

06/27/2002

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

RIGHT NUMBER: 29-13364

NAME AND ADDRESS: HARRIET LUNDEURG
3250 S BANNOCK HWY
POCATELLO ID 83204

KENNETH G LUNDEURG
3250 S BANNOCK HWY
POCATELLO ID 83204

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.040 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-04177E & 29-13365 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.22 CFS.

PRIORITY DATE: 03/01/1910

POINT OF
DIVERSION:

T07S R34E S1 NESESW Within BANNOCK County
T07S R34E S1 NWSWSE Rediversion Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.040 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R34E S01 SWSE 2.2

2.2 ACRES TOTAL

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

0.04 CFS OF THIS RIGHT IS USED, IN COMEINATION WITH WATER
SUPPLIED UNDER CONTRACT BY THE CITY OF POCATELLO, FOR THE
IRRIGATION OF 5 ACRES WITHIN THE PLACE OF USE LISTED ABOVE,
AND THE COMEINED DIVERSION RATE UNDER THIS RIGHT AND WATER
SUPPLIED FROM ALL OTHER SOURCES, INCLUDING THE CITY OF
POCATELLO, SHALL NOT EXCEED 0.04 CFS, FOR THIS 2 ACRES.

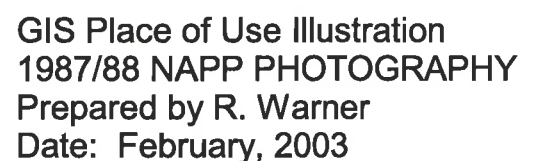
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO
LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-4177A

A2913364





Eclerk



IDAHO DEPT. OF WATER RESOURCES

Eastern Region
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718
(208) 525-7161

To

**FRANK LUNDBURG
PO BOX 6379
BOISE ID 83707**

Not Known
No Street
No Number
No Office In
No Post Office

*new owner
returned to
sender
29-13364*

02/25/2003

Eastern Clerk
Roger

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-13364

HARRIET LUNDBURG
3250 S BANNOCK HWY
POCATELLO ID 83204
Telephone Number: (208)233-4446

KENNETH G LUNDBURG
3250 S BANNOCK HWY
POCATELLO ID 83204
Telephone Number: (208)233-4446

RECEIVED
APR 28 2003
Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

There may be an error in the transfer of Water Right no. 29-4177 which impacts this right. 29-4177 shows the owner as Cherie Baker and irrigation of 19 Acres. The Deed to Baker from Lundburg only transferred 3.5 and .9 acres. The bulk of the

2. Describe the changes you wish to make in the proposed recommendation:

This right under 29-13364 should be for irrigation of 16 acres.

3. Give a brief explanation as to why you disagree with these portions:

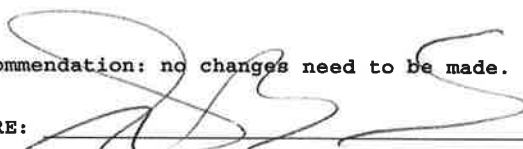
See copy of deed from Lundburg to Baker attached.

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

4-21-03

SIGNATURE:



Please print your name: Thomas J. Holmes, attorney for the Lundburg Estate.

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

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WARRANTY DEED

RECEIVED
APR 28 2003
Department of Water Resources
Eastern Region

FOR VALUE RECIEVED Harriet Lundburg, a widow, hereinafter referred to as "Grantor", whether one or more, does hereby grant, bargain, sell and convey unto Cheri Leonard Baker, hereinafter referred to as Grantee, whether one or more, whose current address is 478 Filmore Avenue, Pocatello, Idaho 83201, the following described premises, in Bannock County, Idaho, to wit:

See Exhibit "A"

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

DATED this 31st day of March, 1994.

Harriet Lundburg
Harriet Lundburg

94005958

STATE OF IDAHO)
:SS
County of Bannock)

6-2

On this 31 day of March, 1994, before me, the undersigned Notary Public, in and for said State, personally appeared Harriet Lundburg, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

Edda B. du Puy
NOTARY PUBLIC - STATE OF IDAHO
My Commission expires: 7/25/97

(SEAL)

94005958

NOTARY SEAL

NO. _____
RECORDED AT _____
JONES CHARTERED
'94 APR -4 A8:58

OFFICIAL RECORD BOOK NO. Col 1
BANNOCK COUNTY, IDAHO
LARRY S. JONES, RECORDER
FEE 18 DEPUTY m

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EXHIBIT "A"

EAST PARCEL

A 3.5 acre parcel of land situated in the southwest quarter southeast quarter of Section 1, Township 7 South, Range 34 East, Boise Meridian, Bannock County, Idaho being a portion of the lands of Kenneth G. and Harriet L. Lundburg described as Instruments 329464 and 650923, records of Bannock County, Idaho, more particularly described as follows:

