

WATER RIGHT NUMBER: 37-10883 V1

Priority Date: 07/01/1912
Basis: Beneficial Use
Status: Active

GROUND WATER SE1/4SW1/4SE1/4 Sec. 36, Twp 05S, Rge 14E, B.M.
GOODING County

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-10883 V1

Conditions of Approval:

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

Remarks:

1. Explanatory PARCEL NO. RP05S14E368400A STOCKWATER, 250 RANGE CATTLE

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



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

January 10, 2002

VIVIAN H POPE
CLIVE A POPE
1773 E 1850 S
GOODING ID 83330

Re: SRBA Claim(s) 37-193B
Decreed Water Rights 37-10883, 37-10884

Dear Mr. and Mrs. Pope:

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 records of the claim(s) noting the change in claimant. 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.

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

RECEIVED**DEC 14 2001**

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
37-193B	37-10883	—			—
	37-10884	—			—
		—			—
		—			—
		—			—
		—			—

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**.

Name and Address of Former
 Owner/Claimant(s)

Charles M. Luther Estate

1817 S 1750 E. Gooding, ID 83330

New Owner/Claimant(s)

Clive A. Pope, 1773E 1850 S, Gooding, ID 83330

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

New Mailing Address

Vivian H Pope

City, State and ZIP Code

New Telephone Number

() _____

Date you acquired the property

11-29-2001

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)

Clive A. Pope
Clive A. Pope

Vivian H. Pope
Vivian H. Pope

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>	Date <i>1/9/02</i>	WR _____ Date _____

WARRANTY DEED

#GG-03132

For Value Received

Nancy Ballard as Personal Representative of the Estate of Charles M. Luther, deceased, pursuant to Letters Testamentary, Dated March 13, 2001, Case number SP-01-00041, Gooding County Fifth Judicial District, recorded as Instrument number 189746, Gooding County records

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

Clive A. Pope and Vivian H. Pope, husband and wife
Address: 1773 East 1850 South, Gooding, ID 83330

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 36: SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Parcel No. 2:

TOWNSHIP 5 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 36: SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of the railroad;

SUBJECT TO:

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

Taxes subsequent to the year 2001, which are not yet due or payable.

2001 taxes are an accruing lien, the first one-half of which is not delinquent until after December 20 of the current year.

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.

Power Line Easement given by R.W. Houston and Gertrude Houston, his wife to Idaho Power Company, a corporation, dated November 15, 1913, recorded December 1, 1913 in Book 1 at Page 190 as Instrument Number 1632, Gooding County records, affecting the N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Power Line Easement given by R.F. Bliss and Orra Bliss, his wife to Idaho Power Company, a corporation, dated June 21, 1935, recorded April 22, 1936 in Book 4 of Miscellaneous at Page 45 as Instrument Number 64395, Gooding County records, affecting SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Power Line Easement given by Edwin W. Dwyer, a single man to Idaho Power Company, a corporation, dated April 17, 1939, recorded October 13, 1939 in Book 4 at Page 349 as Instrument Number 74706, Gooding County records, affecting the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Power Line Easement given by R.F. Bliss and Ora Bliss, his wife to Idaho Power Company, a corporation, dated April 4, 1940, recorded September 6, 1940 in Book 4 of Miscellaneous at Page 429 as Instrument

Instrument # 193075
GOODING, GOODING, IDAHO
2001-11-30 02:09:04 No. of Pages: 2
Recorded for: LAND TITLE
HELEN EDWARDS
Ex-Officio Recorder Deputy
Index to: DEED, WARRANTY

Fee: 6.00

Number 78119, Gooding County records, affecting SW¼SE¼ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Easement given by R.F. Bliss and Owa E. Bliss to The Mountain States Telephone and Telegraph Co. the right, privilege and authority to construct, operate and maintain its lines, dated November 25, 1941, recorded May 23, 1942 in Book 5 of Miscellaneous at Page 131 as Instrument Number 84174, Gooding County records, affecting the N¼SW¼SE¼ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Power Line Easement given by Charles M. Luther, unmarried to Idaho Power Company, a corporation, dated July 31, 1967, recorded February 23, 1968 as Instrument Number 24412, Gooding County records, affecting the SW¼SE¼ of Section 36, Township 5 South, Range 14, East of the Boise Meridian..

Unrecorded lease executed by Charles M. Luther, Lessor, and City of Gooding, Lessee, upon the terms, conditions and provisions contained therein, constructive notice of which is given by instrument recorded July 28, 1985, as Instrument No. 115623, Gooding County records.

