

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 26 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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
27-10790 <i>OK</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
<i>27-10790</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
<i>27-10790 27-12328</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: John Hamilton
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Gary Lee Hamilton
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 1850 Riverton RD Blackfoot ID 83221
Mailing address City State ZIP
2086819951 gary.hamilton@simplot.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: 9-13-2014 AND 10-4-1999
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
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: Gary Hamilton Title, if applicable: _____ Date: 5/26/21
 Signature of new owner/claimant

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

For IDWR Office Use Only:

Received by JB Date 5/26/2021 Receipt No. E046996 Receipt Amt. \$100. -
 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 JA Date 7/27/2021

5/25/2021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN HAMILTON 2000 RIVERTON RD BLACKFOOT, ID 83221 (208) 785-3282

Status: Active

Tributary
SNAKE RIVER

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
04/01	10/31	0.640 CFS
Total Diversion		0.640 CFS

Volume

BLACKFOOT RIVER

L1(SWSENE)

Sec. 9, Twp 03S, Rge 35E, BINGHAM County

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
03S	35E	9						32.0 L4											32.0

POU Total Acres: 32.0

1.	F01	WATER IS DELIVERED THROUGH MINERS DITCH.
2.	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.
3.	P21	This right is a split from former right 27-4.
4.	257	This water right is entitled to the protections of paragraph x.d of water right 27-11375.

Dates and Other Information

Decreed Date: 5/1/2012
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: TBD
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/25/2021

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 27-10790

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: Decreed

Date Filed: 3/8/2006

Objection Status: Active

Water Supply Bank:

N/A

Idaho Department of Water Resources

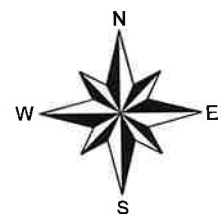
Map



Legend

- 27-10790
- 27-10790 Split Portion
- Intersected QQ 1
- Township/Range
- Sections
- QQ

00.02 0.045 0.09 0.135 0.18 Miles



4608 11-20

109457

WARRANTY DEED

THIS INDENTURE, Made this 30th day of April, 1964, in the year of our Lord one thousand nine hundred and sixty-four, between

KARL M. HUNZIKER, a widower,

of the County of Bingham, State of Idaho,

the party of the first part, and

JOHN HAMILTON and ELCUISE HAMILTON, husband and wife,

of the County of Bingham, State of Idaho,

the parties of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TWENTY SIX THOUSAND TWO HUNDRED FIFTY and No/100 - - - DOLLARS, lawful money of the United States of America,

to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, by these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of

Bingham, State of Idaho, to-wit:

A portion of Lot Four of Section Nine, Township Three South, Range Thirty-five, East of the Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point 477 feet West of the Northeast corner of said Lot Four; thence South 1741 feet, more or less, to the Blackfoot River; thence meandering said river in a Westerly direction to the West line of said Lot Four; thence North to the North line of said Section Nine; thence East along the North line of said Section Nine to the place of beginning. EXCEPTING THEREFROM Beginning at the Northwest corner of said Lot Four, thence Easterly along the North line of said Lot Four, 76 feet, more or less, to a point coincident with Station 1+53.54 of Grade Separation No. 1 Survey as shown on the plans of Interstate 15, Project No. I-15-2(9)88 Highway Survey; thence South 0°15'53" West 25 feet; thence South 75°16'59" West 77.36 feet to a point in the West line of said Section Nine; thence Northerly along said West line 45 feet, more or less, to the place of beginning.

Together with the water rights and ditch rights of way used for the irrigation thereof and particularly 35 inches of the water of Blackfoot River, being a part of that certain water right of 1000 inches of date of June 1, 1885, decreed to A. Whitten and Susan E. Whitten on August 1, 1891, in that certain decree as recorded in Judgment Book "I" at pages 107 to 116 of the records of Bingham County, State of Idaho, and thirty-four shares of the capital stock of Miner's Ditch Company, a corporation.

Subject to all taxes and water assessments for the year 1964 which the second parties assume and agree to pay.



TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part y of the first part,

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever and the said part y of the first part and his heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said part y of the first part, and his heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of } Karl M. Hunzeker (SEAL)
_____. (SEAL)
_____. (SEAL)
_____. (SEAL)

STATE OF IDAHO } ss.
County of Bingham }

On this 4th day of May, in the year 1954, before me,

the undersigned, a Notary Public in and for said State, personally appeared

KARL M. HUNZEKER, a widower,

known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.

