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NWSW

NESW

SWSW

SESW

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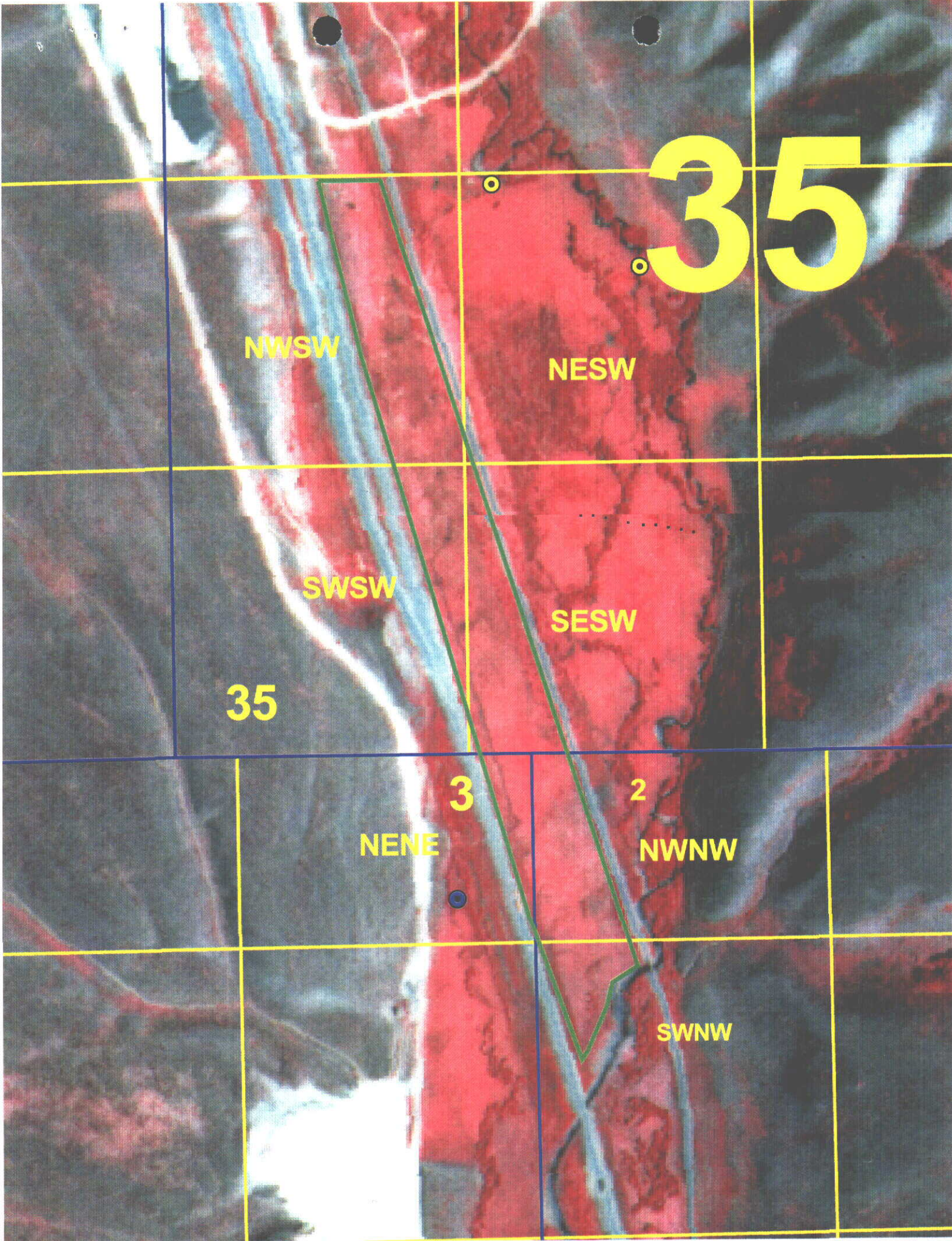
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NENE

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NWNW

SWNW



06/28/2001

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

RIGHT NUMBER: 31-11710
NAME AND ADDRESS: STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 97
RIGBY ID 834420097

SOURCE: BEAVER CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 0.110 CFS
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF .75 CFS. COMBINED RIGHT NOS.: 31-11710, 31-11712, 31-11714

PRIORITY DATE: 07/01/1893

POINT OF
DIVERSION: T13N R36E S35 NESW Within CLARK County
T13N R36E S35 NWNESW Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.110 CFS

PLACE OF USE: IRRIGATION Within CLARK County

T12N R36E S02 Lot 6 NWNW	5.6	T12N R36E S02	SWNW	2.7
T12N R36E S03 Lot 1 NENE	2.3	T13N R36E S35	NESW	0.1
T13N R36E S35 NWSW	9.6	T13N R36E S35	SWSW	4.1
T13N R36E S35 SESW	7.0			

31.4 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 31.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
31-11710, 31-11712, 31-11714

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 - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION
42-1425, IDAHO CODE.
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 31-179

A311710





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

July 6, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TOM COLE DISTRICT ENGINEER
STATE OF IDAHO
DEPT OF TRANSPORTATION
PO BOX 97
RIGBY ID 83442-0097

