

RECEIVED

JUN 25 2002

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

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
# 37-10119					

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)

Thomas H. & Gladys L. Knight

4. New Owner/Claimant(s)

James Scott and Ann L. Simmons

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

New Mailing Address

830 W. 420 N.

City, State and ZIP Code

Gooding, ID 83330

New Telephone Number

(208) 886-7117

5. Date you acquired the property

Sept. 1999

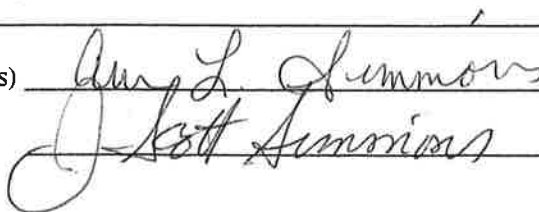
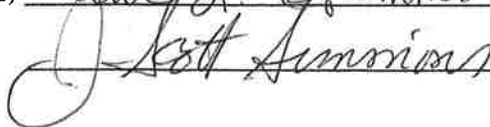
6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water 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) _____



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  AJ	Date <u>4/28/02</u>	WR _____ Date _____

160315

INDEXED

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of

JAN 16 1996

at 24 minutes past 4 P. M.

recorded by *William Jackson*Fee: 26.00 Return to: *Above***REAL ESTATE MORTGAGE**

FOR VALUE RECEIVED, THOMAS H. KNIGHT and GLADYS L. KNIGHT, husband and wife, hereinafter called the Mortgagors, do hereby grant, bargain, sell, mortgage and convey unto **HOFFMAN TRUST**, under Agreement dated September 10, 1990, **DONALD N. HOFFMAN and MAVIS W. HOFFMAN**, Trustees, hereinafter called the Mortgagee, the following described real property, located in Lincoln County, Idaho:

PARCEL NO. 1:

TOWNSHIP 5 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 9: N $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$;

PARCEL NO. 2:

TOWNSHIP 5 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 9: SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$;

TOGETHER WITH all water rights appurtenant thereto including, but not limited to, 41 shares of water in the Big Wood River Canal Co., 121 shares of water in the American Falls Reservoir District No. 2, and IDWR Water Rights A-37-10119 and A-37-10120.

(hereinafter referred to as "Premises")

Mortgagors' address: 20156 Stanton Ave. #20
Castro Valley, CA 94546

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Mortgagee, and their heirs, assigns, forever.

This conveyance is intended as a mortgage to secure the payment of the sum of **FIFTY THOUSAND AND NO/100 DOLLARS**. (\$50,000), in accordance with the terms of a promissory note of even date herewith, payable to the order of the Mortgagee, with final

WARRANTY DEED

160312 L-23090

INDEXED
✓✓

For Value Received

Dale Eden and Alicia Eden, husband and wife aka
Dale E. Eden and Alicia C. Eden, husband and wife

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

Thomas H. Knight and Gladys L. Knight, husband and wife
Address: 20156 Stanton Avenue, #29, Castro Valley, CA 94546

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

Parcel No. 1:

TOWNSHIP 5 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 9: N $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$;

Parcel No. 2:

TOWNSHIP 5 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 9: SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$

SUBJECT TO:

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

See Attached Exhibit A

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: January 16, 1996

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of
Dale E. Eden & Alicia C. Eden

JAN 16 1996

at 20 minutes past 4:15 P. M.
recorded by *Helen Jackson*
Fee: 3.00 Return to: *W. H. H.*

By deed

QUITCLAIM DEED

160313

#L-23990

INDEXED

For Value Received

Dale Eden and Alicia Eden, husband and wife aka
Dale E. Eden and Alicia C. Eden, husband and wife

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

Thomas H. Knight and Gladys L. Knight, husband and wife
Whose address is: 20156 Stanton Avenue, #29 Castro Valley, CA 94546

Hereinafter called the grantee, the following described premises, in Lincoln County, Idaho to-wit:

