

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.

RECEIVED
SEP 24 2003
Department of Water Resources
Southern Region

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
43-00146B					
43-00147B					

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.

Name and Address of Former Owner/Claimant(s)	Carl F. Boden and Colleen A. Boden HC 61 Box 1360, Elba, ID 83342
New Owner/Claimant(s)	Carl F. Boden and Lorelee Boden Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address	2106 South 1125 East
City, State and ZIP Code	Elba, ID 83342
New Telephone Number	(208) 638-5563
Date you acquired the property	09-22-03

291528

WARRANTY DEED

#38104

For Value Received

COLLEEN A. BODEN also known as **COLLEEN ANNE BODEN**, a widow

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

CARL F. BODEN and LORALEE BODEN, husband and wife

Address: 2106 S 1125 E, ELBA, ID 83342

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

See Attached Exhibit 'A'

TOGETHER WITH all water and Water Rights No. 43-146B and No. 43-147B, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

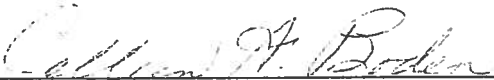
All reservations in patents or deeds in the chain of title.

Taxes for 2003 and subsequent years, a lien, but not yet due or payable.

Road right-of-way disclosed by Warranty Deed from Elmo Elison and Louise M. Elison, husband and wife to David W. Boden and Colleen A. Boden, husband and wife, dated December 4, 1978, recorded October 19, 1998 as Instrument No. 258539 on Film No. 304, records of Cassia County, Idaho, which reads as follows: "SUBJECT to a road Right-of-Way over the East 25 feet of said property."

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September 22, 2003


COLLEEN A. BODEN also known as
COLLEEN ANNE BODEN

COPY

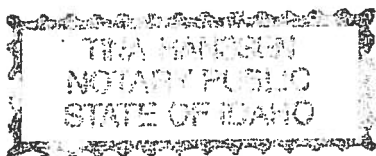
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
'03 SEP 23 PM 2 30

CASSIA COUNTY, IDAHO
LARRY A. HORNELSEN
RECORDER
FEE \$2.00 DEPUTY *the*

291528

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this ^{2nd} day of September, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared COLLEEN A. BODEN also known as COLLEEN ANNE BODEN, 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.



Tina Hansen
Notary Public
Residing at: Rupert, ID
My Commission expires: 05/07/09

Exhibit 'A'