RE: Notice of Change of Water Right Ownership (NCO) for
31-179, 31-180, 31-285 and Notice of Completed Administrative
Proceeding (NCAP)

Dear Mr. Cole:

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
Jennifer Crabtree
Technical Records Specialist

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:

31-179 split into 31-11709, 31-11710

31-180 split into 31-11711, 31-11712

31-285 split into 31-11713, 31-11714

Case No. 39576

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party SUTTON – SUTTON & D.O.T.
- ☐ 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: July 3, 2001

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 13, 2001, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail 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:
STANLEY SUTTON
578 E 7000 S
REXBURG ID 83440

3. One copy to:

Claimant/**Purchaser** for Substitution of Party, or attorney of record:
STANLEY SUTTON STATE OF IDAHO
578 E 7000 S DEPT OF TRANSPORTATION
REXBURG ID 83440 PO BOX 97
RIGBY ID 83442-0097

4. One copy to:

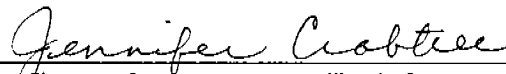
Each party in the subcase, or attorney of record
N/A

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

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

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

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 (under the "split" heading), 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
<u>31-179</u>	<u>31-179</u>	<u>Y</u>	_____	_____	_____
<u>31-180</u>	<u>31-180</u>	<u>Y</u>	_____	_____	_____
<u>31-285</u>	<u>31-285</u>	<u>Y</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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) is 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) STANLEY SUTTON 578 E. 7000 S.
REXBURG, ID. 83440
4. New Owner/Claimant(s) STATE OF IDAHO, DEPT. OF TRANSPORTATION
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 97
- City, State and ZIP Code RIGBY, IDAHO 83442
- New Telephone Number (208) 745-7781
5. Date you acquired the property MAY 22, 1989

RECEIVED
 JUL 24 2001
 Department of Water Resources
 Boise, Idaho

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	31-179 For 0.11 cfs	31 ACRES
~~Stock~~	31-180 for 0.10 cfs	31 ACRES
~~Domestic~~	31-285 for 0.53 cfs	31 ACRES
Other	0.74 cfs	31 ACRES
Total _____		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total _____		

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)
TOM COLE, DISTRICT ENGINEER

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED
 JUL 11 2000
 DISTRICT ENGINEER
 SALT LAKE CITY

WARRANTY DEED

Project No. I-15-3(51)181
Parcel No. 2 (Option 2) Id. No. 034944
Key No. 1252

THIS INDENTURE, Made this 8th day of May, 1989,
between STANLEY SUTTON and PAULINE SUTTON, husband and wife, BRET
SUTTON and FRANKIE SUE SUTTON, husband and wife, and KIRT SUTTON and
LORI SUTTON, husband and wife, Grantors, and the STATE OF IDAHO, by and
through the IDAHO TRANSPORTATION BOARD for the DIVISION OF HIGHWAYS,
3311 West State Street, Boise, Idaho 83703, Grantee.

WITNESSETH: That the Grantors, for and in consideration of One
and No/100 Dollars (\$1.00), paid to them, receipt whereof is acknowl-
edged, has granted, bargained, sold, and conveyed and by these presents
does grant, bargain, sell and convey unto the Grantee, its successors
and assigns forever, in fee simple, the following described real estate
together with all rights of access between the right of way of the said
project and the remaining contiguous real proeprty belonging to the
Grantors, situated in the County of Clark, State of Idaho, to-wit:

A parcel of land being on the Easterly side of the centerline
of Interstate 15, Project No. I-15-3(51)181, Highway Survey
as shown on the plans thereof now on file in the office of
the Idaho Transportation Department, Division of Highways,
and being a portion of the W $\frac{1}{2}$ SW $\frac{1}{4}$, the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and
Government Lot 6 (formerly Government Lot 4) of Section 2;
and Government Lot 1 of Section 3, Township 12 North, Range
36 East, Boise Meridian; and the S $\frac{1}{2}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of
Section 35, Township 13 North, Range 36 East, Boise Meridian,
described as follows, to-wit:

Commencing at the Northwest corner of Section 2, Township 12
North, Range 36 East, Boise Meridian;

thence North 89°56'53" East along the North line of said
Section 2 a distance of 175.20 feet to a point in the
Westerly right of way line of existing Union Pacific Railroad
(Butte Branch) that bears North 47°14'47" East - 369.72 feet
from Station 2895+86.34 of the Northbound Lane Survey of said
Interstate 15, Project No. I-15-3(51)181 Highway Survey, and
being the REAL POINT OF BEGINNING;

