

Water Right Report 37-10660

WATER RIGHT NUMBER: 37-10660

Priority Date: 01/01/1930
Basis: Decease
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4 Sec. 28, Twp 05S, Rge 14E, B.M.
GOODING County

STOCKWATER

DOMESTIC

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-10660

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.
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. RP05S14E280129A STOCKWATER, 70 DAIRY COWS

Dates and Other Information:

Licensed Date:
Decreed Date: 1/5/2001
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
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

July 11, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEO R TUCCORI TRUSTEE
THE TUCCORI TRUST AGREEMENT DATED 4/3/97
1738 BELFORD RD
RENO NV 89509

RE: Decreed Water Right 37-10660

Dear Mr. Tuccori:

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,

A handwritten signature in cursive script that reads 'Trish Fawcett'. The signature is written in dark ink and is positioned above the printed name and title.

Trish Fawcett
Technical Records Specialist

enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JUN 14 2002

Department of Water Resources
Southern Region

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
37-10660					

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) 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) Wallace and Merri Bodenhofer
1606 S. 1500 E., Gooding, ID 83330
4. New Owner/Claimant(s) Leo R. Tuccori, Trustee of the Tuccori Trust Agreement
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or dated 4-13-97
- New Mailing Address 1738 Belford Rd
- City, State and ZIP Code Reno NV 89509
- New Telephone Number () _____
5. Date you acquired the property June 2002

WARRANTY DEED

#GG-0250 RECEIVED

JUL 10 2002

For Value Received

Department of Water Resources
Southern Region**Wallace J. Bodenhofer, also shown of record as Wallace Bodenhofer and Merri M. Bodenhofer, also shown of record as Mary Bodenhofer, husband and wife**

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

Leo R. Tuccori, Trustee of The Tuccori Trust Agreement Dated April 3, 1997**Address: 1606 South 1500 East, Gooding, ID 83330****Mailing Address: 1738 Belford Way, Reno, NV 89509**

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

PARCEL NO. 1**TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO**Section 22: SW $\frac{1}{4}$ SW $\frac{1}{4}$;**Instrument # 196651**

GOODING, GOODING, IDAHO

2002-06-12 03:07:20 No. of Pages: 2

Recorded for : LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Fee: 6.00
*Pinney, Whitson*Section 27: NW $\frac{1}{4}$ NW $\frac{1}{4}$;**PARCEL NO. 2****TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO**Section 28: That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, described as follows:

Commencing at the Northeast corner of said Section 28;

Thence South 81.5 feet along the Easterly boundary of said Section 28 to the Southerly mean high water mark of the Big Wood River and THE TRUE POINT OF BEGINNING;

Thence South 346.5 feet along the Easterly boundary of said Section 28;

Thence South 71°01'20" West, 219.94 feet to a fence corner;

Thence North 35°29'22" West, 103.86 feet to the mean high water mark of the Big Wood River;

Thence Northeasterly along said mean high water mark approximately 450 feet to THE TRUE POINT OF BEGINNING.

SUBJECT TO:

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

Taxes for 2002 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Agreement for Easement and Right of Way, by and between Kenneth H. Daniel and the United States of America, dated November 4, 1943, recorded April 12, 1944 as Instrument Number 90165, Gooding County records, granting a right of way and easement for construction of a drift fence over and across a portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22. Said agreement contains a reversion clause in the event the use thereof shall be discontinued or abandoned of which due notice shall be given.Agreement for Easement and Right of Way given by Herbert Meyer to the United States of America, dated November 4, 1942, recorded April 12, 1944 in Book 5 Page 392 as Instrument Number 90166, Gooding County records, granting unto the United States of America, an easement and right of way for a Devaney Drift Fence over and across a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 5 South, Range 14 East, Boise

Meridian. Said Agreement shall be effective as long as the said land shall be actually used for the aforesaid purpose and all right hereunder shall revert to the grantor when and in the event the said use thereof shall be discontinued or abandoned, of which due notice shall be given to the grantor by the grantee.

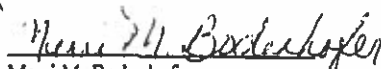
Power Line Easement given by Kenneth H. Daniel and Maxine V. Daniel, husband and wife, to Idaho Power Company, a corporation, dated March 8, 1946, recorded December 23, 1946 as Instrument Number 99082, Gooding County records, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across the SW $\frac{1}{4}$ /SW $\frac{1}{4}$ of Section 22, Township 5 South, Range 14 East, Boise Meridian.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 50 acres of American Falls No. 2 water rights, also including any licensed or domestic or irrigation water rights, or licenses with the State of Idaho.

