

not found

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )

Water Rights: 35-2926, 35-13293,  
35-13294

Case No. 39576 )

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party [SPLIT] **KOLBET – CANNON & JENSEN**

☐ I.C. § 42-222 transfer

☐ point of diversion

☐ place of use

☐ period of use

☐ nature of use

☐ split of water right

☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing

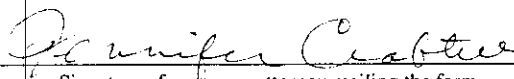
DATED: 2-28-01

H. W. Jones  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on March 7, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707
2. One copy to:  
Claimant/Seller for Substitution of Party or attorney of record:  
ALLEN KOLBET  
1254 S SKYLINE DR  
IDAHO FALLS ID 83402
3. One copy to:  
Claimant/Purchaser for Substitution of Party, or attorney of record:  
WAYNE & ANN JENSEN                      PETER & ARLENE CANNON  
2777 N 26 W                                      2001 S WOODRUFF STE 4  
IDAHO FALLS ID 83402                      IDAHO FALLS ID 83401
4. One copy to:  
Each party in the subcase, or attorney of record  
JEFFREY C FEREDAY                      JOHN ROSHOLT  
GIVENS PURSLEY LAW OFFICE              ROSHOLT ROBERTSON & TUCKER  
PO BOX 2720                                      PO BOX 1906  
BOISE ID 83701-2720                      TWIN FALLS ID 83303-1906  
  
JERRY RIGBY  
PO BOX 250  
REXBURG ID 83440
5. One copy each to:  
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449
6. One Copy to:  
United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

01/30/2001

RIGHT NUMBER: 35-13293

NAME AND ADDRESS: ARLENE P CANNON  
PETER M CANNON  
2001 S WOODRUFF STE 4  
IDAHO FALLS, ID 83401

SOURCE: GROUND WATER

QUANTITY: 4.15 CFS  
1260 AFY

PRIORITY DATE: 04/27/1956

POINT OF DIVERSION: T03N R37E S4 SWNWNE

Within BONNEVILLE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

| <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|----------------------|-----------------|
| 04-01 10-31          | 4.15 CFS        |
|                      | 1,260.00 AFY    |

PLACE OF USE:

IRRIGATION Within BONNEVILLE  
County

|              |       |      |    |              |       |      |    |
|--------------|-------|------|----|--------------|-------|------|----|
| T03N R37E S4 | LOT 1 | NENE | 40 | T03N R37E S4 | LOT 2 | NWNE | 40 |
| T03N R37E S4 |       | SWNE | 40 | T03N R37E S4 |       | SENE | 35 |
| T03N R37E S4 | LOT 3 | NENW | 40 | T03N R37E S4 | LOT 4 | NWNW | 40 |
| T03N R37E S4 |       | SWNW | 40 | T03N R37E S4 |       | SENW | 40 |

315 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water Right 35-13293



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

February 28, 2001

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

PETER & ARLENE CANNON  
2001 S WOODRUFF STE 4  
IDAHO FALLS ID 83401

RE: Notice of Change of Water Right Ownership (NCO) for  
35-2926 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Cannon:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree  
Technical Records Specialist

Enclosure

cc: Allen Kolbet

3/13/00  
RECEIVED  
MAR 09 2000

Department of Water Resources  
Eastern Region

NEW PROPERTY OWNER  
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

DATE OF CLOSING: March 8, 2000

LEGAL DESCRIPTION OF PROPERTY: See attached Grant Deed

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[x] Water Rights Number(s)  
Assigned by IDWR: 35-13293 All of A35-02452 and only the portion of  
35-13294 A35-02926 described below

[x] Name and Address of Former Owner/Claimant(s)(Seller): Allen Kolbet a/k/a Allen E. Kolbet and Matilda Kolbet a/k/a Matilda C. Kolbet  
1254 South Skyline Drive  
Idaho Falls, Idaho 83402

[x] New Owner/Claimant (Purchaser): Peter Cannon and Arlene Cannon, husband and wife

