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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 73299

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Bruce H Wheatley Phone 254-3357
Post Office address 2584W ARIMO RD ARIMO 83214

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 dry up existing
2. Describe the reason for the proposed changes place of use 7.5 acres.
separate one water right. Transfer part of this
water right to LAGA's lot. use the same ditch
for this water right NEW OWNERS KELLY & DEBBIE LAGA

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 |
|--|----------|-----------------------|------------------|---------------|
| 29-10642(P) 1893 | | 0.15 | IRR | 4/1 to 10/31 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred <u>0.15</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>GARDEN CRK</u> tributary to <u>MARSH CRK</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

a. Description of diversion system ditches to flood
NORTHSIDE DITCH #2

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:
it will be dry (part).

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

Witness my hand this _____ day of _____, 19 _____

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01/09/2007

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-10642

WATER RIGHT NUMBER: 29-10642

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRUCE H WHEATLEY 2584 W ARIMO RD ARIMO, ID 83214 (208)254-3357
Current Owner	DARLENE WHEATLEY 2584 W ARIMO RD ARIMO, ID 83214 (208)254-3357

Priority Date: 05/01/1893

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GARDEN CREEK	MARSH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.375 CFS	
	<u>Total Diversion:</u>	0.375 CFS	

Location of Point(s) of Diversion

GARDEN CREEK	SE1/4NE1/4NW1/4	Sec. 7, Twp 10S, Rge 36E, B.M.
BANNOCK County		
GARDEN CREEK	SW1/4NW1/4NE1/4	Sec. 7, Twp 10S, Rge 36E, 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	
10S	36E	8						17.0	35.0				.6						52.6

Total Acres: 52.6

Conditions of Approval:

1. E62 THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-374, 29-375, 29-383A, 29-384 AND 29-10642 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
2. 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.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-10642

3. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.05 CFS. COMBINED RIGHT NOS.: 29-374, 29-375, 29-383A, 29-384, 29-10642
4. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 52.6 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-374, 29-375, 29-383A, 29-384, 29-10642.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 18.75 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-374, 29-375, 29-383A, 29-384, 29-10642.

Remarks:

Comments:

1. aruberry 12/13/2002 CLAIM

Comment: THIS CLAIM IS ACTUALLY A DECREED RIGHT FROM GARDENCK VS T. WOLVERTON, ET AL. THE WATER RIGHT WAS OMITTED FROM THE TYPED REFERENCE SO IT HAD NO WATER RIGHT NUMBER.

2. dcarlson 12/19/2006 POD

Comment: Correlated PODID 582322 from SpatialDataID 239980 to SpatialDataID 239944

3. dcarlson 12/19/2006 POD

Comment: Correlated PODID 582322 from SpatialDataID 239980 to SpatialDataID 239944

4. dcarlson 12/19/2006 POD

Comment: Correlated PODID 582322 from SpatialDataID 382709 to SpatialDataID 239980

5. dcarlson 12/19/2006 POD

Comment: Correlated PODID 582322 from SpatialDataID 382709 to SpatialDataID 239980

Dates and Other Information:

Licensed Date:

Decreed Date: 3/22/2004

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.05		52.6

Combined Water Rights: 29-383A , 29-374 , 29-375 , 29-384 , 29-10642

73299

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 .15 for IRR purposes from 4/1 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion: SAME

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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	36E	8						3.5	4										7.5

Total acres 7.5

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

1. amount .225 for IRR purposes from 4/1 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion: SAME

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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	36E	8						13.5	31			.6							45.1
TOTAL AFTER BOTH TRANS								8.5	31			.6							40.1

SESE

SWSW

SESW

18

NEW POU
29-13777

DRY



NENE

NWNW

NENW

1.5 11



DRY
UP

10S
36E

SENE

SWNW

SENW

NESE

NWSW

NESW

PART 3**B. CHANGES IN NATURE OF USE**

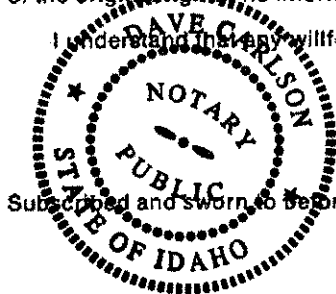
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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.



