



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GEORGE E YOWELL JR
1576 S 2900 W
ABERDEEN ID 83210-1606

RE: Notice of Change of Water Right Ownership (NCO) for 35-12902
and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Yowell:

On January 25, 1999, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

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 water right(s) as recorded in the SRBA.

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

Respectfully,

Jennifer Hoagland
Technical Records Specialist

Enclosure

cc: Ed Kettenburg

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)
)
Case No. 39576)
)
_____) SUB CASE NO. 35-12902

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

ED KETTENBURG
1151 LOWER WELLS BENCH
OROFINO ID 83544

Phone:

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

GEORGE E YOWELL JR
1576 S 2900 W
ABERDEEN ID 83210-1606

Phone: (208) 397-3113

The Claimant has filed Objections or Responses to the following water rights:

NO OBJECTIONS

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.

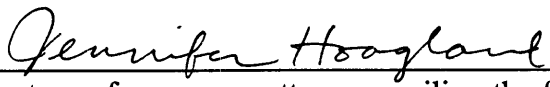
DATED: Feb 19, 1999

Ernest Calero
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2-19, 1999, 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
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
ED KETTENBURG
1151 LOWER WELLS BENCH
OROFINO ID 83544
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
GEORGE E YOWELL JR
1576 S 2900 W
ABERDEEN ID 83210-1606
4. One Copy to:
Each party in the subcase or attorney of record:
N/A
5. One Copy 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
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. **Instructions are on the back of this page.**
 Incomplete forms will be returned.

1. Water Right or Adjudication Claim No(s): A35-12902
2. The following **REQUIRED** information must be submitted with this form:
- A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
AND
 B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Ed KETTENBURG
1151 LOWER WELLS BENCH COPIED, ID. 83544
4. New Owner/Claimant(s) GEORGE E. YOWELL JR.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 1576 S. 3900 W
 City, State and ZIP Code ABERDEEN, IDAHO 83210 1516
 New Telephone Number (208) 397-3115
5. Date you acquired the property 10-30-98
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres you irrigate _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) George E. Yowell Jr.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

471021 WARRANTY DEED

For Value Received EDWARD J. KETTENBURG also known of record as EDWARD KETTENBURG and DOROTHY A. KETTENBURG, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

GEORGE E. YOWELL, JR, an unmarried person *624*

whose address is: 1576 SOUTH 2900 WEST, ABERDEEN, ID, 83210

Hereinafter called the Grantee, the following described premises situated in BINGHAM County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

RECORDED AT THE REQUEST OF
FIRST AMERICAN TITLE COMPANY

93 OCT 30 PM 4:33

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: OCTOBER 30, 1998

Edward J. Kettenburg
EDWARD J. KETTENBURG

Dorothy A. Kettenburg
DOROTHY A. KETTENBURG

Edward J. Kettenburg
EDWARD J. KETTENBURG

STATE OF IDAHO)

COUNTY OF BANNOCK)

On This 30TH day of OCT, in the year 1998, before me, a Notary Public in and for said State, personally appeared EDWARD J. KETTENBURG and DOROTHY A. KETTENBURG, known or identified to me to be the person(s) whose names ARE subscribed to the within Instrument, and acknowledged to me that THEY executed the same.

Sheila Hornum
Notary Public of Idaho
Residing at INKOM
Commission Expires: 8-9-99

EXHIBIT A

TRACT I:

Township 5 South, Range 31 E.B.M., Bingham County, Idaho,

Section 19: That portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 19, which lies North and West of the Aberdeen-Springfield Canal. **TOGETHER WITH AND SUBJECT TO** an easement for ingress and egress over a strip of land 18 feet wide over a portion of the SE $\frac{1}{4}$ of Section 19, Township 5 South, Range 31 E.B.M., and described as 9 feet on each side of the following described centerline: Commencing at the SE corner of Section 19; thence along the east line of said Section, N. 0°09' E. 1278.93 feet; thence N. 87°25'08" W. 30.03 feet to the true point of beginning; thence continuing N. 87°25'08" W. 1448.63 feet; thence N. 65°51'42" W. 60.83 feet to a point on the east bank of an existing irrigation canal, and access across an existing bridge, and an easement, 30 feet in width, for ingress and egress along an existing driveway, lying 15 feet on each side of the following described center line: Continuing N. 83°46'21" W., 38.40 feet; thence N. 64°17'24" W., 52.20 feet; thence N. 46°28'25" W. 53.69 feet; thence N. 32°38'53" W., 215.96 feet; thence N. 58°52'49" W., 150.57 feet; thence N. 46°24'38" W., 160.28 feet; thence N. 82°45'18" W., 104.63 feet. **RESERVING** to the United States, all oil and gas, together with the right to prospect for, mine and remove the same as authorized by the provisions of Section 8 of the Act of June 28, 1934 (48 Stat. 1269), and amended by Section 3 of the Act of June 26, 1936 (49 Stat. 1976).

TRACT II:

The NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 5 South, Range 31 E.B.M., Bingham County, Idaho. **TOGETHER WITH** Easement for ingress and egress as created by Easement recorded October 30, 1980 as Instrument NO. 272452. **RESERVING** to the United States, all oil and gas, together with the right to prospect for, mine and remove the same as authorized by the provisions of Section 8 of the Act of June 28, 1934 (48 Stat. 1269), and amended by Section 3 of the Act of June 26, 1936 (49 Stat. 1976).

471021

35-12902

RECEIVED

DEC 07 1998

NO GIS OVER LAY ON THIS WATER RIGHT.

Department of Water Resources

Dear

We have sold this place to
George Yowell November 2, 1998

We thought you might want to
forward these to him.

Sincerely
Pastor Ed Wettenburg

November 20, 1998

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 35-12902

EDWARD J KETTENBURG
DOROTHY A KETTENBURG
1576 S 2900 W
ABERBEEN ID 83210

*NCD
C/O
sent
ad*

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

____ **I AGREE with this proposed recommendation; no changes need to be made.**

DATE: _____ **SIGNATURE:** _____
Please print your name: _____

IDWR Eastern Regional Office, 900 N. Skyline Drive, Suite A, Idaho Falls, ID 83402-1718, (208) 525-7161

AJ5853NP
3137

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

DATE: November 20, 1998
PAGE: 1

RIGHT NUMBER: 35-12902

NAME AND ADDRESS: EDWARD J KETTENBURG
DOROTHY A KETTENBURG
1576 S 2900 W
ABERBEEN ID 83210

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY-DATE: 06/01/1981

POINT OF DIVERSION T05S R31E S19 NWSE Within BINGHAM County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within BINGHAM County
T05S R31E S19 NWSE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP0042002