Commencing at a Bannock County Brass Cap Monument marking the South 1/4 corner of Section 1, Township 7 South, Range 34 East, Boise Meridian; thence

North 359.26 feet (recorded as North 360 feet) to an uninscribed brass cap monument; thence

North 00'07'03" West 300.38 feet (recorded as North 300 feet) to a Bannock County Brass Cap Monument marking the northwest corner of the land described in Instrument 737248 and the southwest corner of the land described in instrument 416957; thence

Continuing North 00'07'03" West along the westerly line of the lands described in instrument 416957 a distance of 125.09 feet; thence

South 89'56'12" East 659.18 feet to a point marked with a 1/2-inch by 24-inch iron pin, the POINT OF BEGINNING; thence

North 00°19'19" West 57.12 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence

North 87°25'40" West along an existing fence 38.32 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence

Continuing along the existing fence for the following six (6) courses:

- (1) South 48°48'15" West 23.97 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence
- (2) South 66°56'02" West 60.58 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence
- (3) North 13°43'44" West 25.10 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence
- (4) South 75°07'12" West 17.96 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence
- (5) North 47°12'52" West 16.47 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence
- (6) South 70°29'00" West 104.24 feet, more or less, to a point in the existing fence line on the easterly side of the Bannock Highway, said point marked with a 1/2-inch by 24-inch iron pin; thence

Southeasterly along the existing fence on the easterly side of the Bannock Highway 511.70 feet, more or less, to the north boundary of the land described in instrument 493685; thence

South 89°58' East 217.00 feet along the said north boundary of the land described in instrument 493685 to a point marked with a 5/8-inch iron pin; thence

Continuing along the said north boundary North 41°34' East 167.00 feet to a point marked with a 5/8-inch iron pin; thence

North 08°36'18" West 62.29 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence

South 79°00' West 125.00 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence

North 06°47' West 300.00 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence

North 89°56'12" West 102.02 feet to the point of beginning.

Comprising 3.5 acres, more or less.

The westerly boundary of the afore described parcel is to be adjusted to coincide with the easterly right of way line of the Bannock Highway, said right of way line being the limit of the public's interest in the roadway as it now exists and as required to properly maintain the roadway.

WEST PARCEL

A 0.9-acre parcel of land situated in the southwest quarter southeast quarter of Section 1, Township 7 South, Range 34 East, Boise Meridian, Bannock County, Idaho, being a portion of the lands of Kenneth G. Lundburg and Harriet L. Lundburg described at Instrument 416957, records of Bannock County, Idaho, more particularly described as follows:

Commencing at a Bannock County Brass Cap Monument marking the South 1/4 corner of Section 1, Township 7 South, Range 34 East, Boise Meridian; thence

North 359.26 feet (recorded as North 360 feet) to an uninscribed brass cap monument; thence

North 00°07'03" West 300.38 feet (recorded as North 300 feet) to a Bannock County Brass Cap Monument marking the northwest corner of the land described in Instrument 737248 and the southwest corner of the land described in instrument 416957, the POINT OF BEGINNING; thence

Continuing North 00°07'03" West along the westerly line of the lands described in instrument 416957 a distance of 125.09 feet to a point marked with a 1/2-inch by 24-inch iron pin; thence

South 89°56'12" East 299.51 feet to a point in the existing fence on the west side of the Bannock Highway, marked with a 1/2-inch by 24-inch iron pin; thence

Southeasterly along the fence on the west side of the Bannock Highway 133.06 feet to northwest corner of the land described in instrument

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737248, said corner marked with a 5/8-inch iron pin; thence

North 89°59'25" West 345.34 feet along the north boundary of the said lands described in instrument 737248 to the point of beginning. Comprising 0.9 acres, more or less.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 27, 2002

FRANK LUNDBURG
ESTATE OF HARRIET LUNDBURG
3250 S BANNOCK HWY
POCATELLO ID 83204

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 29-4177A

Dear Mr. Lundburg:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

29-4177A:

29-13364: 2.2 acres, .04 cfs, Lundburg

29-13365: 4.8 acres, 0.1 cfs, Baker

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

OK 801E
6-18-02
RECEIVED
APR 03 2002
Department of Water Resources
Eastern Region

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, 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
29-4177	BV1	3K			
29-4177 A	29-13364				
	29-13365				

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) are 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) Harriet + Kenneth Lundburg
3250 Bannock Hwy, Pocatello, ID
4. New Owner/Claimant(s) Cheri Leonard Baker
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 478 Filmore
- City, State and ZIP Code Pocatello, Idaho 83201
- New Telephone Number (208) 233-6307
5. Date you acquired the property January 2000