

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-15498 V1

WATER RIGHT NUMBER: 36-15498 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLYDE D TRAUGHER 757 NORMAL AVE BURLEY, ID 83318 (208)878-2038
Original Owner	ANNE JANSSEN 1220 MEADOW RIDGE RD SANDY, UT 84094-5714 (801)545-0431
Original Owner	DAVID JANSSEN 1220 MEADOW RIDGE RD SANDY, UT 84094-5714 (801)545-0431

Priority Date: 06/16/1995

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4SE1/4	Sec. 5, Twp 10S, Rge 23E, B.M.
MINIDOKA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	23E	5																X	

Conditions of Approval:

1. C18 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.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

IDAHO DEPARTMENT OF WATER RESOURCES

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3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



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

SOUTHERN REGION

March 27, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CLYDE D TRAUGHBER
757 NORMAL AVE
BURLEY ID 83318

RE: Decreed Water Right 36-15498

Dear Mr. Traughber:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

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

RECEIVED

MAR 21 2002

Department of Water Resources
Southern 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
# 36-15498					

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)

David + Anne Janssen

P.O. Box 188

4. New Owner/Claimant(s)

Paul, Idaho 83347

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

Clyde D. Traugber

New Mailing Address

757 Normal Ave

City, State and ZIP Code

Burley, Idaho 83318

New Telephone Number

(208) 878-2038

5. Date you acquired the property

8/29/2000

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 _____		
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	_____	

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) Clyde D. Traugott
(include title if applicable) _____

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 <u>[Signature]</u>	Date <u>3/25/02</u>	Fee <u>25.00</u>
Receipted by <u>[Signature]</u>	Date <u>3/25/02</u>	Receipt No. <u>5024667</u>
Processed by _____	AJ Date _____	WR _____ Date _____

For Value Received

DAVID JANSSEN and ANNE JANSSEN, husband and wife

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

CLYDE D. TRAUGHBER, a single person

Address: 757 NORMAL AVENUE, BURLEY, ID 83318

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

PARCEL NO. 1:

**TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO**

Section 5: Part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 5, aid corner marked by a 5/8 inch rebar which shall be the Point of Beginning; Thence North 89°46'55" East along the North line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 303.20 feet to a ½ inch rebar; Thence South 00°04'12" East for a distance of 518.15 feet to a ½ inch rebar; Thence South 00°04'12" East for a distance of 26.40 feet to the centerline of a drain ditch; Thence South 80°08'21" West along said drain ditch centerline for a distance of 218.49 feet; Thence South 60°31'20" West for a distance of 100.89 feet to a point on the West line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$; Thence North 00°04'12" West along said line for a distance of 13.15 feet to a ½" rebar; Thence North 00°04'12" West along said line for a distance of 617.32 feet to the Point of Beginning.

PARCEL NO. 2:

An easement for irrigation ditch, access and underground utilities as disclosed by Warranty Deed dated June 9, 1995 and recorded June 9, 1995 as Instrument No. 418878, records of Minidoka County, Idaho, more particularly described as follows:

**TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO**

Section 5: Part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 5, said corner marked by a ½ inch rebar; Thence North 00°05'41" East along the East line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 1111.57 feet to a point which shall be the Point of Beginning; Thence South 89°54'19" West for a distance of 91.58 feet to a 1¼ inch iron pipe; Thence North 55°34'20" West for a distance of 91.86 feet; Thence North 01°12'47" East for a distance of 102.78 feet; Thence South 89°46'55" West for a distance of 1155.61 feet to a point on the West line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$; Thence North 00°04'12" West along said line for a distance of 55.29 feet to a 5/8 inch rebar at

PARCEL NO. 3:

An easement for ingress and egress and utilities as disclosed by Warranty Deed dated June 9, 1995 and recorded June 9, 1995 as Instrument No. 418878, records of Minidoka County, Idaho, more particularly described as follows:

**TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO**

Section 5: Part of the SW¼SE¼, more particularly described as follows:

Beginning at the Southeast corner of the SW¼SE¼ of said Section 5, said corner marked by a ½ inch rebar which shall be the Point of Beginning;
Thence South 89°51'00" West along section line for a distance of 50.00 feet to a point;
Thence North 00°08'42" West (North, & North 0°09'00" West, rec.) for a distance of 1062.09 feet to a point;
Thence North 39°28'32" West (North 34°26'00" West, & North 34°17' West, rec.) for a distance of 64.07 feet to a 1¼ inch iron pipe;
Thence North 89°54'19" East for a distance of 91.58 feet to a point on the East line of the SW¼SE¼;
Thence South 00°05'41" East along the East line of the SW¼SE¼ for a distance of 1111.57 feet to the Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to

SUBJECT TO:

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

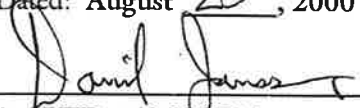
Taxes for 2000 and subsequent years.

Assessments of the Minidoka Irrigation District and the rights and powers of said District as by law provided.

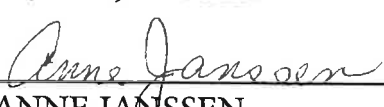
Contract and Easements between LaVern L. and Dorothy H. Anderson and Jesse and Cherril Moses, dated October 22, 1975 and recorded October 23, 1975 as Instrument No. 254117, records of Minidoka County, Idaho.

