

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SEP 16 2021

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP
Department of Water Resources
Eastern Region

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions. **DEV**

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
✓ 35-2786 OK	Yes ☒	Yes ☒	35-2786	Yes ☐	Yes ☐
	Yes ☐	Yes ☐	35-14758	Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Harriet A Clark & John T Clark
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Cole Clark
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 645 W 150 N Blackfoot ID 83221
Mailing address City State Zip
208-681-9193 coleezeclark@gmail.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 7/22/2021
6. Do you own the land identified as the water right place of use? Yes ☐ No ☐
o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☐ Filing fee (see instructions for further explanation):
o \$25 per *undivided* water right.
o \$100 per *split* water right.
o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Cole Clark New Owner 7/22/2021
Signature of new owner/claimant Title, if applicable Date
Cole Clark
Print name

Signature: _____
Signature of new owner/claimant Title, if applicable Date
Print name

Received by JB Date 9/14/2021 For IDWR Office Use Only: \$100. - for this app
Active in the Water Supply Bank? Yes ☐ No ☐ Receipt No. EO47360 Receipt Amt. \$150. -
Name on W-9 _____ Approved by JB Processed by JB W-9 received? Yes ☐ No ☐
Date 10/14/2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 25 2021

Department of Water Resources
Eastern Region

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-2786	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: HARRIET A CLARK AND JOHN T CLARK
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): COLE E CLARK
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 923 W HWY 26 BLACKFOOT ID 83221
Mailing address City State Zip
- 208-681-9193 COLEZECLARK@GMAIL.COM
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: FEB 24 2021
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
☐ If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
☐ \$25 per *undivided* water right.
☐ \$100 per *split* water right.
☐ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: *Cole E Clark* OWNER 08/25/2021
Signature of new owner/claimant Title, if applicable Date
COLE E CLARK
Print name

Signature: _____
Signature of new owner/claimant Title, if applicable Date

Print name

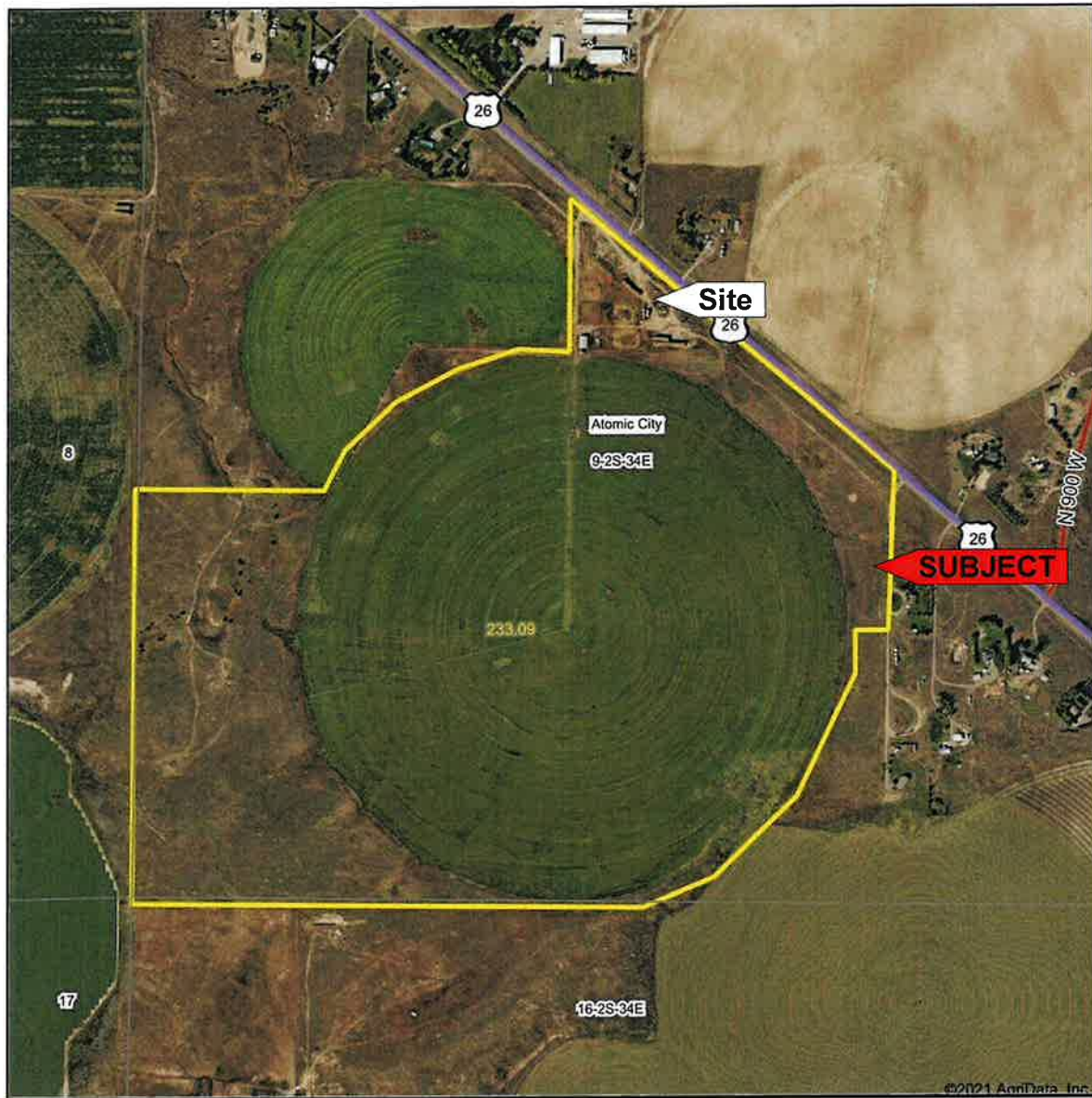
Received by JB Date 8/25/2021 For IDWR Office Use Only: Receipt No. E047300 Receipt Amt. \$75.-

