

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72806APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant RONNIE & SHERRIL TELLOTON Phone 208-776-5267
Post Office address P.O. Box 261 LAVA HOT SPRINGS, IDAHO 83246

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 Delete portion of POU due to sale of property with water right withheld. Move or add portion to contiguous areas to create permissible place of use.

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>29-167</u>	<u>2/01/1881</u>	<u>0.52</u>	<u>Irrigation</u>	<u>4/15</u> to <u>9/15</u>
<u>29-168</u>	<u>5/01/1882</u>	<u>0.54</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>29-178</u>	<u>5/01/1882</u>	<u>1.24</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>29-179</u>	<u>4/15/1893</u>	<u>0.64</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>29-13333</u>	<u>6/15/1873</u>	<u>0.71</u>	<u>"</u>	<u>4/1</u> to <u>10/31</u>
<u>29-13334</u>	<u>8/07/1932</u>	<u>2.94</u>	<u>"</u>	<u>4/1</u> to <u>10/31</u>

2. Total amount of water being transferred 2.94 cfs cubic feet per second and/or _____ acre-feet per annum.

3. Source of water East Creek tributary to Dempsey Cr.

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	NW	NE	10	10S	38E	Bannock	

5. Lands irrigated or place of use: See part II

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	
10S	38E	4	20	10	29	32			.9	18	27				2.8	20			159.7
			41	42															
09S	38E	33											5			35			40

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APR 11 2006

Total Acres 199.7Department of Water Resources
Eastern Region

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PART 1

6. General Information:

a. Description of diversion system Gravity flow pipeline to hand lines

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:

Land will be dried up

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

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Transfer No. 72806
Receipt No. _____

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

Current Water Right No. 29-167

Priority Date: 07/01/1881

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: EAST CREEK

Tributary to: DEMPSEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15 9/15	0.52 CFS		
	Total Diversion	0.52 CFS		

Source and Point(s) of Diversion:

EAST CREEK NWNWNE 10S 38E 10 BANNOCK

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	
09S 38E 33															23.0		23.0
10S 38E 4	15.0	4.0	29.0	32.0			.9	18.0	28.0	1.6	2.8	6.9	2.8	20.0			161.0
	L 1	L 2															

Total Acres: 184

Conditions/Remarks:

1. This right is limited to the irrigation of 26 acres within the place of use described above in a single irrigation season.
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. Use of this right with the rights listed below is limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.
4. Right No. 29-1333 is an enlargement of this right pursuant to Section 42-1426, Idaho Code..
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.

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**IDAHO DEPARTMENT OF WATER RESOURCES
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Current Water Right No. 29-167

7. Use of the rights listed below is limited to a total combined diversion rate of 2.94 cfs. Combined Right Nos.: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.
8. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
9. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 184 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.

Documentation of Ownership of the Current Place of Use

Deeds of trust and Warranty deeds

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

yes. Letter forthcoming

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

property will be dried up.

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

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

Current Water Right No. 29-168

Priority Date: 05/01/1882

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: EAST CREEK

Tributary to: DEMPSEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15	9/15	0.54 CFS		
	Total Diversion		0.54 CFS		

Source and Point(s) of Diversion:

EAST CREEK NWNWNE 10S 38E 10 BANNOCK

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	
09S 38E 33															23.0	23.0	
10S 38E 4	15.0	4.0	29.0	32.0			.9	18.0	28.0	1.6	2.8	6.9	2.8	20.0		161.0	
	L 1	L 2															

Total Acres: 184

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 27.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. RIGHT NO. 29-13333 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.94 CFS. COMBINED RIGHT NOS.: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. 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.

