from the SW Corner of said Section 25, said point being at the NW Corner of the property conveyed by instrument No. 206341 as recorded in the Jefferson County Recorder Office, and running thence S88°33'53"E 709.75 feet along the center of an existing access road and the North line of said property extended; thence N1°14'20"E 303.11 feet; thence N88°33'53"W 414.42 feet; thence N0°53'07"E 350.00 feet to the SE Corner of the property conveyed by instrument No. 248301; thence N89°49'06"W 307.20 feet along the South line of said property to the West line of said Section 25, thence South 646.57 feet along said West line to the point of beginning.

FROM :

FAX NO. :

Aug. 20 2007 11:43AM P1

To Whom It May Concern:

August 17, 2007

I Marie Ellis did transfer any and all water rights pertaining to said property in Montevue Idaho when such property was sold. George Hansen bought this property from me and I held no water rights back when the property title was transferred to him.

Edna Marie Ellis

76174

31 May 2007
Monteview, Idaho

To Whom it may concern:

Marie Ellis sold her property and water rights in Monteview to George and Ruth Hansen and never kept or maintained any Water Rights for herself. Likewise George and Ruth Hansen sold this same property and water rights to Michael Ferguson and did not keep or maintain any water rights for themselves. He is the sole owner of the water rights as pertaining to the property he bought in Monteview.

George and Ruth Hansen

George Hansen
Ruth Hansen

To whom it may concern:

In 2000, my mother, Edna Marie Ellis, sold property located in Jefferson County to George and Ruth Hansen, who then sold the property to Mike Ferguson in 2003. The property included the following parcels: Township 8N, Range 34E, Section 30: NW 1/4, and Township 8N, Range 33E, Section 25: NE 1/4; and SW 1/4

The sale of the above property to the Hansens included the entirety of Water Right Nos. 31-10405A, 31-4117, 31-10405B. At the time the property was sold to the Hansens, my brother also sold a five (5) acre tract to the Hansens. When that was done, my mother changed ownership of the domestic and stock water rights on the property to me completely. Previously, the parties each had a 1/3 share in the rights, but after the sale, I retained 100% ownership in the domestic and stockwater rights.

It has come to my attention that the Idaho Department of Water Resources believes that small portions of the irrigation water rights—Water Right Nos. 31-10405A, 31-4117, 31-10405B—are listed as appurtenant to property sold to me by my parents, Robert and Edna Ellis. My property is in the SW1/4 of Township 8N, Range 33E, Section 25.

When the property was initially sold to me, the transaction was to include only property and a 1/3 interest in a domestic well. The agreement to sell the property did not include any irrigation water rights. Later, as stated above, ownership of the domestic well was conveyed to me 100%.

It is absolutely clear that the purchase of my property did not include any irrigation rights for the farm, and that I consent to the transfer of the irrigation water right portions that the Idaho Department of Water Resources shows as appurtenant to my property. I consent to the transfer of these rights to allow them to be moved to the center pivots now owned by Mike Ferguson.

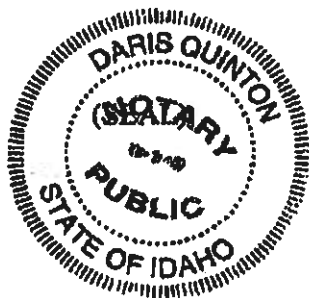
My consent does not apply to the stockwater and domestic water rights that are appurtenant to my property. They are to remain appurtenant to my property.


Wendy Ann Doschades

STATE OF IDAHO)
)ss.
County of Jefferson)

On this 23 day of November, 2009, before me, the undersigned, a notary public, in and for said State, personally appeared WENDY ANN DOSCHADES, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



Daris Quinton

Notary Public for Idaho

Residing at Montpelier Idaho

My Commission Expires: September 13, 2013

To whom it **may** concern:

In 2000, I, Edna Marie Ellis, sold property located in Jefferson County to George and Ruth Hansen, who then sold the property to Mike Ferguson in 2003. The property included the following parcels:

Township 8N, Range 34E, Section 30: NW 1/4
Township 8N, Range 33E, Section 25: NE 1/4; and SW 1/4

The sale of the above property to the Hansens included the entirety of Water Right Nos. 31-10405A, 31-4117, 31-10405B. There was no reservation in the deeds, but for reasons not entirely clear, the Hansens did not file a notice of change of water right ownership.

It has come to our attention that the Idaho Department of Water Resources believes that small portions of these rights listed above are listed as appurtenant to property we sold previously to our daughter, Wendy Ann Doschades. Her property is in the SW 1/4 of 8N, 33E, Section 25. When the property was sold to Wendy, the transaction was to include only property and a 1/3 interest in a domestic well. The agreement to sell the property did not include any irrigation water rights. Had the Hansens submitted a notice of change of water right ownership, this issue would have come to light, and would have been resolved.

For reasons not related to water rights, Wendy now refuses to sign a consent to a water right transfer to rearrange the authorized acres on Mr. Ferguson's property. It is absolutely clear that the purchase and sale agreement between Wendy and myself and her father, Robert Ellis, did not contemplate the transfer of any irrigation water rights. We needed those water rights for the irrigation of the farm property. It is therefore our position that Mr. Ferguson clearly now owns all of the above water rights, and we consent to his transfer of these water right portions to be moved off of our property and our daughter's property to the center pivots located near our property.

5/5/09

Edna Marie Ellis
Edna Marie Ellis

witnessed
By -

Levi Luchon