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by JB Processed by JB Date 10/14/2021

Received twice will require a refund.

Aerial Map



RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

Instrument # 735593
BINGHAM COUNTY, IDAHO
2021-08-04 04:25:07 PM No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - BLACKFO
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy JPulley
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **948814-B (tr)**

Date: **July 20, 2021**

For Value Received, **Janice Clark Zabriskie, Personal Representative of The Estate of Harriet Agnes Driscoll Clark, deceased, Case No. CV06-20-0643**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Cole Ezekial Clark, a single man**, hereinafter called the Grantee, whose current address is **645 West 150 North, Blackfoot, ID 83221**, the following described premises, situated in **Bingham County, Idaho**, to-wit:

Parcel 1:

Part of Section 9 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:
Commencing at the Southeast corner of Section 9; thence N 89°21'43" W 2433.62 feet along the Section line to the Point of Beginning. Said point of beginning being the westerly most point of deed instrument 416934; thence N 89°21'43" W 232.34 feet continuing along the section line to the south ¼ corner of Section 9; thence N 89°21'43" W 2665.96 feet to the Southwest corner of Section 9; thence N 00°30'09" E 2139.95 feet along the West line of Section 9; thence N 90°00'00" E 1048.33 feet to a point on a curve whose radius point bears S 62°47'42" E 1446.51 feet; thence northeasterly 1571.76 feet along a curve to the Right, through a central angle of 62°15'24" having a radius of 1446.51 feet and a chord that bears N 58°20'00" E 1495.57 feet; thence N 00°14'40" E 588.15 feet to a point on the southerly Right of Way line of Highway 26 FAP AF-1381(4); thence S 49°58'18" E 1402.47 feet along said Right of Way line to a point on the North line of the Southeast ¼; thence S 89°22'51" E 157.52 feet continuing along said North line and Right of Way line; thence S 49°58'18" E 576.57 feet continuing along said Right of Way line to a point on the East line of the West ½ Southeast ¼; thence S 00°25'11" W 1010.03 feet along said East line; thence N 90°00'00" W 229.68 feet to a point on a curve whose radius point bears N 80°02'56" W 1446.51 feet; thence southwesterly 879.83 feet along a curve to the Right through a central angle of 34°50'59" having a radius of 1446.51 feet and a chord that bears S 27°22'33" W 866.33 feet to a point on the North line of deed instrument 416934; thence along said north line the following courses N 82°31'03" W 72.73 feet; thence S 31°35'29" W 317.22 feet; thence S 41°26'49" W 209.80 feet; thence S 54°54'30" W 127.95 feet to the Point of Beginning.

Parcel 2:

Parcel is subject to and attached to a 50 foot wide Ingress-Egress Easement described as:
Commencing at the West ¼ corner of Section 9; thence N 00°30'09" E 449.04 feet along the section line; thence N 10°57'42" E 766.12 feet; thence S 89°29'18" E 1788.97 feet to a point on the southerly right of way line of Highway 26; thence S 49°58'18" E 380.18 feet to the Point of Beginning. Said point of beginning being at Station 3230+47 (Westerly edge of an approach as depicted on FAP AF-1381(4) Plans); thence S 39°54'29" W 50.00 feet; thence S

Date: 07/20/2021

Warranty Deed
- continued

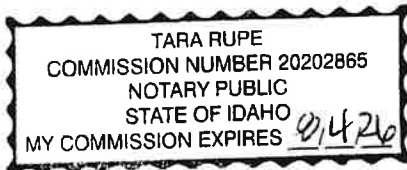
File No.: 948814-B (tr)

Janice Clark Zabriskie, Personal Representative
of The Estate of Harriet Agnes Driscoll Clark,
deceased, Case No. CV06-20-0643

Janice Clark Zabriskie, Personal Representative
Janice Clark Zabriskie, Personal Representative

STATE OF Idaho)
COUNTY OF Bingham)
ss.