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: June 11, 2002


Wallace J. Bodenhofer


Merri M. Bodenhofer

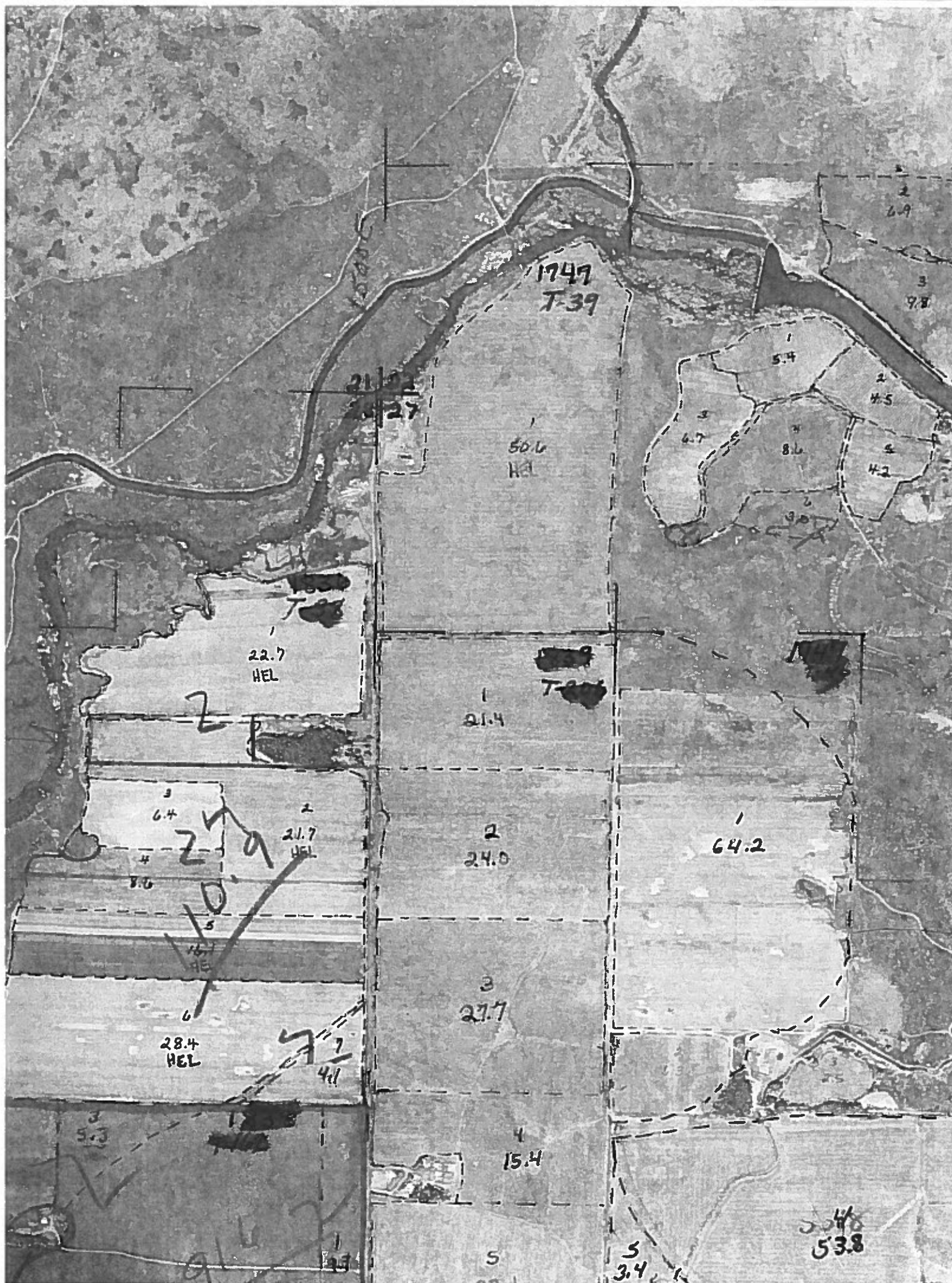
STATE OF IDAHO)