Subscribed and sworn to before me this

Daniel A. Whalley
(Signature of Applicant)

9 day of JAN, 19 2007

Dave Carlson
(Notary Public)

My commission expires

2/26/2008

FOR DEPARTMENT USE ONLYTransfer contains 7 pages and 2 attachmentsReceived by DC

Date

1/9/2007

Protest filed by

Prelim. check by

Fee

\$100

E032529

Received by

Date

Published in

Idaho State Journal

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

599002611
98024736

2-1

WARRANTY DEED

FOR VALUE RECEIVED

BRUCE WHEATLEY AND DARLENE WHEATLEY, HUSBAND AND WIFE

the grantors, do hereby grant, bargain, sell, and convey unto
KELLY LAGA AND DEBBIE LAGA, HUSBAND AND WIFE

the grantees, whose current address is *Need Address*
2805 W. Armo Rd
Armo, ID 83214

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except as herein above set forth and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: DECEMBER 3, 1998

Bruce Wheatley
BRUCE WHEATLEY

Darlene Wheatley
DARLENE WHEATLEY

STATE OF IDAHO, COUNTY OF BANNOCK
On this 3rd day of DECEMBER, 1998, before me, a notary public in and for said State, personally appeared
BRUCE WHEATLEY AND DARLENE WHEATLEY, HUSBAND AND WIFE
known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.
Ron Bitton
Notary Public
Residing at POCA TELLO, Idaho
Comm. Expires 5/30/98

RON BITTON
Notary Public
State of Idaho

98024736
RECORDED AT REQUEST OF
FIRST AMERICAN TITLE
98 DEC 8 PM 4 25
OFFICIAL RECORD BOOK NO 237
BANNOCK COUNTY IDAHO
LARRY W. JAHN RECORDER
FEE *6.00* DEPUTY *J*

T 73299
ATTACHMENT 1 OF 2

2-2

9:59

98024736

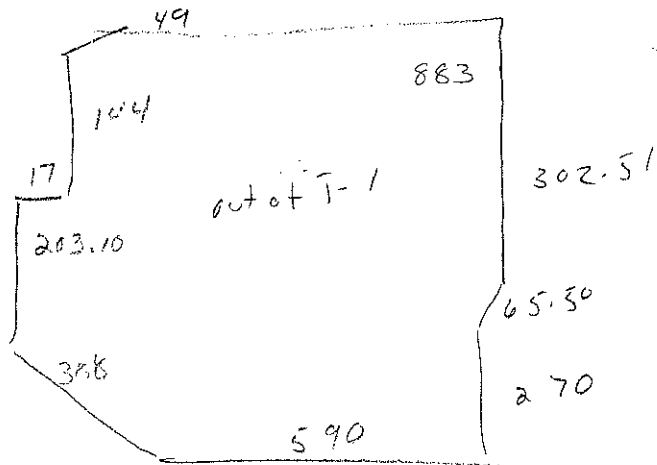
EXHIBIT 'A'

SPLIT

A parcel of land located in Section 8, Township 10 South, Range 36 East of the Boise Meridian, BANNOCK COUNTY, IDAHO; more particularly described as follows:

Commencing at the Northwest corner of said Section 8, from which the North Quarter corner of said Section 8 bears North 89°20'55" East 2636.94 feet;
 Thence North 89°20'55" East 429.44 feet, along the North line of said Section 8;
 Thence South 33.33 feet, to a 5/8" rebar with cap, labelled "A.A. HUDSON, PLS 4735", set on the South right of way line of Arimo Road, the TRUE POINT OF BEGINNING;
 Thence North 89°23'29" East 883.16 feet, along said right of way line, to a 5/8" rebar with cap, set on a fence line;
 Thence South 00°17'32" East 302.51 feet, along said fence line, to a 5/8" rebar with cap;
 Thence South 03°33'54 West 65.50 feet, along said fence line, to a 5/8" rebar with cap;
 Thence South 01°09'20" East 270.29 feet, along said fence line, to a 5/8" rebar with cap, set a fence corner;
 Thence South 86°53'55" West 590.80 feet, along a fence line to a 5/8" rebar with cap, set at a fence corner;
 Thence North 58°46'42" West 388.32 feet, to a 5/8" rebar with cap;
 Thence North 00°33'40 East 203.10 feet, to a 5/8" rebar with cap;
 Thence South 89°52'06" East 17.70 feet, to a 5/8" rebar with cap;
 Thence North 00°42'12" East 144.85 feet, along a fence line, to a 5/8" rebar with cap;
 Thence North 16°57'19" East 49.76 feet, along said fence line, to the TRUE POINT OF BEGINNING.

Should be North



T 73299