



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DEC 06 1996

DATE OF CLOSING: 10-18-96

Department of Water Resources
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED QUITCLAIM DEED
FOR LEGAL DESCRIPTION

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s)
Assigned by IDWR: #36-13529 #36-02447 ^B #36-02109 ^B #36-02446 #36-07356 #36-23530
#36-02141 #36-02142B #36-02143
- [] Name and Address of Former Owner/Claimant(s)(Seller): JACK F. DUNCAN AND JANET H. DUNCAN, husband and wife
- [] New Owner/Claimant (Purchaser): THE DUNCAN LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP
- [] New Mailing Address: 750 East 100 South
RUPERT, IDAHO 83350
- [] New Telephone Number: (208) 436-1214
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
NE1/4 and S1/2 of Section 17: NE1/4 of Section 35 and Section 36, with an exception
all in Township 7 South Range 25 East Boise, Meridian, Minidoka County, Idaho
- [] Attach proof of ownership, describe proof attached: QUITCLAIM DEED
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- [] Signature of New Owner/Claimant(s) THE DUNCAN LIMITED PARTNERSHIP Date _____
by JACK F. DUNCAN GENERAL PARTNER Date 11-15-96
- [] Signature of Former Owner/Claimant(s): Jack F. Duncan Date 11-15-96
Janet H. Duncan Date 11-15-96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: 6/19/97 By: SC

Final Review and Data-Entry

Date: 7/10/97 By: SC

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

QUITCLAIM DEED

#10684

COPY

For Value Received

JACK F. DUNCAN and JANET H. DUNCAN, husband and wife

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

THE DUNCAN LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP
750 East 100 South Rupert, Idaho 83350

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

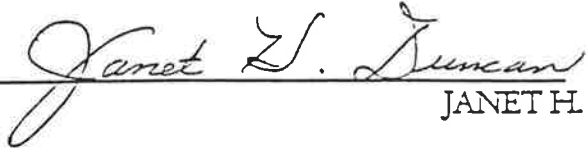
SEE ATTACHED EXHIBIT "A"

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

Dated: October 18, 1996



JACK F. DUNCAN

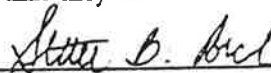


JANET H. DUNCAN

STATE OF IDAHO)

COUNTY OF MINIDOKA)

On this 18th day of OCTOBER, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared JACK F. DUNCAN AND JANET H. DUNCAN, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public

Residing at: Rupert, Id.

My Commission expires: 5-1-99

STEVE B. PORCH
★ NOTARY PUBLIC ★
STATE OF IDAHO

RESIDING AT RUPERT, ID
MY COMMISSION EXPIRES

5-1-99

RECORDED AT REQUEST OF
Land Title-Rupert
FILM NO.
96 NOV 15 15 : 40
MINIDOKA COUNTY, IDAHO
DUPLICATE, RECORDED
FILE 9 DEPUTY 

427017

EXHIBIT "A"

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 17: NE¼ and S½;
SECTION 35: NE¼;
SECTION 36: SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of Section 36, said corner marked by a U.S. GLO iron pipe with brass cap which shall be the POINT OF BEGINNING;
Thence South 00°05'00" East along the East line of Section 36 for 2639.97 feet to a 5/8 inch rebar alongside a bent U.S. GLO iron pipe;
Thence South 00°14'25" East along the East line of Section 36 for 2628.09 feet to a 5/8 inch rebar at the Southeast corner of Section 36;
Thence North 88°56'38" West along the South line of Section 36 for 1982.66 feet to a point;
Thence North 01°02'58" East for 37.49 feet to a ½ inch rebar;
Thence North 01°02'58" East for 1239.35 feet to a ½ inch rebar;
Thence North 89°03'28" East for 78.68 feet to a ½ inch rebar;
Thence North 00°10'53" West for 47.21 feet to a ½ inch rebar;
Thence North 78°47'40" West for 272.35 feet to a ½ inch rebar;
Thence North 00°15'49" West for 1122.27 feet to a ½ inch rebar;
Thence North 43°54'39" West for 52.13 feet to a ½ inch rebar;
Thence North 89°43'54" West for 561.95 feet to a ½ inch rebar;
Thence North 64°50'51" West for 69.79 feet to a ½ inch rebar;
Thence North 50°17'16" West for 200.49 feet to a ½ inch rebar;
Thence North 89°43'41" West for 874.35 feet to a ½ inch rebar;
Thence North 00°55'56" East for 1270.63 feet to a ½ inch rebar;
Thence South 88°50'12" East for 973.71 feet to a ½ inch rebar;
Thence North 01°11'23" East for 1333.41 feet to a ½ inch rebar on the North line of Section 36;
Thence South 88°52'57" East along the North line of Section 36 for 166.05 feet to a 5/8 inch rebar at the North quarter section corner of Section 36;
Thence South 88°52'57" East along the North line of Section 36 for 2640.32 feet to the POINT OF BEGINNING.