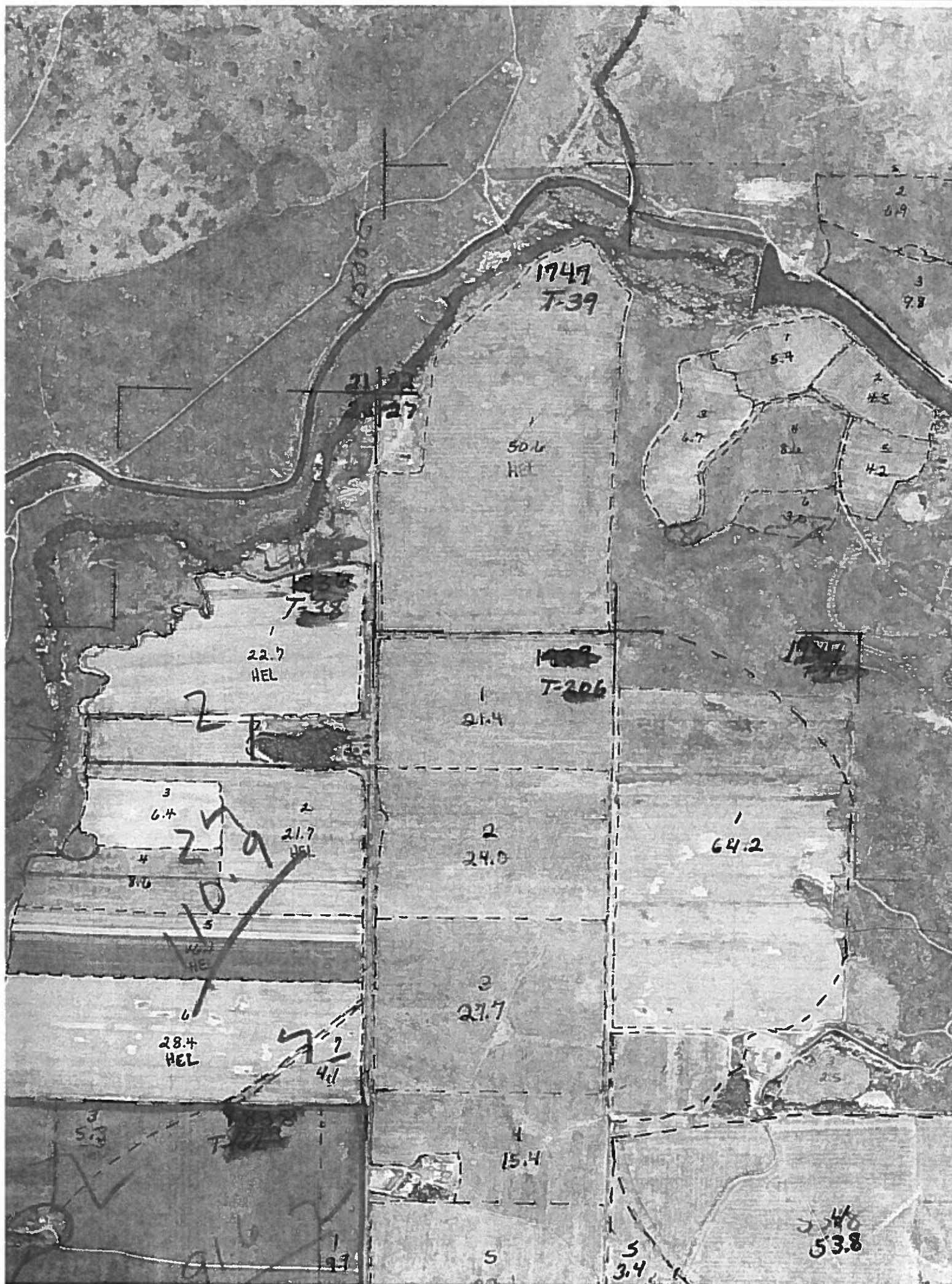
COUNTY OF Gooding) ss.

On this 11th day of June, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Wallace J. Bodenhofer and Merri M. Bodenhofer, 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.


Notary Public
Residing at: Wendell, ID
My Commission expires 02-23-05

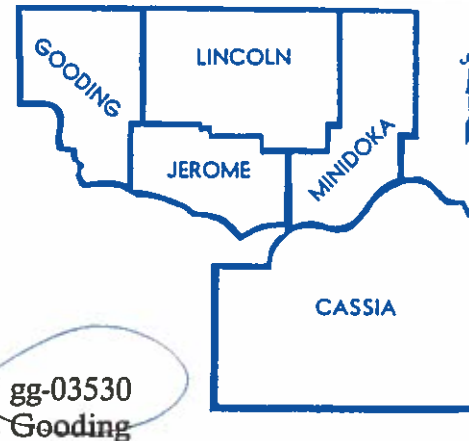
Becky Shubert
Notary Public
State of Idaho





Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



June 13, 2002

REFER TO:
OFFICE:

gg-03530
Gooding

Idaho Department of Water Resources
1341 Fillmore Street, Ste 200
Twin Falls, ID 83301

RECEIVED

JUN 14 2002

Department of Water Resources
Southern Region

RE: Water transfer

Dear Sir/Madam:

Enclosed please find our Land Title and Escrow, Inc. check number 15803 in the amount of \$25.00 and the paperwork necessary to transfer the water rights to the Tuccori Trust.