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APPLICATION FOR TRANSFER OF WATER RIGHT
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Current Water Right No. 29-168

7. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

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

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

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

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

Current Water Right No. 29-178

Priority Date: 05/01/1882

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: EAST CREEK

Tributary to: DEMPSEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15	9/15	1.24 CFS		
Total Diversion			1.24 CFS		

Source and Point(s) of Diversion:

EAST CREEK NWNWNE 10S 38E 10 BANNOCK

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	
09S 38E 33															23.0		23.0
10S 38E 4	15.0	4.0	29.0	32.0			.9	18.0	28.0	1.6	2.8	6.9	2.8	20.0			161.0
	L 1	L 2															

Total Acres: 184

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.94 CFS. COMBINED RIGHT NOS.: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 62.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. RIGHT NO. 29-13333 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

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Current Water Right No. 29-178

7. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
8. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 184 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.

Documentation of Ownership of the Current Place of Use

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

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

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

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

Current Water Right No. 29-179

Priority Date: 04/15/1893

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: EAST CREEK

Tributary to: DEMPSEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15	9/15	0.64 CFS		
Total Diversion			0.64 CFS		

Source and Point(s) of Diversion:

EAST CREEK NWNWNE 10S 38E 10 BANNOCK

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	
09S	38E	33															23.0	23.0	
10S	38E	4	15.0	4.0	29.0	32.0			.9	18.0	28.0	1.6	2.8	6.9	2.8	20.0		161.0	
			L 1	L 2															

Total Acres: 184

Conditions/Remarks:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.94 CFS. COMBINED RIGHT NOS.: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.
5. RIGHT NO. 29-13333 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 32.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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Current Water Right No. 29-179

7. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
8. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 184 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.

Documentation of Ownership of the Current Place of Use

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

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

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

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

Current Water Right No. 29-13333

Priority Date: 06/15/1973

Origin: Adjudication Recommendation

Basis: Beneficial Use

Status: Active

Source: EAST CREEK

Tributary to: DEMPSEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.71 CFS		
STOCKWATER	04/01	10/31	0.05 CFS		
Total Diversion			0.71 CFS		

Source and Point(s) of Diversion:

EAST CREEK NWNWNE 10S 38E 10 BANNOCK

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	
09S	38E	33															23.0		23.0
10S	38E	4	15.0	4.0	29.0	32.0			.9	18.0	28.0	1.6	2.8	6.9	2.8	20.0			161.0
			L1	L2															

Total Acres: 184

PLACE OF USE: 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	
09S	38E	33															X		
10S	38E	4	X	X	X	X			X	X	X	X	X	X	X	X			
			L1	L2															

Conditions/Remarks:

1. This right is for an enlargement of 37 acres within the place of use described for this right.
2. Use of the rights listed below is limited to a total combined diversion roate of 2.94 cfs. Combined Right Nos.: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.
3. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

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Current Water Right No. 29-13333

4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.
6. This right is based upon an enlargement of Right Nos. 29-167, 29-168, 29-178 and 29-179 pursuant to Section 42-1426, Idaho Code.
7. Use of this right with the rights listed below is limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.
8. 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.
9. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

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

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

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

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

Current Water Right No. 29-13334

Priority Date: 08/07/1932

Origin: Adjudication Recommendation

Basis: Beneficial Use

Status: Active

Source: EAST CREEK

Tributary to: DEMPSEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	2.94 CFS		
	Total Diversion	2.94 CFS		

Source and Point(s) of Diversion:

EAST CREEK NWNWNE 10S 38E 10 BANNOCK

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	
09S	38E	33														23.0	23.0		
10S	38E	4	15.0	4.0	29.0	32.0			.9	18.0	28.0	1.6	2.8	6.9	2.8	20.0	161.0		
			L 1	L 2															

Total Acres: 184

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. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.94 CFS. COMBINED RIGHT NOS.: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334.

