



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 8, 2002

RON WAGNER
HAZEL WAGNER
2095 N INKOM RD
INKOM ID 83245-1719

RE: CHANGE IN OWNERSHIP FOR 29-10071

Dear Ron and Hazel:

It has come to our attention that you may have recently purchased a tract of land in Bannock County. According to our records, the property to which I am referring to was most recently owned by Stanley O Tharp. The legal description is as follows:

T07S R36E S22 SE1/4 SE1/4

This property was filed on in the Snake River Basin Adjudication (SRBA). IDWR is currently in the processing of reviewing the Adjudication claims in basin 29, and will submit a Directors Report in September of 2002. We recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

In addition, if you are using Rapid Creek and Jackson Creek water for irrigation purposes, there are several issues that need to be addressed concerning claim 29-10071.

Issue 1:

Claim 29-10071 claimed use of water for irrigation from Jackson Creek and Rapid Creek dating back to March 15, 1900. My initial research indicates that the Tharp's should have claimed a portion of decreed right 29-00294 dating back to June 1, 1885. In order for me to recommend that priority date to the Snake River Basin Adjudication (SRBA) court, the claim needs to be amended.

For your convenience, enclosed is an amended claim. Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office.

Issue 2:

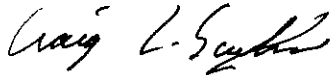
Related to issue 1, decreed right 29-00294 speaks of water to be diverted from the main channel of Rapid Creek. This decreed right does not mention Jackson Creek water. In order to continue use of Jackson Creek water, a new SRBA claim needs to be filed. Note that I removed Jackson Creek as a source on amended claim 29-10071.

Enclosed is a completed claim for use of Jackson Creek water. Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office with the filing fee of \$50. Note that I am soliciting Jackson Creek claims from all of the users on the ditch system that serves Murdock Subdivision.

I will be working in the Pocatello area during July 16 thru 18 and plan to stop by your home to confirm the claimed water use.

Please feel free to contact me if you have any questions at (208) 334-2190.

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

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>29-10071</u>	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. N/A NO Fee
- 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 O Tharp

4. New Owner/Claimant(s)

Ronald D + Hazel A. Wagner

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

New Mailing Address

2095 N. Inkorn Rd

City, State and ZIP Code

Inkom, Id 83245

New Telephone Number

(208) 775-3767

5. Date you acquired the property

8/1996

6. *N/A* 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) Ronald D. Wagner 7-17-2002
(include title if applicable) Layla A. Wagner 7-17-2002

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

1-65761 TA
WARRANTY DEED

For Value Received

STANLEY O. THARP and ARLETTE MARCIEL THARP, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

RONALD D. WAGNER and HAZEL A. WAGNER, husband and wife

whose current address is

**1828 S. FAIRWAY
POCATELLO, ID 83201**

the grantee(s), the following described premises, in **BANNOCK** County **IDAHO**, to wit:

LOT 5, BLOCK 1, MURDOCK SUBDIVISION, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF BANNOCK COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. And the said Grantor 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 Except: Subject to all existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

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

Dated: **October 18, 1996**