[x] New Mailing Address: 2001 South Woodruff, Suite 4  
Idaho Falls, Idaho 83401

[x] New Telephone Number: \_\_\_\_\_

[x] Does the change in ownership result in a splitting of the water right owned/claimed?  
x yes \_\_\_\_\_ no. If yes, then describe the portion of the water right that is now owned/claimed by the new owner:  
Only the portion of A35-02926 which is appurtenant to the property described on Exhibit A attached hereto is being transferred to the new owner

[x] Attach proof of ownership, describe proof attached: Copy of Grant Deed  
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[x] Signature of New  
Owner/Claimant(s)

Peter Cannon Date 7/27/00  
Peter Cannon

Arlene Cannon Date 3/7/00  
Arlene Cannon

[x] Signature of Former  
Owner/Claimant(s)

Allen Kolbet Allen E. Kolbet Date \_\_\_\_\_  
Allen Kolbet a/k/a Allen E. Kolbet

Matilda Kolbet Matilda C. Kolbet Date \_\_\_\_\_  
Matilda Kolbet a/k/a Matilda C. Kolbet

(Signature of former claimant(s) is not required if  
proof of ownership is attached)

FOR IDWR USE ONLY:

Initial Review and Data-Entry  
Date: \_\_\_\_\_ By: \_\_\_\_\_  
Further Action Needed:

Further Action Taken  
Date: \_\_\_\_\_ By: \_\_\_\_\_  
Final Review and Data-Entry  
Date: \_\_\_\_\_ By: \_\_\_\_\_  
Claim Number of Split, if any:

Original to be mailed to Idaho Department of  
Water Resources. Copies to Former Owner and  
New Owner

Exhibit A

Township 3 North, Range 37 East of the Boise Meridian,  
Bonneville County, Idaho.

Section 4: Government Lots 1, 2, 3 and 4;  
S½ N½.

EXCEPTING FROM SUCH TRACT ALL OF THE  
FOLLOWING DESCRIBED PROPERTY:

Beginning at the East ¼ Corner of Section 4, Township 3 North,  
Range 37 East of the Boise Meridian; running thence North  
along the Section line 728.94 feet; thence N. 89°16'12" W.  
557.10 feet; thence S. 00°19'21" E. 729.00 feet to the East-West  
Center Section line of said Section 4; thence S. 89°16'12" E.  
along said East-West Center Section line 553.00 feet to the  
POINT OF BEGINNING.

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ASSIGNMENT OF NOTICE OF CLAIMS**

The undersigned, ALLAN E. KOLBET and MATILDA C. KOLBET, husband and wife, hereby assign to PETER CANNON and ARLENE CANNON, husband and wife, whose mailing address is 2001 South Woodruff, Suite 4, Idaho Falls, Idaho 83401, the following:

All our right, title and interest in and to the water rights referred to in Notice of Claim No. A35-02452 to a Water Right Acquired Under State Law. Also, the water rights which are referred to in Claim No. A35-02926 which are appurtenant to the following property:

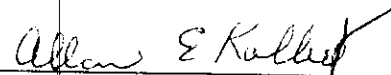
Township 3 North, Range 37 East of the Boise Meridian,  
Bonneville County, Idaho.

Section 4: Government Lots 1, 2, 3 and 4;  
S½ N½.

EXCEPTING FROM SUCH TRACT ALL OF THE  
FOLLOWING DESCRIBED PROPERTY:

Beginning at the East ¼ Corner of Section 4, Township 3 North, Range 37 East of the Boise Meridian; running thence North along the Section line 728.94 feet; thence N. 89°16'12" W. 557.10 feet; thence S. 00°19'21" E. 729.00 feet to the East-West Center Section line of said Section 4; thence S. 89°16'12" E. along said East-West Center Section line 553.00 feet to the POINT OF BEGINNING.

Made this 8th day of MARCH, 2000.

