

MEMORANDUM

Date: January 30, 2024
To: Transfer 88054
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer establishes a new point of diversion for ground water right 29-7006 and creates a 718.8-acre permissible place of use for rights 29-7006, 29-4302, 29-7889A, 29-7889B, 29-11463, and 29-11465, which together combine for a total of 695 irrigated acres when all rights are in priority. The new groundwater point of diversion is approximately 2.7 miles from the pre-transfer point of diversion.

Authority to File:

The applicant, Bastian Family Enterprises, LLC, has the authority to file. At the time of transfer submittal the water rights were owned by Lynn, Christine, and/or Merlin Bastian. The pre- and post-transfer places of use, as well as the post-transfer groundwater point of diversion, are owned by Bastian Family Enterprises, LLC, according to Bannock County taxlot data.

A deed was supplied which conveyed all of the land considered in the transfer application from Lynn, Christine, and/or Merlin Bastian to Bastian Family Enterprises, LLC. The ownership of the water rights was updated to Bastian Family Enterprises, LLC, as part of transfer approval. The application was signed by Lynn Bastian, the Manager of Bastian Family Enterprises, LLC, according to the Idaho Secretary of State.

Water Right Validity:

The water rights were either decreed on 3/22/2004 or licensed in April 1997 and are valid for transfer. Right 29-7006 has been consistently leased to the Water Supply Bank since 2011. Rights 29-4302, 29-7889A, 29-7889B, 29-11463, and 29-11465 are surface water rights with junior priority dates (6/1/1926 being the most senior). Because they are so junior, they are rarely available for irrigation. Existing place of use is actively irrigated.

Injury to Other Water Rights:

No injury to other rights will result from the approval of this transfer. The Watermaster for Water District 29H was notified of the transfer and commented that standard measuring device conditions (required by the transfer approval) need to be met. The transfer was advertised and no protests were received.

Enlargement of Use:

No enlargement of use will result from the approval of this transfer.

Prior to the transfer, rights 29-4302, 29-11463, and 29-11465 overlapped with Marsh Center Irrigating Co. shares while the other rights were stand alone. Upon transfer approval, an equivalent number of Marsh Center Irrigation Co. shares will remain in the PPU as overlapped with 29-4302, 29-11463, and 29-11465 prior to the transfer. Rights 29-4302, 29-11463 and 29-11465 will include a condition recognizing the overlap with acres under the Marsh Center Irrigating Company rights.

A condition was included on right 29-7006 requiring a measuring device even though it is outside of a water district. The Department will soon conduct a public hearing to create a water district for ground water rights. Because water right 29-7006 is the only right that is regularly available throughout the irrigation season, I added a condition to the water right requiring the right holder to identify the specific 345 acres to be irrigated with that right.

At the time of transfer approval a portion of the right continued to be leased the Water Supply Bank. However, because the applicant rented 60% of the right back (rental no. 787) and placed it on the post-transfer place of use, Water Supply Bank staff assented to transfer approval after the 2023 irrigation season. Rental 787 also listed the point of diversion as the post-transfer point of diversion.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

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AFTER RECORDING PLEASE RETURN TO:

BEARNSON & CALDWELL, LLC
399 NORTH MAIN ST, SUITE 270
LOGAN, UTAH 84301

RECEIVED

JAN 29 2024

Department of Water Resources
Eastern Region

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Bearnsen & Caldwell LLC

2018 JAN 18 A 10:39

QUIT CLAIM DEED

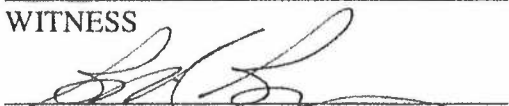
LYNN S. BASTIAN a/k/a CHRISTINE BASTIAN a/k/a L. CHRISTINE BASTIAN, husband and wife, Grantors of Arimo, County of Bannock, State of Idaho, hereby QUIT CLAIM to BASTIAN FAMILY ENTERPRISES, LLC, an Idaho limited liability company, Grantee of 16580 S. Marsh Valley Road, Arimo, Idaho, 83214, for the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the following described tract of land in Bannock County, State of Idaho:

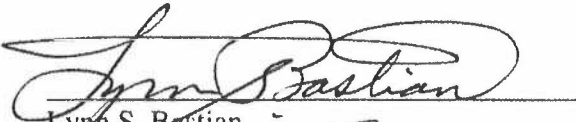
See Exhibit "A" attached hereto.

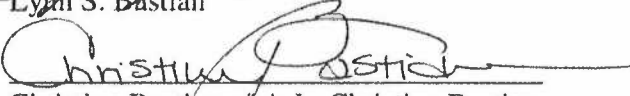
This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described as well in law as in equity.

DATED this 1st day of December, 2017.


