

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

Use of water under this water right will be regulated by the watermaster of State Water District No. 1.



Idaho Department of Water Resources

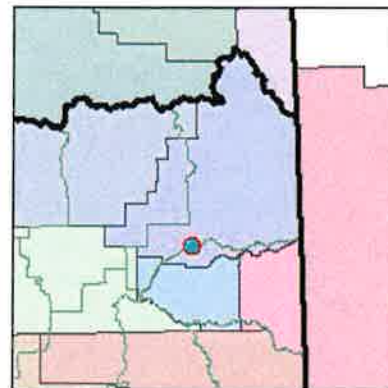
SRBA Recommendation:

22-13680

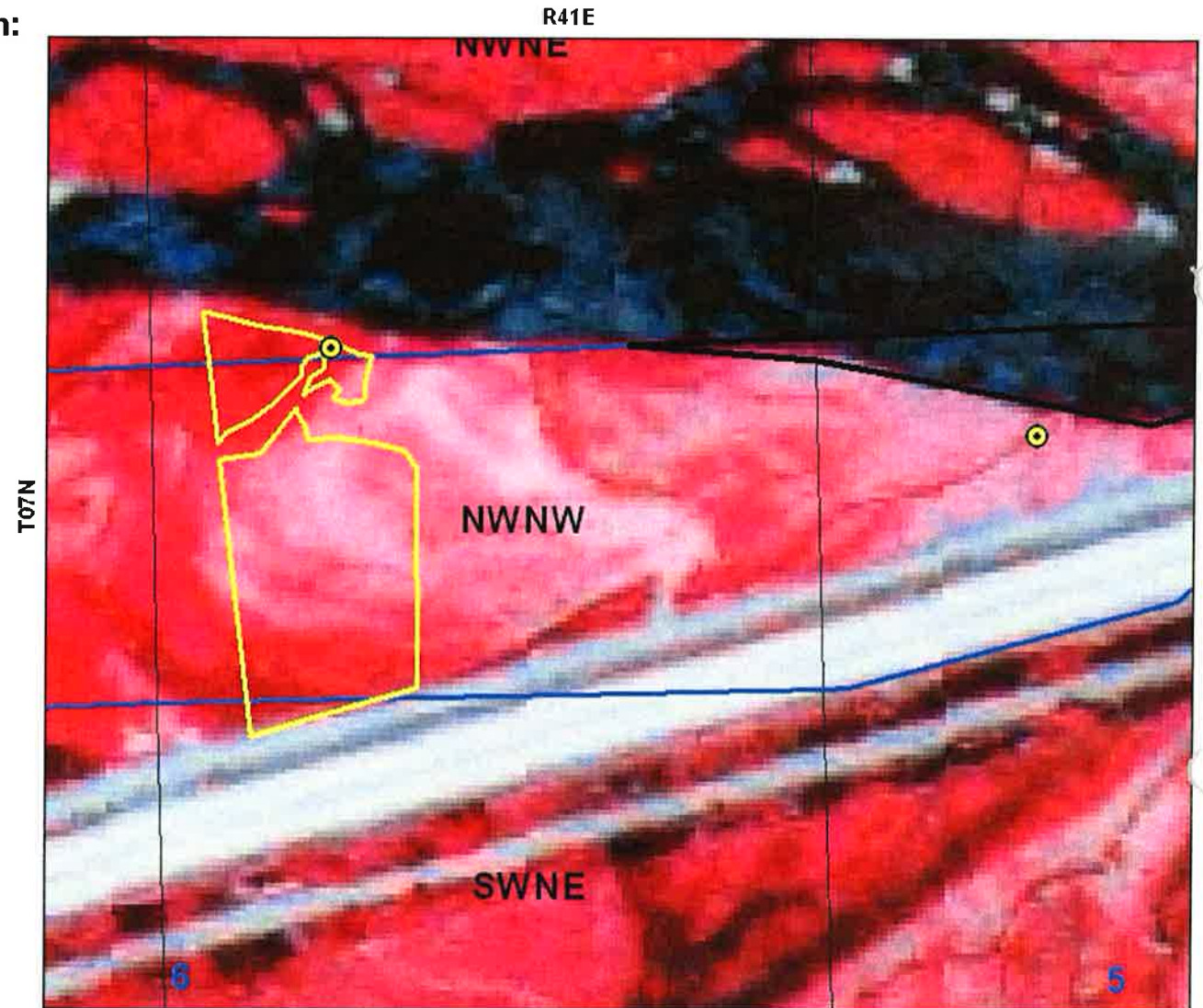
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Fremont County
IDWR Basin 22



0 0.1 0.2 Miles

Prepared by M. Holliday
On Friday, March 16, 2007
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 11, 2007

VINCENT AND BARBARA BALAMONTE
2455 S RIVER RD
ST ANTHONY ID 83445

RE: Notice of Change of Water Right Ownership (NCO) for 22-13346 and Notice
of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

On February 15, 2007, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR renumbered 22-13346 to 22-13680 and changed the elements.

As directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Neil Zundel

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

In Re SRBA

)

Water Rights: 22-13346
RENUMBERED TO 22-13680

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party ZUNDEL - BAIAMONTE
- ☐ I.C. § 42-222 transfer

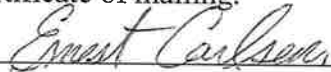
- | | |
|---|--|
| ☐ point of diversion | ☐ place of use |
| ☐ period of use | ☐ nature of use |
| ☐ split of water right | ☐ change in ownership |

☒ RENUMBERED AND ELEMENTS CHANGED

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4-11-07


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 13, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
NEIL ZUNDEL
645 CONRAD DR
KALISPELL MT 59901

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
VINCENT & BARBARA BAIAMONTE
2455 S RIVER RD
ST ANTHONY ID 83445

4. One copy to:

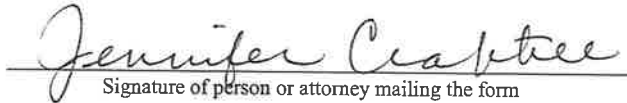
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form



State of Idaho

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EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

RECEIVED

MAR 01 2007

Department of Water Resources
Eastern Region

February 15, 2007

VINCENT BALAMONTE
2455 SOUTH RIVER RD
ST ANTHONY ID 83445

Dear Sir:

Today our office received your change in water right ownership form and a copy of your sales agreement, along with a check for \$25. The change in water right ownership form was submitted for adjudication claim 22-13413. Attached is a copy of the Director's Report for that water right. Because the adjudication claim has not yet been decreed by the SRBA court, there are no fees associated with the processing of the requested change. Therefore, we are returning your check. However, before we can process the change in ownership, we need a copy of your warranty deed. Upon receipt of the copy of your deed we will be able to process the change.

Please contact me at 208-525-7161 if you have questions.

Sincerely,

Michael Holliday
Water Resource Agent
Adjudication Bureau

WARRANTY DEED

115
513

Order No.:3040524073-L

FOR VALUE RECEIVED

Neil Zundel, a married man

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

Vincent Baiamonte and Barbara Baiamonte, Husband and Wife

whose current address is

2455 South River Road St. Anthony, ID 83445

the grantee(s), the following described premises, in Fremont County, Idaho, TO WIT:

Part of Lots 2, 3, 7, 8 and 18 of Section 6, Township 7 North, Range 41 East, Boise Meridian, Fremont County, Idaho, described as: Beginning at corner number 1, Lot 18, which is a brass cap marked SMC, Cor 1 Lot 18, Township 7 North; Range 41 East; S6; 1968 1978, said corner is South 53°42'00" West 2054.78 feet of the Northeast corner of Section 6; and running thence South 88°27'02" West, a distance of 379.82 feet along restored original meander line for the right bank of Henry's Fork of the Snake River; to the TRUE POINT OF BEGINNING; thence South 0°28'38" West, a distance of 620.47 feet; thence South 74°45'42" West, a distance of 266.00 feet; thence North 0°28'38" East, a distance of 765.02 feet to the actual left bank of the Henry's Fork of the Snake River; thence South 76°46'57" East, a distance of 88.62 feet along said left bank of the river; thence South 82°28'24" East, a distance of 170.75 feet along said left bank of the river; thence South 0°28'38" West, a distance of 31.99 feet to the POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/01/2005

Neil Zundel
Neil Zundel

Bonnie Zundel by Neil Zundel
Bonnie Zundel
attorney in fact

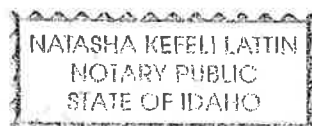
State of Idaho

County of Madison

} ss.

On this 1 day of July, in the year 2005, before me, a Notary Public in and for said state, personally appeared Neil Zundel known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Natasha Kefeli Latini
Notary Public for the State of Idaho
Residing at: Paradise
Commission Expires: 11/24/07

ALLIANCE

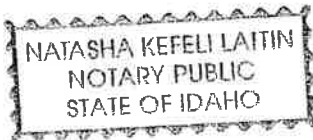
TITLE & ESCROW CORP.

130 E. Main St. Rexburg, ID 83440- (208) 356-9323 Fax No. (208) 356-9325

State of Idaho }
County of Madison } ss.

