



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 21, 2017

EWALD FUNK
PEARL FUNK
ELIZABETH MAE MALAND
PEGGY MARLENE SIMPSON
512 SHERIDAN RD
WALLA WALLA WA 99362

RE: Notice of Change of Water Right Ownership: 35-12912

Dear Interested Party:

The Department of Water Resources received a request for a Change in Water Right Ownership for water rights 35-12912. Although your deed shows you owned its irrigated place of use, water right 35-12912 was claimed in the Snake River Basin Adjudication (SRBA) by Vern R. Duffin and Marilyn Duffin (Duffin's) in 1992. You did not file a competing claim or an objection, and the SRBA court decreed water right 35-12912 in the Duffin's name. The Department considers a court decree confirming the elements of a water right to be a determination of ownership of the right.

Vern R. Duffin and Marilyn Duffin deeded water right 35-12912 to Jeffrey T. Duffin and Chana Duffin in 2016. Since your documentation does not show that you acquired the water right from either Vern R. Duffin and Marilyn Duffin or Jeffrey T. Duffin and Chana Duffin since the Court issued its decree, IDWR cannot complete the processing of your ownership change notice based on the information you submitted.

The Department is returning Notice of Change in Water Right Ownership and the attachments. No refund will be issued since the check written to cover the filing fee was returned to the Department. If you have any questions regarding this matter, please call me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosures

RECEIVED

FEB 10 2017

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT OF WATER RESOURCES 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?
35-12912	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: Jeffrey T. Duffin and Chana Duffin
Name of current water right holder/claimant Elizabeth Mae Maland
3. New Owner(s)/Claimant(s): Ewald A. Funk and Pearl S. Funk and Peggy Marlene Simpson and
New owner(s) as listed on the conveyance document Name of connector ☐ and ☐ or ☐ and/or
- 612 Sheridan Road Walla Walla WA 99362
Mailing address City State ZIP
- (509) 525-1673 / (509) 301-9122 Simpson68@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.

8. Signature: Peggy M. Simpson Owner 2-10-17
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 VC Date 2-10-2017 Receipt No. C102999 Receipt Amt. \$25.00

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 _____

DEED OF COUNTY PROPERTY

INSTRUMENT NO. 38009

THIS INDENTURE, Made and entered into this 16th. day of March, A.D. 1943
by and between the County of Bingham, State of Idaho, party of the first part, and Ewald Funk
of American Falls, Idaho, party of the second part

WITNESSETH: That Whereas, by an order duly given, made and entered by the Board of County Commissioners of said County, in meeting assembled on the 9th day of April, 1940, it was found and determined that the certain tract or parcel of land belonging to said County and hereinafter particularly described, was not necessary for the use of said County, and that the same should therefore, pursuant to the provisions of Section 30-708, Idaho Codes Annotated, as amended, be sold at public auction on the 14th day of May, 1940; and

WHEREAS, Pursuant to said order and the statute in such case made and provided, the sale was advertised on the 13th day of April, 1940, being thirty days prior thereto, in The Daily Bulletin a newspaper published in said County (or posted in five public places of the said county), affidavit of the giving of which notice has been duly filed with the Clerk of the Board of County Commissioners of said county; and

WHEREAS, At the time advertised for said sale the said land was, by the Clerk of said Board, sold at public auction to the party of the second part herein, who was the highest bidder therefor, for the sum of \$ 80.00 cash lawful money of the United States of America, which said sum the said party of the second part has paid to the Treasurer of the said Bingham County;

NOW, THEREFORE, For and in consideration of the said sum hereinbefore mentioned thus paid, and pursuant to the law in such cases made and provided, the party of the first part herein does hereby grant, bargain, sell, convey and confirm unto the said party of the second part, his heirs and assigns forever, all that certain tract or parcel of land situated in the County of Bingham, State of Idaho, and more particularly described as follows:

Southwest Quarter (SW $\frac{1}{4}$) of Section 14, and Southeast Quarter (SE $\frac{1}{4}$) of Section 15, all in Township 6 South of Range 30 East Boise Meridian, according to the recorded plat thereof, on file in the office of the County Recorder, Bingham County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining; to have and to hold the same unto the party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, The Board of County Commissioners of said County has caused the name of said County to be hereunto subscribed by the chairman of said Board, and the seal of said Board of County Commissioners to be hereunto affixed.