WITNESS

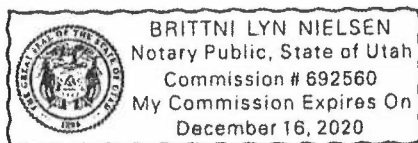

WITNESS


Lynn S. Bastian


Christine Bastian a/k/a L. Christine Bastian

STATE OF UTAH)
 : ss.
County of Cache)

On the 1st day of December, 2017, personally appeared before me LYNN S. BASTIAN and CHRISTINE BASTIAN a/k/a L. CHRISTINE BASTIAN, the signers of the within instrument, who duly acknowledged to me that they executed the same.




Notary Public

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EXHIBIT "A"

Parcel 1:

SW¼ of Section 20, Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho (hereinafter, the "Premises").

Parcel No. R4433020100

Parcel 2:

Tax No. 2, described as follows:

BEGINNING at the Southwest corner of the tract which bears North 89°45' East 252 feet distant from the Southwest corner of the Northeast ¼ of Section 36, Township 10 South, Range 36 East, Boise Meridian, or the center of said Section 36; thence running North 89°45' East, 1278 feet to the Southeast corner of the tract; thence North 692.80 feet to the Northeast corner of the tract; thence South 89°45' West, 1437.60 feet to a corner of the Wagon Bridge in the lane; thence South 31°46' West, along center line of lane 175.60 feet; thence South 203.50 feet; thence North 89°45' East, 252 feet; thence South 340 feet to the PLACE OF BEGINNING.

Parcel No. R4265025303

Parcel 3:

Township 10 South, Range 36 East, B.M., Bannock County, Idaho.

Section 13:

N½NW¼

Section 14:

N½SE¼, S½NE¼, SE ¼NW¼

Also

Beginning at the Northwest corner of the SW¼SE¼ of Section 12, Township 10 South, Range 36 East, B.M., Bannock County, Idaho, thence East 15 rods; thence South 30 rods; thence West 15 rods; thence North 30 rods to the point of beginning.

Parcel Nos. R4265010806, R4265011800, and R4265012200

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Parcel 4:

The Northwest Quarter of Section 28, Township 11 South, Range 37 East of the Boise Meridian, Bannock County, Idaho.

Also beginning at the center of Section 28, Township 11 South, Range 37, East of the Boise Meridian, and running thence East 80 rods; thence North of the intersection of a line going North with the West line of State Highway; thence Northwesterly along said State Highway line 123 rods, more or less, to the intersection of said State Highway with the County Road; thence West 25.5 rods, more or less, to the Northeast corner of the Northwest Quarter of Section 28; thence South 160 rods, more or less, to the place of beginning.

Excepting therefrom:

Township 11 South, Range 37, East of the Boise Meridian, Bannock County, State of Idaho.

Section 28:

A parcel of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28.

Commencing at the Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 28; thence North 504.2 feet to the West boundary line of State Highway; thence West 353.87 feet; thence South 504.2 feet; thence East 353.87 feet to the place of beginning.

Excepting therefrom:

Township 11 South, Range 37 East of the Boise Meridian, Bannock County, State of Idaho.

Section 28:

Commencing at the point 504.2 feet North of the Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 28, which point is the West boundary line of State Highway; thence North 23°37' West 889.24 feet along said highway; thence South 815.8 feet; thence East 353.87 feet to the point of beginning.

Excepting therefrom:

That portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of the Northwest Quarter of said Section 28; thence South 200 feet; thence East to the West line of State Highway; thence Northwesterly along said State Highway to the intersection of said State Highway with the County Road; thence West 25.5 rods, more or less, to the point of beginning.

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Together with all Sellers' interest in and to all water rights including Irrigation Well Permit #32217.

Together with all Sellers' interest in and to all oil, gas, mineral and geothermal rights.

Parcel Nos. R4433029306 and R4433029305

Parcel 5:

Township 10 South, Range 36 East, B.M., Bannock County, Idaho.

Section 12:

The SW $\frac{1}{4}$ SE $\frac{1}{4}$

Excepting therefrom the following described tract:

Beginning at the Northwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence East 15 rods; thence South 30 rods; thence West 15 rods; thence North 30 rods to the point of beginning.

Section 13:

The SW $\frac{1}{4}$ and the S $\frac{1}{2}$ NW $\frac{1}{4}$

Section 14:

The N $\frac{1}{2}$ NE $\frac{1}{4}$, the S $\frac{1}{2}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$

Section 25:

The NE $\frac{1}{4}$ SW $\frac{1}{4}$

That portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying Northeasterly of a road running in a Northwesterly direction to the Ranch of Robert E. Cole, said road now known as Meadowbrook Ranch Road and formerly known as Hawkins Road.

A tract in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

Beginning at a point 173 feet South of the Northeast corner thereof; thence South 1147 feet to the South line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence West 737 feet to the East line of the County Road; thence Northeasterly along said Road 1379 feet to the point of beginning.