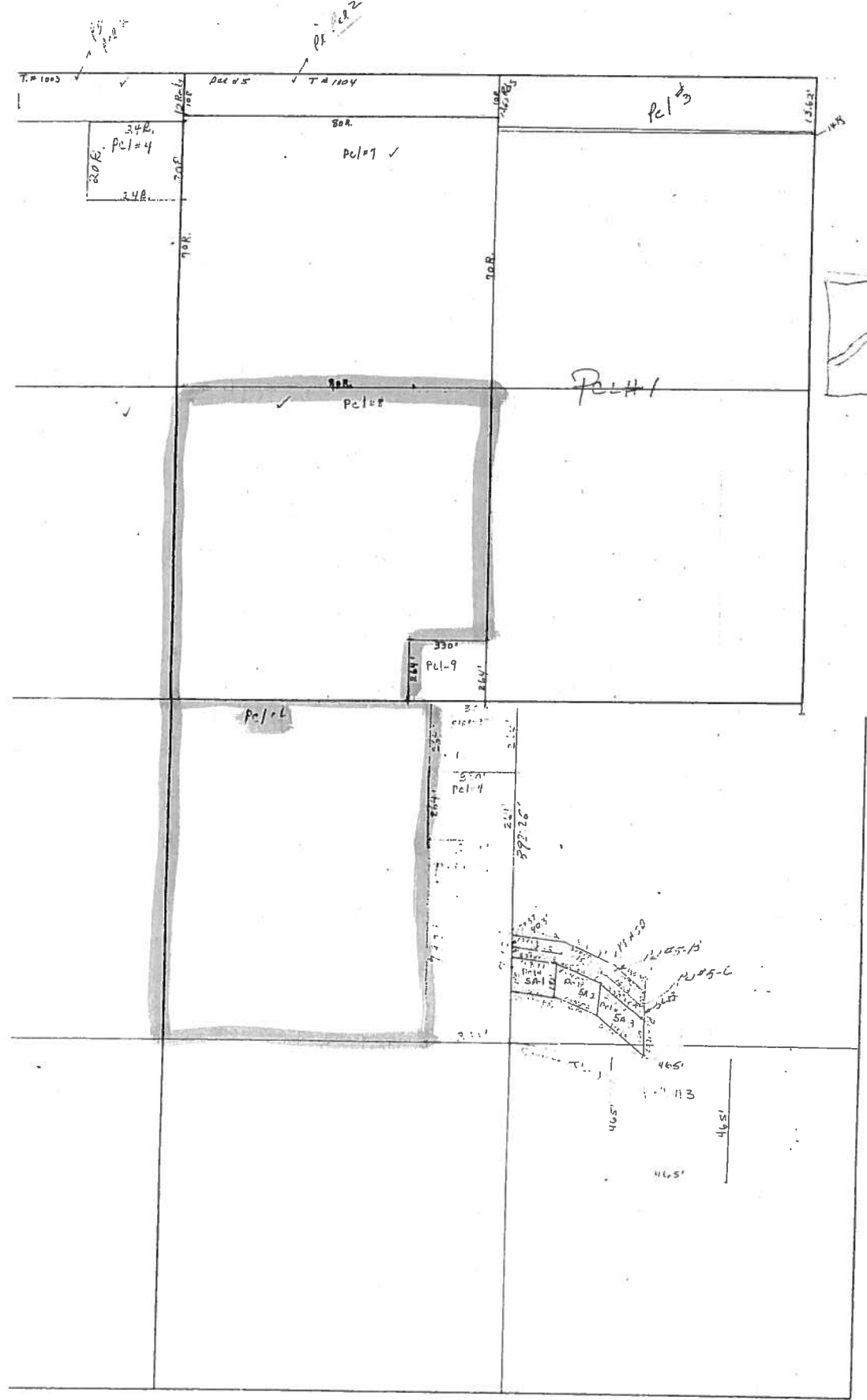
TOWNSHIP 14 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: SW $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT the following described tract:

Beginning at the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 6;
Thence West along the South boundary of said Section 6 for 330 feet;
Thence North, parallel with the East boundary line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, for 264 feet;
Thence East for 330 feet, more or less, to a point on the East boundary line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South along the East boundary line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ for 264 feet, more or less, to the Point of Beginning.

Section 7: NW $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPT the East 330 feet thereof.

SOUTH HALF



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-00147B
Date Received: 6/01/1989
Receipt No: MOD 3795
Received By: ES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: COLLEEN A. BODEN 208-638-5570
Address: P.O. BOX 653
MALTA, ID 83342
OR
Name: CARL F. BODEN 208-638-5563
Address: P.O. BOX 653
MALTA, ID 83342

2. Date of Priority: APR 30, 1885

3. Source: GREEN CANYON CREEK Trib. to: CROSS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	25E	12	NE	SW	NW		CASSIA

5. Description of diverting works:
HEADGATE AT CREEK WITH GRAVITY DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.300		

7. Total Quantity Appropriated is:
0.300 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATERING INCIDENTAL TO IRRIGATION

A43-00147B

Page 1

Date: 06/01/89

MICROFILMED

MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	25E	6	NW	SE		IRR	10.0
			SW	SE		IRR	40.0
					Section Acres		50.0
		7	NW	NE		IRR	10.0
					Section Acres		10.0
					Total Acres		60.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A43-00146B