Addendum to Easement by and between Faulkner Land and Livestock, Inc., an Idaho Corporation and Charles Luther, a single man, dated July 23, 1981, recorded June 28, 1985 as Instrument Number 115623, Gooding County records, affecting the SE¼ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 30 shares of stock in Big Wood Canal Company and twenty inches of decreed water delivered from the slough ditch identified as License No. 37-0193.

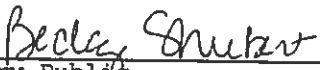
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all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

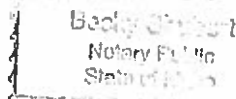
Dated: November 29, 2001


Nancy Ballard as Personal Representative
of the Estate of Charles M. Luther, Deceased

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 30th day of November, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Nancy Ballard, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Charles M. Luther, and acknowledged to me that she executed the same as such Personal Representative.

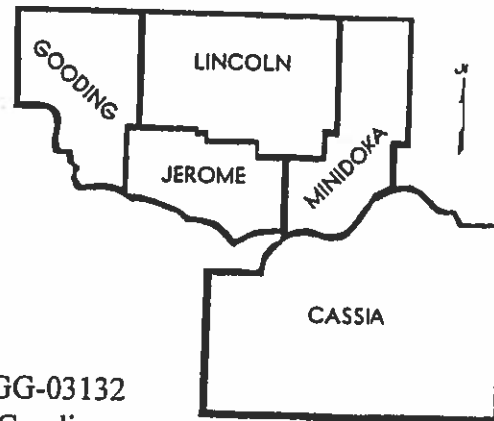

Notary Public
Residing at: Wendell, ID
My Commission expires: 02-23-05


Becky Shuck
Notary Public
State of Idaho



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



December 13, 2001

REFER TO:
OFFICE:

GG-03132
Gooding

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

RECEIVED

DEC 14 2001

Department of Water Resources
Southern Region

RE: Charles Luther Estate to Clive Pope

Dear Sir /Madam:

Please find enclosed the documents necessary to complete the transfer of ownership. I was told there was no fee.

If you have any questions, please do not hesitate to call.

Very Truly Yours,

LAND TITLE AND ESCROW, INC.

Becky Shubert

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 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0608 - FAX 436-1189

AJ5856NP

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

DATE: OCT-24-1997

PAGE: A-501

RIGHT NUMBER: 37-10883

NAME & ADDRESS: CHARLES M LUTHER
1817 S 1750 E
~~RT 2 BOX 236~~
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: 07/01/1912

POINT OF DIVERSION: T05S R14E S36 SESWSE Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within GOODING County
T05S R14E S36 SWSE

DOMESTIC Within GOODING County
T05S R14E S36 SWSE

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. RP05S14E368400A
STOCKWATER, 250 RANGE CATTLE

D
7-29-98

Claim printed by KT
Date 10-3

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: A37-10883
Date Received: 8/09/1988
Receipt No: moo1032
Received By: JS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES M. LUTHER 208-934-5153
Address: 1817 SOUTH 1750 EAST
RT. 2, BOX 236
GOODING, ID 83330

2. Date of Priority: JUL 01, 1912

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	14E	36	SE	SW	SE		GOODING

5. Description of diverting works:
WELL, 6" CASING, 225' DEEP, SUBMERSIBLE 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	0.040		

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:
DOMESTIC/ 1 HOME, STOCKWATER/ 250 RANGE CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	14E	36	SW	SE		DOMEST	

A37-10883

Page 1

Date: 08/09/88

MICROFILMED

FEB 25 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	14E	36	SW SE		STOCK	

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:
REPLACEMENT WELL DRILLED IN 1974.

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): X Charles M. Luther Date: X 8-11-88

Date: _____

State of Idaho)
County of Lander) SS.

Subscribed and sworn (or affirmed) before me this 11 day

of Aug. 19 88

John Hall Parker
Notary Public

Seal

Residing at Baird

My Commission Expires 8/2/94

MICROFILMED
FEB 25 1993

OLD (D) NUMBER -

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

STATE- ID ZIP- 83330

+ - - - STATUS - - - - +

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

+ - DECREE DATE - +
00/00/0000

MICROFILMED
OCT 25 1994

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

WATER RIGHT NUMBER - A37-10883

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - AUDIT FIELDS - 08/09/88 MOBILE2 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	- 08/11/1988	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	- M001032	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	PDU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-	NOTICE OF ERROR FLAG	-

RP05514E368400A

DATA ENTRY

ENTERED 10-26-73

CHECKED 12/5/50

"Verified By"
 Topo Map/CrGeo-PQ
 ASCS Map
 Watermaster Records
 NAPP Photos
 Field Exam
 Other (See Remarks)
 County Records
 Witness Statement
 Project Records
 IDWR Records

VERIFIED
FEB 15 1992

CERTIFIED
MAR 22 1992
WATER EXAMINER