My commission expires:



Karl M. Hunzeker
Notary Public for the State of Idaho
Residing at Blackfoot, Idaho

No. 1094577

WARRANTY DEED

TO

Dated _____, 19__

STATE OF IDAHO

County of _____ } ss.

I hereby certify that this instrument was filed for record at request of the Bingham Life & Trust Co., at _____ o'clock _____ M. this _____ day of _____ A. D. 19__ in my office, and duly recorded in Book _____ of _____ at _____ Blackfoot page _____

GRACE WILLIAMS

Ex-Officio Recorder.

By _____ Deputy.

Fees, s. l. s. d. _____

Mail to _____

483704

BLACKFOOT, IDAHO

FEE 300 DEPOSIT 58

1999 OCT -4 AM 10:38

RECORDED AT THE REQUEST OF

WARRANTY DEED

For Value Received ELOUISE HAMILTON, a widow

FIRST AMERICAN TITLE COMPANY

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

GARY LEE HAMILTON, a single person

whose current address is: 2000 Riverton Road Blackfoot, Idaho 83221

Hereinafter called the Grantee, the following described premises, situate in Bingham County, Idaho, to-wit:

Part of Lot 4 of Section 9, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as follows: Beginning at a point that is N. 90°00'00" E. 647.00 feet along the section line from the Northwest corner of said section 9 and running thence N. 90°00'00" E. 200.00 feet along said section line to a point that is S. 90°00'00" W. 477.00 feet from the Northeast corner of said Lot 4 and the West line of the property as described in Instrument No. 133300 extended; thence S. 00°00'00" W. 250.00 feet along said West line; thence N. 90°00'00" W. 200.00 feet; thence N. 00°00'00" E. 250.00 feet to the point of beginning. EXCEPT the N. 25 feet for County Road.

TOGETHER WITH all singular the tenements, hereditament, and appurtenances thereunto belonging or in anywise appertaining, including all water, water rights, ditch and ditch rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that the Grantors are the owners 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 they will warrant and defend the same from all claims whatsoever.

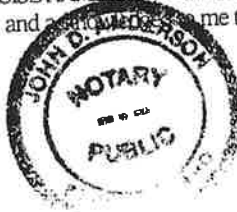
Dated:

Eloise Hamilton
ELOUISE HAMILTON

STATE OF IDAHO)

COUNTY OF Bingham)

On this 4th day of SEPTEMBER, in the year 1999, before me, a Notary Public in and for said State, personally appeared ELOUISE HAMILTON, known or identified to me to be the person whose name are subscribed to the within Instrument, and she acknowledged to me that she executed the same.



John D. Anderson
Notary Public of Idaho

Residing at LocatelloCommission Expires: 10/31/2000

483704

WARRANTY DEED

FOR VALUE RECEIVED, The Estate of Eloise Eugenia Hamilton, the Grantor(s), do(es) hereby grant, bargain sell and convey unto Gary Lee Hamilton, the Grantee, whose current address is 1800 Riverton Road the following described premises, in Bingham County, Idaho, TO WIT:

Part of Government Lot 4 Section 9, Township 3 South, Range 35 East, B.M. Bingham County, Idaho described as:

Commencing at the Northwest corner of Section 9; thence N 90° 00' 00" E 847.00 feet along the section line to the northeast corner of Deed Instrument 483704; thence S 00° 00' 00" E 250.00 feet to the southeast corner of said deed and the point of beginning. Thence S 00° 00' 00" W 217.81 feet along the east line of Deed Instrument 483703; thence N 90° 00' 00" W 200.00 feet; thence N 0° 00' 00" W 217.81 feet to the southwest corner of Deed Instrument 483704; thence S 90° 00' 00" E 200.00 feet along the south line of said deed to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: September 13, 2014

Estate of Eloise Eugenia Hamilton, by:

Kathleen Hamilton
Kathleen Hamilton Co-Executor

George Hamilton
George Hamilton Co-Executor

State of Idaho)
) S.S.
County of Bannock

On this 13 day of September, in the year 2014, before me Lucia Carrillo, personally appeared Kathleen Hamilton, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is(are) subscribed to the within instrument, and acknowledged that he(she)(they) executed the same.