On this **Twenty-second day of July, 2021**, before me, a Notary Public in and for said State, personally appeared **Janice Clark Zabriskie**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Personal Representative of the **The Harriet Agnes Driscoll Clark Estate Trust**, and acknowledged to me that she executed the same as such Personal Representative.



Tara Rupe

Notary Public of Idaho
Residing at: Blackfoot, ID
Commission Expires: 08/04/2026

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:

Instrument # 728924
BINGHAM COUNTY, IDAHO
2021-03-01 09:02:21 AM No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - BLACKFOOT
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy JPulley
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **959472-B (mr)**

Date: **February 24, 2021**

For Value Received, **Janice Clark Zabriskie, Personal Representative of the Estate of Harriet Agnes Clark, deceased, Case No. CV-06-20-0643**

, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Cole E. Clark, a single person**, hereinafter called the Grantee, whose current address is _____, **Blackfoot, ID 83221**, the following described premises, situated in **Bingham County, Idaho**, to-wit:

Parcel 1:

Part of the Southeast ¼ Section 9 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

Commencing at the Southeast corner of Section 9; thence N 89°21'43" W 1332.98 feet along the section line to the southwest corner of the East ½ of the Southeast ¼; thence N 00°25'11" E 422.15 feet along the West line of said East ½ of the Southeast ¼ to the Point of Beginning. Said point of beginning being on the northerly line of a parcel as described in deed instrument 416934; thence N 82°31'03" W 627.15 feet along said northerly line to a point on a curve whose radius point bears N 45°11'57" W 1446.51 feet; thence Northeasterly 879.83 feet along a curve to the Left through a central angle of 34°50'59" having a radius of 1446.51 feet and a chord that bears N 27°22'33" E 866.33 feet; thence N 90°00'00" E 229.68 feet to a point on the West line of said East ½ of the Southeast ¼; thence S 00°25'11" W 851.00 feet along said West line to the Point of Beginning.

Parcel 2:

A 50-foot-wide Ingress-Egress easement described as being 25 feet each side of the following described centerline

Part of the Southeast ¼ Section 9 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

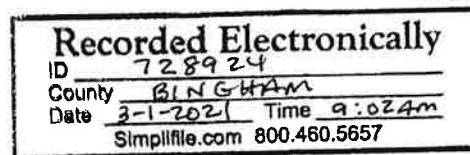
Commencing at the Southeast corner of Section 9; thence N 89°21'43" W 1332.98 feet along the section line to the southwest corner of the East ½ of the Southeast ¼; thence N 00°25'11" E 1273.15 feet along the West line of said East ½ of the Southeast ¼ to the Northeast corner of above described 7.22 Acre parcel; thence N 90°00'00" W 25.00 feet to the Point of Beginning of said centerline; thence N 00°25'11" E 998.45 feet parallel with and 25 feet west of the West line of said East ½ of the Southeast ¼; thence parallel with and 25 feet southwesterly from the southerly right of way line of Highway 26 the following (3)

Page 1 of 3

First American Title Co.

RECORDING REQUESTED BY

First American Title Company

AND WHEN RECORDED MAIL TO:

Space Above This Line for Recorder's Use Only

WARRANTY DEEDFile No.: **959472-B (mr)**Date: **February 24, 2021**

For Value Received, **Janice Clark Zabriskie, Personal Representative of the Estate of Harriet Agnes Clark, deceased, Case No. CV-06-20-0643**

, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Cole E. Clark, a single person**, hereinafter called the Grantee, whose current address is

_____, **Blackfoot, ID 83221**, the following described premises, situated in **Bingham County, Idaho**, to-wit:

Parcel 1:

Part of the Southeast ¼ Section 9 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

Commencing at the Southeast corner of Section 9; thence N 89°21'43" W 1332.98 feet along the section line to the southwest corner of the East ½ of the Southeast ¼; thence N 00°25'11" E 422.15 feet along the West line of said East ½ of the Southeast ¼ to the Point of Beginning. Said point of beginning being on the northerly line of a parcel as described in deed instrument 416934; thence N 82°31'03" W 627.15 feet along said northerly line to a point on a curve whose radius point bears N 45°11'57" W 1446.51 feet; thence Northeasterly 879.83 feet along a curve to the Left through a central angle of 34°50'59" having a radius of 1446.51 feet and a chord that bears N 27°22'33" E 866.33 feet; thence N 90°00'00" E 229.68 feet to a point on the West line of said East ½ of the Southeast ¼; thence S 00°25'11" W 851.00 feet along said West line to the Point of Beginning.

