

COPY

RECEIVED

FEB 15 2006

2006 FEB -8 PM 12: 03

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

DEPARTMENT OF
WATER RESOURCES

**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	)	Subcase No. 37-619B, 37-1191
	)	
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

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

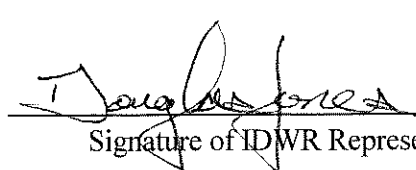
Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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: _____

2/8/06



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/8, 2006, 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. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Jerry Westendorf
Susan Westendorf
707 W 470 N
Shoshone ID 83352

Kurt Westendorf
Irene Westendorf
439 N 700 W
Gooding ID 83330



Signature of person or attorney mailing the form

01/25/2006

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

RIGHT NUMBER: 37-619B

NAME AND ADDRESS: JERRY WESTENDORF
707 W 470 N
SHOSHONE ID 83352

SUSAN WESTENDORF
707 W 470 N
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 05/01/1884

POINT OF
DIVERSION: T03S R18E S9 NESE Within LINCOLN County
T04S R18E S15 NWSE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.800 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R16E S10	SWSW	40.00	T05S R16E S10	SESW	38.00
T05S R16E S15	NENW	40.00	T05S R16E S15	NWNW	35.00

153 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 37-1191 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 153 ACRES IN A SINGLE
IRRIGATION SEASON.

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.

Delivery of this right is subject to the water exchange provisions
contained in Bureau of Reclamation contract no. 14-06-W-73, executed
October 14, 1954, between the United States of America and American
Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation
contract no. 14-06-100-6031, executed June 1, 1962, between and
among the United States of America, American Falls Reservoir District
No. 2, and the Big Wood Canal Company.

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.

WATER IS DELIVERED THROUGH THE MILNER GOODING CANAL VIA THE
NORTH SHOSHONE CANAL. THE LINCOLN BYPASS CANAL MAY ALSO BE
USED IN THE DELIVERY OF THIS RIGHT.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST. NO. 2.

01/25/2006

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

RIGHT NUMBER: 37-1191

NAME AND ADDRESS: SUSAN WESTENDORF
707 W 470 N
SHOSHONE ID 83352

JERRY WESTENDORF
707 W 470 N
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.400 CFS

PRIORITY DATE: 09/02/1902

POINT OF
DIVERSION: T03S R18E S9 NESE Within LINCOLN County
T04S R18E S15 NWSE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.400 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R16E S10	SWSW	40.00	T05S R16E S10	SESW	38.00
T05S R16E S15	NENW	40.00	T05S R16E S15	NWNW	35.00

153 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-619B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 153 ACRES IN A SINGLE
IRRIGATION SEASON.

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.

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH THE MILNER GOODING CANAL VIA THE NORTH SHOSHONE CANAL. THE LINCOLN BYPASS CANAL MAY ALSO BE USED IN THE DELIVERY OF THIS RIGHT.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST. NO. 2.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 8, 2006

JERRY WESTENDORF
SUSAN WESTENDORF
707 W 470 N
SHOSHONE ID 83352

RE: SRBA Claim(s) 37-619B, 37-1191

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Kurt and Irene Westendorf
439 N 700 W
Gooding ID 83330



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 8, 2006

JERRY WESTENDORF
SUSAN WESTENDORF
707 W 470 N
SHOSHONE ID 83352

RE: SRBA Claim(s) 37-619B, 37-1191

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Kurt and Irene Westendorf
439 N 700 W
Gooding ID 83330

JAN 24 2006

Department of Water Resources
Southern Region

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, 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
<i>Deeded</i> 37-1191	37-1191				
<i>Deeded</i> 37-619B	37-619B				
<i>Domestic</i> 37-10405	37-10405				

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) are 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)

Kurt or Irene Westendorf
439 N 700 W Gooding

4. New Owner/Claimant(s)

Jerry or Susan Westendorf

Name Connector (Check one): ☐ and, ☒ or, ☐ and/or

New Mailing Address

707 W 470 N

City, State and ZIP Code

Shoshone, Id. 83352

New Telephone Number

(208) 886-7570

5. Date you acquired the property

12/31/1998

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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
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)

Jerry Westendorf

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 <u>NT</u>	Date <u>01/24/05</u>	Fee <u>25.00 (37-10405)</u>
Received by <u>NT</u>	Date <u>01/24/05</u>	Receipt No. <u>5028330</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

WARRANTY DEED

For Value Received KURT W. WESTENDORF and IRENE WESTENDORF,
husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto
JERRY L. WESTENDORF and SUSAN WESTENDORF, husband and wife,
the grantees, whose current address is 705 W. 470 N., Gooding, Idaho 83330

the following described premises, in Lincoln County Idaho, to-wit:

TOWNSHIP 5 SOUTH, RANGE 16 E.B.M.

Section 10: S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 15: N $\frac{1}{2}$ NW $\frac{1}{4}$

TOGETHER with all water and water rights appurtenant
thereto including all supplemental rights in Big Wood
Canal Company and rights to American Falls Reservoir
District No. 2 appurtenant to said property.

SITUATE IN LINCOLN COUNTY, STATE OF IDAHO

RESERVING unto Grantors a LIFE ESTATE in the residence located
in the NE $\frac{1}{4}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 10, more particularly described as
follows:

Beginning at the northeast corner of said S $\frac{1}{2}$ SW $\frac{1}{4}$;
thence South 300 feet;
thence West 300 feet;
thence North 300 feet;
thence East 300 feet to the POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the Grantors do hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all
encumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: December 31, 1998.

Kurt Westendorf
Kurt W. Westendorf

Irene Westendorf
Irene Westendorf

STATE OF IDAHO, COUNTY OF GOODING

On this 31 day of December, 19 98
before me, a Notary Public in and for said State, personally
appeared KURT W. WESTENDORF and
IRENE WESTENDORF, husband
and wife,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me
that they executed the same.

Craig R. Hobbie
Notary Public

Residing at Gooding, Idaho
Comm. Expires 10-24-2000

STATE OF IDAHO, COUNTY OF Lincoln

I hereby certify that this instrument was filed for record at the request
of Craig R. Hobbie, atty.

at 24 minutes past 11:00 o'clock, A. M.,
this 12th day of January,
19 99, in my office, and duly recorded in Book
of Deeds at page

Ex-Officio Recorder

By Helen Jackson
Deputy.

Fees \$3.00 - above
Mail to: Bx. 176
Gooding

First American Title Company of Idaho

INSTRUMENT NO. 166104