

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72279APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant KODY TILLOTSON Phone 208 776-5403Post Office address PO Box 732 Lava Hot Springs ID 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 _____

Bought property

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>29-13436</u>	<u>5-1-1882</u>	<u>0.024</u>	<u>Irrig.</u>	<u>4-15</u> to <u>9-15</u>
<u>29-13436</u>				to _____
				to _____
				to _____

2. Total amount of water being transferred
- 0.024
- cubic feet per second and/or _____ acre-feet per annum.

3. Source of water
- Dampson Creek
- tributary to
- Portwood River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NE	SW	SW	4	10S	36E	Bannock	West Dampson Ditch

5. 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	
9S	36E	32															0.6	0.6	1.2

Total Acres 1.2

72279

PART 1

6. General Information:

a. Description of diversion system DIVERSION OFF DUMPSY CREEK THROUGH PASHAN
FLUMES TO WEST DUMPSY DITCH.

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 affect on the land now irrigated if the place of use is changed pursuant to this transfer:
1.2 AC DRIED

d. Remarks:
0.024 cfs CONVEYED IN PROPERTY SALE.

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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09/13/2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-13723

WATER RIGHT NUMBER: 29-13723

DRAFT

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LELAND AVERY 12200 S DEMPSEY LAVA HOT SPRINGS, ID 83246 (208)776-5234
Current Owner	RONNIE D TILLOTSON PO BOX 261 LAVA HOT SPRINGS, ID 83246 (208)776-5267
Current Owner	SHERRIL TILLOTSON PO BOX 261 LAVA HOT SPRINGS, ID 83246 (208)776-5267

Priority Date: 05/01/1882

Basis: Decreed

Status: Active DRAFT

<u>Source</u>	<u>Tributary</u>
DEMPSEY CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 09/15	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

DEMPSEY CREEK NE1/4SW1/4SW1/4 Sec. 4, Twp 10S, Rge 38E, 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	38E	4																	1.2

Total Acres: 1.2

Conditions of Approval:

1. S35 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

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09/13/2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-13723

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.
3. F01 WATER IS DELIVERED THROUGH WEST DEMPSEY DITCH.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date: 3/22/2004
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
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:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

