

Adjudication Recommendation Report 36-2409E V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FRONY M BUTLER 705 E MAIN ST JEROME, ID 83338 (208)324-8046
Original Owner	CARLYLE BUTLER 705 E MAIN ST JEROME, ID 83338 (208)324-8046
Current Owner	TIM H WATERS 1931 HUNT RD JEROME, ID 83338 (208)825-4275
Current Owner	LINDA K WATERS 1931 HUNT RD JEROME, ID 83338 (208)825-4275

Status: Active

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	4.700 CFS	1,248.80 AF
	<u>Total Diversion:</u>	4.700 CFS	1,248.80 AF

GROUND WATER JEROME County	SE1/4NE1/4SE1/4	Sec. 30, Twp 08S, Rge 20E, B.M.
GROUND WATER JEROME County	SE1/4NW1/4NW1/4	Sec. 29, Twp 08S, Rge 20E, B.M.

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

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08S 20E 32	40.0	40.0
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Total Acres: 701

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. M01 A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. Quantity USE OF RIGHT NOS. 36-02409E, 36-02440A, 36-02543A, 36-02637B, 36-07096A AND 36-07613 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 11.47 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2804.0 AF.
3. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 312.2 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. CLELLAND 9/11/1991 COPIED FROM REMARKS
Comment: TRANS. 1609. BOTH CLAIMS ON SAME WELL, DIFFERENT PRIORITY. TOTAL CFS=5.16, TOTAL ACRES=320.
2. KCHRISTE 12/31/1997 REFORMAT
Comment: FOR PARTIAL DECREE
3. PSKAGGS 4/1/2000 TRANSFER 5348
Comment: Transfer 5348 changes the points of diversion & place of use under Rights 36-02409A & C (combined into Part E), 36-02440A, 36-02543A, 36-02637B, 36-07096 & 36-07613 to create a 701.0 acre permissible place of use.
4. TFAWCETT 4/19/2000 APPROVED TRANSFER / AMENDED CLAIM
Comment: CLAIM AMENDED AND REFORMATTED PURSUANT TO APPROVED TRANSFERS 5342 AND 5348.

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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: NONE RECEIVED
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
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.

RECEIVED
FEB 05 2002
 Department of Water Resources
 Southern Region

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
36-2409-A					
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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)	Carlyle Butler and Frony M. Butler
	705 East Main St. Jerome, Idaho
4. New Owner/Claimant(s)	Tim H. Waters and Linda K. Waters
	Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address	1931 Hunt Road
City, State and ZIP Code	Jerome, Idaho 83338
New Telephone Number	(208) 825-4275
5. Date you acquired the property	October 8, 1998

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.

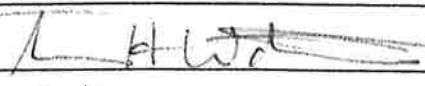
DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume	Description
	(cubic feet per second or acre-feet per annum)	(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	Description
	(cubic feet per second or acre-feet per annum)	(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)


Tim H. Waters

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 _____

#J-27593

WARRANTY DEED

985970

For Value Received

CARLYLE BUTLER and FRONY M. BUTLER, husband and wife

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

TIM H. WATERS and LINDA K. WATERS, husband and wife
Address: 1931 HUNT ROAD, JEROME, ID 83338

RECORDED AT THE REQUEST
Land Title & Escrow, Inc.

OCT 8 4 13 PM '98

JEROME COUNTY, IDAHO

FEES 3.00 DEP CB

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

NW 1/4 OF SECTION 29 TOWNSHIP 8 SOUTH RANGE 20 EAST B.M.

AND

NE 1/4 OF SECTION 30 TOWNSHIP 8 SOUTH RANGE 20 EAST B.M.

JEROME COUNTY, STATE OF IDAHO

SUBJECT TO:

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

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: October 8, 1998

Carlyle Butler
CARLYLE BUTLER

Frony M. Butler
FRONY M. BUTLER

STATE OF IDAHO

COUNTY OF JEROME

On this 8th day of October, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared CARLYLE BUTLER and FRONY M. BUTLER, 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:

My Commission expires:

RICK BERNHARDT
NOTARY PUBLIC
STATE OF IDAHO

RESIDING AT JEROME, ID
MY COMMISSION EXPIRES 7/30/03

36-2409A
-B- wife