Order No.: 10684

AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE FOLLOWING
DESCRIBED PARCELS:

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 34: NE¼.

PARCEL NO. 2:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 19: E½, SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of said Section 19; thence South for 41¼ rods
to the TRUE POINT OF BEGINNING;
Thence West for 15 rods;
Thence South for 15 rods;
Thence East for 15 rods;
Thence North for 15 rods to the POINT OF BEGINNING.

SECTION 20: W½.

PARCEL NO. 3:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 16: All.

PARCEL NO. 4:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 17: NE¼ and S¼;

SECTION 35: NE¼;

SECTION 36: SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of Section 36, said corner marked by a U.S.
GLO iron pipe with brass cap which shall be the POINT OF BEGINNING;
Thence South 00°05'00" East along the East line of Section 36 for 2639.97 feet
to a 5/8 inch rebar alongside a bent U.S. GLO iron pipe;
Thence South 00°14'25" East along the East line of Section 36 for 2628.09 feet
to a 5/8 inch rebar at the Southeast corner of Section 36;
Thence North 88°56'38" West along the South line of Section 36 for 1982.66
feet to a point;
Thence North 01°02'58" East for 37.49 feet to a ½ inch rebar;
Thence North 01°02'58" East for 1239.35 feet to a ½ inch rebar;
Thence North 89°03'28" East for 78.68 feet to a ½ inch rebar;
Thence North 00°10'53" West for 47.21 feet to a ½ inch rebar;
Thence North 78°47'40" West for 272.35 feet to a ½ inch rebar;
Thence North 00°15'49" West for 1122.27 feet to a ½ inch rebar;
Thence North 43°54'39" West for 52.13 feet to a ½ inch rebar;
Thence North 89°43'54" West for 561.95 feet to a ½ inch rebar;
Thence North 64°50'51" West for 69.79 feet to a ½ inch rebar;
Thence North 50°17'16" West for 200.49 feet to a ½ inch rebar;
Thence North 89°43'41" West for 874.35 feet to a ½ inch rebar;
Thence North 00°55'56" East for 1270.63 feet to a ½ inch rebar;
Thence South 88°50'12" East for 973.71 feet to a ½ inch rebar;
Thence North 01°11'23" East for 1333.41 feet to a ½ inch rebar on the North
line of Section 36;
Thence South 88°52'57" East along the North line of Section 36 for 166.05 feet
to a 5/8 inch rebar at the North quarter section corner of Section 36;
Thence South 88°52'57" East along the North line of Section 36 for 2640.32 feet
to the POINT OF BEGINNING.

EXHIBIT "A"
(CONTINUED)

PARCEL NO. 5:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 23: S½;
SECTION 24: W½SW¼;
SECTION 25: W½, SW¼SE¼;
SECTION 26: All.

PARCEL NO. 6:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 27: NW¼, **SAVE AND EXCEPT** the following described tract:

Beginning at the Northwest corner of Tract A in said Section 27, said corner marked by a U.S. Bureau of Reclamation pipe with brass cap which shall be the POINT OF BEGINNING;
Thence North 0°01'00" West along section line for 17.00 feet to a point;
Thence South 89°16'31" East for 391.49 feet to a point;
Thence South 0°01'00" East for 17.00 feet to a ½ inch rebar on the North line of Tract A;
Thence North 89°16'31" West along the North line of Tract A for 391.49 feet to the POINT OF BEGINNING.

PARCEL NO. 7:

TOWNSHIP 8 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 5: Farm Unit F, Tract F of the North Side Pumping Division of the Minidoka Project, Idaho, (as shown by plat, dated July 22, 1954, filed in the office of the County Recorder, Minidoka County, Idaho).

PARCEL NO. 8:

An Easement and road right-of-way for the purpose of ingress and egress as created by Agreement for Easement And Right-Of-Way, recorded January 23, 1973 as Document 230321, Minidoka County records, said Easement described, as:

Beginning at a point 8.78 chains South 0°11' East of the West ¼ corner of Section 5, Township 8 South, Range 24 East, Boise Meridian; Thence South 78°31' East for 10.25 chains; Thence South 72°55' East for 9.46 chains; Thence South 67°41' East for 30 feet; Thence South 22°19' West for 30 feet; Thence North 67°41' West for 30 feet; Thence North 72°55' West for 9.46 chains; Thence North 78°31' West for 10.25 chains to a point on the West section line of said Section 5; Thence North along the said West section line of Section 5 for 30 feet to the POINT OF BEGINNING.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DEC 06 1996

DATE OF CLOSING: 9-12-96

Department of Water Resources
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED WARRANTY DEED
FOR LEGAL DIScription

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s) Assigned by IDWR: #36-13529 #36-02447 #36-02109 #36-02446 #36-07356 #36-13530
#36-02141 #36-02142B #36-02143