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**IDAHO DEPARTMENT OF WATER RESOURCES
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Current Water Right No. 29-13334

Documentation of Ownership of the Current Place of Use

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

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

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

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PART 2

29-13334

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 2.94 for Irrigation purposes from 4/15 to 9/15
 (cfs/ac-ft) amount for purposes from to
 (cfs/ac-ft) amount for purposes from to
 (cfs/ac-ft) amount for purposes from to
 (cfs/ac-ft) (No water to remain w/ this ground)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	NW	NE	10	10S	38E	Bannock	

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	
10S	38E	4									1		2.8	6.9					10.7

Total Acres ~10.7

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

1. amount 2.94 for Irrigation purposes from 4/15 to 9/15
 (cfs/ac-ft) amount for purposes from to
 (cfs/ac-ft) 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
	NW	NW	NE	10	10S	38E	Bannock	

3. Lands irrigated or place of use:

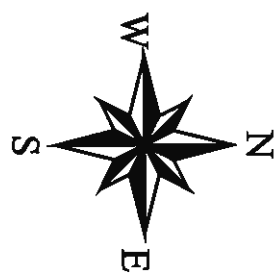
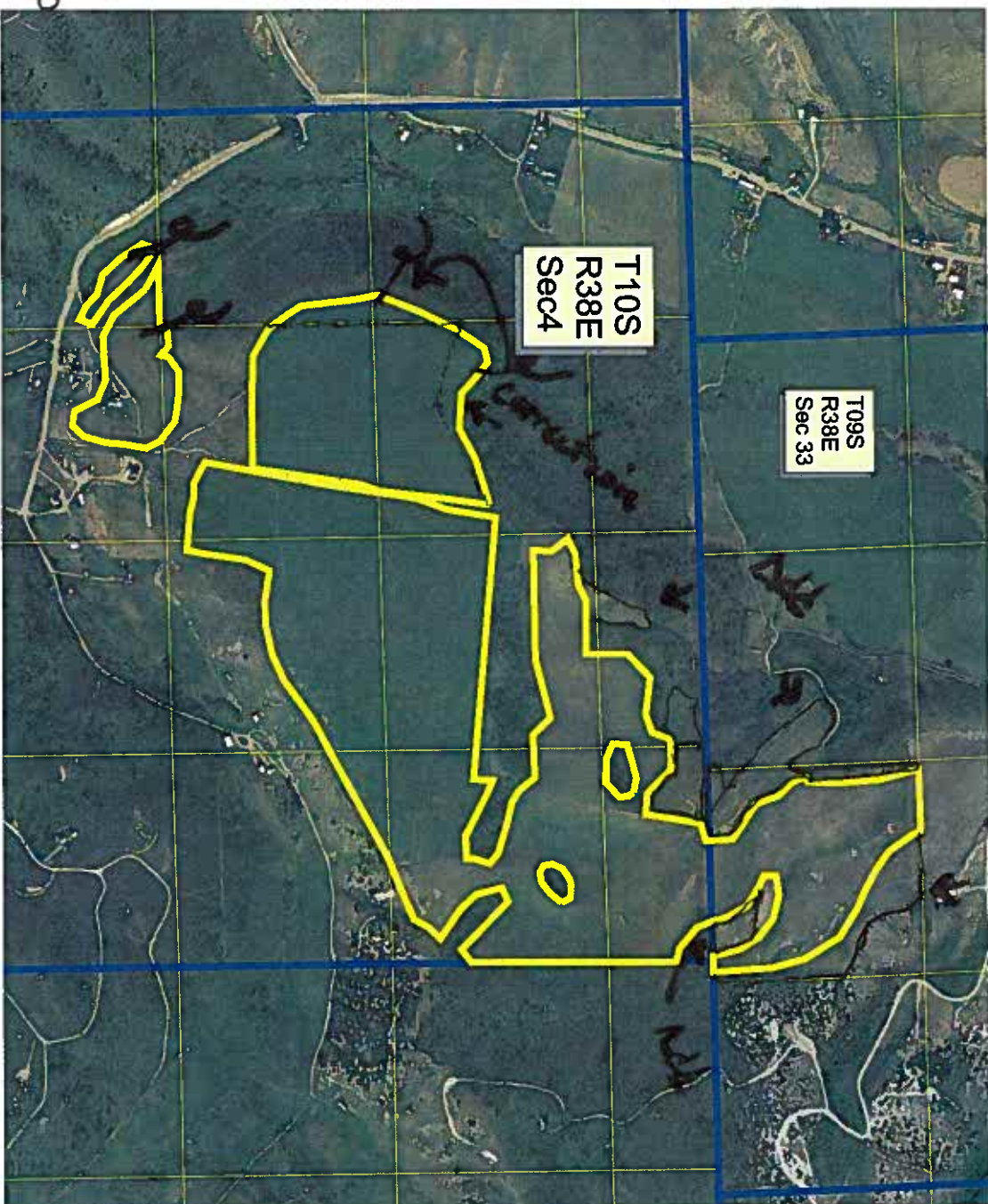
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	38E	4	20	10	29	32			.9	18	27				2.8	20			159.7
			41	42															
09S	38E	33											5				35		40