Parcel 2:

A 50-foot-wide Ingress-Egress easement described as being 25 feet each side of the following described centerline

Part of the Southeast ¼ Section 9 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

Commencing at the Southeast corner of Section 9; thence N 89°21'43" W 1332.98 feet along the section line to the southwest corner of the East ½ of the Southeast ¼; thence N 00°25'11" E 1273.15 feet along the West line of said East ½ of the Southeast ¼ to the Northeast corner of above described 7.22 Acre parcel; thence N 90°00'00" W 25.00 feet to the Point of Beginning of said centerline; thence N 00°25'11" E 998.45 feet parallel with and 25 feet west of the West line of said East ½ of the Southeast ¼; thence parallel with and 25 feet southwesterly from the southerly right of way line of Highway 26 the following (3)

Page 1 of 3

First American Title Co.

Date: 02/24/2021

Warranty Deed
- continued

File No.: 959472-B (mr)

Three Courses (1) N 49°58'18" W 555.86 feet; thence (2) N 89°22'51" W 157.52 feet; thence (3) N 49°58'18" W 1528.46 feet to the Point of Terminus of said centerline, said point of terminus being on the westerly edge of an approach at Station 3230+57 as shown FAP AF-1381(4) plans.

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.

Date: 02/24/2021

Warranty Deed
- continued

File No.: 959472-B (mr)

Janice Clark Zabriskie, Personal Representative
of the Estate of Harriet Agnes Clark, deceased,
Case No. CV-06-20-0643

By: Janice Clark Zabriskie, PR

STATE OF Idaho)
COUNTY OF Bonneville ss.
Bingham)

On this 26 day of February, 2021, before me, a Notary Public in and for said State, personally appeared **Janice Clark Zabriskie**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Personal Representative of the Estate of **Harriet Agnes Clark, deceased**, and acknowledged to me that she executed the same as such Personal Representative.