[] Name and Address of Former Owner/Claimant(s)(Seller): SPLIT BUTTE RANCH, INC., an Idaho Corporation

[] New Owner/Claimant (Purchaser): JACK F. DUNCAN, JANET H. DUNCAN AND PAUL H. DUNCAN AND KATHY F. DUNCAN

[] New Mailing Address: 750 EAST 100 SOUTH
RUPERT, IDAHO 83350

[] New Telephone Number: () 436 -1214

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
NE 1/4 and S 1/4 of Section 17; NE 1/4 of Section 35 and Section 36, with an exception
, all in Township 7 south range 25 East Boise Meridian, Minidoka County, Idaho

[] Attach proof of ownership, describe proof attached: WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) Jack F. Duncan Janet H. Duncan Date 9-17-96
Paul H. Duncan Kathy F. Duncan Date _____

[] Signature of Former Owner/Claimant(s): Split Butte Ranch, Inc. Date Sept 17, 1996
By: J. Lee Skene, President Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

Exhibit 'A' is Attached to the 2ND change of owner form for the Partnership

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed:

Further Action Taken
Date: 6/19/97 By: scu

Final Review and Data-Entry
Date: 7/10/97 By: scu

Claim Numbers of Split, if any:

36-2109 & 36-2447 split into A & B
Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

For Value Received

SPLIT BUTTE RANCH, INC., an Idaho Corporation

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

PAUL H. DUNCAN and KATHY F. DUNCAN, husband and wife; JACK F. DUNCAN
and JANET H. DUNCAN, husband and wife
Address: Route 1 Box 2934, Rupert, Idaho 83350

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

(SEE EXHIBIT "A" ATTACHED)

TOGETHER WITH all water and water rights, which includes water right numbers 36-13529, 36-02447, 36-02109, 36-02446, 36-07356, 36-13530, 36-02141, 36-02142B and 36-02143.

SUBJECT TO:

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

Taxes for 1996 and subsequent years.

A Power Line Easement, dated December 10, 1953, recorded March 16, 1954 as Document No. 116958 in Book 29 of Deeds, Page 569, Minidoka County records.

A Power Line Easement, dated June 30, 1963, recorded September 30, 1963 as Document No. 166978, Minidoka County records.

A Power Line Easement, dated January 5, 1970, recorded May 22, 1970 as Document No. 209792, Minidoka County records.

A Power Line Easement, dated April 22, 1974, recorded August 7, 1974 as Document No. 243931, Minidoka County records.

A Power Line Easement, dated August 19, 1974, recorded January 28, 1975 as Document No. 247379, Minidoka County records.

A Power Line Easement, dated August 13, 1975, recorded November 21, 1975 as Document No. 254792, Minidoka County records.

A Power Line Easement, dated March 9, 1976, recorded March 16, 1977 as Document No. 268509, Minidoka County records.

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.

(Page 1 of 3)

RECORDED AT REQUEST OF
Land Title-Rupert
FILM NO. _____
96 SEP 17 16 : 41
MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FEE - 9 DEPUTY *[Signature]*

426061

Dated: September 12, 1996

SPLIT BUTTE RANCH, INC., an Idaho Corporation

BY: *Elise Heins*
ELISE HEINS - President

STATE OF IDAHO

)
)ss
)

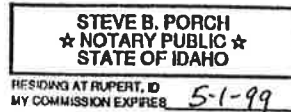
COUNTY OF MINIDOKA

On this ^{17th} day of September, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared ELISE HEINS, President of the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

(SEAL)

Steve B. Porch
Notary Public
Residing at Rupert, Idaho
My Commission Expires: 5/1/99





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

December 17, 1996

KARL J. DREHER
DIRECTOR

PAUL H DUNCAN AND
KATHY F DUNCAN AND
JACK F DUNCAN AND
JANET H DUNCAN
RT 1 BOX 364
RUPERT ID 83350

FEB 12 1997

RE: Snake River Basin Adjudication (SRBA)
Minidoka County - Notices of Claim #36-02062, 36-02066A,
36-02098, 36-02099, 36-02100, 36-02109, 36-02141,
36-02143, 36-02221, 36-02446, 36-02447, 36-02469D,
36-02469E, 36-02678, 36-07294, 36-07356, 36-13527,
36-13529, 36-13531, 36-13550 and 36-13458
Ownership Change

Dear Claimants:

As you know, the title company assisted you with some documents dealing with changing the ownership of water rights. Those documents were sent to the SRBA Court who in turn forwarded the Standard Forms 3 you completed to our office. In mid-1996 the Court altered the procedure placing the Department in the 'gate-keeper' role. Before we can make any changes, we must have a copy of the recorded Warranty Deeds to confirm the conveyance and legal descriptions.

Upon receipt of the Deed copies, the water right claim records will be reviewed and changed. Notice of the change will be sent to the SRBA Court, to you and any other necessary parties to the water right cases.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your water right claims.