Total Acres 199.7

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PART 3

B. CHANGES IN NATURE OF USE

1.

New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. 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.

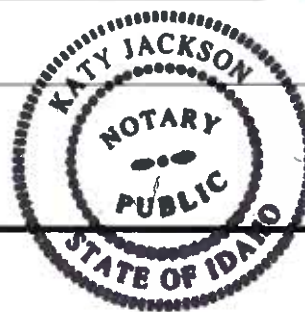
Ronnie D. Tillat
 (Signature of Applicant)

Shirley D. Hinton
 (Signature of Applicant)

Subscribed and sworn to before me this eleventh day of April, 2006.

Katy Jackson
 (Notary Public)

My commission expires 3/31/2011



FOR DEPARTMENT USE ONLY

Transfer contains 17 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee 330.00

Received by KJ E031772 Date 4/11/06

Published in Idaho State Journal Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

72806

WARRANTY DEED

For value received, RONNIE D. TILLOTSON AND SHERRIL L. TILLOTSON, Husband and Wife,

Hereinafter called the Grantor, hereby grants bargains, sells and conveys unto

L. DAVID WELLS and ALICE G. WELLS, Husband and Wife

whose Current address is 13100 PORCUPINE PASS, LAVA HOT SPRINGS, ID 83246

Hereinafter called the Grantee, the following described premises in Bannock County, Idaho, to wit:

A parcel of land located in the SW1/4 Section 4, T. 10 S., R. 38 E., B.M.,
Bannock County, Idaho, described as follows;

Commencing at the South 1/4 corner of Section 4 (marked as shown in Instrument Number 95014795);
Thence South 88°41'49" West, along the South line of Section 4, a distance of 1327.40 feet to the West
1/16 corner of Section 4;
Thence North 0°00' 57" West, along the West 1/16 line of said Section, a distance of 1309.35 feet to the
Southwest 1/16 corner, said point being the TRUE POINT OF BEGINNING;

Thence continuing North 00°00'57" West, along the West 1/16 line of said section, a distance of
702.23 feet;

Thence South 66°04'17" East a distance of 148.73 feet;

Thence South 14°03'11" East a distance of 804.25 feet;

Thence South 53°02'26" West a distance of 314.18 feet;

Thence North 13°44'21" West a distance of 336.80 feet to the TRUE POINT OF BEGINNING;

Contains 4.9 acres more or less.

THIS LAND MUST CONFORM TO THE 50% OPEN SPACE AS REQUIRED BY THE COUNTY'S
ZONING ORDINANCE.

ALSO INCLUDES AN INGRESS, EGRESS AND UTILITY EASEMENT DESCRIBED AS
FOLLOWS:

A parcel of land located in the SW1/4 Section 4, T. 10 S., R. 38 E., B.M., Bannock County, Idaho,
described as follows;