Lucia Carrillo
Notary Public
My Commission Expires on 07/27/18

Instrument # **661461**

BINGHAM COUNTY
9-15-2014 01:13:52 No. of Pages: 2
Recorded for : 5356 JEANNE K HAMILTON
SARA J. STAUB Fee: 13.00
Ex-Officio Recorder Deputy secretist

State of Idaho)
County of Bannock S.S.

On this 13 day of September, in the year 2024, before me
Lucia Carrillo, personally appeared George Hamilton, proved to me on
the basis of satisfactory evidence to be the person(s) whose name(s) is(are) subscribed to the within
instrument, and acknowledged that he(she)(they) executed the same.



Lucia Carrillo
Notary Public
My Commission Expires on 07/27/18

661461

CORROBORATIVE AFFIDAVIT

1999 OCT -4 AM 10:38

RECORDED AT THE REQUEST OF
FIRST AMERICAN TITLE COMPANYSTATE OF Idaho)
COUNTY OF Bingham) :ss.I, Blaise Hamilton,
Idaho, being first duly sworn on oath depose and say:That I am the wife of John
Hamilton, to whom ~~he~~/she was married
on October 19, 1941. During ~~his~~/her marriage to the
said John Hamilton, ~~he~~/she and Affiant
purchased with their community funds and as community property
certain real property consisting of:See Attached Exhibit "A"which lands were conveyed to Affiant and Decedent
by Deed recorded on Aug 25, 1964,
as Instrument No. 109457, records of Bingham County,
Idaho.That the said Decedent died
(testate/intestate) on October 31, 1997
in Bingham County, Idaho, being at said time a
resident of Blackfoot, and upon John's death title
to the aforementioned real property vested in Affiant as survivor
of said marital community, and Affiant has continued to own, hold,
claim and possess the same property as ~~his~~/her own, free from all
claims of others, and during all of said time ~~he~~/she has held the
open, notorious, and peaceable possession of said lands, and every
part thereof.Affiant further states that at the time of the death of said
John Hamilton, there were no existing
creditors or claims against us,
and that there is no outstanding inheritance tax or Federal Estate
tax due or unpaid by reason of the death of said John
Hamilton, and that since the death of
said John Hamilton, Affiant has paid
all funeral expenses and all outstanding obligations of every kind
and nature existing at the time of the death of John
Hamilton that were required to be paid.

Affiant further states that ~~he~~/she was well and personally acquainted with the estate of said John Hamilton as owned and held by ~~him~~/her at the time of his/~~her~~ death, and that the entire value of their estate, including the real property above-mentioned, did not exceed the sum of \$ 200,000, that all of said property was the community property of said deceased.

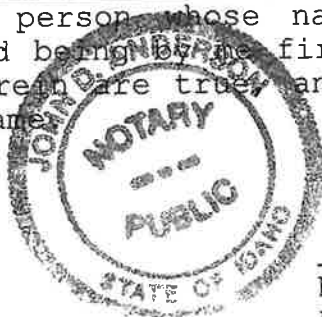
No probate proceedings were ever held in the matter of the estate of said John Hamilton, deceased, and Affiant makes and records this affidavit for the purpose of establishing ~~his~~/her ownership of the real property above-mentioned and the absence of any creditor's claims, inheritance taxes and Federal Estate taxes.

DATED this 4th day of October 1999.

Elouise Hamilton

STATE OF Idaho)
COUNTY OF Bingham) : ss.

On this 4th day of October, in the year 1999, before me a Notary Public of said State, personally appeared Elouise Hamilton, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.



John J. Anderson
Notary Public for Idaho
Residing at Pocatello
My Commission Expires 10/31/2000

Exhibit "A"

109457

WARRANTY DEED

THIS INDENTURE, Made this 30th day of April,
in the year of our Lord one thousand nine hundred and sixty-four, between
KARL M. HUNZEKER, a widower,
of the County of Bingham, State of Idaho,
the party of the first part, and
JOHN HAMILTON and ELOUISE HAMILTON, husband and wife,
of the County of Bingham, State of Idaho,
the parties of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the
sum of TWENTY SIX THOUSAND TWO HUNDRED FIFTY and No/100 - - - DOLLARS,
lawful money of the United States of America,

to him in hand paid by the said
parties of the second part, the receipt whereof is hereby acknowledged, has granted,
bargained and sold, by these presents does grant, bargain, sell, convey and confirm unto
the said parties of the second part, and to their heirs and assigns forever, all of the
following described real estate, situated in the County of