Please contact this office toll-free at 1/800-451-4129 if you have any questions.

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

SO:ss:region:tf

F CLAIMS IN POLYGON 2
A NUMBERS 36-2109 B
36-2447 B

DATE 7/10/97
AGENT su

TRANSFER NUMBER _____

OBJECTION FILED _____

TOTAL ACRES FROM RECOMMENDATION 267

GEOGRAPHIC INFO SYSTEM 269

SHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
COM	7s	25E	36					33	38	38	2								111
GIS			36					33	38	38	2								113
COM	7s	25E	35	38	39	40	39												156
GIS			35	38	39	40	39												156
COM																			
GIS																			
COM																			
GIS																			

UPDATED
B36-DBPOU.DBF 7-10-97
B36-DBPOD.DBF 7-10-97

POLYGON # UPDATED
ATTRIBUTES OF B36-POU.SHP (2) 7-10-97
ATTRIBUTES OF B36-POD.SHP (1) 7-10-97

4/25/97
initial GIS CREATION: 4/28/97 su
Acres limited by original license.

7/10/97 su POD is owned by this claimant (B) but claimants for
part 'A' also use the same POD - until transfer is filed.

1997 AUG -8 PM 1:36

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

**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	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	
_____	)	SUB CASE NO. 36-02447

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☒ Yes ☐ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):
Split Butte Ranch Inc
Rt 3 Box 220
Rupert ID 83350

Phone: 531-5348

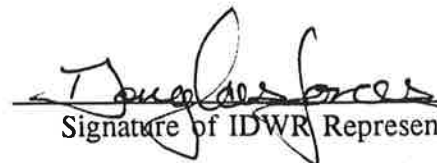
TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):
The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350
Phone: 436-1214

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: 7/14/97



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8-8, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Roger D Ling
Ling Nielsen & Robinson
PO Box 396
Rupert ID 83350
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
The Duncan Limited Partnership
Paul H Duncan
Kathy F Duncan
750 E 100 S
Rupert ID 83350
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy 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

AJ5859NP

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

DATE: AUG-5-1997
PAGE: A-2

RIGHT NUMBER: 36-02447

SPLIT RIGHT: SEE RIGHT NOS. 36-02447A AND 36-02447B.

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02447A

NAME & ADDRESS: SPLIT BUTTE RANCH INC
RT 3 BOX 220
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.01 CFS

USE OF THIS RIGHT WITH 36-02109A IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.36 CFS AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 136 AF.

PRIORITY DATE: 07/22/1960

POINT OF DIVERSION: T07S R25E S36 SENWNW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.01 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County	
	T07S R25E S36	NENW 5	SEnw 29
	34 ACRES TOTAL		

USE OF THIS RIGHT WITH RIGHT NO. 36-02109A IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 34.0 ACRES IN A
SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-02109A, 36-02109B & 36-02447B.

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02447B

NAME & ADDRESS: PAUL H DUNCAN
KATHY F DUNCAN
THE DUNCAN LIMITED PARTNERSHIP
750 E 100 S
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.12 CFS

USE OF THIS RIGHT WITH 36-02109B IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.85 CFS AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1068 AF.

PRIORITY DATE: 07/22/1960

POINT OF DIVERSION: T07S R25E S36 SENWNW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.12 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T07S R25E S35	NENE 38	NWNE 39	SWNE 40	SENE 39
	S36	NENW 33	NWNW 38	SWNW 38	SENW 2
	267 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT 36-02109B IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 267 ACRES IN A
SINGLE IRRIGATION SEASON.EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-02447A, 36-02109A & 36-02109B.



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

August 8, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

THE DUNCAN LIMITED PARTNERSHIP
PAUL H DUNCAN
KATHY F DUNCAN
750 E 100 S
RUPERT ID 83350

RE: SRBA Claim(s) 36-02447, 36-02109, 36-02141, 36-02142B,
36-02143, 36-02446, 36-13529

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: Roger D. Ling Esq.

AJ0749NP
No. R36-02109B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/10/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PAUL H DUNCAN	02/08/1951	IRRIGATION	04-01 10-31	2.73 CFS	
C	KATHY F DUNCAN					
C	THE DUNCAN LIMITED PARTNERSHIP 750 E 100 S RUPERT ID 83350 (208) 436-1214			TOTAL DIVERSION:	2.73 CFS	
D	SPLIT BUTTE RANCH INC RT 3 BOX 220 RUPERT ID 83350 (208) 531-5348					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T07S R25E S36

SENNNW

MINIDOKA County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE					
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
07S	25E	35	38		39		40		39										156.0	
07S	25E	36							33		38		38		02				111.0	
																			TOTAL ACRES	267.0

POU County: MINIDOKA

Other Rights: SEE REMARKS, 36-02447B

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Remarks: QNT USE OF THIS RIGHT WITH 36-02447B IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.85 CFS AND A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1068 AF.