Commencing at the South 1/4 corner of Section 4 (marked as shown in Instrument Number 95014795);
Thence South 88°41'49" West, along the South line of Section 4, a distance of 1327.40 feet to the West
1/16 corner of Section 4;
Thence North 0°00'57" West a distance of 962.69 feet to a point on a property line, said point being the
POINT OF BEGINNING;
Thence South 76°17'18" West, along said line, a distance of 129.42 feet;
Thence South 13°20'10" East a distance of 31.98 feet;
Thence South 76°39'50" West a distance of 211.69 feet to the Easterly right-of-way line of Dempsey
Creek Road;
Thence South 77°47'13" East, along the Easterly right-of-way line of Dempsey Creek Road, a distance of
115.93 feet to the adjoining properties northwest corner;
Thence North 76°39'50" East, along the adjoining properties northerly line, a distance of 465.66 feet;
Thence North 41°01'54" East, along the adjoining properties northerly line, a distance of 226.91 feet;
Thence North 71°50'51" East, along the adjoining properties northerly line, a distance of 263.24 feet;
Thence North 13°17'49" East a distance of 93.79 feet;
Thence South 71°48'17" West a distance of 349.09 feet;
Thence South 53°02'26" West a distance of 314.18 feet;
Thence South 76°17'18" West a distance of 82.24 feet to the POINT OF BEGINNING.

SAID INGRESS, EGRESS AND UTILITY EASEMENT ALSO INCLUDES THE FOLLOWING
MAINTENANCE AND OPERATIONS AGREEMENT:

The Grantees, L. DAVID WELLS and ALICE G. WELLS

Agree to share the cost of routine maintenance of the ingress, egress and utility easement described in this Warranty Deed. The Grantees further agree that routine maintenance shall include, but not be limited to, such improvements as road base, gravel, grading, weed control and bridge repair. Fencing along either side of the easement shall be the responsibility of the individual property owner.

Future additional property owners who may be granted this same ingress, egress and utility easement will be subject to this road maintenance and operations agreement. At least once each year, or more often if the road conditions warrant, the Grantees will meet with other property owners who share this ingress, egress and utility easement, to determine and agree upon what road maintenance or improvements are needed and the costs associated with said maintenance or improvements. The costs of the road maintenance and improvements shall be shared equally among those said property owners and including Ronnie and Sherril Tillotson, "except" that Ronnie and Sherril Tillotson or their heirs, successors and assigns shall not be required to share the costs of any snow removal or winter maintenance.

This maintenance and operations agreement shall constitute a covenant running with the land and shall be binding on all parties having any right, title or interest in the property described in this Warranty Deed, or any part of that property, their heirs, successors, and assigns unless said easement may be dedicated to the County as a public road and accepted by the County for road maintenance.

NO WATER RIGHTS OR PORTIONS OF WATER RIGHTS ASSOCIATED WITH WATER RIGHT NUMBERS 29-167, 29-168, 29-178, 29-179, 29-13333, 29-13334, are included in the sale of this land and all water rights associated with those said water rights will be retained by RONNIE D. TILLOTSON AND SHERRIL TILLOTSON.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 6-2-06

Ronnie D. Tillotson
RONNIE D. TILLOTSON
Sherril L. Tillotson
SHERRIL L. TILLOTSON

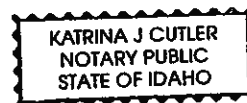
STATE OF Idaho

)ss.

COUNTY OF BANNOCK

On this 2 day of June, 2006, before me Katrina J. Cutler personally appeared RONNIE D. TILLOTSON and SHERRIL L. TILLOTSON, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Katrina J. Cutler
Notary Public of Idaho
Residing at: Donner ED
Commission Expires: 7-19-2011



4-1
20700440

JB CB

WARRANTY DEED

FOR APPROPRIATE CONSIDERATION, Ronnie D. Tillotson and Sherril^L Tillotson, husband and wife, Grantors, do hereby grant, bargain, sell and convey unto Thomas E. Bean and Connie R. Bean, husband and wife, the Grantees, real property described as follows:

(See attached Exhibit "A")

TO HAVE AND TO HOLD the said premises, with the appurtenances thereto, unto the said Grantees. Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances except covenants, conditions, restrictions, easements of record, and any tax assessments which are currently due and payable, and that he will warrant and defend the same from all lawful claims whatsoever.

The property conveyed herein is subject to an open space requirement of fifty percent (50%), as required by Bannock County Ordinance No. 1997-4, recorded as Instrument No. 97011338, as further noted on the Record of Survey recorded March 6, 2006 as Instrument No. 20604515.