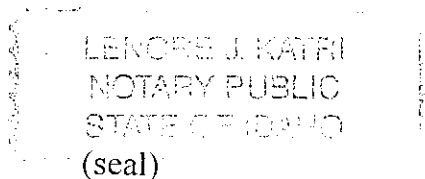
  
\_\_\_\_\_  
Allan E. Kolbet

Matilda C. Kolbet  
Matilda C. Kolbet

STATE OF IDAHO                    )  
                                              )ss.  
County of Bonneville            )

On the 8th day of March, 2000, before me, the undersigned, a notary public in and for said State, personally appeared Allen E. Kolbet, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Lenore J. Katri  
Notary Public for Idaho  
Residing at Idaho Falls, Idaho  
My Commission Expires: 1/28/2003

STATE OF IDAHO                    )  
                                              )ss.  
County of Bonneville            )

On the 8th day of March, 2000, before me, the undersigned, a notary public in and for said State, personally appeared Matilda C. Kolbet, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Lenore J. Katri  
Notary Public for Idaho  
Residing at Idaho Falls, Idaho  
My Commission Expires: 1/28/2003

GRANT DEED

COPY

THIS INDENTURE is made this 8th day of March, 2000, between ALLEN KOLBET a/k/a ALLAN E. KOLBET and MATILDA KOLBET a/k/a MATILDA C. KOLBET, collectively the "Grantor", and PETER CANNON and ARLENE CANNON, husband and wife, whose mailing address is 2001 South Woodruff, Suite 4, Idaho Falls, Idaho 83401, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Bonneville, State of Idaho, to-wit:

Real Property:

Tract 1:

Township 3 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho.

Section 4: Government Lots 1, 2, 3 and 4;  
S½ N½.

EXCEPTING FROM SUCH TRACT 1 ALL OF THE FOLLOWING DESCRIBED PROPERTIES:

- a. That certain property conveyed to Bonneville County for roadway purposes by that certain Quitclaim Deed recorded as Instrument No. 603929 on April 2, 1981, records of Bonneville County, Idaho.
- b. Beginning at the East ¼ Corner of Section 4, Township 3 North, Range 37 East of the Boise Meridian; running thence North along the Section line 728.94 feet; thence N. 89°16'12" W. 557.10 feet; thence S. 00°19'21" E. 729.00 feet to the East-West Center Section line of said Section 4; thence S. 89°16'12" E. along said East-West Center Section line 553.00 feet to the POINT OF BEGINNING.

Tract 2:

Township 3 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho.

Section 5: Government Lots 1, 2, 3 and 4;  
S½ N½.

EXCEPTING FROM SUCH TRACT 2 ALL OF THE FOLLOWING DESCRIBED PROPERTY:

- a. That certain property conveyed to Bonneville County for roadway purposes by that certain Quitclaim Deed recorded as Instrument No. 603928 on April 2, 1981, records of Bonneville County, Idaho.

Tract 1 and Tract 2 are conveyed together with all access easement rights which are appurtenant to Tract 1 and Tract 2 pursuant to the terms and provisions of that certain Easement Agreement recorded in the records of Bonneville County, Idaho, on March 23, 1998, as Instrument Number 963756.

Tract 1 and Tract 2 are subject to the following:

1. All existing easements or claims of easements, patent reservations, rights-of-way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.
2. Certificate of School Lands; reservation of all minerals pursuant to and as defined in I.C. 47-701 by the State of Idaho; and Rights-of-Way for ditches, constructed by the authority of the United States, as granted under the provisions of Section 58-604, Idaho Code. State Deed recorded in Book 4 at Page 27 of Miscellaneous Records, Bonneville County, Idaho. (Affects Tract 1)
3. Pole Line Easement given by TAMCO, INC., party of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, party of the second part, dated may 16, 1956,

and recorded in Book 16 at Page 190 of Leases and Contracts on August 28, 1956, at 9:24 a.m., records of Bonneville County, Idaho. (Affects Tract 1)

