

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 15 2017

DEPT OF WATER RESOURCES
SOUTHERN 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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
47-12112	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: F W HARDEE Co.
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): PATRICK J COURTNEY
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 2706 E. 2500N. TWIN FALLS ID 83301
Mailing address City State ZIP
- 208-655-4243
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: 1997 and 2017
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):
 ☐ \$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: Pat Courtney Owner 6-15-2017
Signature of new owner/claimant Title, if applicable Date
- Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by: Am Date: 6-15-2017 Receipt No. 5036185 Receipt Amt. \$525- ^{total}

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 _____ Processed by _____ Date _____

Township Twelve (12) South Range Seventeen (17) East of the Boise Meridian,
Twin Falls County, Idaho

SECTION NINETEEN (19)

NORTHEAST QUARTER (NE1/4)

LOTS ONE (1) and TWO (2), and the EAST ONE-HALF (E1/2) of the
NORTHWEST QUARTER (NW1/4)

LOTS THREE (3) and FOUR (4), and the EAST ONE-HALF (E1/2) of the
SOUTHWEST QUARTER (SW1/4)

EXCEPT Beginning at the Northwest (NW) corner of Section Nineteen (19),
Township Twelve (12) South Range Seventeen (17) East Boise Meridian,
THENCE South for a distance of Three Hundred Fifty feet (350'),
THENCE Northeasterly to a point which is Three Hundred Fifty feet (350') East
of said Northwest (NW) corner,
THENCE West Three Hundred Fifty feet (350') to the Point of Beginning.
Subject to: Twin Falls County Highway Right of Way.

3. Division of Ownership Interest in Harder Property. Attached hereto as Exhibit "A" and incorporated herein as if set forth in full is a survey map and parcel legal descriptions which shows the Harder Property and divides the 398.303 Acres into two separate parcels consisting of 180.548 Acres and 217.755 Acres. P. Courtney shall own the 180.548 Acres as the same is legally described upon Exhibit "A". D. Courtney shall own the 217.755 Acres as the same is legally described upon Exhibit "A".

P. Courtney and D. Courtney shall also receive proportionate shares of the Salmon River Canal Company, Ltd. Water, specifically 380 Shares shall be transferred to P. Courtney and 462 Shares shall be transferred to D. Courtney. Any rights to the Well located upon the parcel of property transferred to P. Courtney shall belong to P. Courtney along with any water rights associated with the Well. All real property taxes, lease payments, utility payments (including water assessments), rent, taxes, insurance payments, and similar obligations and levies imposed on or with respect to the Harder Property shall be prorated between D. Courtney and P. Courtney upon the entry of this Judgment and Decree of Partition.

4. Irrigation Easement and Equipment. The Harder Property is serviced by an aluminum main line, concrete ditch and buried pipe. Attached as Exhibit "B" is a rough layout of the Harder Property showing the aluminum main line, concrete ditch and buried pipe. Each party will receive the wheel line associated with their respective share of the Harder Property. D. Courtney and/or her successors in interest shall have access and use of the aluminum main line that runs along the north west edge of the parcels transferred to both P. Courtney and D. Courtney each party will be responsible for a prorata share of expenses associated with the aluminum main line. P. Courtney and/or his successors in interest shall have access and use of the concrete ditch running along the south boundary line of the 217.755 Acre parcel transferred to D. Courtney.

P. Courtney and/or his successors in interest is granted a 20' easement running from the 180.548 Acres transferred to P. Courtney along the southeast edge of the canal right of

way and traversing the canal edge across a small section of the 217.755 Acres transferred to D. Courtney permitting installation of a ditch or buried connecting irrigation line to join the concrete siphon tube which crosses the canal located upon the parcel transferred to D. Courtney.

There is currently a waste water collection area with pumping plant ("Waste Water System") located upon the north west section of the property transferred to D. Courtney. The waste water is pumped back through a plastic pipe and that waste water can be reused upon the parcels of property owned by D. Courtney and P. Courtney. D. Courtney shall allow P. Courtney and/or his successors in interest use of the Waste Water System including the related pump and return pipe upon payment of a prorata share of expenses related to said Waste Water System. However, there may be changes in the irrigation practices that may alter the amount of waste water available to be used in the Waste Water System. A waste water ditch that runs along the southern side of the canal right away shall be preserved for the benefit of both parcels.