Done at Blackfoot, Idaho, the day and year first above written.

ATTEST:

BINGHAM COUNTY

Jno. H. Falk
County Auditor and Ex-Officio Clerk of the
Board of County Commissioners.

Seal

By Louis Felt
Chairman, Board of County Commissioners.

STATE OF IDAHO,

County of Bingham

ss.

On this 17th day of March, 1943, before me Jno. H. Falk, Clerk of the District Court, State of Idaho, in and for said County, personally appeared Louis Felt known to me to be the Chairman of the Board of County Commissioners of said Bingham County, who executed the foregoing instrument, and acknowledged to me that he executed the same as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

SEAL

Jno. H. Falk, Clerk of the District Court,
State of Idaho, in and for Bingham County

I hereby certify that this instrument was filed for record at the request of Ewald Funk
at 47 minutes past 1 o'clock P.M., this 17th day of March
A. D. 1943, in my office and duly recorded in Book 63 of Deeds at page 623

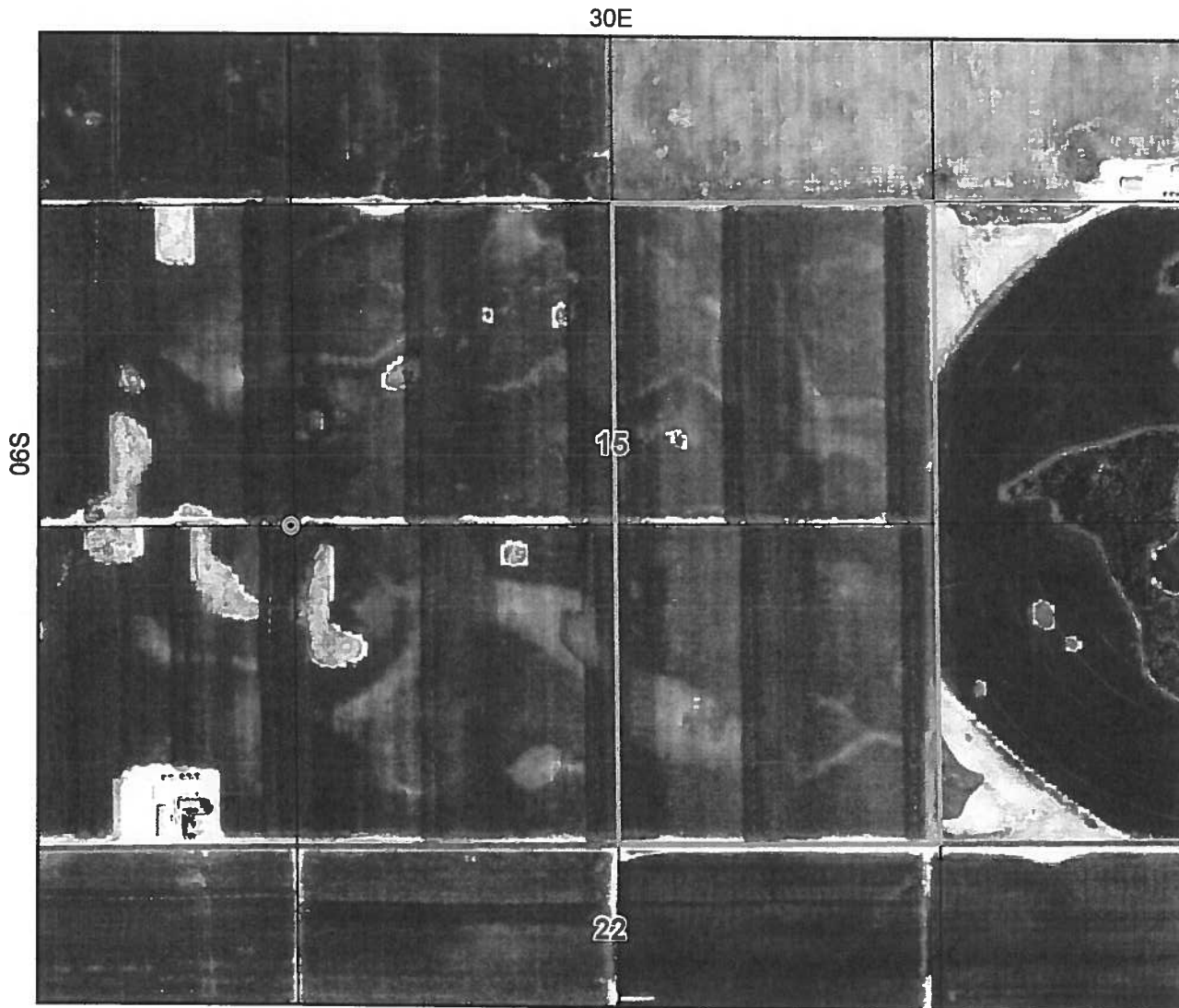
Fees, \$ 1.00 Jno. H. Falk By E. D. Braden
Ex-Officio Recorder Deputy