POU1 USE OF THIS RIGHT WITH RIGHT 36-02447B IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 267 ACRES IN A
SINGLE IRRIGATION SEASON.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-02447A, 36-02109A & 36-02447B.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag: C

=====

Comments: Date: 08/21/1991 User-ID: CLELLAND Subject: COPIED FROM REMARKS
THIS RECORD CREATED TO CREATE THE R-RECORD.
THIS WR IS UNCLAIMED. CONTACT HAS BEEN MADE WITH THE CURRENT
PROPERTY OWNERS AND NO RESPONSE WAS MADE WITHIN 30 DAYS OF THIS
DATE 8-21-91 SCC.

Date: 12/19/1991 User-ID: CLELLAND Subject: COMBINED RIGHT WITH 36-02447
THIS RIGHT WAS LICENSED FOR THE WELL IN SENWNW, S36 IN 1951.
THIS SAME WELL AND SYSTEM WAS LICENSED AGAIN UNDER THE 36-02447
BUT THE TOTAL WELL CAPACITY IS LIMITED TO 3.21 CFS. THIS RIGHT
HAS BEEN RECOMMENDED IN FULL AND R36-02447 HAS BEEN REDUCED
ACCORDING TO IDWR OVERLAP REVIEW.

Date: 09/17/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/16/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 8/8/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/16/1992 User-ID: MERRITT Subject: RESPONDED TO NOE
LETTER SENT 10/16. CHANGED RECOMMENDATION TO REFLECT THAT
THE THREE WELLS ARE NOT INTERCONNECTED.

Date: 03/14/1994 User-ID: FRAZEE Subject: NOTICE OF APPEARANCE (NOA)
NOA REC'D 2/17/94 FROM ATTORNEY ROGER D LING

Date: 07/10/1997 User-ID: SCLELLAN Subject: CHANGE OF OWNERSHIP - SPLIT CLAIM
FORMS AND DEEDS SUBMITTED BY DUNCAN RESULT IN SPLIT AS SHOWN.

Audit: 07/10/97 SCLELLAN

AJ5809NP
No. 36-02109

B

DUNCAN
PART

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/10/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SPLIT BUTTE RANCH INC DUNCAN	02/08/1951	IRRIGATION	04-01 10-31	3.08 CFS	2.73 cfs
TOTAL DIVERSION:					3.08 CFS	2.73 cfs

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T07S R25E S36

SENWNW

MINIDOKA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
07S	25E	35		38		39		40		39		38		38		31				156.0
07S	25E	36																		145.0
TOTAL ACRES																			301.0	

267.0

267.0

POU County: MINIDOKA

Other Rights: SEE REMARKS 36-2447B

Conditions of Approval:

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Remarks: GEN

(THIS RIGHT IS LIMITED TO THE IRRIGATION OF 272 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-02447B, 36-02447A, 36-02449A
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.21 CFS, A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1204 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE
USE VOLUME OF 903 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL
OF 301 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
NO.: 36-02447

POU 1

EXP

QNT

POU 1

* REVISE AMOUNTS AS NEEDED

Dates: Exam Made Date: 06/07/1991

Verified Date:

Objection Filed Date: 04/29/1993

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: C

Vol = 1068 AF
cfs = 2.85 cfs

DATA ENTERED BY: SCW
DATE: 7/10/97

Split Ownership Review
7/10/97 SCW

Well site
conveyed
to DUNCANS
IN SALE -

No change
in POD
Expected.

MEMO

TO: FILE UPDATES
FROM: STEVE CLELLAND
DATE: July 10, 1997

**RE: CHANGE OF OWNERSHIP - SPLIT REVIEW OF SRBA CLAIM
NOS. 36-02109 & 36-02447 (NOW BOTH RIGHTS SPLIT INTO PARTS
A & B)**

=====

During my review of the split in ownership for the above rights I found some discrepancy in the acres licensed, recommended and found irrigated in the tract T07S, R25E, S36, SENW.

License 36-02109 listed 20 acres and then in the exam and license for 36-02447 the acreage appears to be increased to 31 acres; completely overlapping the previous license. SRBA claim A36-02447 listed the licensed rate of 31 acres.

Initial SRBA exam found 32 acres but since it was within the 5% tolerance it was recommended at the licensed rate of 31 acres. A more accurate measurement of the place of use acres was performed using GIS data and procedures. This showed the acres in this tract at 34 acres.

A review of the original license exam map for right 36-02447 clearly shows the location of the 31 acres found at that time. The small strip of land on the west edge of this quarter-quarter, 2.0 acres, was being irrigated at the time of exam. The portion not being irrigated that is currently now being irrigated was east of the farm access road and east of the 2 acre strip.