5. P. Courtney Agrees to Liquidate 178 Shares of Salmon River Canal Company, Ltd. Water. Of the 380 Shares of Salmon River Canal Company, Ltd. Water allocated to P. Courtney, will immediately liquidate approximately 178 Shares and transfer the proceeds to Idaho Ag Credit. P. Courtney shall liquidate enough of his allocated 380 Shares of Salmon River Canal Company, Ltd. Water to pay his share of the Harder Property encumbrances, plus his share of any additional taxes or other assessments as identified in 3, supra, in the approximate amount of \$106,827.00. The listing for sale of the approximately 178 Shares of Salmon River Canal Company, Ltd. Water by P. Courtney shall occur immediately upon entry of this Judgment and Decree of Partition. The proceeds from P. Courtney's sale of water shall be payable to P. Courtney and Idaho Ag Credit. Upon payment of his share of the Harder Property encumbrances in the approximate amount of \$106,827.00 to Idaho Ag Credit, D. Courtney shall indemnify and hold P. Courtney harmless on any remaining encumbrances upon the Harder Property. Any monies paid by P. Courtney to Idaho Ag Credit above the \$106,827.00 plus his share of any additional taxes or other assessments as identified in 3, supra, shall be reimbursed to P. Courtney by D. Courtney upon the sale of D. Courtney's share of the Harder Property.

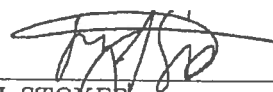
6. Waiver of Leasehold Interest in Harder Property. The Harder Property is not currently under any leasehold obligation. P. Courtney has been allowed use of the Harder Property in 2016 but his use does not create any leasehold interest therein and that the portion of the Harder Property transferred to D. Courtney pursuant to this Judgment and Decree of Partition is free from any claim or interest by him. D. Courtney shall be free to immediately list and sell the portion of the Harder Property allocated to her by this Judgment and Decree of Partition.

7. Integration of Stipulation with Judgment and Decree. All rights and responsibilities of the parties as set forth in the Stipulation for Partition of Harder Property as filed in this matter are hereby made part of this Judgment and Decree of Partition as if set forth in full and will continue in full force and effect.

8. Attorney's Fees on Default. If default is made by either Party hereto in keeping or performing any of the covenants, conditions or agreements herein contained, and the other Party is required to employ an attorney to enforce any such covenant, condition, or agreement, then in such event the Party in default shall pay, in addition to all other sums agreed

to herein, a reasonable attorney's fee, together with any costs and disbursements that may be incurred in enforcing or interpreting this Judgment and Decree of Partition.

Printed: 1/18/2017 07:44 AM



RANDY J. STOKER
District Judge

State of Idaho
County of Twin Falls, ss.
I hereby certify the foregoing to be a full, true
and correct copy of the original on file in the
above entitled action. Page 4 of 5

KRISTINE GLASSCOCK
CLERK OF THE DISTRICT COURT

By

COURT SERVICES

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ___ day of January, 2016, I caused a true and correct copy of the foregoing JUDGMENT AND DECREE OF PARTITION to be served by the method indicated below, to the following:

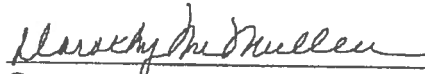
V. Lane Jacobson
Jacobson Law Office
161 5th Ave. S., Suite 310
P.O. Box 5827
Twin Falls, ID 83303-5827
Facsimile: (208) 733-5553
Email: vljacobson@cableone.net

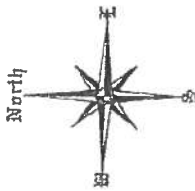
☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile Transmission
☒ Email

David Coleman
COLEMAN, RITCHIE & CLUFF
156 2nd Avenue West
P.O. Box 525
Twin Falls, ID 83303-525
Facsimile: (208) 734-3983
Email: david@crctflaw.com

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile Transmission
☒ Email

Signed: 1/9/2017 07:56 AM


CLERK OF THE COURT



SCALE
1" = 400'

LOCATED IN
SECTION 19,
TOWNSHIP 12 SOUTH,
RANGE 17 EAST,
BOISE MERIDIAN
TWIN FALLS COUNTY, IDAHO
2016

LEGEND

SURVEY BOUNDARY LINE	—
COUNTY ROAD EASEMENT	---
ORIGINAL PARCEL BOUNDARY	- - - -
FOUND BRASS CAP	○
FOUND 5/8" STEEL PIN	○
FOUND 1/2" STEEL PIN	○
SET 1/2" REDCAP & CAP	•
ANGLE POINT - NOT SET	△

JOHN O. ROOT, DO HEREBY CERTIFY THAT THIS MAP IS A TRUE AND ACCURATE MAP OF THE LAND SURVEYED UNDER MY SUPERVISION AND DIRECTION.