State of Idaho
Department of Water Resources

Water Right
35-12912

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



⊙ Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

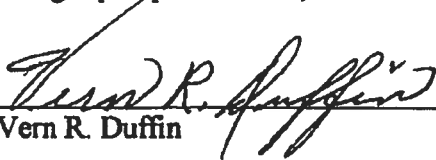
Quarter Quarters

0 0.075 0.15 0.3 Miles



AFFIDAVIT

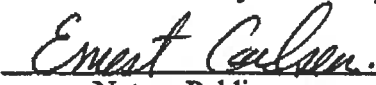
I, Vern R. Duffin rented the W1/2 of the SE1/4 of Section 15, Township 6 South, Range 30 East, from Pearl Funk beginning with the 1961 irrigation season. I installed a booster pump on my existing well in the SW1/4 of the SW1/4 of Section 15 (point of diversion for right 35-02485.) I have rented and irrigated this land continually since 1961, and approximately 5 years ago I installed a larger pump and motor, eliminating the need for the booster pump.


Vern R. Duffin

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 5th day of January, 1999

Seal


Notary Public

Residing at Idaho Falls

My Commission Expires 6-14-2000.

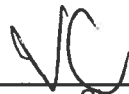
Idaho Department of Water Resources Receipt

Receipt ID: C102999

Payment Amount \$25.00 Date Received 2/10/2017 8:20 AM Region STATE
Payment Type Check Check Number 95
Payer SIMPSON, PEGGY M/ SIMPSON-JACOBS, CHRISTINA M
Comments OWNERSHIP CHANGE FOR WR# 35-12912 FOR PEGGY SIMPSON

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	56140	0229	21		1155



Signature Line (Department Representative)



BINGHAM COUNTY CLERK'S OFFICE ■ 501 N. MAPLE #205
BLACKFOOT ID 83221-1700 ■ PHONE: (208) 782-3160 ■ FAX: (208) 785-4131

Fax Transmittal Form

Date: 2/10/17

TOTAL NUMBER OF PAGES INCLUDING THIS TRANSMITTAL SHEET: 2

To: Name: Pamela S. Skaggs

Organization: _____

Phone number: _____

Fax number: (208) 287-6700

- ☐ Urgent
- ☐ For Review
- ☐ Please Comment
- ☐ Please Reply

Message:

If you have any questions pertaining to this matter, please contact:

Name: Peggy Simpson

Phone: (509) 301-9122

Bingham County Clerk's Office
501 N. Maple, #205
Blackfoot, ID 83221-1700

Phone: 208-782-3160
Fax: 208-785-4131

To: Pamela Skaggs
Fax: 12082876700

From: Peggy Funk Simpson

Notes: Concerning Ewald, Pearl, Peggy, Elizabeth water right

Faxed from a **STAPLES** Business Center

All these services and more available at your local store:



Copy



Fax



Print



Scan

Date and Time of Transmission: 2/21/2017 3:53:30 PM

Number of Pages including this cover sheet: 8



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 14, 2017

EWALD FUNK
PEARL FUNK
ELIZABETH MAE MALAND
PEGGY MARLENE SIMPSON
512 SHERIDAN RD
WALLA WALLA WA 99362

RE: Change in Water Right Ownership 35-12912

Dear Interested Parties:

The Department of Water Resources (Department) received your Notice of Change in Water Right Ownership for Water Right 35-12912 on February 10, 2017. The Department has placed your notice in the water right file, but the database record for the water right has not been updated.

Although your deed shows that you owned its irrigated place of use, Water Right 35-12912 was claimed in the Snake River Basin Adjudication (SRBA) by Vern R. Duffin & Marilyn Duffin (Duffins) in 1992. You did not file a competing claim or an objection, and the SRBA Court decreed Water Right 35-12912 in the Duffins' name in 2002. The Department considers a court decree confirming the elements of a water right to be a determination of ownership of the right.

