

09/22/2003

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

RIGHT NUMBER: 29-13650

NAME AND ADDRESS: JOSEPH K SIMONS
RT 2 BOX 157-K
POCATELLO ID 83202-9714

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 01/27/1912

POINT OF
DIVERSION: T07S R35E S7 SENWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.100 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T07S R35E S07 NWSE 5.0

5 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-2137B

A2913650



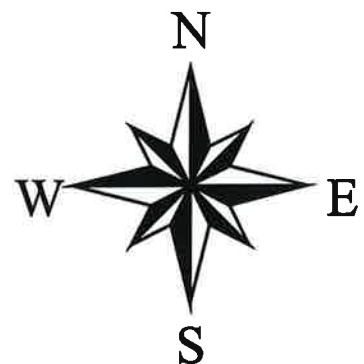
29-13650



0.06 0 0.06 0.12 Miles



-  Sections
-  QQ
-  Simons.shp
-  GCDB07S35E GCDB
-  POD - AJ RecRecommendation POD
-  Administrative BasinsAdminbas.shp





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

September 25, 2003

JOSEPH SIMONS
RT 2 BOX 157-K
POCATELLO ID 83202

RE: Notice of Change of Water Right Ownership (NCO) for
29-2137B, 29-13650, 29-13651 and Notice of Completed
Administrative Proceeding (NCAP)

Dear Mr. Simons:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, 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 the water right(s) as recorded in the SRBA.

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

Respectfully,

Kristen Forsgren
Office Specialist 1

Enclosure

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: 29-2137B, SPLIT
INTO 29-13650, 29-13651

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

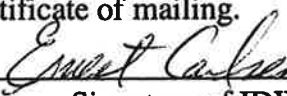
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

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: Sept 22, 2003.



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on September 26, 2003, 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:
JOSEPH SIMONS
RT 2 BOX 157-K
POCATELLO ID 83202

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
JOSEPH SIMONS
RT 2 BOX 157-K
POCATELLO ID 83202

JUDITH ANNE KRUSEN
C/O WAYNE HOPKINS
5026 ELIZABETH
POCATELLO ID 83202

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

29-13650

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.

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
	29-2137B	X			

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)

Joseph Simons

4. New Owner/Claimant(s)

Judith Anne Krusen

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

New Mailing Address

405 E. Pathway

City, State and ZIP Code

Pocatello ID 83201

New Telephone Number

(208) 233-3595 (Judith's)

5. Date you acquired the property

March 14, 2003

c/o Wayne Hopkins
 5026 Elizabeth
 Pocatello
 83202
 237-7697
 (Wayne's)

RECEIVED

SEP 18 2003

Department of Water Resources
 Eastern Region

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 <u>29 - 2137B</u>		
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	<u>0.12 cfs</u>	<u>6 acres irrigation</u>
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) E. Maggie Hopkins
(include title if applicable) for Judith Ann Kelson

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 _____	WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s).** Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original form to the IDWR office nearest you:

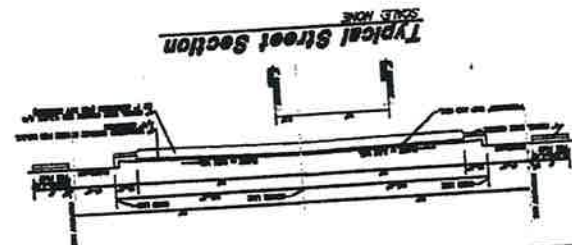
IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

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

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

ONE DUMPLA

[illegible]

QUITCLAIM DEED

20306746

For Value Received Joseph K. Simons, the Grantor, does hereby grant, bargain, sell and convey unto Judith Anne Krusen, whose current address is 405 E Putnam, Pocatello, Idaho 83201, the Grantees, the following described premises, in Bannock County, Idaho, to wit:

PART OF THE SOUTHEAST QUARTER OF SECTION 7,
T.7S., R.35E., B.M., US SURVEY, DESCRIBED AS
FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE
GRANTORS' LAND AND A POINT ON THE WESTERLY
RIGHT-OF-WAY LINE OF THE PORTNEUF RIVER, SAID
POINT BEING S89°35'E 267.00 FEET, N00°09'W
90.00 FEET, AND S89°35'E 548.40 FEET FROM THE
SOUTH 1/16 CORNER OF SAID SECTION 7; THENCE
ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING
THREE (3) COURSES: (1) N03°02'40'E 286.77
FEET TO A POINT ON A 103.24-FOOT RADIUS
CURVE, (2) NORTHWESTERLY ALONG SAID CURVE TO
THE LEFT A DISTANCE 75.58 FEET, AND (3)
N38°57'20"W 411.14 FEET; THENCE S51°03'23"W
417.72 FEET; THENCE S38°56'37"E 285.18 FEET;
THENCE S00°25'W 189.11 FEET; THENCE S89°35'E
413.09 FEET TO THE POINT OF BEGINNING,
CONTAINING 6.00 ACRES

TO HAVE AND TO HOLD the said premises, with its appurtenances
unto the said Grantee, her heirs and assigns forever.

All liens, mortgages and loans are now satisfied and the
property is free and clear.

DATED this 14th day of March, 2003.

DAVID E. ALEXANDER
NOTARY PUBLIC
STATE OF IDAHO

JOSEPH K. SIMONS

STATE OF IDAHO)
) : ss
County of Bannock)

20306746

On this 14th day of March, 2003, before me, a Notary Public in and for said County and State, personally appeared JOSEP K. SIMONS, known to me to be the person whose name is subscribed to the foregoing 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 in this certificate first above written.

DAVID E. ALEXANDER
NOTARY PUBLIC
STATE OF IDAHO

(SEAL)

NOTARY PUBLIC FOR IDAHO
Residing at Pocatello
My commission expires:

20306746

Kim Lynn
RECORDED AT REQUEST OF

FEE 6 DEPUTY BP

2003 MAR 18 PM 4 33

OFFICIAL RECORD BK# 92
LARRY W SHAW RECORDER
BANNOCK COUNTY IDAHO

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS that the undersigned, Judith Krusen has made, constituted and appointed, and by these presents does make, constitute and appoint E. Wayne Hopkins, 5026 Elizabeth, Chubbuck, Idaho, 83202, the true and lawful attorney in fact of the undersigned for and in the name, place and stead of the undersigned:

To have all legal authority to deal with any and all business matters associated with the development of my property near Indian Hills School.

Giving and granting unto my said attorney in fact full power and authority to do and perform all and every act and things whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that my said attorney in fact or his substitute(s), shall lawfully do or cause to be done by virtue of these presents.

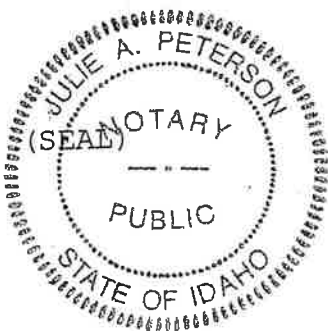
WITNESS MY HAND this 30 day of May, 2002.


JUDITH KRUSEN

STATE OF IDAHO)
 :ss
County of Bannock)

On this 30th day of May, 2002, before me, a Notary Public in and for said County and State, personally appeared JUDITH KRUSEN, known to me to be the person whose name is subscribed to the foregoing 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 in this certificate first above written.




NOTARY PUBLIC FOR IDAHO
Residing at Pocatello
My Commission expires: 7-29-2004