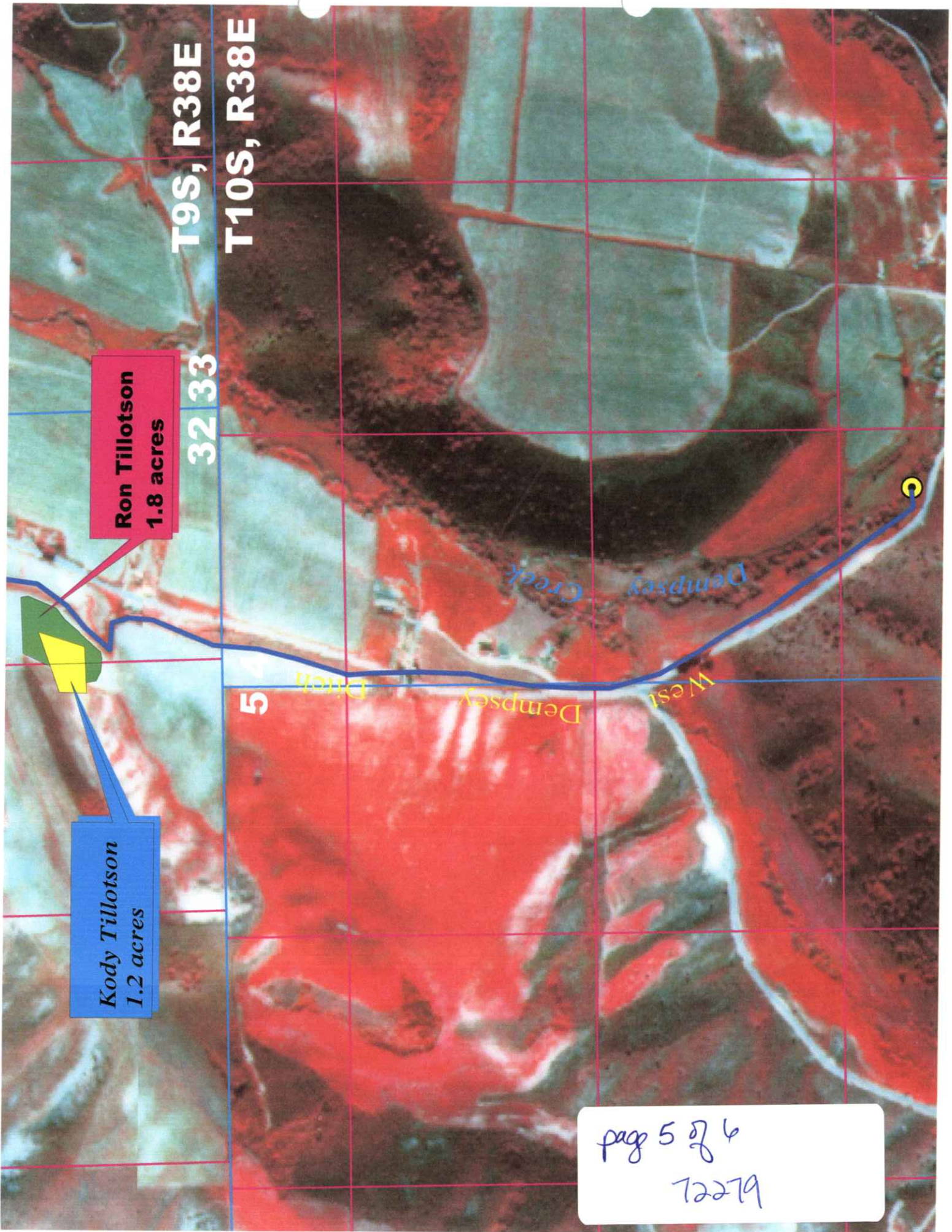
72279

T9S, R38E
T10S, R38E

32 33

Ron Tillotson
1.8 acres

Kody Tillotson
1.2 acres



PART 3

B. CHANGES IN NATURE OF USE

1.

New Nature of Use

Amount(cfs/af-ft)

Hours/days/year

Period of Use

N/A

to

to
2.

Quantity and quality of return flows and location of discharge:

N/A
3.

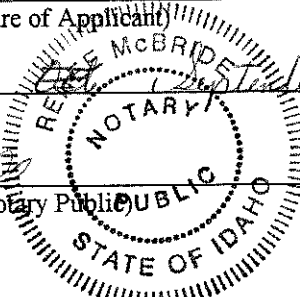
Describe effects on other water uses resulting from the proposed change:

NONE

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.

X Kody T. Hts
(Signature of Applicant)

Subscribed and sworn to before me this 29th day of Sept, 2004

James McBride
(Notary Public)


My commission expires May 31, 2006

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 5 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Receipted by Se Date 4/22/05 E030816

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 _____

20003681

3-1

QUITCLAIM DEED

For Value Received

Ronnie D. Tillotson and Sherril I. Tillotson, husband and wife,

do hereby convey, release, remise and forever quit claim unto

Kody Tillotson and Andrea Tillotson, husband and wife,

PO Box 732 Lava Hot Springs, ID 83246

the following described premises, to-wit:

SEE ATTACHE LEGAL DESCRIPTION

together with their appurtenances.

Dated: 3-10-2000

Ronnie D. Tillotson

Sherril I. Tillotson

STATE OF IDAHO, COUNTY OF *Bannock* 2000
On this *10th* day of *March*, 19*00*
before me, a notary public in and for said State, personally
appeared
Ronnie D. Tillotson
Sherril I. Tillotson

NOTARY SEAL

known to me to be the person who name
subscribed to the within instrument, and acknowledged to
me that *they* executed the same.

Gene McBride
Notary Public
Residing at *Lava Hot Springs*, Idaho
Comm. Expires *May 31, 2000*

STATE OF IDAHO, COUNTY OF

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

at _____ minutes past _____ o'clock m.,
this _____ day of _____,
19____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
Mail to:

INSTRUMENT No.