4. State of Idaho Easement No. 2212 given by the STATE OF IDAHO, acting by and through the State Board of Land Commissions and TAMCO, INCORPORATED, parties of the first part to UTAH POWER AND LIGHT COMPANY, party of the second part, dated June 14, 1956, and recorded in Book 16 at page 192 of Leases and Contracts on August 28, 1956, at 9:26 a.m., records of Bonneville County, Idaho. (Affects Tract 1)
5. Pole Line Easement given by WALTER PANCHERI and MAE PANCHERI, his wife, parties of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, party of the second part, dated May 15, 1956, recorded in Book 16 at Page 195 of Leases and Contracts on August 28, 1956, at 9:28 a.m., records of Bonneville County, Idaho. (Affects Tract 2)
6. Easement given by ALLAN K. KOLBET and MATILDA C. KOLBET, his wife, parties of the first part to PACIFICORP, an Oregon corporation, d/b/a UTAH POWER & LIGHT COMPANY, its successors in interest and assigns, party of the second part, dated December 15, 1994, and recorded as Instrument No. 892263 on January 6, 1995, at 9:13 a.m., records of Bonneville County, Idaho. (Affects Tract 1)
7. Easement given by ALLAN E. KOLBET and MATILDA C. KOLBET, his wife, parties of the first part to PACIFICORP, an Oregon corporation, d/b/a UTAH POWER & LIGHT COMPANY, its successors in interest and assigns, party of the second part, dated December 15, 1994, and recorded as Instrument No. 892264 on January 6, 1995, at 9:13 a.m., records of Bonneville County, Idaho. (Affects Tract 2)
8. The rights of the public in and to that portion of the premises lying within 55th West.

Irrigation Equipment:

A buried irrigation main line located on Tract 1 and Tract 2.

2 pumps, 2 motors, 4 pivot systems, and 1 mini-pivot system located on Tract 1 and Tract 2.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

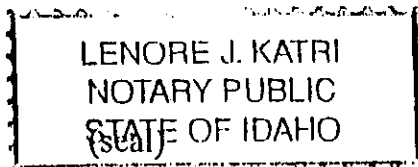
Allen Kolbet Allan E. Kolbet  
Allen Kolbet a/k/a Allan E. Kolbet

Matilda Kolbet Matilda N. Kolbet  
Matilda Kolbet a/k/a Matilda N. Kolbet  
Kolbet a/k/a Matilda C. Kolbet

STATE OF IDAHO )  
 )ss.  
County of Bonneville )

On the 8th day of March, 2000, before me, the undersigned, a notary public in and for said State, personally appeared Allen Kolbet a/k/a Allan E. Kolbet, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

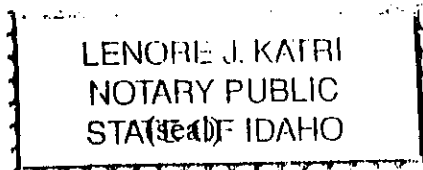


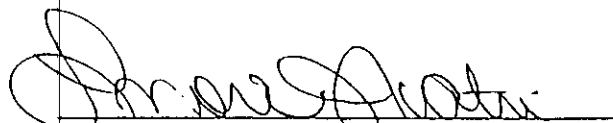
  
Notary Public for Idaho  
Residing at Idaho Falls, Idaho  
My Commission Expires: 1/28/2003

