

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 71319

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Danny G. Ferguson and Marcene M. Ferguson Phone 524-0430
Post Office address 4271 East County Line Road Rigby, Idaho 83442

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 PART OF THE LAND HAS BEEN SUBDIVIDED. AND WE HAVE INSTALLED A PIVOT TO WATER THE REMAINING PART AND THE LAND ADJACENT TO IT.

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

1. Right Number 25-7599 Priority 9/25/1991 Amount (cfs/ac-ft) 2.280 cfs Nature of Use Irrigation Period of Use 4/01 to 10/31

2. Total amount of water being transferred 2.28 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water WELL (gw) tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	NE	35	4N	39E	JEFFERSON	

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	
4N	39E	35	28	28	35	27													118

K06-LIMIT TO 114 ac.

Total Acres 118

71319

PART 1

6. General Information:

a. Description of diversion system WELL/PUMP TO PIVOT & HANDLINES

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes X 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:

DRY IT WILL BE DRY

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 25-7599

WATER RIGHT NUMBER: 25-7599

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KIM R RITTER
Current Owner	RENEE RITTER
	PO BOX 295
	RIRIE, ID 83443
	(208) 745-9331

Priority Date: 09/25/1991

Basis: License

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>Annual Volume</u>
IRRIGATION	4/01	to 10/31	2.280 CFS	
	<u>Total Diversion:</u>		2.280 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 35, Twp 04N, Rge 39E, B.M.
JEFFERSON County		

Place of UseIRRIGATION Within JEFFERSON County

T04N R39E S35 NENE 36.0 T04N R39E S35 NWNE 39.0

T04N R39E S35 NENW 39.0

Total Acres: 114

Conditions of Approval:

1. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
3. R57 The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.

Remarks:

1. General The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 456.0 af for the lands above.

Dates and Other Information:

Licensed Date: 2/2/1995



771319

Page 4 of 5

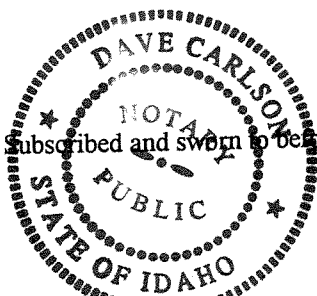
PART 3

3. CHANGES IN NATURE OF USE

- | 1. | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|--------------------------|------------------------|----------------------|
| | _____ | _____ | _____ | _____ 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.



Danny Ferguson *Marcene M. Ferguson*
(Signature of Applicant)
Subscribed and sworn to before me this 17th day of June, 2004.
Dave Carlson
(Notary Public)

My commission expires 8/26/2008

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and _____ attachments

Received by _____	Date _____	Protest filed by _____
Prelim. Check by <u>DC</u>	Fee <u>330</u>	<u>6029968</u>
Received by <u>DC</u>	Date <u>6/17/2004</u>	_____
Published in _____	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 _____

6-16-04

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718
(208) 525-7161

Kim & Renee Ritter
4398 East 100 North
Rigby, Idaho 83442
(208) 745-9331

Dear IDWR,

We sold 57.4 acres of farm land including a well with the complete water right, number 25-7599 , to Danny & Marcene Ferguson on 3-4-04. The remainder of the property has been subdivided into 5 acre lots. This subdivision is known as Cobblestone Acres. For the complete legal description of this property refer to Warranty Deed #329409 filed in Jefferson County on 3-4-04.

Sincerely,

 Date 6-16-04
Kim R. Ritter

 Date 6/16/04
Renee Ritter

ALLIANCE TITLE & ESCROW CORP
WARRANTY DEED

Order No.:3060314681a

329409

FOR VALUE RECEIVED

Kim R. Ritter and Renee Ritter, Husband and Wife

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

Danny Gene Ferguson and Marcene Ferguson, Husband and Wife

whose current address is

4271 East County Line Road Rigby, Idaho 83442

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

Beginning at a point that is South 89°45'20" West along the Section line 368.22 feet from the Northeast Corner of Section 35, Township 4 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho, and running thence South 89°45'20" West along said Section line 1901.03 feet to the Northeast Corner of Cobblestone Acres, Division No. 1, Jefferson County, Idaho; thence along the boundary of said Division No. 1 the following six (6) courses: South 00°14'40" East 40.00 feet; thence South 44°58'07" West 29.23 feet; thence South 00°10'54" West 781.31 feet; thence South 44°49'06" East 28.28 feet; thence South 89°49'06" East 20.99 feet; thence South 00°10'54" West 454.71 feet to the South line of the North Half of the Northeast ¼ of said Section 35; thence North 89°46'10" East along said South line 1872.88 feet; thence North 00°01'56" East 832.55 feet; thence North 01°19'12" East 484.97 feet to the point of beginning.