Any and all interest they may have in all ditch and water rights of every nature, however, evidenced, appurtenant and/or used on the land described as:

PARCEL NO. 1:

TOWNSHIP 5 SOUTH, RANGE 16, EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 9: N $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 5 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 9: SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$

American Falls Reservoir District No. 2, 121 Shares of Stock

Big Wood Canal Company 41 Shares of Stock

Water Permit Numbers A37-10119 and A37-10120

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: January 16, 1996

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of
Dale E. Eden
JAN 16 1996
at *22* minutes past *4* P M
recorded by *Nelson Jackson*
Fee: *3.00* Return to: *above*

By hand.

Alicia C. Eden
Alicia C. Eden

L 990089

RECEIVED

JUN 25 2002

Department of Water Resources
Southern Region

WARRANTY DEED

For Value Received, **THOMAS H. KNIGHT and GLADYS L. KNIGHT, Husband and Wife,**

the grantors, do hereby grant, bargain, sell and convey unto **JAMES S. SIMMONS and ANN L. SIMMONS, Husband and Wife,**

the grantees, whose current address is **1327 S. 2000 E., Gooding, Idaho 83330**

the following described premises, in **Lincoln** County, Idaho, to-wit:

See Attached Exhibit "A"

TOGETHER WITH: 111 Acres of American Falls Reservoir District #2 Water
41 Shares of Big Wood Canal Company

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 23 day of September, 1999.

Thomas H. Knight
THOMAS H. KNIGHT

Gladys L. Knight
GLADYS L. KNIGHT

167553

STATE OF CALIFORNIA, COUNTY OF Contra Costa
On this 23rd day of September, 1999
before me, a notary public and for said State,
personally appeared

**THOMAS H. KNIGHT and GLADYS L. KNIGHT,
Husband and Wife,**
known to me to be the persons whose names are
subscribed to the within instrument, and
acknowledged to me that they executed the
same.

Anthony J. Di Benedetto
Residing at Brentwood Notary Public
Comm. Expires June 27, 2001, California

STATE OF IDAHO, COUNTY OF Lincoln
hereby certify that this instrument was filed for
at the request of Gooding Title & Escrow
at 23 minutes past 13:00 o'clock P. m.
this 24th day of Sept.,
1999, in my office, and duly recorded in Book of
Deeds at page

Ex-Officio Recorder

By Helen Jackson Deputy.
Fees \$ 6.00 above Byhand.
Mail to:



RECEIVED

JUN 25 2002

Department of Water Resources
Southern Region

TO: D.L. EVANS BANK
ATTN: TERESA BAKER

AMENDED
SCHEDULE A

Order Number: L990083

Commitment Number: L990083
Reference: KNIGHT/SIMMONS

1. Effective date: August 24, 1999 at 08:00 A.M.

2. Policy or Policies to be issued:
(a) A.L.T.A. Standard Owner's

Amount of Insurance

Premium Amount

Proposed Insured:

\$ 135,000.00

\$ 670.00

JAMES S. SIMMONS and ANN L. SIMMONS

(b) A.L.T.A. Extended Mortgagee's

Proposed Insured:

\$ 121,500.00

\$ 229.00

D. L. EVANS BANK

ENDORSEMENTS: 100 116 8.1

\$ 50.00

3. The estate or interest in the land described or referred to in this Commitment and covered herein is

FEE SIMPLE

4. Title to the estate or interest in said land is at the effective date hereof vested in:

THOMAS H. KNIGHT and GLADYS L. KNIGHT, Husband and Wife.

5. The land referred to in this commitment is described as follows:

Township 5 South, Range 16 East of the Boise Meridian, Lincoln
County, Idaho

Section 9: West One-Half of the Southwest Quarter of the
Northwest Quarter.