T 72279
ATTACHMENT 1 OF 3

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20003681

DATE: FEBRUARY 11, 2000

RE: DESCRIPTION AND UTILITY AND ACCESS EASEMENT FOR A 1.20 ACRE,
MORE OR LESS, PARCEL OF LAND LYING IN THE SE 1/4, SECTION 32, T 9 S, R 38 E,
B.M.

DESCRIPTION

A parcel of land located in the SE 1/4, Section 32, T 9 S, R 38 E, B.M. in Bannock, County,
Idaho, described as follows:

Commencing at the Southeast corner of Section 32, being marked by 1/2 inch aluminum cap
monument as described in CP&F recording number 91003195, and with the E 1/4 corner of
Section 32, marked by a B.M. monument bearing N 0° 18' 44" E, as the Basis of Bearings;

Thence N 60° 01' 06" W a distance of 1454.43 feet to a 1/2 inch iron rebar, and THE TRUE POINT
OF BEGINNING;

Thence S 87° 05' 57" W a distance of 246.99 feet to a 1/2 inch iron rebar;

Thence N 0° 15' 19" E a distance of 144.64 feet to a 1/2 inch iron rebar;

Thence N 72° 18' 36" E a distance of 341.18 feet to a 1/2 inch iron rebar;

Thence S 18° 31' 32" W a distance of 248.70 feet to the TRUE POINT OF BEGINNING.

Contains 1.20 acres, more or less.

3-3

20003681

A 50 FOOT WIDE UTILITY AND ACCESS EASEMENT

A parcel of land located in the SE 1/4, Section 32, T 9 S, R 38 E, B.M. in Bannock, County, Idaho, described as follows:

Commencing at the Southeast corner of Section 32, being marked by ½ inch aluminum cap monument as described in CP&F recording number 91003195, and with the E 1/4 corner of Section 32, marked by a B.M. monument bearing N 0° 18' 44" E, as the Basis of Bearings;

Thence N 60° 01' 06" W a distance of 1454.43 feet to a ½ inch iron rebar;

Thence N 18° 31' 32" E, along the easterly line of the above described property, a distance of 152.95 feet, to the TRUE POINT OF BEGINNING;

Thence continuing N 18° 31' 32" E, along the East line of said property, a distance of 50.82 feet;

Thence S 81° 48' 33" E a distance of 256.20 feet to a ½ inch iron rebar as described in ROS Number 96006145;

Thence S 58° 32' 19" E (S 58° 28' 57" E on ROS Number 96006145) a distance of 148.68 feet as shown on ROS Number 96006145;

Thence a distance of 50. feet to a ½ inch iron rebar as described in ROS Number 91003194;

Thence N 58° 32' 19" W (N 58° 28' 57" W on ROS Number 91003194) a distance of 153.17 feet to a ½ inch iron rebar as shown on ROS Number 91003194;

Thence N 81° 48' 33" W a distance of 255.02 feet to the TRUE POINT OF BEGINNING.

NO 20003681
 RECORDED AT REQUEST OF
Ronnie D. Tillotson
 2000 MAR 10 PM 2 55
 OFFICIAL RECORD BOOK NO 255
 BANNOCK COUNTY IDAHO
 LARRY W. GHAN RECORDER
 FEE 9.00 DEPUTY *[Signature]*

2-1
WARRANTY DEED

20421276

For Value Received RONNIE D. TILLOTSON and SHERRIL L. TILLOTSON, Husband and Wife

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

JAMES R GULLY and JANICE PERRY GULLY, Husband and Wife

whose address is: 19702 L. A. COLE LN, HOOD RIVER, OR 97114

"From Property"

801 277-2578

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

A PARCEL OF LAND LOCATED IN THE SW1/4 SECTION 4, T 10 S, R38E, 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 SOUTH 13°44' 21" EAST A DISTANCE OF 336.80 FEET;
THENCE SOUTH 76°17' 18" WEST A DISTANCE OF 211.66 FEET;
THENCE NORTH 29°12'10 " WEST A DISTANCE OF 22.70 FEET;
THENCE SOUTH 80° 07' 49" WEST A DISTANCE OF 314.08 FEET TO THE EAST RIGHT-OF-WAY OF DEMPSEY CREEK ROAD;

