

10/14/2003

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

RIGHT NUMBER: 29-13655
NAME AND ADDRESS: PAUL OTTO
276 NOAH ST
CHUBBUCK ID 83202

COLETTE OTTO
276 NOAH ST
CHUBBUCK ID 83202

A2913655



SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 04/01/1971

POINT OF
DIVERSION: T07S R35E S24 NESESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/01	0.030 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T07S R35E S24 SESW 4.0

4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13657 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 4 ACRES IN A SINGLE IRRIGATION
SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1.66 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-4392.

FILED

SCANNED

MAR 02 2005

29-13655 + 29-13657
Paul & Colette Otto



0.03 0 0.03 0.06 Miles

-  Paul otto.shp
-  Sections
-  QQ
-  Bannock taxlots
-  POD - AJ RecRecommendation POD



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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

October 24, 2003

DEBORAH K BROWN
4638 W PORTNEUF RD
INKOM ID 83245

RE: Notice of Change of Water Right Ownership (NCO) for
29-4392, 29-13654, 29-13655, 29-4404, 29-13656, 29-13657 and
Notice of Completed Administrative Proceeding (NCAP)

Dear Ms. Brown:

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

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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
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KARL J. DREHER
Director

October 24, 2003

PAUL W & COLETTE H OTTO
276 NOAH ST
CHUBBUCK ID 83202

RE: Notice of Change of Water Right Ownership (NCO) for
29-4392, 29-13654, 29-13655, 29-4404, 29-13656, 29-13657 and
Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Otto:

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

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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: 29-4392, SPLIT
INTO 29-13654, 29-13655 & 29-
4404, SPLIT INTO 29-13656, 29-
13657

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: Oct 20, 2003.

Ernest Carlson

Signature of IDWR Representative

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CERTIFICATE OF MAILING

I certify that on October 24, 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:
DEBORAH K BROWN
4638 W PORTNEUF RD
INKOM ID 83245

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
DEBORAH K BROWN
4638 W PORTNEUF RD
INKOM ID 83245

PAUL W & COLETTE H OTTO
276 NOAH ST
CHUBBUCK 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

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

RECEIVED
OCT 09 2003

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 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
	29-4392	✓			
	29-4404	✓			

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)

Deborah K. Brown

4638 W. Portneuf Rd Inkom, ID 83245

4. New Owner/Claimant(s)

Paul W. Otto Colette H. Otto

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

New Mailing Address

276 Noah St.

City, State and ZIP Code

Chubbuck, ID 83202

New Telephone Number

(208) 237-9111

5. Date you acquired the property

9/18/03

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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>29-4392</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>4-5</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) _____
(include title if applicable) Paul W. Old
Collette H. Old

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

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WARRANTY DEED

For Value Received **DEBORAH KAY BROWN**, AN UNMARRIED PERSON

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

PAUL W. OTTO and COLETTE OTTO, HUSBAND AND WIFE

whose address is: 276 Noah Chubbuck ID 83202

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

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 24, 918.19 FEET; THENCE NORTH 0°16' EAST 126.0 FEET, MORE OR LESS TO THE NORTHERLY RIGHT OF WAY LINE OF THE BANNOCK COUNTY HIGHWAY; THENCE SOUTH 82°29' EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE 600 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 82°29' EAST ALONG SAID RIGHT OF WAY 250 FEET; THENCE NORTH 0°08' 580 FEET, MORE OR LESS, TO THE SOUTHERLY BANK OF THE PORTNEUF RIVER; THENCE WESTERLY ALONG THE SOUTH BANK OF SAID RIVER TO A POINT THAT IS NORTH 0°08' EAST 680 FEET, MORE OR LESS, FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 0°08' EAST 680 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

"THIS DEED IS SUBJECT TO THE FOLLOWING RESTRICTIONS:
THE GRANTEE SHALL NOT BE

THE GRANTEES SHALL NOT PLACE ON THE PROPERTY ANY MOBILE, PRE-BUILT, OR MANUFACTURED HOME. THIS RESTRICTION SHALL BE BOUND UPON THE GRANTEES' HEIRS, SUCCESSORS AND ASSIGNS."

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated:: 09/18/03

DEBORAH KAY BROWN

STATE OF Idaho)ss.
COUNTY OF BANNOCK

On this 19th day of September, 2003, before me VIKI D BAUER, personally appeared DEBORAH KAY BROWN, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) IS subscribed to the within instrument, and acknowledged to me that SHE executed the same.

Notary Public of Idaho
Residing at Pocatello, Idaho
Commission Expires: 03/29/08

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MAR 02 2005