RECORD OF SURVEY FOR: DEBBIE D. COURTNEY	
LOCATION: Township 12 South, Range 14 East, Bk. 14 Twin Falls County, IDAHO	DATE: 07/11/2016
MADE BY: S. HOSKELL	SHEET NO.: 14 OF 14

REFERENCE
 DITTS: #2016-009841
 #2002-009841
 #1987-001133
 #1987-001066
 #1997-001065
 #537650
RECORDS OF SURVEY:
 POST: #2004-013481
 #1998-00641

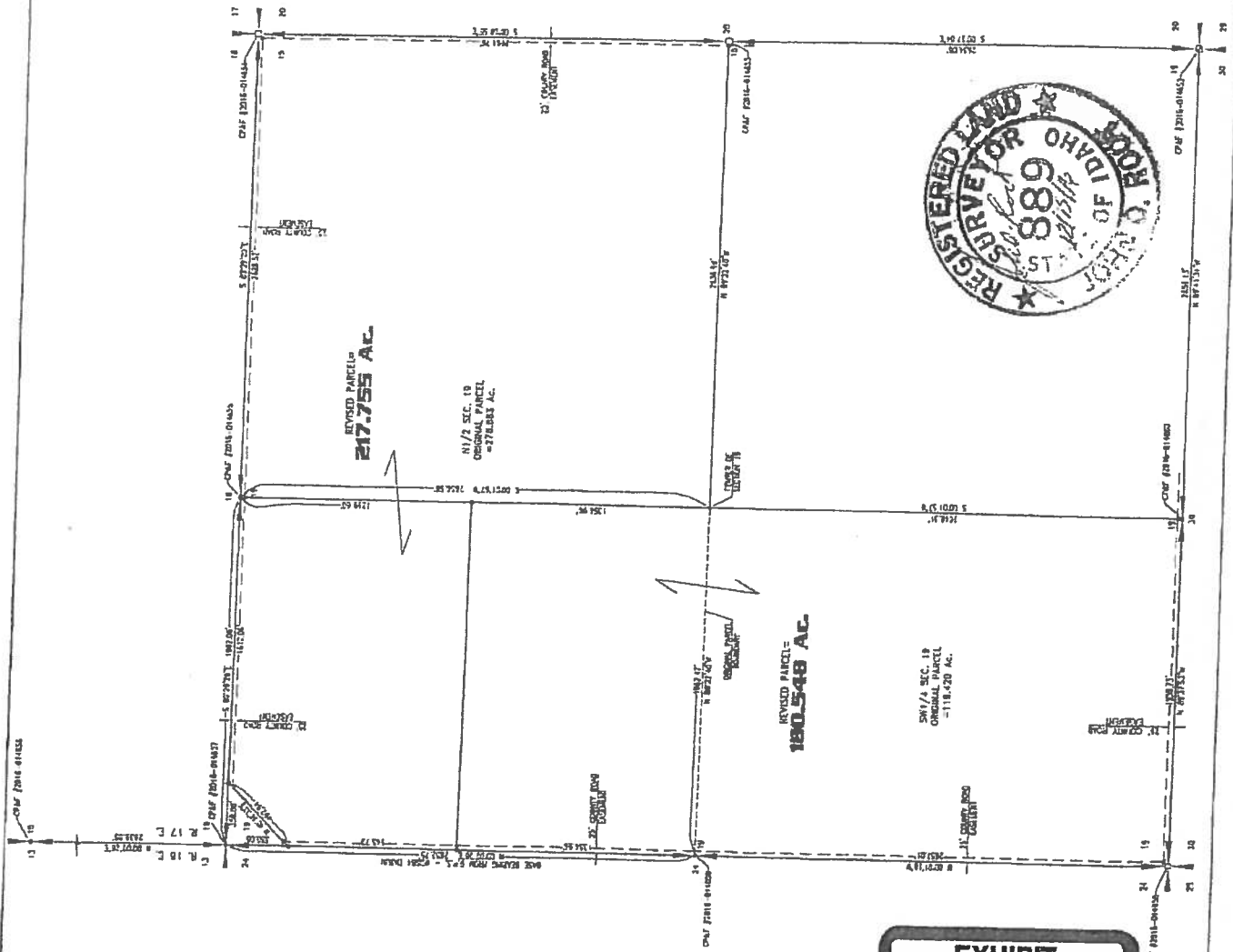


EXHIBIT
A
 P.C.
 4/4

**LEGAL DESCRIPTION
FOR
P. COURTNEY PARCEL**

A parcel of land located in the W1/2 of Section 19, Township 12 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho and being more particularly described as follows:

**TOWNSHIP 12 SOUTH
RANGE 17 EAST
SECTION 19: (180.548 ACRES)**

COMMENCING at the Southwest corner of said Section 19, from which the South One Quarter (S1/4) corner of Section 19 bears South 89°37'53" East-1959.75 feet, said Southwest corner of Section 19 being the **TRUE POINT OF BEGINNING**:

THENCE North 00°01'28" West along the West boundary of the SW1/4 of Section 19 for a distance of 2657.01 feet to the Southwest corner of the NW1/4 of Section 19;

THENCE North 00°02'26" East along the West boundary of the NW1/4 of Section 19 for a distance of 1356.96 feet;

THENCE South 89°22'40" East parallel with the South boundary of the NW1/4 of Section 19 for a distance of 1962.28 feet to a point on the East boundary of the NW1/4 of Section 19;

THENCE South 00°01'57" West along the East boundary of the W1/2 of Section 19 for a distance of 4005.27 feet to the Southeast corner of SW1/4 of Section 19;

THENCE North 89°37'53" West along the South boundary of the SW1/4 of Section 19 for a distance of 1959.75 feet to the **TRUE POINT OF BEGINNING**.

SUBJECT TO:

- 1-A 25.0 foot wide county road easement along the South and West boundaries of the before described parcel.
- 2-An easement to the Salmon River Canal company for the use and maintenance of the irrigation lateral that traverses through the before described parcel.
- 3-All other easements and right-of-ways of record.



**LEGAL DESCRIPTION
FOR
D. COURTNEY PARCEL**

A parcel of land located in the N1/2 of Section 19, Township 12 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho and being more particularly described as follows:

**TOWNSHIP 12 SOUTH
RANGE 17 EAST
SECTION 19: (217.755 ACRES)**

COMMENCING at the Northwest corner of said Section 19, from which the North One Quarter (N1/4) corner of Section 19 bears South 89°29'20" East-1962.06 feet, **THENCE** South 89°29'20" East along the North boundary of the NW1/4 of Section 19 for a distance of 350.00 feet to the **TRUE POINT OF BEGINNING**:

THENCE continuing South 89°29'20" East along the North boundary of the NW1/4 of Section 19 for a distance of 1612.06 feet to the Northeast corner of the NW1/4 of Section 19;

THENCE continuing South 89°29'20" East along the North boundary of the NE1/4 of Section 19 for a distance of 2628.52 feet to the Northeast corner of the NE1/4 of Section 19;

THENCE South 00°08'55" East along the East boundary of the NE1/4 of Section 19 for a distance of 2661.76 feet to the Southeast corner of the NE1/4 of Section 19;

THENCE North 89°22'40" West along the South boundary of the NE1/4 of Section 19 for a distance of 2636.99 feet to the Southwest corner of NE1/4 of Section 19;

THENCE North 00°01'57" East along the West boundary of the NE1/4 of Section 19 for a distance of 1356.96 feet;

THENCE North 89°22'40" West parallel with the South boundary of the NW1/4 of Section 19 for a distance of 1962.28 feet to a point on the West boundary of the NW1/4 of Section 19;

THENCE North 00°02'26" East along the West boundary of the NW1/4 of Section 19 for a distance of 945.79 feet;

THENCE North 45°16'33" East for a distance of 492.94 feet to the **TRUE POINT OF BEGINNING**.