We appreciate the opportunity to serve you. If you have any questions regarding the above or any other matter, please do not hesitate to contact our office.

Very Truly Yours,

LAND TITLE AND ESCROW, INC.

Becky Shubert
(208)934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 438-0808 - FAX 438-1189

AJ5856NP

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

DATE: OCT-24-1997
PAGE: A-354

RIGHT NUMBER: 37-10660

NAME & ADDRESS: WALLACE BODENHOFER
MERRI BODENHOFER
1606S 1500E VCS
GOODING ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 01/01/1930

POINT OF DIVERSION: T05S R14E S28 NENE Within GOODING 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 GOODING County
	T05S R14E S28	NENE
	DOMESTIC	Within GOODING County
	T05S R14E S28	NENE

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. RP05S14E280129A
STOCKWATER, 70 DAIRY COWS

7-29-98

Claim proofread by: Uto
1103

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: A37-10660
Date Received: 7/20/1988
Receipt No: S001012
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WALLACE BODENHOFER 208-934-8209
Address: 1606S 1500E
GOODING, ID 83330
AND/OR
Name: MERRI BODENHOFER 208-934-8209
Address: 1606S 1500E
GOODING, ID 83330
2. Date of Priority: JAN 01, 1930
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 05S | 14E | 28 | NE | NE | | | GOODING |
5. Description of diverting works:
WELL & PUMP
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:
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
D/1 HOUSE, S/70 DAIRY COWS

A37-10660

Page 1

Date: 07/20/88

MICROFILMED
FEB 25 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	14E	28	NE	NE		STOCK DOMEST	

11. Place of use in counties: GOODING

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

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 / wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

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): Wallace J. Bodenhofen Date: 7-20-88
Date:

State of Idaho)
County of T.E) SS.

Subscribed and sworn (or affirmed) before me this 20 day

of July 19 88

Loni Wente
Notary Public

Seal

Residing at T.F.

My Commission Expires 5/95

A37-10660

Page 2

Date: 07/20/88

MICROFILMED
FEB 25 1993

WATER RIGHT NUMBER - A37-10660

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
BODENHOFER

WALLACE

1 - 1606S 1500E

2 -

3 -

CITY- GOODING

STATE- ID ZIP- 83330

PHONE - 208-934-8209

1 - 1606S 1500E

2 -

3 -

CITY- GOODING

STATE- ID ZIP- 83330

PHONE - 208-934-8209

BODENHOFER

MERRI

+ - - PRIORITY DATE - - +
01/01/1930

+ - - - REGION - - - +
ERROR IN REGION

+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

+ - - - - SOURCE - - - - - +
GROUNDWATER

+ - - - - TRIBUTARY - - - - - +

+ - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

05S 14E 28 NE NE (47) GOODING

CODE	DESCRIPTION	PERIOD FROM	PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
43 - DOMESTIC		01/01	12/31	0.040	
04 - STOCKWATER		01/01	12/31	0.030	

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.040 0.0

TWN	RNG	SEC	TRACT	LOT	ACRES	CODE	DESCRIPTION	COUNTY
05S	14E	28	NE NE			04	STOCKWATER	(47) GOODING
05S	14E	28	NE NE			43	DOMESTIC	(47) GOODING

+ - - DIVERSION MEANS - WELL & PUMP

+ - - NON-IRRIGATION USE - D/1 HOUSE, S/70 DAIRY COWS

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +
NO REMARKS FOUND.

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

MICROFILMED
OCT 25 1994

WATER RIGHT NUMBER - A37-10660

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 07/20/88 WHITE 10/03/89 REFUNDML

+ - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 07/20/1988	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- S001012	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND/OR	NOTICE OF ERROR FLAG	-

RP 05514E 280129A

DATA ENTRY

ENTERED 12-21-93 RS
CHECKED 4-5-94 J

"Verified By"
Type Map/Photo-PQ
ASCE Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
FEB 14 1992

CERTIFIED
MAR 22 1992
WATER EXAMINER