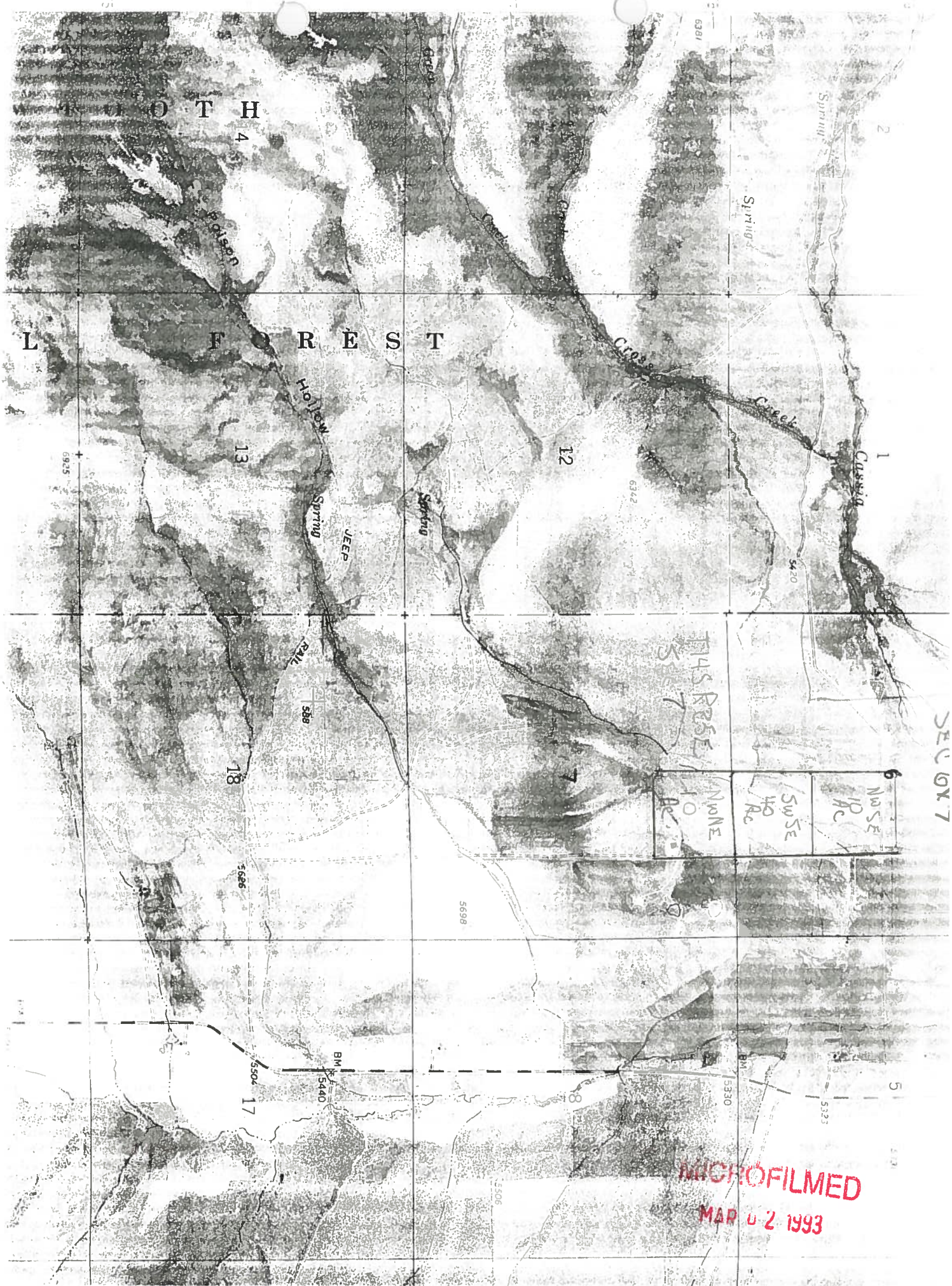
14. Remarks:
THIS RIGHT HAS BEEN SPLIT FROM ORIGINAL DECREEED RIGHT WITH 25
INCHES OF THE ORIGINAL GOING TO ELMO ELISON.

15. Basis of Claim: DECREEED
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

Decree Defendant



W H I T E

L F O R E S T

Spring

Spring

Cassia

Creek

Cross

Hollow

Spring

JEOP

RAIL

558

TH45 ROSE
5698

6	None
10	None
Ac	Ac
SWSE	HO
Ac	Ac

SECTION 7

BM 5440

BM 5330

5223

5506

MICROFILMED
MAR 12 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Callen A. Boden Date: June 1, 1989
Carl F Boden Date: June 1, 1989

State of Idaho)
County of CASSIA) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of JUNE 19 89 James E. Sully
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994



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

September 25, 2003

CARL F AND LORALEE BODEN
2106 S 1125 E
ELBA ID 83342

RE: Decreed Water Right 43-146B, 43-147B

Dear Mr. and Mrs. Boden:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownership to you. Please find the enclosed copies of the computer record of the water rights noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie Hahn'.