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: 3/3/2004

Kim R. Ritter
Kim R. Ritter

Renee Ritter
Renee Ritter

Instrument # 329409

RIGBY, JEFFERSON, IDAHO

2004-03-04

02:05:00 No. of Pages: 1

Recorded for: ALLIANCE TITLE & ESCROW

CHRISTINE BOULTER

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

State of Idaho

County of Jefferson

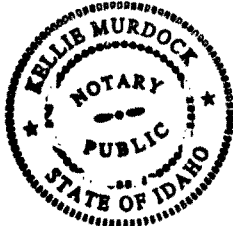
On this
appeared

March 3 2004
Kim R. Ritter + Renee Ritter

, before me, a Notary Public in and for said state, personally

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.



Kelli Murdock
Notary Public for the State of Idaho

Residing at:

Commission Expires: Residing in Jefferson County
Commission Expires: 07-17-09

RECEIVED BY
ASSESSOR

For PLATTING

Date 3/4/04 Time 2:05

T 71319
ATTACHMENT 2 OF 4

329377

WARRANTY DEED

Order No.:3060314681b

FOR VALUE RECEIVED

ALLIANCE TITLE & ESCROW CORP.

Carol Rackham, Personal Representative of The Estate of Don G. Ritchie, deceased

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

Danny Gene Ferguson and Marcene Ferguson, Husband and Wife

whose current address is

4271 East County Line Road Rigby, ID 83442

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

SEE ATTACHED EXHIBIT "A"

Instrument # 329377
 RIGBY, JEFFERSON, IDAHO
 2004-03-03 02:13:00 No. of Pages: 2
 Recorded for: ALLIANCE TITLE & ESCROW
 CHRISTINE BOULTER Fee: 6.00
 Ex-Officio Recorder Deputy
 Index to: WARRANTY DEED

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: 1/16/2004

The Estate of Don G. Ritchie, deceased

Carol Rackham P.R.
 By: Carol Rackham, Personal Representative

RECEIVED BY
 ASSESSOR

For PLATTING

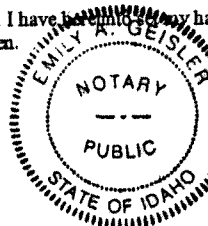
Date 3/3/04 Time 2:13

State of Idaho

County of Jefferson

On this 16th day of January, 2004, before me, a Notary Public in and for said state, personally appeared Carol Rackham known or identified to me to be person whose name is subscribed to the within instrument as the Personal Representative of the Estate of Don G. Ritchie Deceased, and acknowledged to me that She executed the same as such 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.



Emily A. Geisler
 Notary Public for the State of Idaho
 Residing at: Residing in Madison County
 Commission Expires: 01-29-09

T 71319
 ATTACHMENT 3 OF 4

LEGAL DESCRIPTION
EXHIBIT 'A'

Township 4 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho.

Section 35: The South Half of the Northeast Quarter.

① EXCEPTING THEREFROM: Beginning at a point that is 1521 feet South along the Section line from the Northeast Corner of said Section 35 and running thence North 201 feet along the Section line, more or less to the Northeast Corner of the South Half of the Northeast Quarter of said Section 35; thence West 208.42 feet; thence South 201 feet; thence East 208.42 feet to the point of beginning.

② ALSO EXCEPTING THEREFROM: Beginning at a point 1521 feet South of the Northeast Corner of the said Section 35 and running thence West 208.42 feet; thence South 209 feet; thence East 208.42 feet; thence North 209 feet to the point of beginning.

③ ALSO EXCEPTING THEREFROM: Beginning at a point 910 feet North of the Southeast Corner of the Northeast Quarter of said Section 35 and running thence West 200 feet; thence South 205 feet; thence East 200 feet; thence North 205 feet to the point of beginning.

④ ALSO EXCEPTING THEREFROM: Beginning at a point 214 feet North of the Southeast Corner of the Northeast Quarter of said Section 35 and running thence West 234 feet; thence North 100 feet; thence West 40 feet; thence North 361 feet; thence East 274 feet; thence South 461 feet more or less to the point of beginning.

⑤ ALSO EXCEPTING THEREFROM: Beginning at the Southeast Corner of the Northeast Quarter of Section 35 and running thence West 334 feet; thence North 98 feet; thence East 100 feet; thence North 116 feet; thence East 234 feet; thence South 214 feet to the point of beginning.

Tract II:

An Easement for ingress and egress over and across the adjacent property described as follows: Commencing at the Northwest Corner of the South Half of the Northwest Quarter of Section 35, Township 4 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho, running thence East 2640 feet; thence South 30 feet; thence West 2640 feet; thence North 30 feet to the point of beginning.