Vern R. Duffin & Marilyn Duffin deeded Water Right 35-12912 to Jeffrey T. Duffin and Chana Duffin in 2016 without land. Since your documentation does not show that you acquired the water right from either Vern R. Duffin & Marilyn Duffin or Jeffrey T. Duffin & Chana Duffin since the Court issued its decree, IDWR cannot complete processing of your ownership change notice based on the information you submitted.

This determination does not affect your ownership of overlapping licensed Right 35-7853B for the same beneficial use. This right was applied for in 1979, was not subject to the Snake River Basin Adjudication since proof of beneficial use was filed in 1989 after the commencement of the adjudication, and the appropriation process was completed when the license was issued in 1994. Rights 35-7853B and 35-12912 represent a single beneficial use and must be evaluated together in any future actions. All owners must be included unless one of the parties prevails as the single owner.

The Department will hold your ownership change notice for 30 days to allow you time to submit additional information confirming your ownership of the water right. If you do not submit information within 30 days to show how you acquired the water right, IDWR will return your Notice of Change in Water Right Ownership form and supporting documents and request a refund of your filing fee.

If you have any questions, please contact this office.

Sincerely,

Jean Hersley
Technical Records Specialist II

November 15, 1990

Because of the mandate issued by the Bureau of Water Resources, State of Idaho, in 1990 that all water rights must be active, that is the water must be in actual use on the land or the water right is no longer viable and because Vern Duffin has a licensed well situated on SW 1/4 of sections 15 T6S R30E EBM, established in 1953 from which water has been used to irrigate 80 acres T6S R30E Section 15 for 20 years; therefore, the water right usage from this well is assigned to W1/2 of SE 1/4 80 acres more or less for _____ feet per second.

LICENSE NO 35-2485

Vern and Marilyn Duffin grant this water right free and clear to Pearl Funk, Ewald Funk, Peggy Simpson, Elizabeth F. Maland.

X Vern Duffin Date 11/26/90

Marilyn Duffin Date 11/26/90

Nov. 26, 1990
Chester, Idaho

Dear Ewald & Pearl

I have held up a few days to see for sure if we can get
beets for the other 2 fields.

Mr. Adams is quite sure there will be more beets available
in the near future.

As soon as I can get beets signed for these 2 fields
I will send the rent ^{Adams} for them but I felt I better get
this much sent to you now.

Sincerely

P.S. I feel you should pay ^{them} me something for this
valid free water rights I am signing to you. don't you?

STATE OF IDAHO

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Ewald &/or Pearl Funk &/or Elizabeth Maland &/or Peggy Simpson Phone _____
of (address) Box 390 Athena, OR 97813, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 35-7853, and requests that the permit and permit map be changed as follows:

1. Point of diversion: #1 NW ¼ SW ¼, Section 14, Township 6S, Range 30E, B.M., County of Bingham. Other points of diversion: #2 - center of SW ¼, Sec. 15, T6S, R30E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 5.0 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

No change

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	30E	14									40	40	40	40					160
		15													40	40	40	40	160

Total number of acres to be irrigated = 320

4. a. Who owns the property at the point of diversion? Applicant (#1) Vern Duffin (#2)
b. Who owns the land to be irrigated or the place of use? Applicants
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: P/D #2 is owned by neighbor, Vern Duffin. Applicants have agreement with him to use water from his well to irrigate the W ½ SE ¼, S15.

RECEIVED

FEB 10 2017

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT OF WATER RESOURCES 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?
35-12912	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: Jeffrey T. Duffin and Chana Duffin
Name of current water right holder/claimant Elizabeth Mac Maland
3. New Owner(s)/Claimant(s): Ewald A. Funk and Pearl S. Funk and Peggy Marlene Simpson and
New owner(s) as listed on the conveyance document Name of connector ☐ and ☐ or ☐ and/or
- 612 Sheridan Road Walla Walla WA 99362
Mailing address City State ZIP
- (509) 525-1673 / (509) 301-9122 Simpson68@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.