The SE $\frac{1}{4}$

Excepting therefrom the South 474 feet of the West 525 feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$.

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Also excepting therefrom the following described tract:

Beginning at the South Quarter corner of Section 25; thence North 87°50' East 1200 feet; thence North 1°58' East 654.02 feet to the real point of beginning; thence South 86°49' West 208.7 feet; thence North 3°11' West 417.4 feet; thence North 86°49' East 208.7 feet; thence South 3°11' West 417.4 feet to the real point of beginning.

Section 36:

The N½SE¼ and the NE¼

Excepting therefrom a tract in the S ½ NE ¼ described as follows:

Beginning at the Southwest corner of the tract which bears North 89°45' East 252 feet distant from the Southwest corner of the NE ¼ of Section 36; thence North 89°45' East 1278 feet to the Southeast corner of the tract; thence North 692.80 feet to the Northeast corner of the tract; thence South 89°45' West 1437.60 feet to a corner at the Wagon Bridge in the lane; thence South 31°46' West along the centerline of lane 175.60 feet; thence South 203.50 feet; thence North 89°45' East 252 feet; thence South 340 feet to the place of beginning.

Township 10 South, Range 37 East, B.M., Bannock County, Idaho.

Section 19:

Lot 8

Section 30:

Lots 1, 2, 3, 4, 6, 7 and 8

The NE¼NW¼

Excepting therefrom a tract in the NE¼NW¼ described as follows:

Beginning at the Northeast corner thereof; thence South 30 rods; thence West 80 rods; thence North 30 rods; thence East 80 rods.

Section 31:

Lot 1

Excepting therefrom the following:

Beginning at the West Quarter corner of Section 31; thence North 89°56' East 502.79 feet; thence North 0°05' East 1329.14 feet; thence North 89°55' East 238.22 feet to a true point of

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beginning; thence North 39°43'30" East 173.15 feet; thence North 18°22' East 269.31 feet; thence North 6°32' West 273.33 feet; thence North 89°52'30" East 913.54 feet; thence South 0°29' East 661.30 feet; thence South 89°55' West 1087.60 feet, more or less, to a true point of beginning.

Lots 2 and 3

Excepting therefrom the following:

Beginning at the West Quarter of Section 31; thence North 89°56' East 205.96 feet to a true point of beginning; thence North 14°30' West 196.03 feet; thence North 37°52' East 235.51 feet; thence North 15°42' East 365.78 feet; thence North 27°20' West 239.34 feet; thence North 43°34' East 311.55 feet; thence South 0°05' West 1165.63 feet; thence South 89°56' West 296.83 feet, more or less, to a true point of beginning.

That portion of Lot 4 described as follows:

Beginning at the West Quarter corner of Section 31; thence North 89°56' East 502.79 feet; thence North 0°05' East 1196.39 feet to a true point of beginning; thence North 0°05' East 132.75 feet; thence North 89°55' East 192.47 feet; thence South 55°22' West 234.08 feet, more or less, to the true point of beginning.

That portion of Lots 5, 6, 7 and 8 described as follows:

Beginning at the West Quarter corner of Section 31; thence North 89°56' East 174.09 feet; thence South 14°43'30" East 167.17 feet; thence South 51°11' East 328.57 feet; thence South 3°27'30" East 168.72 feet; thence South 43°25' East 134.78 feet; thence South 15°13'30" West 505.86 feet; thence South 50°24' West 98.72 feet; thence South 54°17' East 142.59 feet; thence South 18°04'30" West 89.29 feet; thence South 50°49'30" West 386.71 feet; thence South 75°08'30" West 160.41 feet; thence North 1637.98 feet, more or less, to the West Quarter corner of Section 31.

Parcel 6:

Township 11 South, Range 37 East of the Boise Meridian, Bannock County, Idaho.

Section 30:

E½SE¼; E½NE¼

Section 29:

NW¼; N½NE¼

SW¼ less the following tract:

SE¼SW¼

Also less all portions of all the above tracts which are used for roadway purposes.

Parcel 7:

Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

Section 31:

E½NE¼

Except that portion deeded to the State of Idaho by Deed recorded January 30, 1968, in Book 219, as Filing No. 446823, records of Bannock County, Idaho.

Also

Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

Section 32:

NW¼

Also except that portion conveyed to the State of Idaho by Deed recorded January 30, 1968 in Book 219, as Filing No. 446823, records of Bannock County, Idaho.

Parcel Nos. R4265025005, R4433030800, R4433032500, R4265011900, R4265012300, R4263011900, R4265010700, R4433031400, R4265018103, R4433031700, R4433029900, R4265018102, R4265025007, R4263017900, R4263019500, R4263019600, and R4433030201