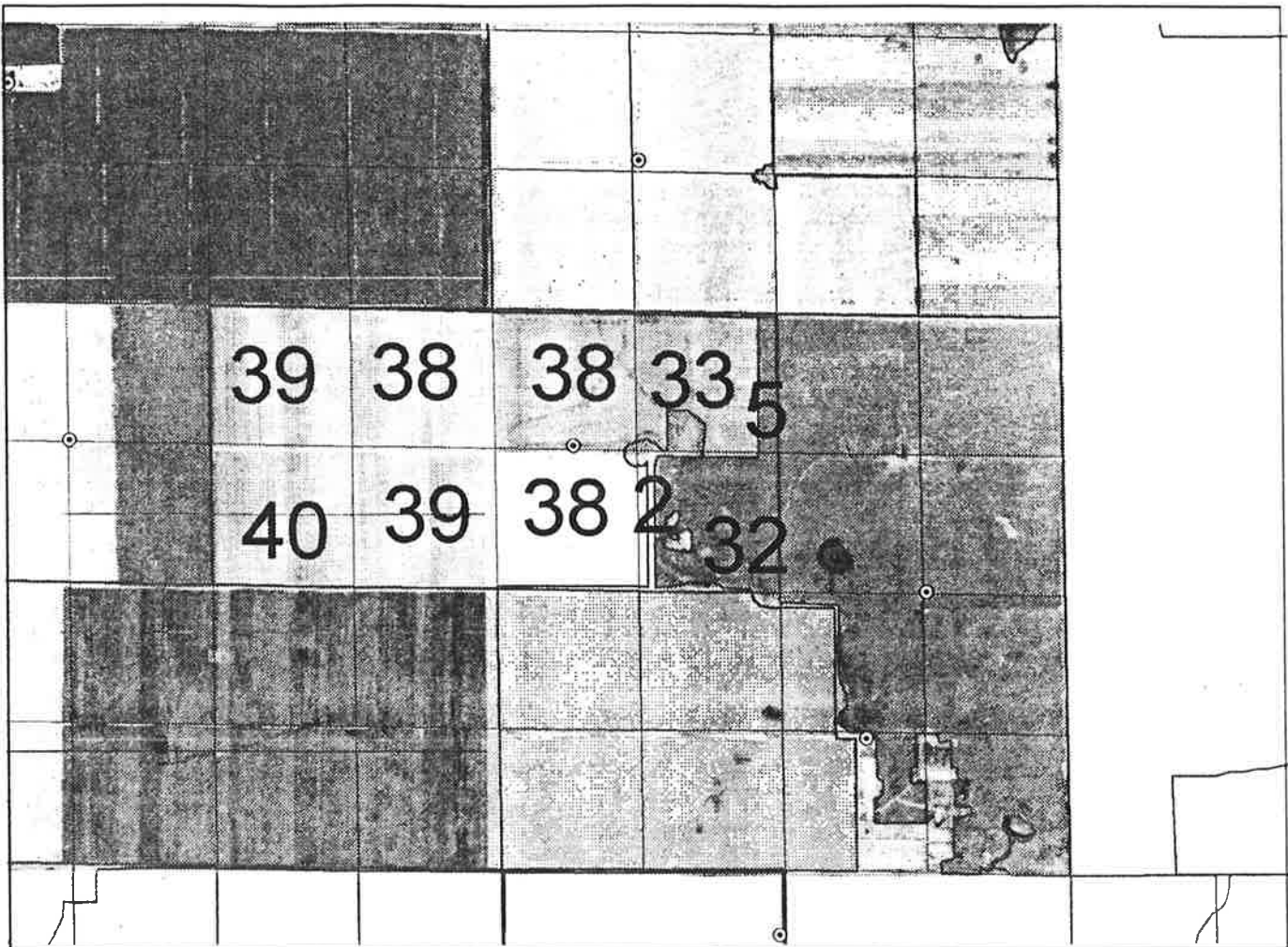
Given the description provided in the deed's metes and bounds, the 2 acres are being recommended as irrigated under the Duncan's portions of these two rights. The east portion of this tract, retained by Split Butte Ranch Inc., although found to be 32 acres of irrigated land can only be recommended for 29 acres due to the limitation of the original licenses. This leaves 3 acres that appear to be without a water right. The two options I see at this time is to file an expansion claim or cease irrigation of 3 acres within the tract.

POD NOTE: The point of diversion site for these rights now belongs to the Duncan's, as indicated by parts 'B', and a transfer is required if the owners of parts 'A' choose to switch their rights to a different point of diversion.