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Parcel No. 2 (Option 2) Id. No. 034944
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thence North 17°14'22" West along said existing Westerly railroad right of way line 2785.71 feet to a point in the North line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 13 North, Range 36 East, Boise Meridian, that bears North 74°14'47" East - 297.49 feet from Station 2923+71.11 of said Northbound Lane Survey;

thence North 89°52'53" West along said North line 205.32 feet to a point in the Easterly right of way line of existing Interstate 15 that bears North 74°14'47" East - 100.00 feet from Station 2924+27.26 of said Northbound Lane Survey;

thence South 15°45'13" East along said existing Easterly Highway right of way line 7727.30 feet to a point in the South line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 2 that bears North 74°14'47" East - 100.00 feet from Station 2847+00.00 of said Northbound Lane Survey;

thence South 88°45'13" East along said South line 52.29 feet to the Southeast corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ that bears North 74°14'47" East - 150.00 feet from Station 2846+84.67 of said Northbound Lane Survey;

thence North 0°01'40" West along the East line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 499.39 feet to a point in said existing railroad right of way line that bears North 74°14'47" East - 285.36 feet from Station 2851+65.37 of said Northbound Lane Survey;

thence along said existing Westerly railroad right of way line as follows:

Northwesterly along a 2544.42 foot radius curve left 186.36 feet to a point that bears North 74°14'47" East - 278.28 from Station 2853+51.55 of said Northbound Lane Survey, North 21°08'48" West - 150.06 feet to a point that bears North 74°14'47" East - 264.18 feet from Station 2855+00.95 of said Northbound Lane Survey, North 21°08'22" West - 1082.81 feet to a point that bears North 74°14'47" East - 162.54 feet from Station 2865+78.98 of said Northbound Lane Survey, North 21°07'11" West - 122.91 feet to a point that bears North 74°14'47" East - 151.05 feet from Station 2867+01.35 of said Northbound Lane Survey, Northerly along a 1469.62 foot radius curve right 351.53 feet to a point that bears North 74°14'47" East - 174.89 feet from Station 2870+51.23 of said Northbound Lane Survey, North 2°35'33" West - 122.91 feet to a point that bears North 74°14'47" East - 202.87 feet from Station 2871+70.91 of said Northbound Lane Survey, North 2°34'22" West - 626.80 feet to a point that bears North 74°14'47" East

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Project No. I-15-3(51)181
Parcel No. 2 (Option 2) Id. No. 034944
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- 345.80 feet from Station 2877+81.20 of said Northbound Lane Survey, North 2°33'46" West - 106.06 feet to a point that bears North 74°14'47" East - 370.0 feet from Station 2878+84.46 of said Northbound Lane Survey, Northwesterly along a 1748.25 foot curve left 344.21 feet to a point that bears North 74°14'47" East - 405.01 feet from Station 2882+26.32 of said Northbound Lane Survey, North 17°14'59" West - 106.06 feet to a point that bears North 74°14'47" East - 402.25 feet from Station 2883+32.35 of said Northbound Lane Survey, North 17°14'22" West - 1254.40 feet to the REAL POINT OF BEGINNING.

Highway Station Reference: 2846+84.67 To 2924+27.26

The area above described contains approximately 35.71 acres.

Grantors convey unto the Grantee the right to prohibit the erection or construction of any buildings or structures except irrigation or drainage structures within twenty feet (20') of the real property above described.

It is expressly intended that this covenant, burden and restriction shall run with the land and shall forever bind the Grantors their heirs and assigns.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee and its successors and assigns forever. And the Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that it is free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

WARRANTY DEED

Project No. I-15-3(51)181
Parcel No. 2 (Option 2), Id. No. 034944
Key No. 1252

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seals the day and year first above written.

Stanley Sutton
STANLEY SUTTON

Pauline Sutton
PAULINE SUTTON

Bret Sutton
BRET SUTTON

Frankie Sue Sutton
FRANKIE SUE SUTTON

Kirt Sutton
KIRT SUTTON

Lori Sutton
LORI SUTTON

STATE OF Idaho)
County of Madison) ss.

On this 8th day of May, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared STANLEY SUTTON & PAULINE SUTTON, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they 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.

(SEAL)

Dora A. Siddoway
Notary Public for Idaho
Residing at Rexburg, ID
My commission expires 11-19-93

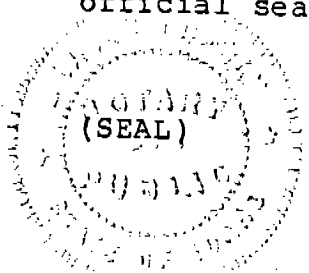
WARRANTY DEED

Project No. I-15-3(51)181
Parcel No. 2 (Option 2), Id. No. 034944
Key No. 1252

STATE OF Idaho)
County of Madison) ss.

On this 8th day of May, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared BRET SUTTON & FRANKIE SUE SUTTON, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they 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.

A circular notary seal for Lisa A. Siddoway, Notary Public for Idaho, with the word (SEAL) in the center.
Lisa A. Siddoway
Notary Public for Idaho
Residing at Rexburg
My commission expires 11-19-93

STATE OF Idaho)
County of Madison) ss.

On this 8th day of May, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared KIRT SUTTON & LORI SUTTON, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they 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.

A circular notary seal for Lisa A. Siddoway, Notary Public for Idaho, with the word (SEAL) in the center.
Lisa A. Siddoway
Notary Public for Idaho
Residing at Rexburg
My commission expires 11-19-93

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NE

NWNW