Carrie Hahn
Clerk
enc. (5)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-146B V1

WATER RIGHT NUMBER: 43-146B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CARL F BODEN HC 61 BOX 1360 ELBA, ID 83342 (208)638-5563
Original Owner	COLLEEN A BODEN PO BOX 653 MALTA, ID 83342 (208)638-5570
Current Owner	LORALEE BODEN 2106 S 1125 E ELBA, ID 83342 (208)638-5563
Current Owner	CARL F BODEN 2106 S 1125 E ELBA, ID 83342 (208)638-5563

Priority Date: 04/30/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CROSS CREEK	CASSIA CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.150 CFS	
	<u>Total Diversion:</u>	0.150 CFS	

Location of Point(s) of Diversion

CROSS CREEK	NW1/4NE1/4NW1/4	Sec. 12, Twp 14S, Rge 24E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	25E	6															18.0		18.0
14S	25E	7			12.0														12.0

Total Acres: 60

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-146B V1

1. C18 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.

Remarks:

1. Place of Use USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
- Irrigation TOTAL OF 30 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.
43-146B AND 43-147B.

Comments:

1. kchrste 11/30/2000 DOCUMENTATION
Comment: PAPER CVR CREATED

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-147B V1

WATER RIGHT NUMBER: 43-147B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	COLLEEN A BODEN PO BOX 653 MALTA, ID 83342 (208)638-5570
Original Owner	CARL F BODEN HC 61 BOX 1360 ELBA, ID 83342 (208)638-5563
Current Owner	CARL F BODEN 2106 S 1125 E ELBA, ID 83342 (208)638-5563
Current Owner	LORALEE BODEN 2106 S 1125 E ELBA, ID 83342 (208)638-5563

Priority Date: 04/30/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CROSS CREEK	CASSIA CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

CROSS CREEK	NW1/4NE1/4NW1/4	Sec. 12, Twp 14S, Rge 24E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	25E	6															18.0		18.0
14S	25E	7			12.0														12.0

Total Acres: 60

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-147B V1

1. C18 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.

Remarks:

1. Place of Use USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
- Irrigation TOTAL OF 30 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.
43-146B AND 43-147B.

Comments:

1. kchrste 11/30/2000 DOCUMENTATION
Comment: PAPER CVR CREATED

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

11/30/2000

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

RIGHT NUMBER: 43-147B

NAME AND ADDRESS: CARL F BODEN
HC 61 BOX 1360
ELBA, ID 83342
COLLEEN A BODEN
PO BOX 653
MALTA, ID 83342

SOURCE: CROSS CREEK

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.3 CFS

VERIFIED BY KKC

PRIORITY DATE: 04/30/1885

POINT OF DIVERSION: T14S R24E S12

NWNENW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
0.30 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T14S R25E S6 SWSE

18

T14S R25E S7

NWNE

12

30 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 30 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-146B AND 43-147B.