SUBJECT TO:

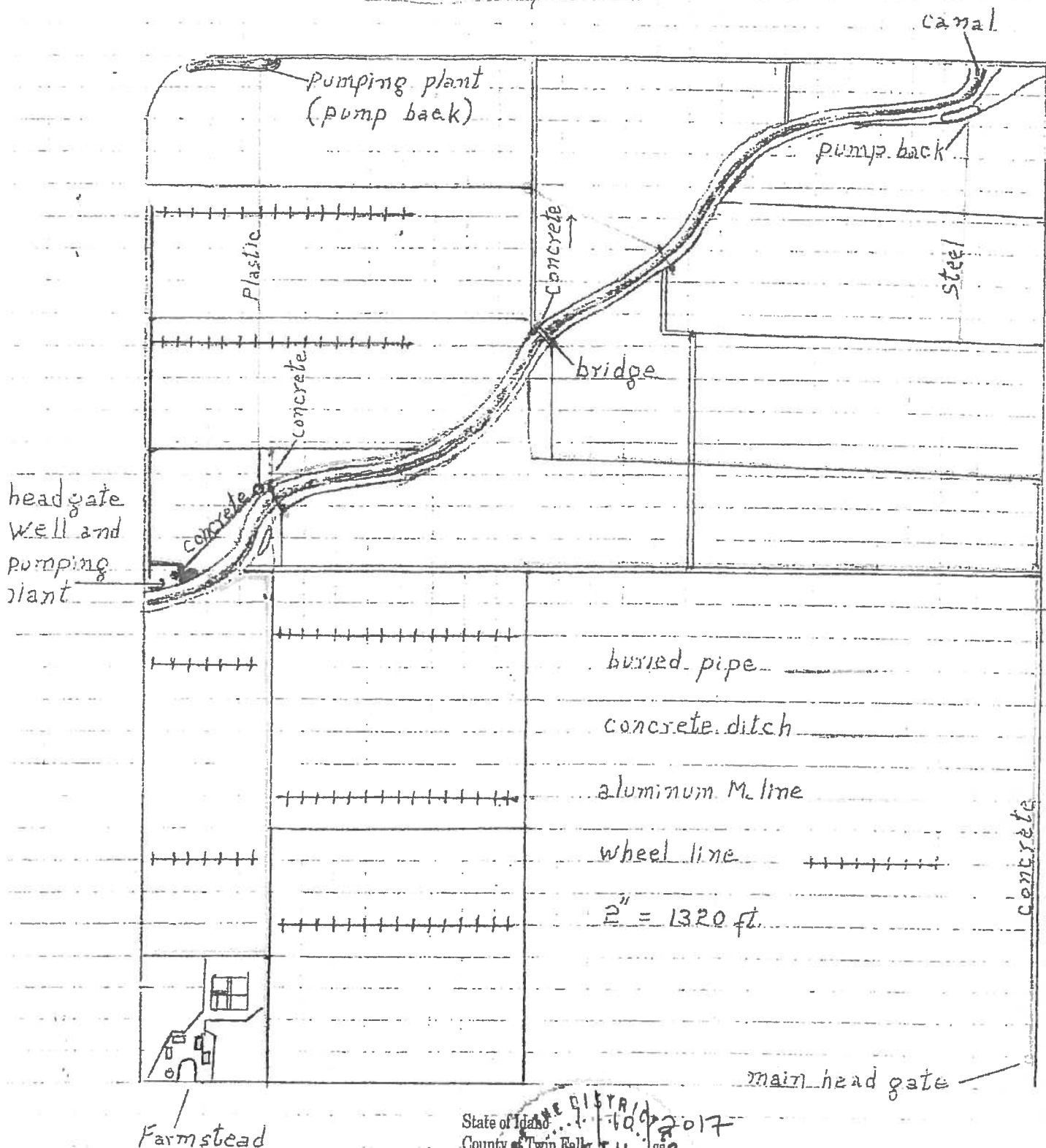
1-A 25.0 foot wide county road easement along the North, West and East boundaries of the before described parcel.

2-An easement to the Salmon River Canal company for the use and maintenance of the irrigation lateral that traverses through the before described parcel.

3-All other easements and right-of-ways of record.



Harder place



State of Idaho
 County of Twin Falls
 I hereby certify the foregoing to be a full, true
 and correct copy of the original on file in the
 above entitled action.

KRISTINA GLASCOCK
 CLERK OF THE DISTRICT COURT

By [Signature]
 COURT SERVICES

EXHIBIT
 B P.C. 1/14



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 11, 2017

PATRICK J COURTNEY
2706 E 2500 N
TWIN FALLS ID 83301

RE: Change of Ownership for Water Right No. 47-12112

Dear Water Right Holder(s):

The Department acknowledges receipt of correspondence changing ownership of the above referenced water right(s). The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Benny Walker".

Benny Walker
Senior Water Right Agent

Enclosure(s)