

10/29/2003

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

RIGHT NUMBER: 29-13662
NAME AND ADDRESS: J RENEE LACEY
13774 W TRAIL CREEK RD
POCATELLO ID 83204

ROY J LACEY
13774 W TRAIL CREEK RD
POCATELLO ID 83204

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.020 CFS
2.30 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.10 CFS. COMBINED RIGHT NOS.: 29-13659 &
29-13662.

PRIORITY DATE: 04/01/1981

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY
DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN
WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426,
IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF
DIVERSION: T06S R34E S33 NENW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.020 CFS 2.30 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County
T06S R34E S33 NENW 4.0

4 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-13659 & 29-13662.

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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO.
29-13659 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 0.67 ACRES WITHIN THE PLACE
OF USE DESCRIBED FOR THIS RIGHT.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-13402



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 31, 2003

ROY & RENEE LACEY
13774 W TRAIL CREEK RD
POCATELLO ID 83204

RE: Notice of Change of Water Right Ownership (NCO) for
29-7501A, 29-13659, 29-13660, 29-13402, 29-13662, 29-13663, 29-
13409 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Lacey:

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: 29-7501A SPLIT
INTO 29-13659, 29-13660; & 29-
13402 SPLIT INTO 29-13662, 29-
13663; & 29-13409

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 30, 2003.

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 31, 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:
ROY & RENEE LACEY
13774 W TRAIL CREEK RD
POCATELLO ID 83204

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
ROY & RENEE LACEY
13774 W TRAIL CREEK RD
POCATELLO ID 83204

CHAD & NATALIE HOUGHTON
13774 W TRAIL CREEK RD
POCATELLO ID 83204

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
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

OCT 20 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
297501A		✓			
2913462		✓			
← 2913409					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25 - paid.
- 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) Roy + Renee Lacey
13774 W Trail Creek Rd
4. New Owner/Claimant(s) Chad + Natalie Houghton
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 13774 W Trail Creek Rd
 City, State and ZIP Code Pocatello ID 83204
 New Telephone Number (208) 406-6242
5. Date you acquired the property 9-22-03

sent
copy to
SL.

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>297501A, 2913452, 2913409</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>0.150 CFS 17.50 AFW</u>	<u>3 acres pasture</u>
Stock	<u>.20 AFW .020 CFS</u>	<u>3 horses</u>
Domestic	<u>.040 CFS</u>	<u>1 home</u>
Other		
Total	<u>.21 CFS</u>	

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)

Mark Vary

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 jc Date 10-24-03 Fee \$25-
 Receipted by jc Date 10-24-03 Receipt No. 6029301
 Processed by _____ AJ Date _____ WR _____ Date _____

↑ Requested refund
10/21/03
jc

WARRANTY DEED

For Value Received, Roy J. Lacey, Jr. and J. Renee Lacey, husband and wife, does hereby grant, bargain, sell and convey unto Chad R. Houghton and Natalie R. Houghton, husband and wife, Grantees, the following described premises in Bannock County, Idaho, to-wit:

A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST 1/16 CORNER OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 34 EAST; THENCE NORTH, ALONG THE WEST 1/16 LINE OF SAID SECTION 33, A DISTANCE OF 69 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF TRAIL CREEK ROAD; THENCE CONTINUING NORTH, ALONG THE SAID WEST 1/16 LINE, A DISTANCE OF 921.1 FEET TO THE NORTHWEST CORNER OF DEED NUMBER 20008384 ALSO BEING THE **TRUE POINT OF BEGINNING.**

THENCE NORTH 88°40' EAST, ALONG THE NORTH LINE OF SAID DEED, A DISTANCE OF 903.5 FEET TO THE NORTHEAST CORNER OF SAID DEED; THENCE SOUTH 10°12' EAST, ALONG THE EASTERLY LINE OF SAID DEED, A DISTANCE OF 287.94 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF TRAIL CREEK ROAD; THENCE IN A SOUTHWESTERLY DIRECTION A DISTANCE OF 340 FEET ALONG THE NORTHERLY RIGHT-OF-WAY OF TRAIL CREEK ROAD; THENCE NORTH 59°16'25" WEST A DISTANCE OF 742.5 FEET, MORE OR LESS, TO THE **TRUE POINT OF BEGINNING.**

CONTAINING 5 ACRES, MORE OR LESS.

SUBJECT TO: Reservation of right of way through said property for a pipe line as the same now exists upon said premises. Said pipeline running in a generally Southwesterly-Northeasterly direction through the said property herein conveyed. Said right of way shall be maintained free and clear of any obstructions, and the grantor shall have the right of ingress and egress for the purpose of maintenance and repair of said pipeline. Said right of way shall extend 10 feet on each side of said pipeline.

The grantor further reserves the right of way over and across the above described premises for the trailing of farm equipment along a trail now established and presenting in existence across said premises. The grantor or its authorized agent or employees shall have the right of ingress or egress at all times across said premises. And the grantees shall not obstruct or interfere with the grantor's right to trail farm machinery across said property.

The above described property shall be restricted in use and enjoyment to the establishment of single unit residences. No business, trade or commercial establishment of any kind or multiple unit dwelling or apartment houses shall be placed upon said land. Said property shall be restricted to the harboring or raising of beef cattle, milk cows or horses, or personal pets or small animals.

20325691

No residential building shall be erected on said premises at a cost of less than \$25,000. Any outbuildings, garages or other structures placed on said premises shall not be more than one story in height and shall conform to the general architectural design and materials of the residences or residences to which said building or buildings shall be appurtenant.

An additional easement and right of way is granted to Idaho Power Company to maintain a 440 Volt power line which passes over said property in an approximately North-South direction.

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

Dated: 9-15-03



Roy J. Lacey, Jr.
Roy J. Lacey, Jr.
J. Renee Lacey
J. Renee Lacey

STATE OF IDAHO)
)SS.
COUNTY OF BANNOCK)

On this 15 day of Sept. in the year 2003, before me, a Notary Public in and for the said County and State, personally appeared Roy J. Lacey, Jr. and J. Renee Lacey.

Susan Gibbens
Notary Public

Residence: McCammon

My Commission expires 1-8-09

20325691
Natalie Houghton
RECORDED AT REQUEST OF
FEE 6 DEPUTY PP

2003 SEP 22 PM 1 12
838
OFFICIAL RECORD BK#
LARRY W GHAN RECORDER
BANNOCK COUNTY IDAHO

