

MARCH 15, 1991

DENNIS LEAVITT
220 N 740 W
BLACKFOOT ID 83221

Dear Dennis:

The request for Change in Ownership concerning Notice of Claim A35-07398 has been processed and the Notice modified to reflect you as the new owner.

Enclosed is a typed Notice with your name shown as the current owner. Review the form and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure: Printed Notice of Claim

File: P

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CHANGE IN OWNERSHIP

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This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[✓] Water Right Number(s): A35-07398

[✓] Name and Address of Former Claimant(s): Kenneth C. Christensen

957 W 100 N

Blackfoot, Idaho 83221

[✓] New Claimant(s): Dennis or Kenea Leavitt

250 N 740 W

[✓] New Mailing Address: Blackfoot, Idaho 83221

New Telephone Number: (208) 684-4842

[✓] Does the change in ownership result in a splitting of the water right claimed? X yes no
If yes, then describe the portion of the water right that is not claimed by the new owner:

Irrigation - 56. Acre feet

[] Attach proof of ownership

Describe proof attached: well agreement and warrenty 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 claimant.)

[] Signature of New Claimant(s):

Dennis Leavitt
Kenea Leavitt

Date: Feb. 27, 1991

20 min
RECEIVED

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Department of Water Resources
Eastern District Office
DEC 4 1992

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For Value Received WANDA H. CHRISTENSEN, a widow the Grantor, does hereby grant, bargain, sell, and convey unto DENNIS LEAVITT and KENEA LEAVITT, husband and wife, the Grantees, whose current address is 220 N. 740 W., Blackfoot, Idaho the following described premises, to wit:

Township 2 South, Range 34 E.B.M., Bingham County, Idaho
Section 33: $W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all water and water rights, ditch and ditch rights.

TOGETHER WITH one (1) 7 1/2 h.p. submersible pump; main line and one (1) wheel line.

SUBJECT TO Reservations in United States Patent, existing and recorded rights-of-way and easements, zoning and building ordinances, and taxes and assessments as prorated between the parties hereto.

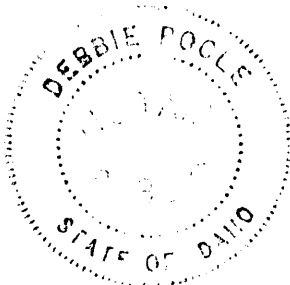
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that she will warrant and defend the same from all lawful claims whatsoever.

DATED: December 26, 1990

Wanda H. Christensen
WANDA H. CHRISTENSEN

STATE OF IDAHO)
 : ss.
COUNTY OF Bingham)

On this 26th day of December, in the year 1990, before me a Notary Public of said State, personally appeared WANDA H. CHRISTENSEN, 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.



Debbie Dooler
Notary Public for Idaho
Residing at Blackfoot, Idaho
My Commission Expires: 3-7-92

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1990 DEC 26 PM 4:31

RECORDED AT THE REQUEST OF

WELL AGREEMENT

THIS AGREEMENT, Made this 26th day of December, 1990, by and between WANDA H. CHRISTENSEN, a widow, hereinafter referred to as "CHRISTENSEN", and DENNIS LEAVITT and KENEA LEAVITT, husband and wife, hereinafter referred to as "LEAVITT".

W I T N E S S E T H :

WHEREAS, the CHRISTENSEN is the owner of the following described real property:

Township 2 South, Range 34 E.B.M., Bingham County, Idaho
Section 33: NE $\frac{1}{4}$ NW $\frac{1}{4}$

AND, WHEREAS, said real property includes groundwater rights in the form of a well with two pumps and a water distribution system, the water for said well is represented by Water Right License No. 35-7398 which was granted for the purpose of Irrigation, Stockwater, and Domestic use;

AND, WHEREAS, the well for said License contains two pumps - the pump for irrigation purposes being 7 $\frac{1}{2}$ h.p. submersible pump and the other pump for non-irrigation use;

AND, WHEREAS, the LEAVITT has agreed to purchase from CHRISTENSEN the following described real property:

Township 2 South, Range 34 E.B.M., Bingham County, Idaho
Section 33: W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all pertinent water and water rights, ditch and ditch rights, including but not limited to that portion of Water License No. 35-7398, with a priority of March 26, 1974, pertaining to irrigation use.

AND, WHEREAS, since LEAVITT is purchasing only part of the real property which is covered by the foregoing License, the parties hereto have entered into this Agreement for joint use of said well.

NOW, THEREFORE, in and for valuable consideration, including the covenants and agreements hereinafter contained between the parties, the receipt whereof is hereby acknowledged, the parties herein agree as follows:

1. CHRISTENSEN hereby grants, bargains, sells, and conveys to LEAVITT all of their right, title, and interest in and to the 7 $\frac{1}{2}$ h.p. submersible pump and well as it relates to irrigation purposes as defined by the foregoing license and to the water distribution system, including but not limited to an irrigation pipeline running to the real property being purchased by LEAVITT.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7398 Priority March 26, 1974 Amount 0.33 cfs

THIS IS TO CERTIFY, that Kenneth C. Christensen
of Blackfoot, Idaho, has complied with the terms and conditions of Permit
No. 35-7398 issued pursuant to Application for Permit dated March 26, 1974,
and has submitted proof to the Department of Water Resources on October 1, 1982,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.33 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>0.32</u> cfs and	<u>56.0</u> acre feet
Domestic (1 Unit)	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.33 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
57.2 acre feet per year, said waters to be diverted within the NE1/4NW1/4 Section 33,
Twp 2S, Rge 34E in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2S	34E	33					16												16

Total number of acres irrigated 16

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