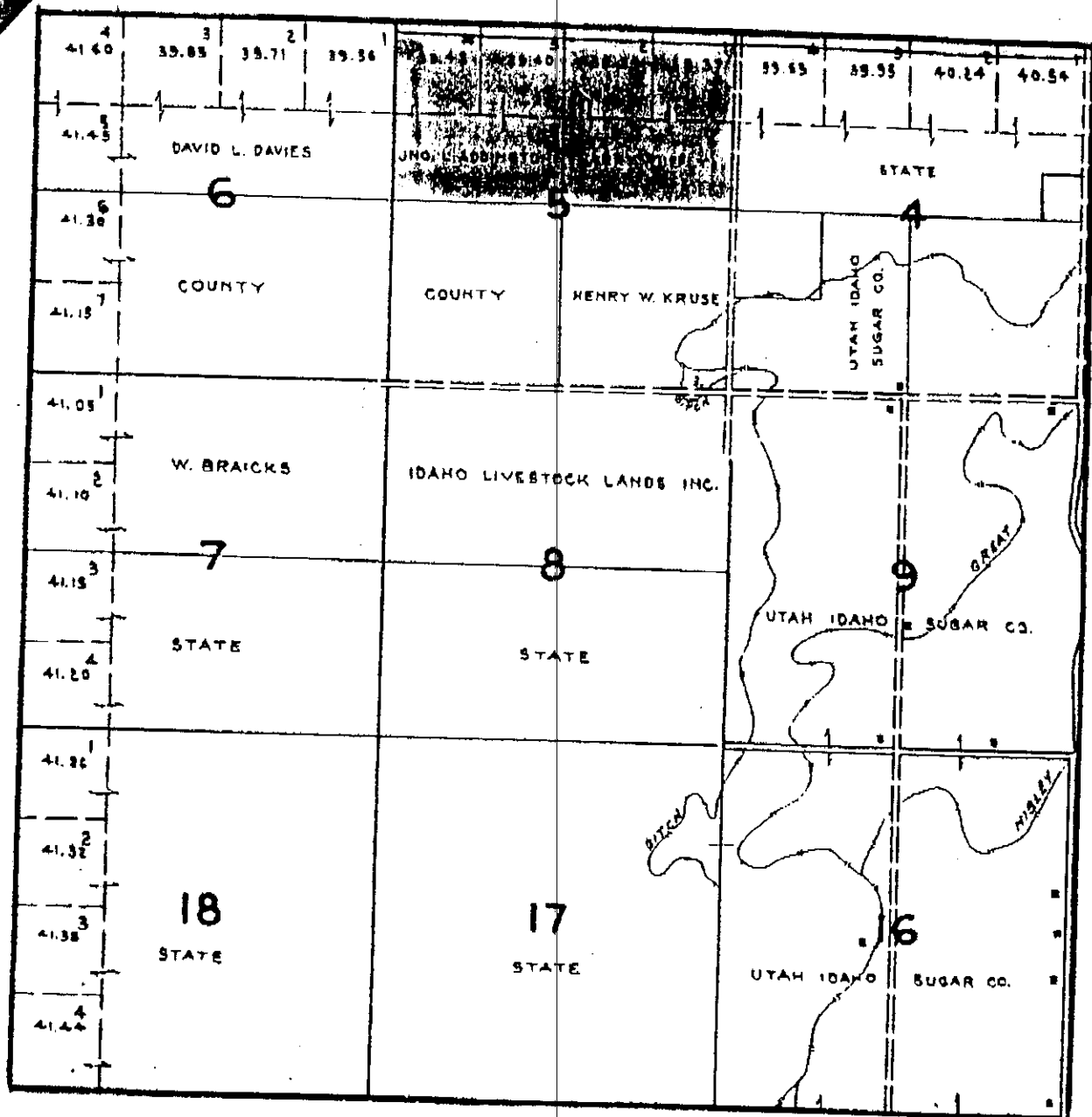
STATE OF IDAHO )  
 )ss.  
County of Bonneville )

On the 8th day of March, 2000, before me, the undersigned, a notary public in and for said State, personally appeared Matilda Kolbet a/k/a Matilda N. Kolbet a/k/a Matilda C. Kolbet, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



  
Notary Public for Idaho  
Residing at Idaho Falls, Idaho  
My Commission Expires: 1/28/2003



Portion: \_\_\_\_\_ Section: 4 & 5 Township: 3N Range: 37, East of the Boise Meridian, Bonneville County, Idaho.

Scale: ~~800 feet = 1 inch, Section~~  
~~400 feet = 1 inch, Quarter Section~~  
~~200 feet = 1 inch, Quarter Quarter Section~~

TRACT 1 ☐

TRACT 2 ☒

This plat is made solely for the purpose of assisting in locating said land. The company assumes no liability for variations found, if any, with an actual survey.