REVIEWED & APPROVED

By: [Signature]

*House
+ 20 acres
w/ well on it,
not entire property.*

PROPERTY KNOWN AS: 830 WEST 470 NORTH, SHOSHONE, ID 83352

In the event that this transaction fails to close, a fee will be charged to comply with the State Insurance code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-10119 V1

WATER RIGHT NUMBER: 37-10119 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES SCOTT SIMMONS 830 W 420 N GOODING, ID 83330 (208)886-7117
Current Owner	ANN L SIMMONS 830 W 420 N GOODING, ID 83330 (208)886-7117
Original Owner	ALICIA C EDEN 615 ARIZONA GOODING, ID 83330 (208)934-8995
Original Owner	DALE EDEN 615 ARIZONA GOODING, ID 83330 (208)934-8995

Priority Date: 01/01/1936

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

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

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4NW1/4 Sec. 9, Twp 05S, Rge 16E, B.M.
LINCOLN County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	16E	9							X										

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-10119 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.
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: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:
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

July 1, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

J SCOTT SIMMONS
ANN L SIMMONS
830 W 420 N
GOODING ID 83330

Re: SRBA Claim(s) 37-10119

Dear Mr. and Mrs. Simmons:

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,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

05/07/2002

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

RIGHT NUMBER: 37-10119

NAME AND ADDRESS: ALICIA C EDEN
615 ARIZONA
GOODING ID 83330

DALE EDEN
615 ARIZONA
GOODING ID 83330

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 01/01/1936

POINT OF
DIVERSION: T05S R16E S9 SWSWNW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.040 CFS

PLACE OF USE: DOMESTIC Within LINCOLN County
T05S R16E S09 SWNW

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Case No. 39576

Water Right: 37-10119

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

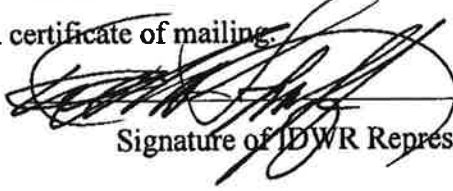
IDWR has completed the following administrative proceeding:

- ☒ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
- ☐ Point of diversion ☐ Place of use
- ☐ Period of use ☐ Nature of use
- ☐ Split of water right ☐ Change in ownership
- ☐ Other

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 Report(s)* for said water right(s). 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: May 7, 2002


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 8, 2002, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

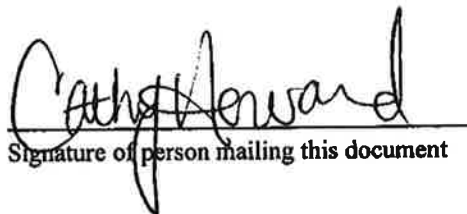
2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

3. Copies to all parties to the subcase:

Dale and Alicia C. Eden
615 Arizona
Gooding, ID 83330


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

May 8, 2002

KARL J. DREHER
DIRECTOR

SCOTT AND ANN SIMMONS
830 W 470 N
GOODING ID 83330

RECEIVED

MAY 08 2002

Department of Water Resources
Southern Region

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #37-10119

Dear Claimants:

We have been notified you are the current owners of the Notice of Claim referenced above. Before we can modify our records to reflect your ownership, we require the enclosed Notice of Change of Water Right Ownership form be submitted.

Since this claim is still pending in the SRBA, there is no fee to change the ownership.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sally Sherman'.

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Form 42-248/42-1409(6)

cc: Former Owners



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

MAY - 6 2002

Department of Water Resources

May 2, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DALE EDEN
615 ARIZONA
GOODING ID 83330

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #37-10119

*Records Modified 5-7-02
WRAP prepared.*

Dear Mr. Eden:

Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by May 13, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right claim referenced above, please call this office toll-free at 1/800-451-4129 so I can contact the new owner(s) regarding their water right(s) and updating our records.

CHANGE OF OWNERSHIP
LETTER SENT *5-8-02*

Sincerely,
Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Dale Eden
Water Right Holder's Signature

934-8995
Telephone No.

*New Owner
Scott & Ann Simmons - 886-7117
830 W 470 N
Gooding Id 83330*

SCANNED
MAY 07 2002