The property conveyed herein does not include water rights or any portions thereof, including, without limitation, Water Right Permit Nos. 29-167; 29-168; 29-178; 29-179; 29-13333; and 29-13334, or any other permits appurtenant to the Grantors' property described herein.

Water rights appurtenant to the property conveyed herein, are reserved by the Grantors and are to be transferred to other real property owned by the Grantors or their successors in interest.

Grantees are free to make claim to and seek a permit for water rights for culinary purposes appurtenant to the property conveyed herein.

4-2

20700440

The property conveyed herein is subject to a Road Maintenance and Operation Agreement executed contemporaneously with this instrument and requires Grantees to participate in the maintenance of the Ingress, Egress and Utility Easement described herein as Exhibit "A". The covenants and obligations contained in such Road Maintenance and Operation Agreement run with the land and burden the property conveyed hereby.

DATED this 5 day of January, 2007.

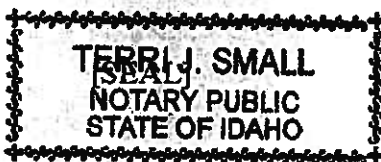
Ronnie D. Tillotson
RONNIE D. TILLOTSON

Sherril I. Tillotson
SHERRIL I. TILLOTSON

STATE OF IDAHO)
: ss.
County of Bannock)

On this 5th day of January, 2007, before me, a Notary Public in and for the State of Idaho, personally appeared Ronnie D. Tillotson and Sherril I. Tillotson, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they 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.



Terri J. Small
NOTARY PUBLIC of Idaho
Residing at: Pocatello ID
My Commission expires: 4/28/2011

4-3

20700440

EXHIBIT "A"

A parcel of land located in the SW¼ Section 4, T 10 S, R38E, B.M.,
Bannock County, Idaho, described as follows;

Commencing at the South ¼ corner of Section 4 (marked as shown
in Instrument Number 95014795);

Thence South 88°41'49" West, along the South line of Section 4, a
distance of 1327.40 feet to the West 1/16 corner of Section 4;

Thence North 0°00'57" West, along the West 1/16 line of said
Section, a distance of 1309.35 feet to the Southwest 1/16 corner;

Thence North 00°00'57" West, along the west 1/16 line of said
section, a distance of 702.23 feet;

Thence South 66°04'17" East, a distance of 148.73 Feet to the TRUE
POINT OF BEGINNING;

Thence South 66°04'17" East, a distance of 252.92 feet;

Thence South 39°12'17" East, a distance of 255.08 feet;

Thence South 32°45'47" East, a distance of 300.27 feet;

Thence South 13°17'49" West, a distance of 121.69 feet;

Thence South 71°48'17" West, a distance of 349.09 feet;

Thence North 14°03'11" West, a distance of 804.25 feet to the TRUE
POINT OF BEGINNING.

Containing 5 acres, more or less.

TOGETHER WITH AN INGRESS, EGRESS AND UTILITY
EASEMENT, DESCRIBED AS FOLLOWS:

A parcel of land located in the SW¼ Section 4, T 10 S, R38E, B.M.,
Bannock County, Idaho, described as follows;

Commencing at the South ¼ corner of Section 4 (marked as shown
in Instrument No. 95014795);

Thence South 88°41'49" West, along the South line of Section 4, a
distance of 1327.40 feet to the West 1/16 corner of Section 4;

Thence North 0°00'57" West a distance of 962.69 feet to a point on
a property line said point being the POINT OF BEGINNING;

72806

4-4

20700440

Thence South 76°17'18" West, along said line, a distance of 129.42 feet;
Thence South 13°20'10" East a distance of 31.98 Feet;
Thence South 76°39'50" West a distance of 211.69 feet to the Easterly right-of-way line of Dempsey Creek Road;
Thence South 77°47'13" East, along the Easterly right-of-way line of Dempsey Creek Road, a distance of 115.93 feet to the adjoining properties northwest corner;
Thence North 76°39'50" East, along the adjoining properties northerly line, a distance of 976.14 feet;
Thence North 41°01'54" East, along the adjoining properties northerly line, a distance of 226.91 feet;
Thence North 71°50'51" East, along the adjoining properties northerly line, a distance of 263.24 feet;
Thence 13°17'49" East, a distance of 93.79 feet;
Thence 71°48'17" West, a distance of 349.09 feet;
Thence 53°02'26" West, a distance of 314.18 feet;
Thence South 76°17'18" West, a distance of 82.24 feet to the POINT OF BEGINNING.

