

Form 1-202
12-92

(Internet)

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72008APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant STEPHAN L. RALSTON Phone 801-479-5937
Post Office address 1452 E. RIDGELINE DR. SUITE 100. SO OGDEN. UT 84405

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 SURFACE WELL INADEQUATE-FAILED
Correcting legal for where additional well was
challenged

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>29-7031</u>	<u>04/03/59</u>	<u>2.90</u>	<u>IRRIGATION</u>	<u>04/01</u> to <u>10/15</u>
		<u>.20</u>	<u>STOCKWATER</u>	<u>01/01</u> to <u>12/31</u>
<u>29-2340</u>	<u>09/28/53</u>	<u>1.48</u>	<u>IRRIGATION</u>	<u>04/01</u> to <u>10/31</u>
				to _____

2. Total amount of water being transferred 2.90 cubic feet per second and/or 753.20 acre-feet per annum.3. Source of water GROUND WATER tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	17	11S	37E	BANNOCK	NEW WELL
		SE	NW	17	11S	37E	Bannock	Original Well

5. Lands irrigated or place of use: NO CHANGE

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	
11 S	37 E	17					30		35	40	40	35	35						215

Total acres 215

*CHANGED PER TELEPHONE CONVERSATION WITH APPLICANT

72008

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Transfer No. 72008
Receipt No. _____

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

Current Water Right No. 29-7031

Priority Date: 04/03/1969

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/15	2.90 CFS	752.5 AFA	
STOCKWATER	01/01 12/31	0.02 CFS	0.7 AFA	
Total Diversion		2.90 CFS	753.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENW 11S 37E 17 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	
11S 37E 17					90.0		35.0	40.0		40.0	35.0	35.0					215.0

Total Acres: 215

Conditions/Remarks:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- 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.
- USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-2340, 29-7031
- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.90 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 752.5 AF FOR IRRIGATION. COMBINED RIGHT NOS.: 29-02340, 29-07031
- THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

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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. 29-7031

6. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Documentation of Ownership of the Current Place of Use *Warranty deed*

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

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer *will be able to irrigate*

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? *NO*

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Transfer No. 72008
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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 29-2340

Priority Date: 09/28/1953
Origin: Adjudication Recommendation
Basis: License
Status: Active

Source: GROUND WATER Tributary to:

Beneficial Use	From To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/01 10/31	1.48 CFS	514.5 AFA	
Total Diversion		1.48 CFS	514.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENW 11S 37E 17 BANNOCK

PLACE OF USE: IRRIGATION

Typ Acre Sec	NE				NW				SW				SE				Totals
11S 37E 17	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					60.0		85.0	40.0		40.0	85.0	85.0					215.0

Total Acres: 215

Conditions/Remarks:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- 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.
- USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-2340, 29-7031
- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.80 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 752.5 AF FOR IRRIGATION. COMBINED RIGHT NOS.: 29-02340, 29-07031

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

Transfer No. 72008
Receipt No. _____

Current Water Right No. 29-2340

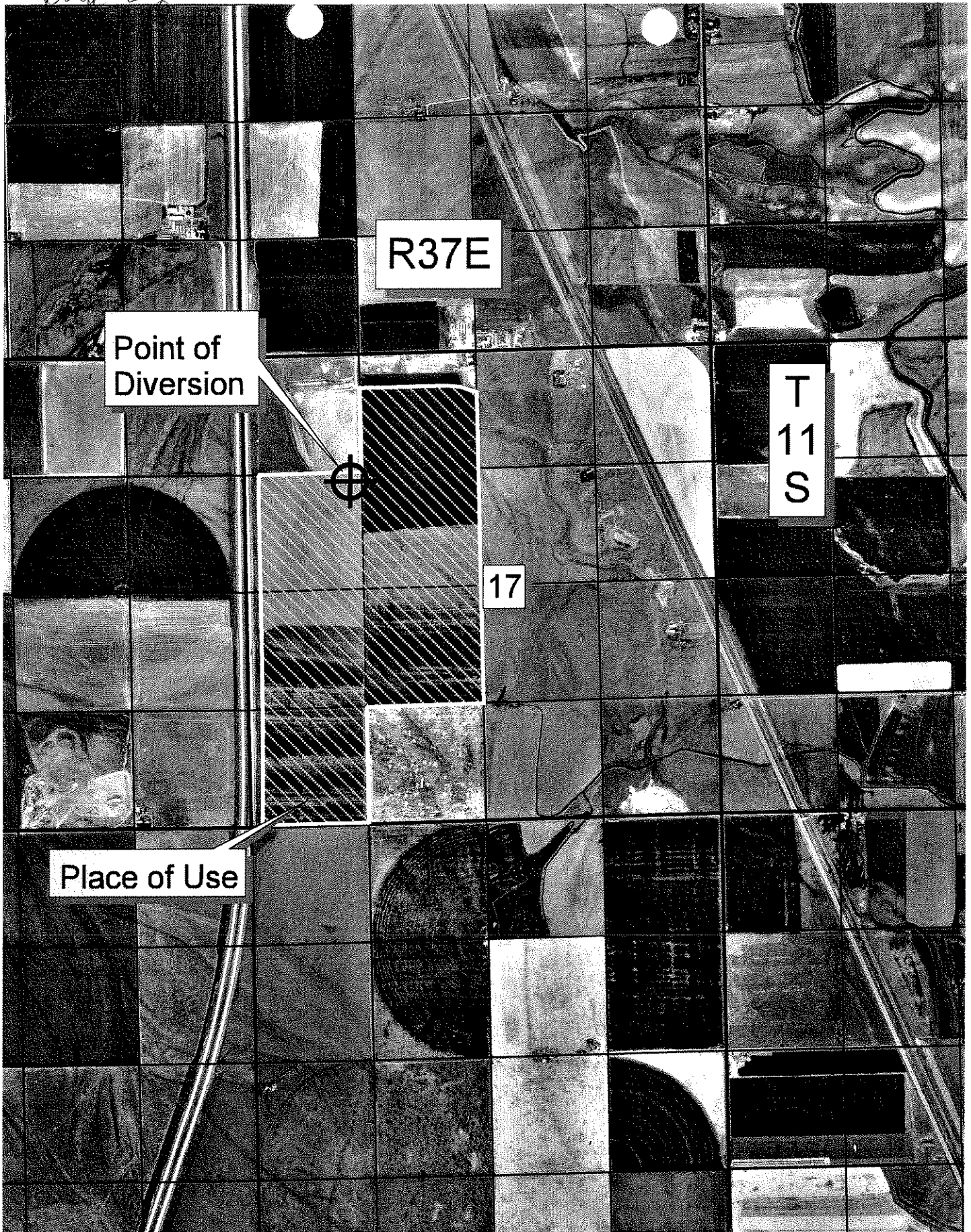
Documentation of Ownership of the Current Place of Use Deed