On this 1 day of July, 2005, before me, a Notary Public in and for said state, personally appeared Neil Zundel known or identified to me to be the person(s) whose name(s) subscribed to the within instrument as Attorney-in-fact of Bonnie Zundel, and acknowledged to me that he subscribed the name of Bonnie Zundel as principal and his/her own name as Attorney-in-fact.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



N. K. Laitin
Notary Public for the State of Idaho
Residing at: Pocatello
Commission Expires: 1/24/09

WARRANTY DEED

Order No.: 3040523934-L

FOR VALUE RECEIVED

Bonnie Zundel, a married person

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

Vincent Baiamonte and Barbara Baiamonte, Husband and Wife

whose current address is

1036 McFar Lane Rexburg, ID 83440

the grantee(s), the following described premises, in Madison County, Idaho, TO WIT:

Part of Lots 2, 3, 7, 8 and 18 of Section 6, Township 7 North, Range 41 East, Boise Meridian, Fremont County, Idaho, described as:

Beginning at a corner number 1, Lot 18, which is a brass cap marked SMC, Cor 1 Lot 18, Township 7 North, Range 41 East, S6; 1968 1978, said corner is South 53°42'00" West 2054.78 feet of the Northeast corner of Section 6; and running thence South 88°27'02" West (S 88°27'02" W), a distance of 636.04 feet (636.04') along restored original meander line for the right bank of the Henry's Fork of the Snake River; to the true point of beginning; thence South 0°28'38" West (S 0°28'38" W), a distance of 683.46 feet (683.46'); thence South 74°45'41" West (S 74°45'41" W), a distance of 126.16 feet (126.16'); thence North 4°56'43" West (N 4°56'43" W), a distance of 848.56 feet (848.56') to the actual left bank of the Henry's Fork of the Snake River, thence South 76°46'57" East (S 76°46'57" E), a distance of 206.65 feet (206.65') along said left bank of the river; thence South 0°28'38" West (S 0°28'38" W), a distance of 81.56 feet (81.56') to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/01/2005

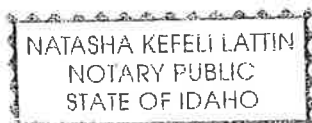
Bonnie Zundel by Neil Zundel
Bonnie Zundel attorney in fact

Neil Zundel
Neil Zundel

State of Idaho }
County of Madison } ss.

On this 1 day of July, in the year 2005, before me, a Notary Public in and for said state, personally appeared Bonnie Zundel, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

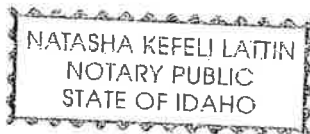


Notary Public for the State of Idaho
Residing at: Percelle
Commission Expires: 1/24/03

State of Idaho }
County of Madison } ss.

On this 1 day of July, 2005, before me, a Notary Public in and for said state,
personally appeared Not 10 Zundil known or identified to me to be the person(s)
whose name(s) subscribed to the within instrument as Attorney-in-fact of
Bonnie Zundil, and acknowledged to me that he subscribed the name of
Bonnie Zundil as principal and his/her own name as Attorney-in-fact.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first
above written.



[Signature]
Notary Public for the State of
Residing at: Paradise
Commission Expires: 1/24/07

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

RECEIVED
FEB 15 2007
 Department of Water Resources
 Eastern 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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
22-13413	—	—			
22-13346					

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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) Neil and Bonnie Zundel
- 645 Conrad Dr, Kalispell MT 59901
4. New Owner/Claimant(s) Vincent Baia Monte
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2455 South River Road
- City, State and ZIP Code St. Anthony ID 83445
- New Telephone Number (208) 403-9250

5. Date you acquired the property

7/8/2005 (see attached page)

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s) Unit R. Jail 2/10/07
(title if applicable)
(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

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

Vincent Baiamonte
2455 South River Road
St. Anthony ID 83445

2/11/07

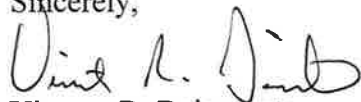
IDWR Eastern Region
900 N. Skyline Dr. Suite A
Idaho Falls ID 83402

To Whom It May Concern:

We recently learned that the attached paperwork was not filed with the IDWR following closing on the subject property to transfer the water right to our name. The realtor (Judy Hobbs Agency) had stated at the time of closing that they had taken care of this. As soon as we learned that the paperwork had not been filed and would not be filed by the realtors' agent, we took action.

Thanks for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent R. Baiamonte", with a stylized flourish at the end.

Vincent R. Baiamonte

