

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 6 2016

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?
1-319B <i>OK</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
22-10096 <i>OK</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
1-37A <i>OK</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
Water right 1-37A was split into 1-37A, 1-10657 and 1-10658				Yes ☐	Yes ☐
Water right 1-319B was split into 1-319B, 1-10659 and 1-10660				Yes ☐	Yes ☐

2. Previous Owner's Name: Lois Pond Gaylen Pond
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): IAN M FREEMAN, EMILY FREEMAN
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 3546 W 6800 S REXBURG ID 83440
Mailing address City State ZIP
- 208-360-6909 ianmfree01@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: _____
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.

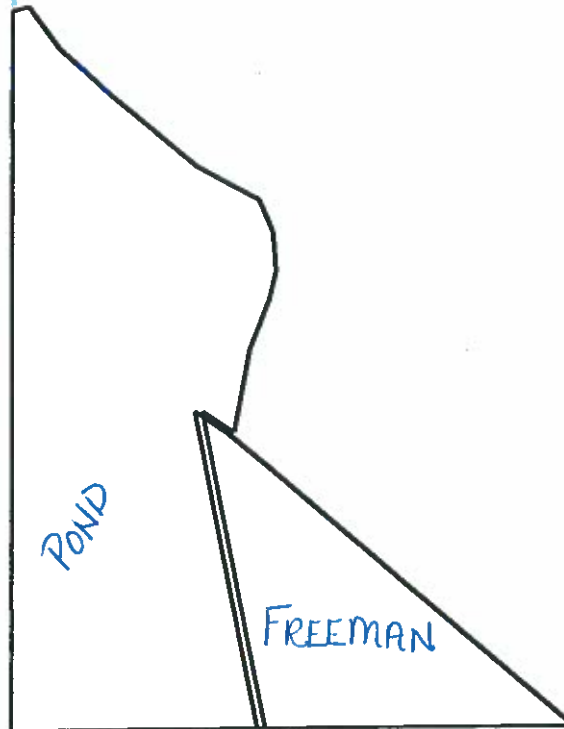
SUPPORT DATA

IN FILE # 1-37A

8. Signature: Ian M. Freeman 6 APR 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 JB Date 4/10/2017 Receipt No. E042878 Receipt Amt. \$225.-
 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 5/19/2017



4/6/2017

Scale: 1 inch= 250 feet

File: freeman.ndp

Tract 1: 2.0021 Acres (87211 Sq. Feet), Closure: n65.4100w 0.01 ft. (1/112682), Perimeter=1476 ft.
Tract 2: 5.6798 Acres (247412 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/503047), Perimeter=2468 ft.

01 /se,ne,se,27.5n,39e	16 s4.5044e 51.37
02 /n89.1226e 322.00	17 s13.3315w 38.74
03 n11.2417w 419.64	18 s20.3143w 68.03
04 s57.1612e 49.39	19 s10.3241w 110.00
05 s50.1613e 93.96	20 n57.1612w 49.39
06 s50.1429e 498.58	21 s11.2417e 419.64
07 s89.1226w 414.14	22 s89.1226w 332.00
08 @0	
09 n0.0432w 935.64	
10 n72.3352e 21.88	
11 s36.0326e 68.12	
12 s47.4248e 80.80	
13 s50.5226e 155.62	
14 s62.0403e 91.60	
15 s23.2754e 45.47	



Microfile No. 407902
 13 DAY Feb 2017
 At 11 O'Clock 36 AM
 KIM H. MUIR
 MADISON CO RECORDER
 Fee \$10.00
 Deputy
 Recorded at Request of
 AMERITITLE - IDAHO FALLS

WARRANTY DEED

Order No.: 146753AM

FOR VALUE RECEIVED

Gaylen Pond and Lois Pond, also known as Lois Laura Pond, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

~~Gaylen Pond and Lois Pond~~ Ian Freeman and Emily Freeman,
 Husband and Wife

whose current address is:
 3546 W 6800 S, Rexburg, ID 83440

the grantee(s), the following described premises, in Madison County, Idaho, TO WIT:

Commencing at the Southeast 1/16 (Southwest corner of NE1/4SE1/4) corner of Section 27, T5N, R39E, B.M., Madison County, Idaho and running thence along the South 1/16 line N.89°12'26"E. a distance of 322.00 feet to the TRUE POINT OF BEGINNING; thence N.11°24'17"W., a distance of 419.64 feet; thence S.57°16'12"E., a distance of 49.39 feet to the West top bank of the Bannock Jim Slough; thence S.50°16'13"E., a distance of 93.96 feet to a point on the South side of the Bannock Jim Slough; thence S.50°14'29"E., a distance of 498.58 feet along a fence line to the South 1/16th line; thence S.89°12'26"W., a distance of 414.14 feet along the South 1/16th line 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 does 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: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: February 7, 2017

Gaylen Pond
 Gaylen Pond

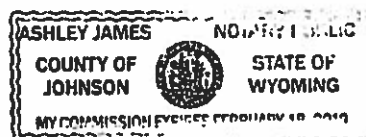
Lois Pond AKA Lois Laura Pond
 Lois Pond AKA Lois Laura Pond

State of Wyoming)
 County of Johnson)

On this 6th day of February, 2017, before me, the undersigned a Notary Public in and for said state, personally appeared Gaylen Pond and Lois Pond AKA Lois Laura Pond, husband and wife, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed 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.