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

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

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? NO

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

37 E

6

8

7

8 SEC

T11S

18

17 SEC

NEW WELL

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

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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 25th day of April, 2005.



My commission expires

Steph J. Johnston MS
(Signature of Applicant)
Lisa Obray
(Notary Public)
12-19-05

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 4 attachments

Received by KCW Date 4/26/2005 Protest filed by _____

Prelim. check by Kaw Fee 330⁰⁰ E030821

Received by KCW Date 4/25/2005

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 _____

RECEIVED

APR 26 2005

Department of Water Resources
Eastern Region

R4433016800

4-1

20003585

R4433017000

R4433016201

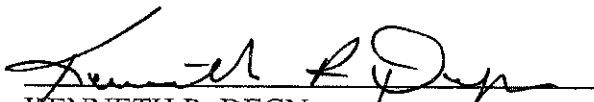
R4433017600

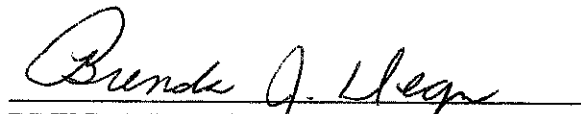
WARRANTY DEED

FOR VALUE RECEIVED, KENNETH R. DEGN and BRENDA J. DEGN, husband and wife (hereinafter "Grantor"), do hereby grant, bargain, sell and convey unto STEPHAN L. RALSTON, whose current address is 3903 South Harrison Blvd., Ogden, Utah 84403 (hereinafter "Grantee"), premises located in Bannock County, Idaho, and more fully described in Exhibit A, which is attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the said premises, with their appurtenances, including all gas, oil and mineral rights, unto Grantee, his heirs and assigns forever. Grantors do hereby covenant to and with Grantee that they are the owners in fee simple of said premises, that the premises are free from all encumbrances, excepting easements of record, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 7 day of March, 2000.


KENNETH R. DEGN


BRENDA J. DEGN

20003585

NO _____
RECORDED AT REQUEST OF

PIONEER TITLE
2000 MAR 8 PM 3 32

OFFICIAL RECORD BOOK NO. 755

BANNOCK COUNTY IDAHO

LARRY W. CHAN RECORDER

FEE 12 DEPUTY 11

Paid
ck

RECEIVED

APR 26 2005

Department of Water Resources
Eastern Region

T 72008

ATTACHMENT 1 OF 4

EXHIBIT A

TOWNSHIP 11 SOUTH, RANGE 37 EAST OF THE BOISE MERIDIAN

SECTION 17: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

TOGETHER WITH A 75 HP USE ELECTRIC MOTOR WITH A PEARLESS TURBINE PUMP, AND 5,274 FEET OF SIZES 6-INCH THROUGH 10-INCH PVC MAINLINE, AND ANY REPLACEMENTS, AND FIVE ALUMINUM HANDLINES OF APPROXIMATELY $\frac{1}{4}$ MILE IN LENGTH EACH, ALL OF WHICH ARE HEREBY DECLARED TO BE APPURTENANT THERETO.

EXCEPTING FROM THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ THE FOLLOWING:

BEGINNING AT THE NORTHEAST CORNER THEREOF AND RUNNING SOUTH 208.7 FEET; THENCE WEST 417.2 FEET; THENCE NORTH 208.7 FEET; THENCE EAST 417.2 FEET TO BEGINNING.