Bingham, State of Idaho, to-wit:

A portion of Lot Four of Section Nine, Township Three South,
Range Thirty-five, East of the Boise Meridian, Bingham County, Idaho,
described as:

Beginning at a point 477 feet West of the Northeast corner of
said Lot Four, thence South 1741 feet, more or less, to the Blackfoot
River; thence meandering said river in a Westerly direction to the
West line of said Lot Four; thence North to the North line of said
Section Nine; thence East along the North line of said Section Nine to
the place of beginning. EXCEPTING THEREFROM Beginning at the North-
west corner of said Lot Four, thence Easterly along the North line of
said Lot Four, 76 feet, more or less, to a point coincident with Station
1+53.54 of Grade Separation No. 1 Survey as shown on the plans of
Interstate 15, Project No. I-15-2(9)88 Highway Survey; thence South
0°15'58" West 25 feet; thence South 75°16'59" West 77.36 feet to a
point in the West line of said Section Nine; thence Northerly along
said west line 45 feet, more or less, to the place of beginning.

Together with the water rights and ditch rights of way used
for the irrigation thereof and particularly 35 inches of the water
of Blackfoot River, being a part of that certain water right of 1000
inches of date of June 1, 1885, decreed to A. Whitten and Susan E.
Whitten on August 1, 1891, in that certain decree as recorded in
Judgment Book "I" at pages 107 to 116 of the records of Bingham County,
State of Idaho, and thirty-four shares of the capital stock of Miner's
Ditch Company, a corporation.

Subject to all taxes and water assessments for the year 1964
which the second parties assume and agree to pay.

483703



BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

483704

FEE 300 DEP 258

1999 OCT -4 AM 10:38

RECORDED AT THE REQUEST OF

WARRANTY DEED

For Value Received ELOUISE HAMILTON, a widow

FIRST AMERICAN TITLE COMPANY

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

GARY LEE HAMILTON, a single person

whose current address is: 2000 Riverton Road Blackfoot, Idaho 83221

Hereinafter called the Grantee, the following described premises, situate in Bingham County, Idaho, to-wit:

Part of Lot 4 of Section 9, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as follows: Beginning at a point that is N. 90°00'00" E. 647.00 feet along the section line from the Northwest corner of said section 9 and running thence N. 90°00'00" E. 200.00 feet along said section line to a point that is S. 90°00'00" W. 477.00 feet from the Northeast corner of said Lot 4 and the West line of the property as described in Instrument No. 133300 extended; thence S. 00°00'00" W. 250.00 feet along said West line; thence N. 90°00'00" W. 200.00 feet; thence N. 00°00'00" E. 250.00 feet to the point of beginning. EXCEPT the N. 25 feet for County Road.

TOGETHER WITH all singular the tenements, hereditament, and appurtenances thereunto belonging or in anywise appertaining, including all water, water rights, ditch and ditch rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that the Grantors are the owners 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 they will warrant and defend the same from all claims whatsoever.

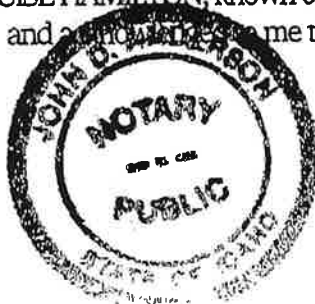
Dated:

Eloise Hamilton
ELOUISE HAMILTON

STATE OF IDAHO)

COUNTY OF Bingham) Ecff,
: ss October

On this 4th day of SEPTEMBER, in the year 1999, before me, a Notary Public in and for said State, personally appeared ELOUISE HAMILTON, known or identified to me to be the person whose name are subscribed to the within Instrument, and acknowledged to me that she executed the same.



John D. Anderson
Notary Public of Idaho
Residing at Pocatello
Commission Expires: 10/31/2000

483704



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 27, 2021

GARY LEE HAMILTON
1850 RIVERTON RD
BLACKFOOT ID 83221-2415

Re: Change in Water Right Ownership: 27-10790 (Split into 27-10790 and 27-12328)

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.

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: JEANNE K HAMILTON
WATER DISTRICT 27