

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-10174

WATER RIGHT NUMBER: 43-10174

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NANCY BIHLMAIER 3032 BANNOCK DR PROVO, UT 84604
Current Owner	FRED BIHLMAIER 3032 BANNOCK DR PROVO, UT 84604
Original Owner	MARJORIE PETTINGILL PO BOX 462 ELBA, ID 83326 (208)683-5532
Original Owner	REDGE P PETTINGILL PO BOX 462 ELBA, ID 83326 (208)683-5532

Priority Date: 06/24/1964

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.070 CFS	

Location of Point(s) of DiversionGROUND WATER
CASSIA County

SE1/4NW1/4NW1/4

Sec. 31, Twp 13S, Rge 25E, B.M.

Place of UseDOMESTIC Within CASSIA County

T13S R25E S31 Lot 1 NWNW

STOCKWATER Within CASSIA County

T13S R25E S31 Lot 1 NWNW

Conditions of Approval:

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-10174

2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. 13S25E313599A STOCKWATER, 40 HOLSTEEN STEERS, 6 HORSES

Dates and Other Information:

Decreed Date: 06/28/2002
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



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

November 15, 2002

FRED BIHLMAIER
NANCY BIHLMAIER
3032 BANNOCK DR
PROVO UT 84604

RE: Decreed Water Right 43-239A, 43-240A, 43-10174

Dear Mr. and Mrs. Bihlmaier:

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

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 14 2002

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Southern RegionPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

RECEIVED

NOV 04 2002

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 on 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
43-239A					
43-240A					
43-10174					

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)

REDGE P. PETTINGILL and MARJORIE PETTINGILL

New Owner/Claimant(s)

FRED BIHLMAIER and NANCY BIHLMAIER

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

New Mailing Address

3032 Bannock Drive

City, State and ZIP Code

Provo, UT 84604

New Telephone Number

() _____

Date you acquired the property

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)

J. Ridge P. Littingill

Margaret Littingill

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 _____
Receipted by _____	Date _____	Receipt No. _____
Processed by: <i>[Signature]</i> A)	Date <i>11/15/02</i>	WR _____ Date _____

284355

WARRANTY DEED

#36262

For Value Received

REDGE P. PETTINGILL and MARJORIE PETTINGILL, husband and wife

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

FRED BIHLMAIER and NANCY BIHLMAIER, husband and wife
Address: 3032 Bannock Drive, Provo, UT 84604

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

**TOWNSHIP 13 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 31: Lot 1

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

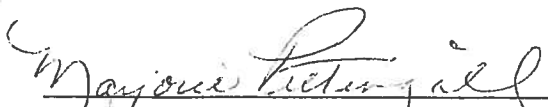
All reservations in patents or deeds in the chain of title.

Taxes for 2002 and subsequent years, a lien, but not yet due or payable.

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: October 11, 2002


REDGE P. PETTINGILL


MARJORIE PETTINGILL

02 OCT 15 PM 4 40
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE  DEPUTY

284355

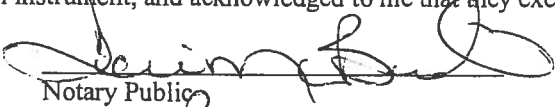
STATE OF IDAHO

COUNTY OF CASSIA

)
) ss.
)

On this 11th day of **October, 2002**, before me, the undersigned, a Notary Public in and for said State, personally appeared **REDGE P. PETTINGILL and MARJORIE PETTINGILL**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Terri McBride
Notary Public
State of Idaho


Notary Public

Residing at:

My Commission expires:

2-5-08

AJ5856NP

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

DATE: AUG-18-1997
PAGE: A-75

RIGHT NUMBER:

43-10174

NAME & ADDRESS:

MARJORIE PETTINGILL
REDGE P PETTINGILL
PO BOX 462
ELBA ID 83326

SOURCE:

GROUNDWATER

QUANTITY:

0.07 CFS

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

PRIORITY DATE:

06/24/1964

POINT OF DIVERSION:

T13S R25E S31

SENWNW

Within CASSIA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01-01 12-31

0.03 CFS

DOMESTIC 1 HOME

01-01 12-31

0.04 CFS

PLACE OF USE:

STOCKWATER

Within CASSIA County

T13S R25E S31 Lot 1 (NWNW)

DOMESTIC

Within CASSIA County

T13S R25E S31 Lot 1 (NWNW)

OTHER PROVISIONS 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. 13S25E313599A

STOCKWATER, 40 HOLSTEEN STEERS, 6 HORSES

Claim proofread by: KJ

Date: 9-5

AJ5856NP

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

DATE: AUG-8-1997
PAGE: A-80

RIGHT NUMBER: 43-10174

NAME & ADDRESS: MARJORIE PETTINGILL
REDGE P PETTINGILL
PO BOX 462
ELBA ID 83326

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

PRIORITY DATE: 06/24/1964

POINT OF DIVERSION: T13S R25E S31 SENWNW Within CASSIA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.03 CFS
	DOMESTIC DOMESTIC, 1 HOME; STOCKWA	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
T13S R25E S31 Lot 1 (NWNW)

DOMESTIC Within CASSIA County
T13S R25E S31 Lot 1 (NWNW)

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

PARCEL NO. 13S25E313599A
PROPERTY ALSO KNOWN AS RT 2, BOX 2095, BURLEY

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Claim data entry by: KST
Date: 8/13/97
Data entry verified by: [Signature]
Date: 8-15-97

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: A43-10174
Date Received: 5/16/1989
Receipt No: m003594
Received By: JB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: REDGE P. PETTINGILL 208-683-5532
Address: P.O. BOX 462
ELBA, ID 83326

OR

Name: MARJORIE PETTINGILL 208-683-5532
Address: P.O. BOX 462
ELBA, ID 83326

2. Date of Priority: JUN 24, 1964

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	25E	31	SE	NW	NW		CASSIA

5. Description of diverting works:
WELL 100' DEEP, ARTESIAN, WITH SUBMERS. PUMP 1 HP, 10" CASING.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOUSEHOLD; S/ 40 HEAD HOLSTEEN STEERS, 6 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	31	NW	NW	1	DOMEST	
			NW	NW	1	STOCK	

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
MAR 05 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): x Pledge R. Pettengill Date: 5/16/89
Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of May 19 89

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 7, 1994



32' 30"

390

288

285

35'

610 000

FEER 24 E. R 25 E

SCALE 1:24 000

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 MILE

1 KILOMETER

NORTH

Copies Of These Maps Can Be Obtained At Bonneville Blue Print, Boise Idaho

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, MENLO PARK, CALIF. 94025

A43-10174

MICROFILMED
MAR U 5 1993

Geological Survey
with the Soil Conservation Service

pared from 1:78 000-scale
taken August 20, 1976

10-foot grid ticks: Idaho coordinate
(transverse Mercator)
1 Transverse Mercator grid ticks,
the American datum

formed by scanning techniques
double or mismatched images;
the positions for map point.

the Idaho Department of Water Resources pursuant to
its existing notices of claims and objections in the Snake
River, either express or implied, is made and no liability
employees, its agents, contractors, and reproduction
at Supply Co. Inc. or its employees for the accuracy
information set forth on this map.