THENCE FOLLOWING THE EAST RIGHT-OF-WAY LINE OF DEMPSEY CREEK ROAD FOR THE NEXT 7 COURSES;

THENCE (1) NORTH 46°50'52" WEST A DISTANCE OF 63.64 FEET;
THENCE (2) NORTH 36° 30'04" WEST A DISTANCE OF 52.21 FEET;
THENCE (3) NORTH 25°31'08" WEST A DISTANCE OF 238.87 FEET;
THENCE (4) NORTH 37°31'16" WEST A DISTANCE OF 97.57 FEET;
THENCE (5) NORTH 27°51'36" WEST A DISTANCE OF 53.40 FEET;
THENCE (6) NORTH 36°55'41" WEST A DISTANCE OF 80.28 FEET;
THENCE (7) NORTH 34°24'28" WEST A DISTANCE OF 128.50 FEET TO THE ADJOINING PROPERTY LINE AS DESCRIBED IN INSTRUMENT NO. 20315934; THENCE NORTH 58°38'47" EAST, FOLLOWING THE SAID ADJOINING PROPERTY LINE , A DISTANCE OF 120.00 FEET TO THE ADJOINING PROPERTY LINE ON THE EAST AS DESCRIBED IN SAID INSTRUMENT NO. 633701; THENCE ALONG THE SAID ADJACENT PROPERTY LINE AND FOLLOWING THE CENTER LINE OF DEMPSEY CREEK AS DESCRIBED IN INSTRUMENT NO. 633701, ON A CHORD BEARING OF SOUTH 50°52'53" EAST AND A CHORD DISTANCE OF 399.30 FEET TO THE SOUTH 1/16 LINE OF SAID SECTION AND THE SOUTHWEST CORNER OF SAID DEED INSTRUMENT NO. 633701; THENCE NORTH 89°06'28" EAST, ALONG THE SAID 1/16 LINE AND THE ADJOINING PROPERTY LINE, A DISTANCE OF 418.65 FEET TO THE TRUE POINT OF BEGINNING.

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, R38E, 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 THE ABOVE DESCRIBED PROPERTIES SOUTH LINE SAID POINT BEING THE TRUE 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

T 72279
ATTACHMENT 4 OF 5

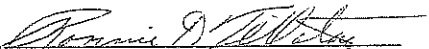
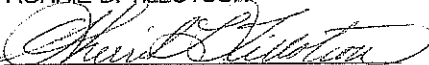
2-2 20421 6
THE ADJOINING PROPERTIES NORTHWESTERLY LINE, A DISTANCE OF 319.33 FEET; THENCE NORTH
13°44' 21" WEST A DISTANCE OF 83.37 FEET TO THE SOUTHERLY LINE OF THE ABOVE DESCRIBED
PROPERTY; THENCE SOUTH 76°17'18" WEST A DISTANCE OF 82.24' FEET TO THE TRUE POINT OF
BEGINNING.

1 INCH OF WATER RIGHT NUMBER 29-13436-V1 WILL BE INCLUDED IN SALE. 3 INCHES OF WATER
RIGHT 29-13436-V1 WILL BE RETAINED BY RONNIE D. TILLOTSON AND SHERRIL L. 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 its 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 the Grantor is
the owner 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: 09/28/04

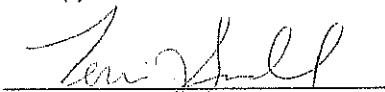

RONNIE D. TILLOTSON

SHERRIL L. TILLOTSON

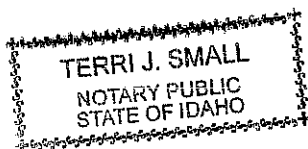
STATE OF Idaho

ss.

COUNTY OF BANNOCK

On this 28th day of September, 2004, before me TERRI J SMALL, 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.


Notary Public of Idaho
Residing at: Pocatello, Idaho
Commission Expires: 04/28/05



20421276
FIRST AMERICAN TITLE
RECORDED AT REQUEST OF
FEE 6 DEPUTY BP

2004 SEP 29 PM 4 20
OFFICIAL RECORD BK# 856
LARRY W DYAN RECORDER
BANNOCK COUNTY IDAHO

T 72279
ATTACHMENT 5 OF 5