OFFICIAL RECORD BKN 891
BALDWIN COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 12- DEPUTY *2007*

FIRST AMERICAN TITLE

20700440

2007 JAN -5 P 4:40

72806

1-151671-13

This Deed is recorded to correct
the legal description in
Instrument No. 503666.

2-1

MAY 15 1973

508798

copy

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That TOM M. EVANS,
a single man at all times since acquiring title by Quitclaim
Deed from the United States of America, dated May 13, 1971,
of the County of Bannock, State of Idaho, the Grantor, for
and in consideration of the sum of THIRTY-THREE THOUSAND AND
NO/100 DOLLARS (\$33,000.00) in lawful money of the United
States of America, and other valuable consideration, to him
in hand paid by RONNIE D. TILLOTSON and SHERRIL L. TILLOTSON,
Box 261, Lava Hot Springs, Idaho, 83246, the Grantees, does
hereby grant, bargain, sell and convey unto the Grantees,
as a community property estate, and to the heirs and assigns
of the Grantees, all of the following described property
situate, lying and being in the County of Bannock, State of
Idaho, to-wit:

That portion of the following described property
lying Northeast of the existing County Road running
thru Section 4, Township 10 South, Range 38 E.B.M.,
Bannock County, Idaho, known as Dempsey Creek Road.

Township 10 South, Range 38 East, Boise Meridian,
Bannock County, Idaho,

Section 4: A tract in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly
described as follows: Commencing at a point 120
feet South of the East Quarter Corner of Section 5;
thence East 508 feet to the center of the stream
of Dempsey Creek; thence South 10° West 500 feet;
thence South 17° 57' East along the center of said
stream 862 feet, more or less, to the South
boundary line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4; thence
West along said South boundary line 785 feet to
the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North
along the West side of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1200 feet to the
point of beginning. Also the SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$ and
SE $\frac{1}{4}$ NW $\frac{1}{4}$ EXCEPTING the following two tracts:

Tract 1: Beginning at the South Quarter Corner
of Section 4; thence West 268.7 feet; thence North
5° 45' East 428 feet; thence North 69° 45' West 418.3

LAW OFFICES
JOHN B. KUGLER
1135 E. CENTER
P.O. BOX 1892
POCATELLO, IDAHO 83201
TEL. 233-5234
216 IDAHO STREET
AMERICAN FALLS, IDAHO
83211
TEL. 225-5241

feet; thence North 9° East 2873 feet; thence North 62° 30' East 191½ feet; thence South 34° 1' feet to the place of beginning. This excepted portion is located in the E½SW¼ and the SE¼NW¼;

Tract 2: Beginning at a point 3497 feet North of the Southeast corner of the SW¼ of Section 4; thence South 62½° West 922 feet to a point; thence North-westerly to a point on the West line of the SE¼NW¼ of Section 4, 725 feet South of the Northwest corner of the SE¼SW¼; thence North 72° East to the Northwest corner of the SE¼NW¼; thence East along the North line of the SE¼NW¼ to the Northeast corner; thence South along the East line of the SE¼NW¼ 483 feet, more or less, to the place of beginning. Which excepted portion is located in the SE¼SW¼.

Together with all water rights, decreed, or otherwise, appurtenant thereto and all ditch rights used thereon or appurtenant thereto.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Subject to the easement in favor of Utah Power and Light Company, recorded May 19, 1954, in Book 118, No. 511, Records of Bannock County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED This 17th day of May, 1973.