# Bonneville Land & Title Co.

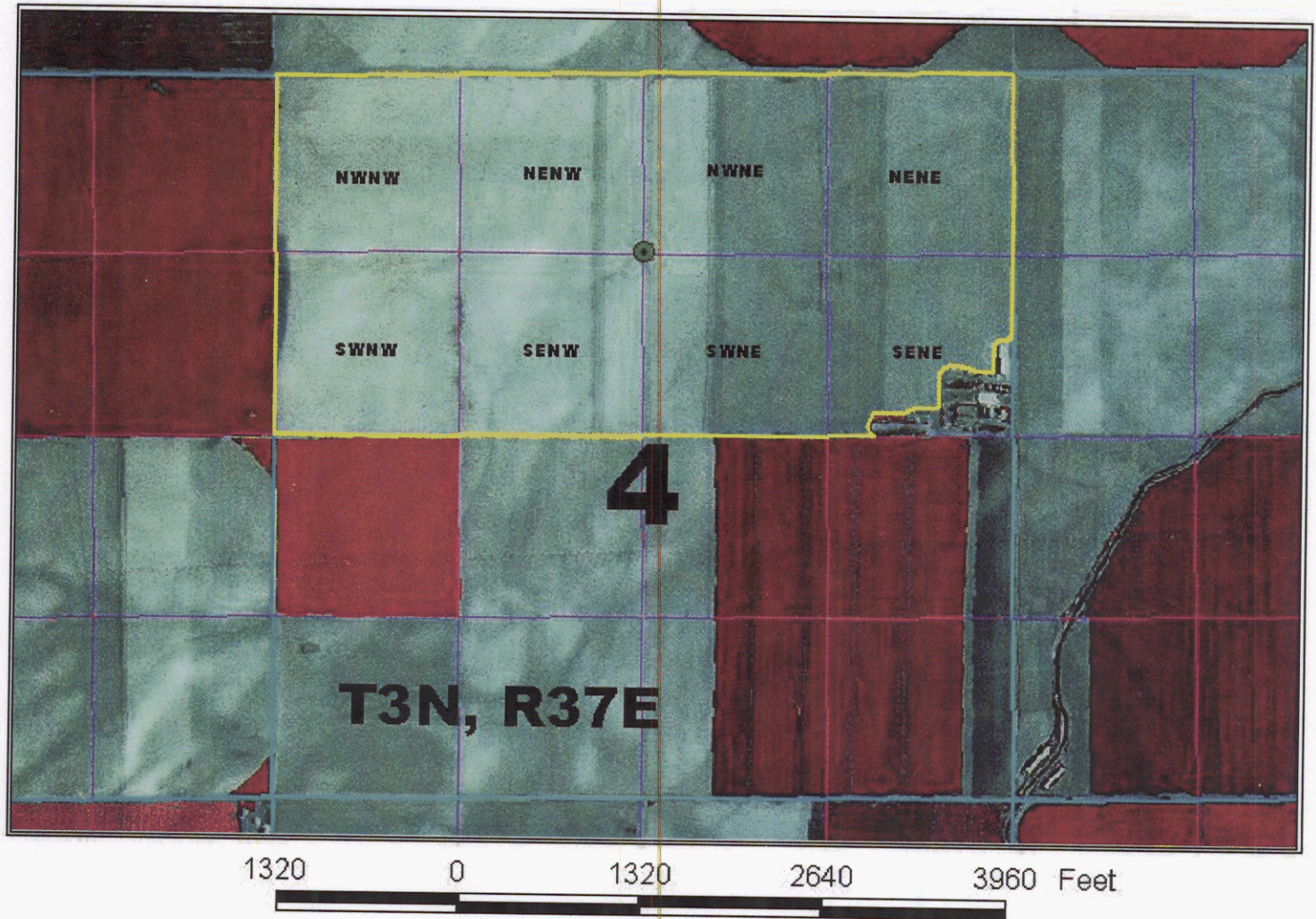
497 N. Capital Ave \* P.O. Box 51690 \* Idaho Falls, ID 83405-1690 \* (208) 524-6600 \* Fax (208) 524-6072



# STATE OF IDAHO

Department of Water Resources  
Eastern Region

Water Right (s): 35-13293



**Total Irrigated Acres: 315**

-  **Point of Diversion**
-  **Place of Use**
-  **Section Lines**
-  **Quarter Quarter Lines**



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: C. Saxton  
Date: January 2001