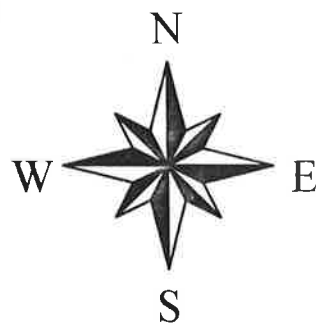
R36-02447B

A36-02109 & A36-02447

Change of Ownership Split



0.2 0 0.2 0.4 0.6 0.8 1 Miles



Lic. total Ac. = 301

GIS
TOTAL COMBINED
ACRES = 304.0

26 | 25
35 | 36

267.000 Ac.

A36-02109 B
A36-02447 B

"34.0 Ac"
ALLOWED
By LICENSE
~~37.000~~
A36-02109 A
A36-02447 A

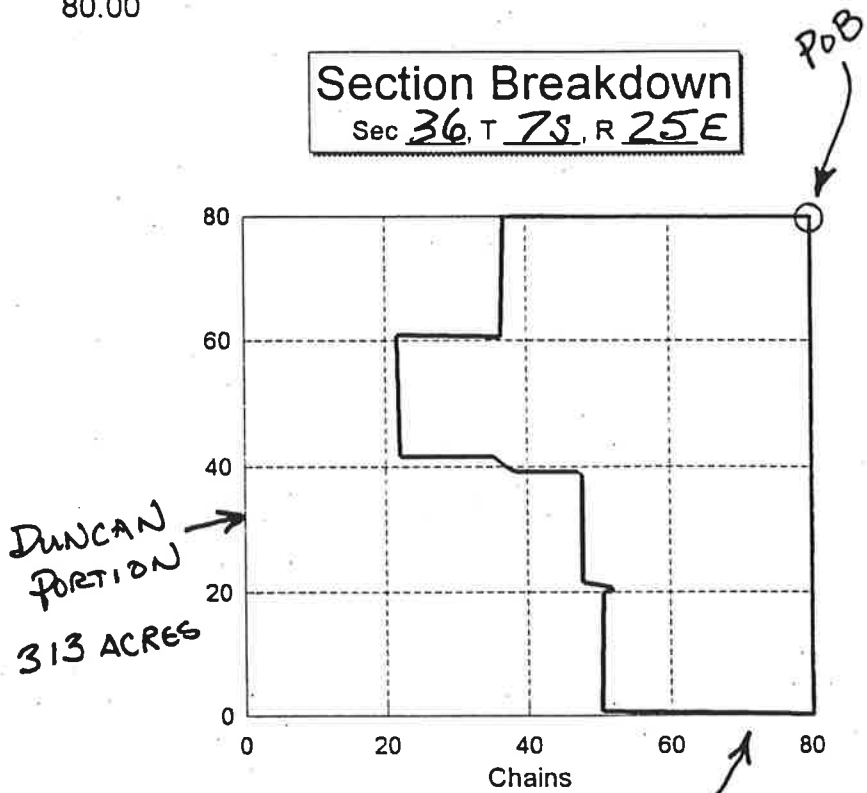
SPLIT OWNERSHIP
REVIEW

7/7/97 son

GIS View OF
T7S R25E
Sections 35+36
(PART)

Right No: _____

79.37	80.00
79.37	80.00
79.37	80.00
79.37	80.00
79.37	80.00
79.37	80.00



36.2447B

HEINS - Duncan
owner change

06/27/97 11:37 AM

Acres = 327.17

By: SCC

Right No: _____

ACREAGE CALCULATIONS

LAST DEP.	DEPARTURE	LATITUDE	DMD	AREA FT2	CUM ACRES
=====					
	3.84	-2639.97	3.84	-5068.31	-0.12
	11.02	-2628.07	18.70	-24573.19	-0.68
	-1982.32	36.54	-1952.60	-35677.48	-1.50
	0.69	37.48	-3934.24	-73734.92	-3.19
	22.70	1239.14	-3910.85	-2423050.90	-58.82
	78.67	1.29	-3809.48	-2464.40	-58.87
	-0.15	47.21	-3730.96	-88068.97	-60.90
	-267.16	52.93	-3998.27	-105805.52	-63.33
	-5.16	1122.26	-4270.59	-2396353.81	-118.34
	-36.15	37.56	-4311.91	-80967.96	-120.20
	-561.94	2.63	-4910.01	-6461.01	-120.34
	-63.17	29.66	-5535.12	-82093.58	-122.23
	-154.23	128.10	-5752.53	-368447.80	-130.69
	-874.34	4.15	-6781.10	-14070.55	-131.01
	-20.67	1270.46	-7676.11	-4876102.00	-242.95
	973.51	-19.77	-6723.27	66455.67	-241.43
	27.69	1333.12	-5722.08	-3814115.50	-328.99
	166.02	-3.24	-5528.37	8951.66	-328.78
	2639.82	-51.49	-2722.54	70096.74	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17
	0.00	0.00	-82.72	0.00	-327.17

Right No: _____

0.00	0.00	-82.72	0.00	-327.17
0.00	0.00	-82.72	0.00	-327.17
0.00	0.00	-82.72	0.00	-327.17
0.00	0.00	-82.72	0.00	-327.17
0.00	0.00	-82.72	0.00	-327.17
0.00	0.00	-82.72	0.00	-327.17
				327.17