Tom N. Evans
TOM N. EVANS

STATE OF IDAHO)

County of Bannock) ss.

On this 17th day of May, 1973, before me, a Notary Public in and for said State, personally appeared TOM N. EVANS, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

508798

Am. Land Title Co.

May 22 2 34 PM '73

RECORDED IN BOOK 118, PAGE 259

WARRANTY DEED

798731

For Value Received J.B. IRICK AND LOLA IRICK, Husband and Wife

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

RONNIE D. TILLOTSON AND SHERRIL TILLOTSON, Husband and Wife

the grantee s , whose current address is

Lava Hot Springs, ID 83246

Box 261

the following described premises, to-wit:

The SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 9 South,
Range 38 East Boise Meridian, BANNOCK COUNTY, IDAHO

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee s , that they the owner s in fee simple of said premises; that said
premises are free from all incumbrances except as hereinabove set forth and that they will warrant and
defend the same from all lawful claims whatsoever.
Dated: November 21, 1986

J.B. Irick
J.B. IRICK

Lola Irick
LOLA IRICK

STATE OF IDAHO, COUNTY OF Bannock
On this 21st day of November 1986
before me, a notary public in and for said State, personally
appeared

J.B. IRICK AND LOLA IRICK,
Husband and Wife

known to me to be the person s who se name s
and acknowledged to

NO. 798731

RECORDED AT REQUEST
Ronnie D. Tillotson
'87 JUL 28 P2:14

469
FIR 300

WARRANTY DEED

683480

For Value Received

J. B. Irick and Lola Irick, husband and wife

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

Ronnie D. Tillotson and Sherril Tillotson, husband and wife
Box 261 Lava Hot Springs, Idaho 83246

the grantee , the following described premises, in Bannock County, Idaho, to-wit:

Beginning at West 1/16 Section corner on South line of Section 33, Township 9 South, Range 38, East of Boise Meridian, thence North on West 1/16 Section line of said Section 1029 feet more or less to its intersection, with line now marked on ground by fence between the fields, formerly the properties of Mary Lucinda Byington and John N. Avery on the East side of Dempsey Creek, thence North 75°51' West along the line of said fence 734 feet more or less to center channel of Dempsey Creek, thence following center of channel of Dempsey Creek up stream to its intersection with line marked on ground by fence between fields, formerly the properties of Mary Lucinda Byington and John N. Avery on West side of Dempsey Creek at point South 12°59' West 1007.7 feet, which point bears North 61°15' East 449.2 feet, from Southwest corner of said Section 33, thence North 75°51' West on line marked by said fence, 1477 feet more or less to its intersection with lower bank of upper West Ditch diverting water from Dempsey Creek; thence following lower bank of said ditch to its intersection with South line of Section 32, Township 9 South of Range 38; East of Boise Meridian, at point South 13°36' West 594 feet; thence East on South line of said Section 32 and 33, 2506 feet, more or less to place of beginning, same being portion of Southeast Quarter of Southeast Quarter of Section 32 and southwest Quarter of Southwest Quarter of Section 33, Township 9 South, of Range 38 East of Boise Meridian. .

Grantor , heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee , that he the owner in fee simple of said premises; that they are free from all encumbrances

and that t he y will warrant and defend the same from all lawful claims whatsoever.

Dated: November 8, 1968

J. B. Irick
Lola Irick

STATE OF Idaho)
County of Bannock) ss

On this 8 day of November , 19 68, before me, a Notary Public in and for said State, personally appeared J. B. Irick and Lola Irick

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.

NOTARY SEAL

683480

RECORDED AT REQUEST Notary Public for
Ronnie Tillotson Residing at: *Bozeman, Montana*

FEB 26 9 51 AM '82

TERRELL, GREEN, SERVICE & GASSER
Attorneys-at-Law
Pocatello, Idaho

RECEIVED FEB 26 1982
BANNOCK COUNTY IDAHO
FILED AND RECORDED
FEB 26 2.00 PM 1982 ec

72806