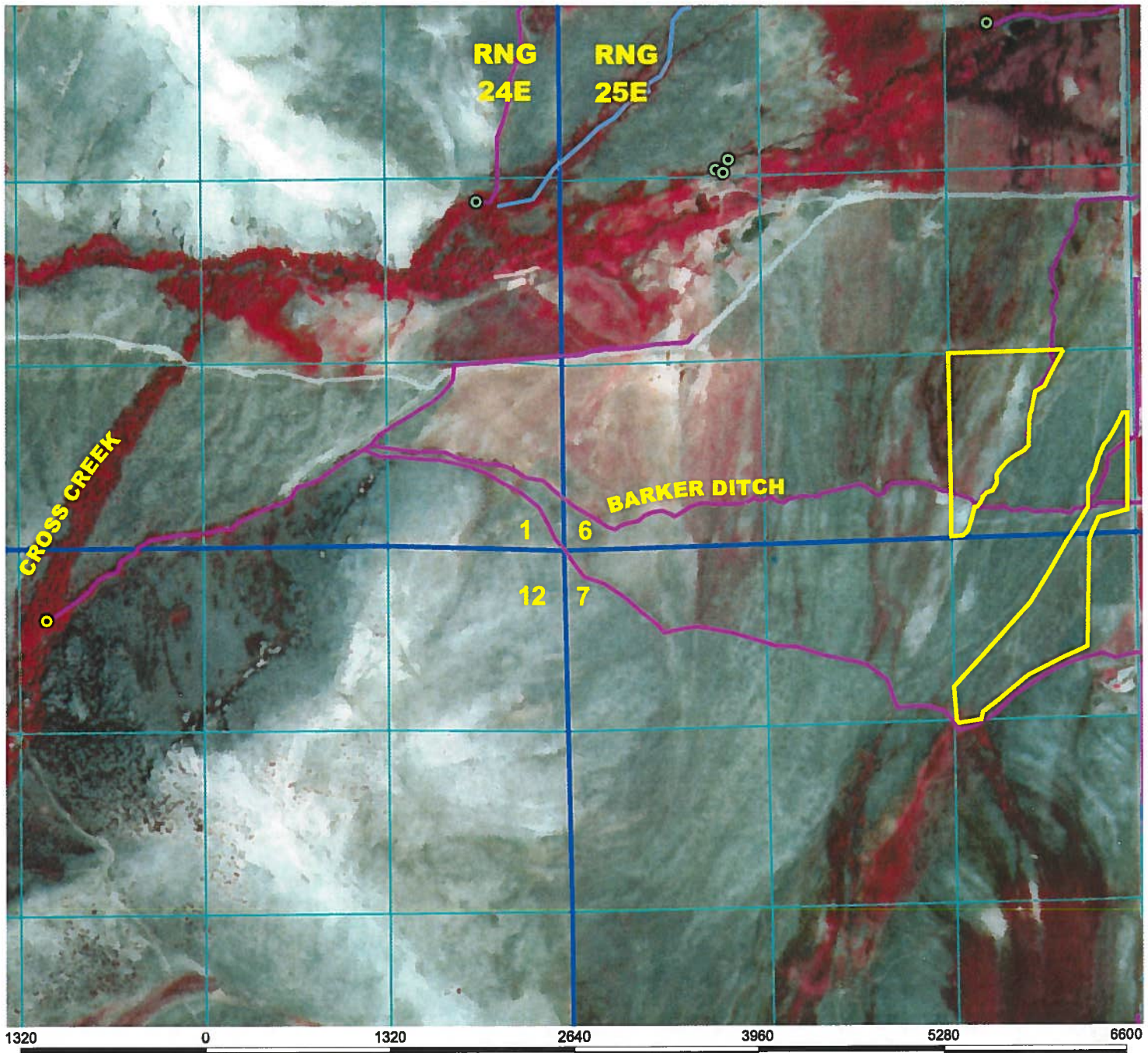
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

IDAHO DEPARTMENT OF WATER RESOURCES

**RECOMMENDED PLACE OF USE
FOR 43-00146B & 43-00147B**



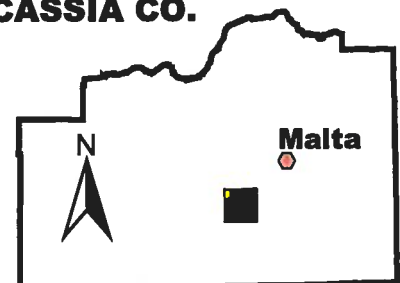
PLACE OF USE

TWP 14S RNG 25E, SEC 6 & 7
data entry on: May 5, 2000

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

-  **POINT OF DIVERSION**
-  **PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**

CASSIA CO.



Utah Dept of Water Resources
Claims review notes and narrative

Date: 11-30-2000

File: 43-146b boden analysis

Prepared by Kelly K Christensen

43-146B AND 43-147B SYSTEM ANALYSIS

These claims were originally decreed from Green Canyon Creek but are currently being irrigated from a system diverting from Cross Creek via the Barker and Ottley ditches. I am recognizing the change in source as an accomplished change.

I found approximately 30 irrigated acres in the claimed place of use. The claimed place of use is within the decreed place of use.

The combined and claimed diversion rate for these rights is 0.40 cfs. This is less than 1" per acre for the found place of use.