Acres = 327.17

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

Water Right No. 28884/36-2447 Priority July 22, 1960 Amount 3.21 cfs

THIS IS TO CERTIFY that WARREN HEINS & ELISE HEINS

of Rupert, Idaho, have xxx complied with the terms and conditions of Permit 28884/36-2447 issued pursuant to Application for Permit dated July 22, 1960 and has submitted proof to the Department of Water Administration on March 1, 1965 that he has applied water to a beneficial use, an examination by the Department indicates that the works have a capacity of 3.21 cfs and that the water has in fact been applied to a beneficial use, a right to the use of water from a ground water source

is hereby confirmed in the following amounts:
Amount 3.21 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
subject, however, to the condition that no more than 3.21 cfs of water be diverted at any one time, said waters to be diverted within the _____

SW1/4 Sec. 36, Twp. 7 S, Rge. 25 E, B. M.

in the county of Minidoka and that the amount of water so diverted and to which such right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can actually be beneficially used and shall not exceed 1,516 acre feet per year or 4.0 acre feet per acre.

Description and location of place of use:

TWP	RANGE	SEC	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTALS
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	
7 S	25 E	35	38	39	40	39													156
		36		39	39		38	38	38	31									223

Total number of acres irrigated 379

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4 day of December, 19 73.

[Signature]
Director

36 2447

A36-02447 B

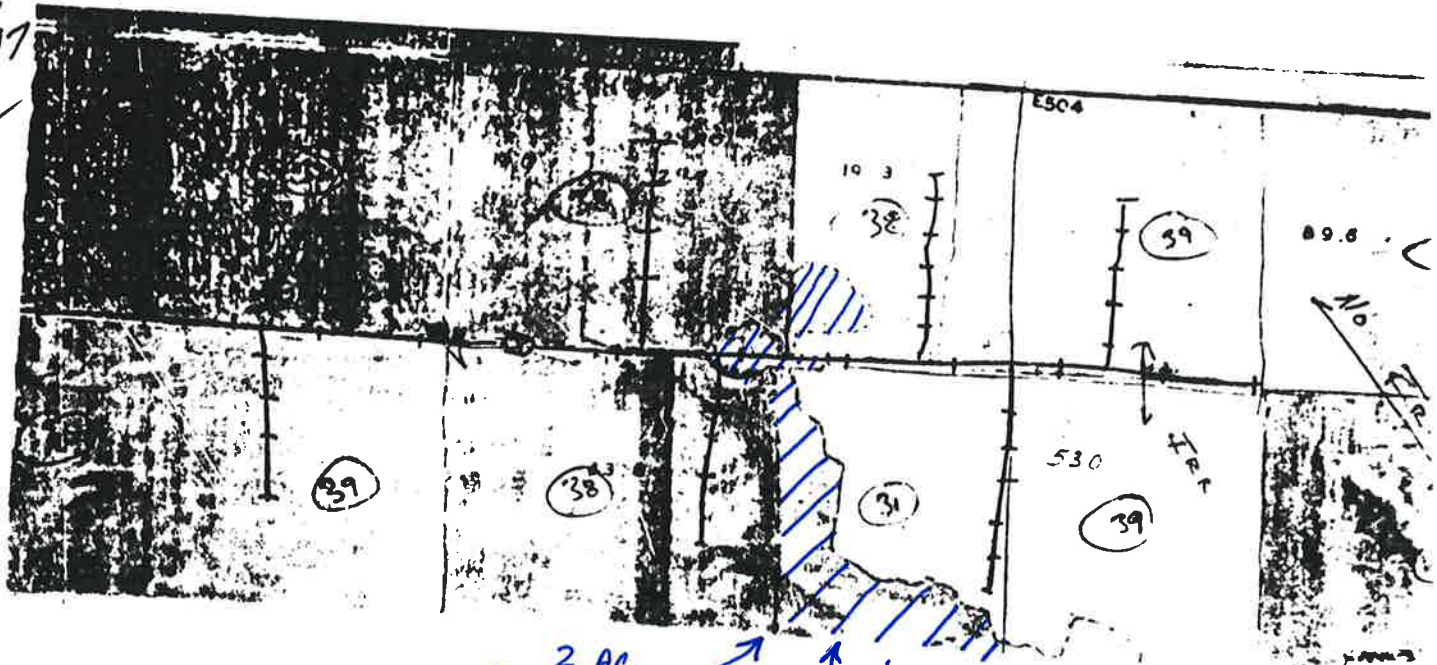
Copied from M.F. 7/10/97 sec

Hand-drawn map on a grid showing a rectangular area with numerical values. The area is labeled "R 25 E" at the top. The values are arranged in a grid:

39	38	38	38	39
40	39	38	31	39

The area is labeled "35" on the left and "36" on the right. The map is oriented with "T 7 S" on the left and "R 25 E" at the top.

Copied
from M.F.
7/10/97
su



2 AC. on this edge ARE IRRIGATED; SAME AS CURRENT USE.

- THIS AREA NOT IRRIGATED AT TIME OF EXAM.

A36-02447 B