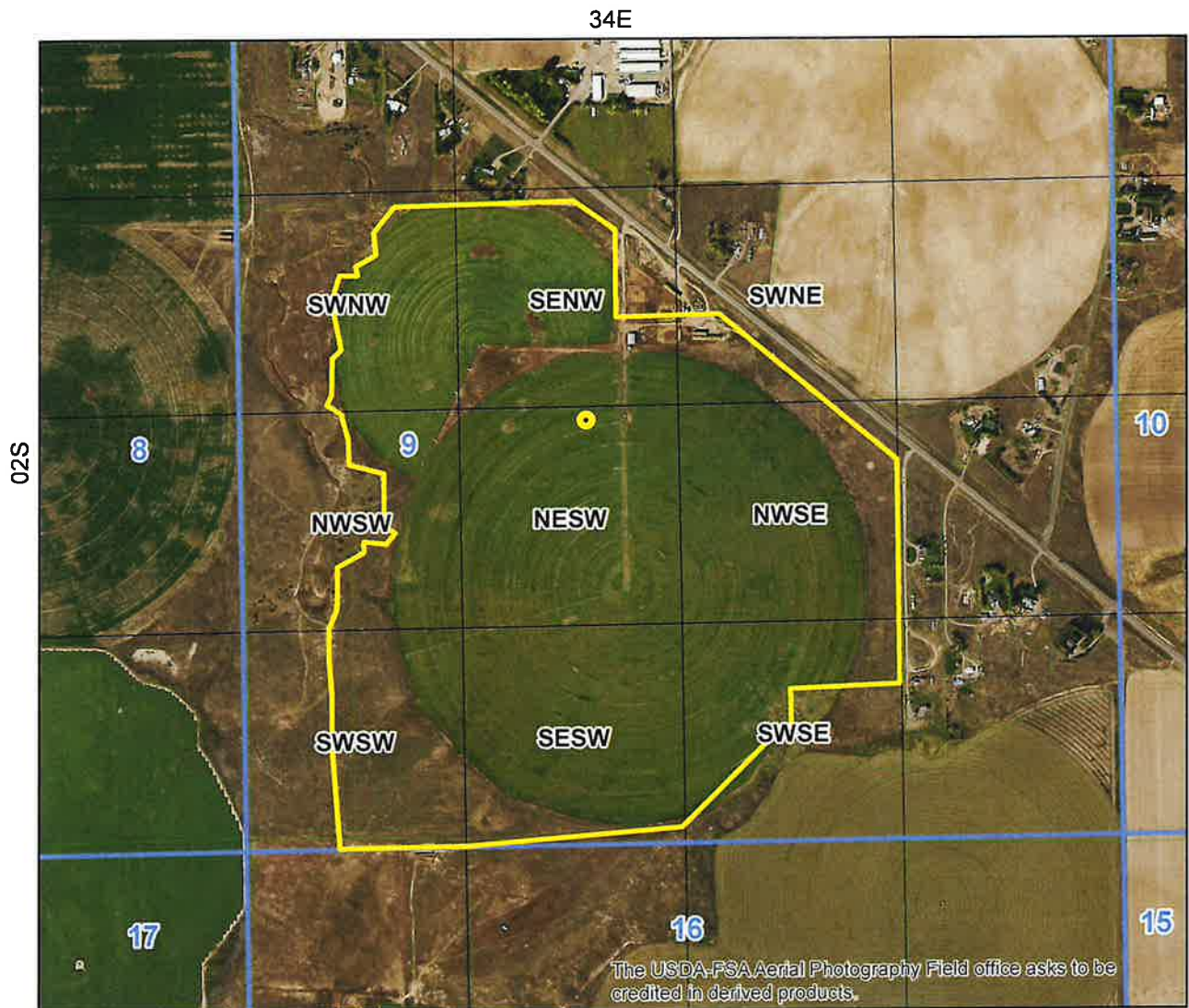


Notary Public of Idaho
Residing at: Blackfoot ID
Commission

Expires:

RACHAEL PAYNE
COMMISSION NO. 2018-0283
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 01/31/24

State of Idaho
Department of Water Resources
Water Right License
35-2786



● Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

Taxlots

0 0.125 0.25 0.5 Miles



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/25/2021

Water Right 35-2786

Owner Type **Name and Address**
Current Owner HARRIET A CLARK
645 W 150 N
BLACKFOOT, ID 83221
(208) 684-4316

Current Owner JOHN T CLARK
645 W 150 N
BLACKFOOT, ID 83221
(208) 684-4316

Priority Date: 7/2/1965

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	3.770 CFS	968.0 AF
	<u>Total Diversion</u>		3.770 CFS	968.0 AF

Source and Point(s) of Diversion

GROUND WATER NENESW Sec. 9, Twp 02S, Rge 34E, BINGHAM County

Place Of Use

IRRIGATION within BINGHAM County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02S	34E	9			7.0				19.0	32.0	40.0	19.0	25.0	39.0		38.0	20.0		239.0

POU Total Acres: 239.0

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. E04 USE OF THIS RIGHT IS COMBINED WITH WATER FROM DANSKIN DITCH CO.

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 35-2786

Class: 1

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/25/2021

SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 11/20/1998
Objection Status: Active

Water Supply Bank:

N/A



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

October 14, 2021

COLE CLARK
645 W 150 N
BLACKFOOT ID 83221-5556

Re: Change in Water Right Ownership: 35-2786 (Split into 35-2786 and 14758)

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Please note this ownership change was received twice and there was an over payment. Because there was an over payment you will be entitled to a refund of \$75.00 for receipt number E047300, that refund will be sent to Cole Clark. There was also an over payment on the second application received, so there will be a \$25.00 refund for receipt number E047360, that refund will be mailed to Idaho AgCredit.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: HARRIET A CLARK
JOHN T CLARK
BINGHAM GROUND WATER DISTRICT
WATER DISTRICT 120
IDAHO AGCREDIT

Barg, Jonie

From: Barg, Jonie
Sent: Thursday, October 14, 2021 12:21 PM
To: IdwrPayable
Subject: Refund Request
Attachments: Receipt

Good morning!!

I have a refund request as follows:

Receipt number: E047300
Amount: \$75.00
Payable to: Cole Clark
645 W 150 N
Blackfoot ID 83221

Reason: Ownership Change application was received twice, filing fee over paid. Full refund of this receipt is required.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

 IDAHO DEPARTMENT OF
WATER RESOURCES
Jonie Barg | Technical Records Specialist
900 N Skyline Drive Ste. A, Idaho Falls, ID 83402
Phone number: (208) 525-7161
Fax number: (208) 525-7177
Email: jonie.barg@idwr.idaho.gov
Website: www.idwr.idaho.gov