8. Signature: Peggy M. Simpson Owner 2-10-17
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 VC Date 2-10-2017 Receipt No. C102991 Receipt Amt. \$25.00

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

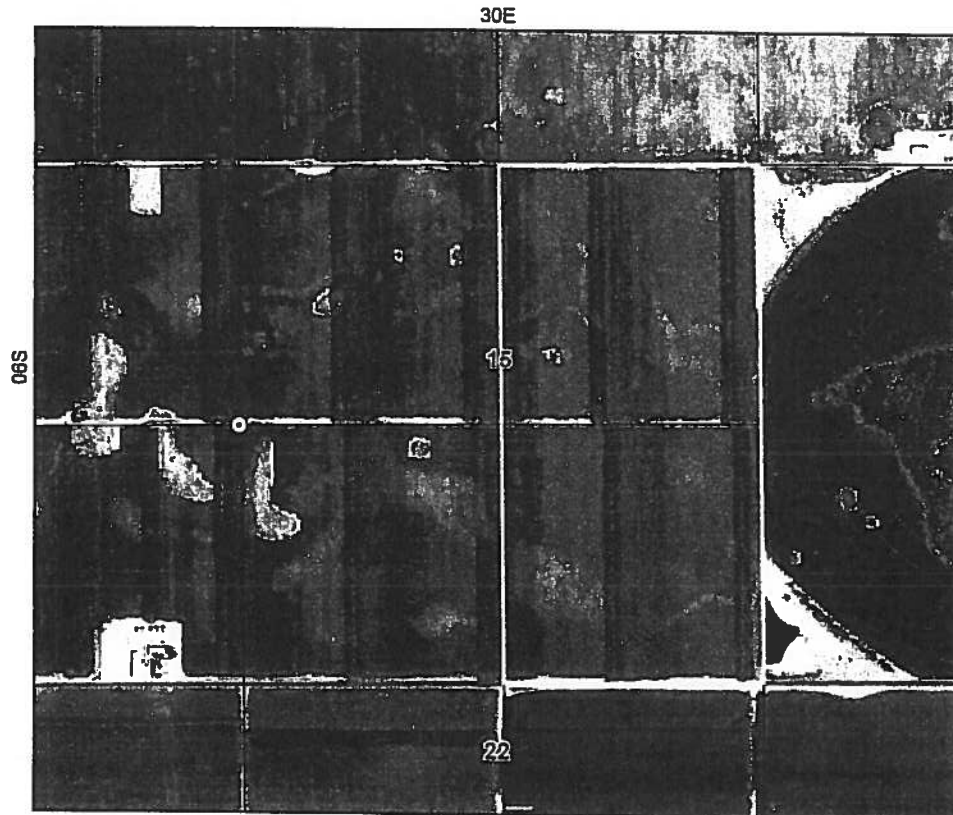
Name on W-9 _____ Approved by _____ Processed by _____ Date _____

State of Idaho
Department of Water Resources

Water Right
35-12912

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- ⊙ Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles



Map produced on February 09, 2017

Idaho Department of Water Resources Receipt

Receipt ID: C102999

Payment Amount \$25.00 Date Received 2/10/2017 8:20 AM Region STATE

Payment Type Check Check Number 95

Payer SIMPSON, PEGGY M/ SIMPSON-JACOBS, CHRISTINA M

Comments OWNERSHIP CHANGE FOR WR# 35-12912 FOR PEGGY SIMPSON

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	56140	0229	21		1155



Signature Line (Department Representative)

1971247 002787 047212836323 NNNNN NNNNN NNNNN 000002 CW9R2TA 011287

122105278
02/16/2017
3330632157
This is a LEGAL COPY
of your check. You can
use it the same way
you would use the
original check.

RETURN REASON - D
CLOSED ACCOUNT

000000381123347
0910000191 02/13/2017

CLOSED ACCOUNT

Peggy M. Simpson
Christina M. Simpson-Jacobs
512 Sheridan Rd
Walla Walla WA 99382-4255

FEB 10 2017 Date 2.10 - 17

95
98-01243281

Pay to the order of IDWR \$ 25.00

Dollars

Gesa CREDIT UNION

MEMO Membership Change

43251812481

40025121461

0095

43251812481 400251214610095 000000025001

Do not endorse or write below this line.

061000146 02/14/2017
000005599401379 RR - D
325181248 02/14/2017
000003001000021 RR - D
061000146 02/16/2017
5626594740 RR - D
122105278 02/16/2017
3330632157 RR - D

ENDORSE HERE

Pay-to-the order of
STATE TREASURER
Dept of Water Resources

0910000191 02/13/2017
000000381123347