ALSO EXCEPTING: BEGINNING AT A POINT 417.2 FEET WEST OF THE NORTHEAST CORNER OF THE NE $\frac{1}{4}$ NW $\frac{1}{4}$; THENCE SOUTH 208.7 FEET; THENCE WEST 436.4 FEET; THENCE NORTH 208.7 FEET; THENCE EAST 436.4 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING: BEGINNING AT THE NORTHWEST CORNER OF THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SAID SECTION 17; THENCE IN AN EASTERLY DIRECTION ALONG SAID SECTION LINE A DISTANCE OF 30 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING IN AN EASTERLY DIRECTION A DISTANCE OF 436.4 FEET TO A POINT ON SAID SECTION LINE, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE LAND DESCRIBED IN AN INSTRUMENT RECORDED MARCH 31, 1977, AS INSTRUMENT NO. 573186; THENCE SOUTH 208.7 FEET; THENCE WEST 436.4 FEET; THENCE NORTH 208.7 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND BEING ON BOTH SIDES OF THE CENTER LINE OF INTERSTATE 15 PROJECT NO. I-15-1(15)32 HIGHWAY SURVEY AS SHOWN ON THE PLANS THEREOF NOW ON FILE IN THE OFFICE OF THE DEPARTMENT OF HIGHWAYS OF THE STATE OF IDAHO, AND BEING A PORTION OF THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 18; THE W $\frac{1}{2}$ SW $\frac{1}{4}$ AND THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 17, TOWNSHIP 11 SOUTH, RANGE 37 EAST OF THE BOISE MERIDIAN, DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT THE SOUTHWEST CORNER OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 17, TOWNSHIP 11 SOUTH, RANGE 37 EAST OF THE BOISE MERIDIAN; THENCE NORTH 89°44'20" EAST ALONG THE SOUTH LINE OF SAID SW $\frac{1}{4}$ SW $\frac{1}{4}$ A DISTANCE OF 125 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL WITH AND 150 FEET EASTERLY FROM THE CENTERLINE OF SAID INTERSTATE 15, PROJECT NO. I-15-1(15)32 HIGHWAY SURVEY; THENCE ALONG SAID PARALLEL LINE AS FOLLOWS: NORTHERLY ALONG AN 11,609.16 FOOT RADIUS CURVE LEFT 783 FEET, MORE OR LESS, TO A POINT OPPOSITE STATION 854+25.62 OF SAID HIGHWAY SURVEY; NORTH 0°03'42" EAST 2774.38 FEET TO A POINT OPPOSITE STATION 882+00 OF SAID HIGHWAY SURVEY; THENCE NORTH 1°45'36" EAST, LEAVING SAID PARALLEL LINE, 413.90 FEET TO A POINT IN THE NORTH LINE OF THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SAID SECTION 17 AND BEARS SOUTH 89°56'18" EAST, 162.62 FEET FROM STATION 886+13.17 OF SAID HIGHWAY SURVEY; THENCE NORTH 89°08'03" WEST ALONG SAID NORTH LINE 162.64

4-4 96005731

FEET TO THE NORTHWEST CORNER OF SAID SW $\frac{1}{4}$ NW $\frac{1}{4}$; THENCE SOUTH 0°03'42" WEST ALONG THE WEST LINE OF SAID SECTION 17 A DISTANCE OF 2640 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 37 EAST OF THE BOISE MERIDIAN; THENCE WESTERLY ALONG THE NORTH LINE OF SAID SE $\frac{1}{4}$ SE $\frac{1}{4}$ A DISTANCE OF 150 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL WITH AND 150 FEET WESTERLY FROM THE CENTER LINE OF SAID HIGHWAY SURVEY; THENCE ALONG SAID LAST PARALLEL LINE AS FOLLOWS: SOUTH 0°03'42" WEST 552 FEET, MORE OR LESS, TO A POINT OPPOSITE STATION 854+25.62 OF SAID HIGHWAY SURVEY; SOUTHERLY ALONG AN 11,309.16 FOOT RADIUS CURVE RIGHT 752.06 FEET TO A POINT OPPOSITE STATION 846+63.58 OF SAID HIGHWAY SURVEY; THENCE SOUTH 38°42'50" WEST LEAVING SAID LAST PARALLEL LINE 37.04 FEET TO A POINT IN THE SOUTH LINE OF SAID SE $\frac{1}{4}$ SE $\frac{1}{4}$; THENCE SOUTH 89°21'43" EAST ALONG SAID SOUTH LINE 205 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

DELOG DC
4/5/01
OK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
APR 04 2001

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Department of Water Resources
Eastern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
29-2340	229-2340	☒			
29-7031	229-7031				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) KENNETH R & BRENDA DEGN
19748 S DEGN ROAD, DOWNEY IDAHO 83234
4. New Owner/Claimant(s) STEPHAN L RALSTON
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3903 HARRISON BLVD #E201
- City, State and ZIP Code OGDEN UT 84403
- New Telephone Number (801) 392-4122
5. Date you acquired the property MARCH 2000

T 72008
ATTACHMENT 4 OF 4