Ashley James
 Notary Public for the State of Wyoming
 Residing at: Buffalo Federal Bank
 Commission Expires: 2-18-19



WARRANTY DEED

Order No.: 146753AM

FOR VALUE RECEIVED

Gaylen Pond and Lois Pond, also known as Lois Laura Pond, husband and wife
the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Emily Freeman and Ian Freeman,

whose current address is:

PLEASE INITIAL

IF 1

Property address

the grantee(s), the following described premises, in Madison County, Idaho, TO WIT:

Commencing at the Southeast 1/16 (Southwest corner of NE1/4SE1/4) corner of Section 27, T5N, R39E, B.M., Madison County, Idaho and running thence along the South 1/16 line N.89°12'26"E. a distance of 322.00 feet to the TRUE POINT OF BEGINNING; thence N.11°24'17"W., a distance of 419.64 feet; thence S.57°16'12"E., a distance of 49.39 feet to the West top bank of the Bannock Jim Slough; thence S.50°16'13"E., a distance of 93.96 feet to a point on the South side of the Bannock Jim Slough; thence S.50°14'29"E., a distance of 498.58 feet along a fence line to the South 1/16th line; thence S.89°12'26"W., a distance of 414.14 feet along the South 1/16th line 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 does 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: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: February 7, 2017

Gaylen Pond

Lois Pond AKA Lois Laura Pond

State of _____ }
County of _____ } ss

On this ____ day of February, 2017, before me, the undersigned a Notary Public in and for said state, personally appeared Gaylen Pond and Lois Pond AKA Lois Laura Pond, husband and wife, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed 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.

Notary Public for the State of _____
Residing at: _____
Commission Expires: _____

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/6/2017

Water Right 1-37A

Owner Type **Name and Address**
Current Owner GAYLEN POND
3546 W 6800 S
REXBURG, ID 83440
(208)356-6678

Current Owner LOIS L POND
3546 W 6800 S
REXBURG, ID 83440
(208)356-6678

Priority Date: 6/1/1891

Basis: Decreed

Status: Active

*To Alan & Emily
Freeman . 6 acres
of irrigation. Place
of use will be
rearranged to cover
the Freeman property.*

Source
SNAKE RIVER

Tributary
COLUMBIA RIVER

Beneficial Use

IRRIGATION

From

To

Diversion Rate

Volume

04/01

10/31

2.400 CFS

Total Diversion

2.400 CFS

Source and Point(s) of Diversion

SNAKE RIVER

SESENW

Sec. 35, Twp 05N, Rge 39E, MADISON County

Place Of Use

IRRIGATION within MADISON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	39E	27			30.5	26.0									4.5				61.0

POU Total Acres: 61.0

Conditions of Approval:

1. 186 The diversion of water through the Bannock Jim Canal shall not exceed a total combined maximum diversion rate of 1.11 cfs.
2. X35 Rights 1-37A and 1-319B when combined shall not exceed the irrigation of 61.0 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Prior to April 1st of each year, the right holder shall notify the watermaster of the amount of water under this right that will be delivered to the Nelson Corey Canal and to the Bannock Jim Canal. Failure to notify the watermaster by April 1st of each year will result in this right being delivered to the Nelson Corey Canal.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/6/2017

6. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. 004 This right does not grant any right-of-way or easement across the land of another.
8. F01 Water is delivered through Bannock Jim Canal and Nelson Corey Canal.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/6/2017

Water Right 1-319B

Owner Type **Name and Address**
Current Owner GAYLEN POND
3546 W 6800 S
REXBURG, ID 83440
(208)356-6678

Current Owner LOIS L POND
3546 W 6800 S
REXBURG, ID 83440
(208)356-6678

Priority Date: 4/1/1939

Basis: Decreed

Status: Active

Source
SNAKE RIVER

Tributary
COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.075 CFS	
	<u>Total Diversion</u>		1.075 CFS	

Source and Point(s) of Diversion

SNAKE RIVER SESENW Sec. 35, Twp 05N, Rge 39E, MADISON County

Place Of Use

IRRIGATION within MADISON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	39E	27			30.5	26.0									4.5				61.0

POU Total Acres: 61.0

Conditions of Approval:

1. 186 The diversion of water to the Bannock Jim Canal shall not exceed a total combined maximum diversion rate of 1.11 cfs.
2. X35 Rights 1-37A and 1-319B when combined shall not exceed the irrigation of 61.0 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Prior to April 1st of each year, the right holder shall notify the watermaster of the amount of water under this right that will be delivered to the Nelson Corey Canal and to the Bannock Jim Canal. Failure to notify the watermaster by April 1st of each year will result in this right being delivered to the Nelson Corey Canal.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/6/2017

6. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. 004 This right does not grant any right-of-way or easement across the land of another.
8. F01 Water is delivered through Bannock Jim Canal and Nelson Corey Canal.
9. 179 The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SWNE

SENE

NWSE

NESE

27

05N39E

SWSE

SESE



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 19, 2017

Ian & Emily Freeman
3546 W 6800 S
Rexburg ID 83440

RE: Change of Ownership for Water Rights: 1-37A (split into 1-37A, 1-10657 and 1-10658) and 1-319B (split into 1-319B, 1-10659 and 1-10660) *22-10096*

Dear Water Right Holder:

The department acknowledges receipt of correspondence changing ownership and splitting the above referenced water right. The department has modified its records to reflect the changes and has enclosed computer-generated reports for your records.

Your portion of the water right has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on your water right, then no further action is required at this time.

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 deliberately abandoned or 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.

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,

Jonie Barg
Technical Records Specialist

Enclosures

cc: Water District 01
Jed Pond
Gaylen & Lois Pond