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.

Dated: August 28, 2000



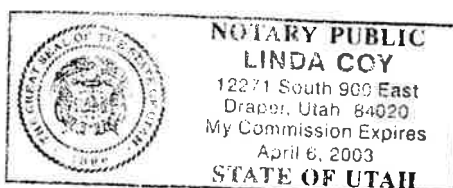
DAVID JANSSEN

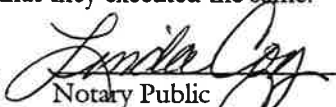


ANNE JANSSEN

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

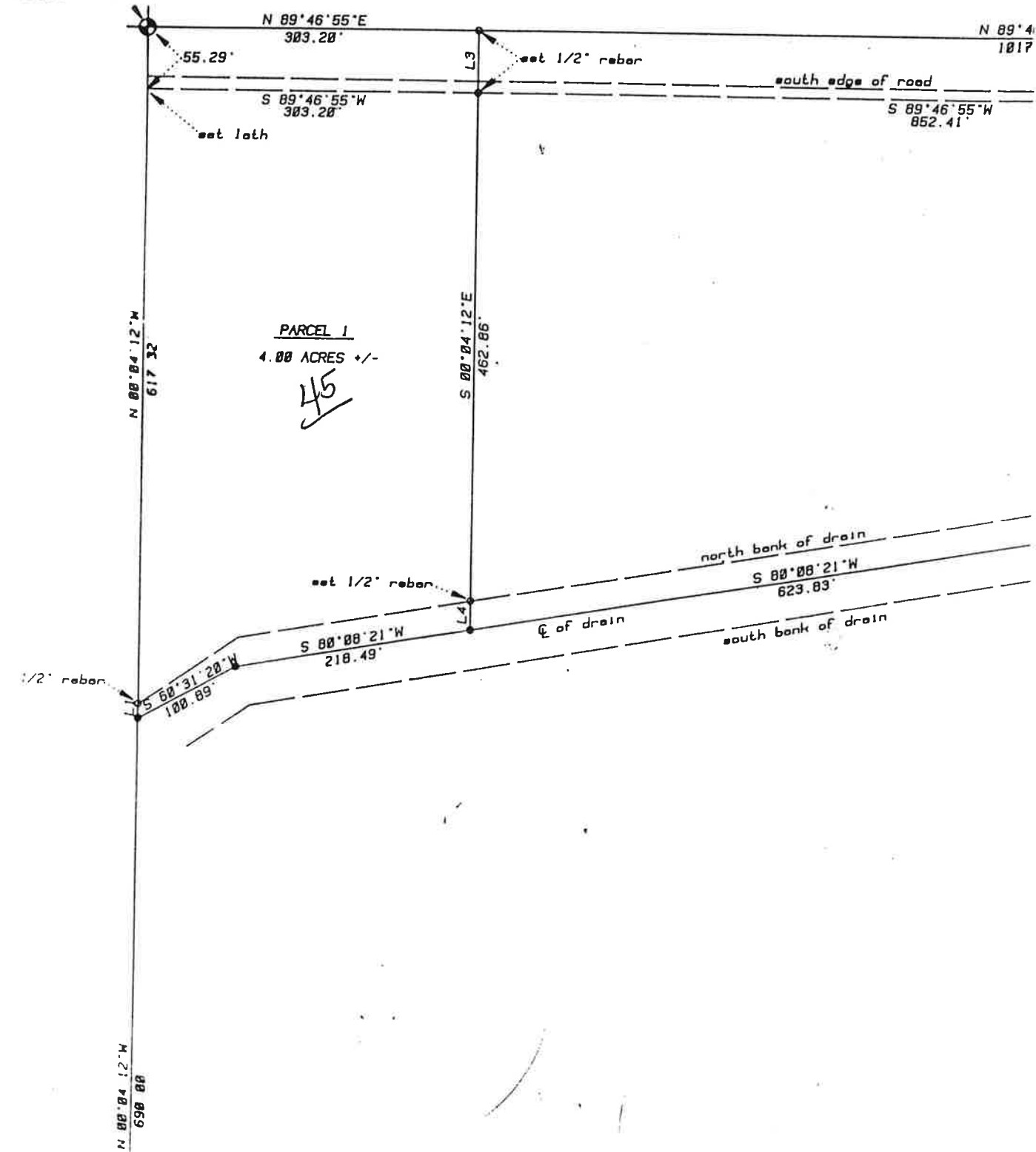
On this 28 day of August, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared DAVID JANSSEN and ANNE JANSSEN, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.





Notary Public
Residing at: Draper
My Commission expires: April 6, 2003

NORTHWEST CORNER
SW4 SE4
SECTION 5
Fnd 5/8" rebar



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

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-15498

7901 DEC 19 PM 4:18

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: DAVID JANSSEN
ANNE JANSSEN
PO BOX 188
PAUL, ID 83347

SOURCE: GROUND WATER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 06/16/1995

POINT OF DIVERSION: T10S R23E S05 NWSWSE Within Minidoka County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Minidoka County
T10S R23E S05 SWSE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication