



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

February 9, 2015

C.L. "BUTCH" OTTER
Governor

M Duane Samuelson
Darlene Samuelson
3577 S Old Hwy 191
McCammon ID 83250

GARY SPACKMAN
Director

The "Notice of Change in Water Right Ownership" for 29-250 & 29-13245 has been returned for the following item(s):

**** The department received an ownership change for Greg and Jamie Smedley for the same property described in your application. The department discussed this with you and Mr. Smedley and all the parties decided it is best to return your ownership change unprocessed and refund your filing fee. The department will work on the ownership change for Mr. Smedley as soon as possible. We will send you a copy of that information once it is complete. If you have any questions please let me know. Please find enclosed your original application and attachments the department will keep a copy for informational purposes only.

The department has initiated a refund for the amount of \$200.00 and it should arrive from the state office in couple of weeks.

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 within 120 days of the change. Failure to do so could result in a \$100 late filing fee. 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.

If you have any questions please contact Jonie Barg at (208)525-7161.

Respectfully submitted,



Jonie Barg
Technical Records Specialist

cc: Greg and Jamie Smedley

SUPPORT DATA

IN FILE # 29-250

Barg, Jonie

From: Barg, Jonie
Sent: Tuesday, February 10, 2015 8:20 AM
To: Sutcliffe, Lorna
Subject: Refund Request
Attachments: E040023.pdf

Lorna,

Good morning!!

I have a refund request as follows:

Receipt number: E040023
Amount: \$200.00
Payable to: M Duane Samuelson
3577 S Old Hwy 91
McCammon ID

Reason: Total filing fee received \$200.00 for ownership change for 2 water right. The department cannot complete the ownership change, therefore a full refund is required.

Let me know if you need additional information.

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

Have a great day!!!

Jonie Barg

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177
email: jonie.barg@idwr.idaho.gov



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

November 17, 2014

C.L. "BUTCH" OTTER
Governor

M Duane Samuelson
Darlene Samuelson
3577 S Old Hwy 191
McCammon ID 83250

GARY SPACKMAN
Director

RE: Change in Ownership Water Right No. **29-260 & 29-13245**

Dear **Sir/Madam:**

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

**** **Evidence of Ownership:** According to the notes on the file, the department is waiting for additional information before your application can be complete. It appears we are waiting for a copy of the Warranty Deed for parcel number R4057021525 also known as T-54. Please supply a copy of that Deed.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

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 the Department if you have any questions.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

JUL 08 2014

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
29-13245 <i>OK</i>	Yes ☒		Yes ☐		Yes ☐
29-260 <i>OK</i>	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Frank Hough
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): M. Duane or S. Darlene Samuelson
New owner(s) as listed on the conveyance document

3577 S Old Hwy 91

Mailing address

(208) 775-3521

Telephone

McCammon

City

markduanesamuelson@gmail.com

Email

Name connector

☐ and ☒ or ☐ and/or

ID

83250

State

ZIP

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: 08/5/2010
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.
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.

8. Signature: *S. Darlene Samuelson* Title, if applicable _____
Signature of new owner/claimant

Signature: *M. Duane Samuelson* Title, if applicable _____
Signature of new owner/claimant

Date

Date

For IDWR Office Use Only:

Received by *JB*

Date

7/8/2014

Receipt No.

EC40023

Date

2/10/2015

Receipt Amt.

\$200.-

Approved by *JB*

Processed by *JB*

4-1

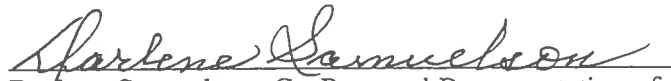
QUITCLAIM DEED

FOR VALUE RECEIVED, We, Darlene Samuelson and Frank N. Hough, as co-personal representatives of the estate of Mary S. Hough, deceased, do hereby convey, release, remise and forever quit claim unto M. Duane Samuelson and Darlene Samuelson, husband and wife, whose current address is 3577 S. Old Highway 91, McCammon, ID 83250, the following described premises, to wit:

That certain restriction set forth on Exhibit B of the Warranty Deed recorded as Instrument No. 99019345 in the records of Bannock County, Idaho indicating "No use or claim of any water, from the Portneuf River or Robbers Roost Creek, is included in this transaction." In recognition of water from Robbers Roost Creek having been used to irrigate the tract for a number of years, this restriction is removed by the estate of the surviving Grantor on said Instrument No. 99019345. The property described on the attached Exhibit A and C is conveyed with no such restriction on water usage.

together with their appurtenances.

EXECUTED this 20 day of June, 2014.


Darlene Samuelson, Co-Personal Representative of
the Estate of Mary S. Hough, deceased


Frank N. Hough, Co-Personal Representative of the
Estate of Mary S. Hough, deceased

4-2

21407980

STATE OF IDAHO)

:SS

County of Bannock)

On this 20 day of June, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Darlene Samuelson and Frank N. Hough, known or identified to me to be the persons whose names are subscribed to the within instrument, as Co-Personal Representatives of the Estate of Mary S. Hough, deceased, and acknowledged to me that they executed the same as such Co-Personal Representatives.

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

(seal)



Pam Bissegger
NOTARY PUBLIC FOR IDAHO
Residing at: M. Cammon & D
My Commission Expires: 1-3-2018

ORIGINAL RECORD FILE 980
BANNOCK COUNTY IDAHO

19 DEPUTY DM

Darlene Samuelson & Frank Hough

21407980

2014 JUN 20 P 3:18

21407980

~~99019345~~

4-3
Exhibit A.

LEGAL DESCRIPTION
For
M. Duane Samuelson

A parcel of land located in the E ½ of section 23, T8S, R36E, B.M., Bannock County Idaho, more particularly described as follows:

Commencing at the ¼ corner common to sections 14 & 23 a found Bannock County monument (Instr. # 561542); thence S 89° 09' 24" E a distance of 1440.40' along the north line of section 23 to the westerly R/W of Highway 91-191; thence S 1° 41' 18" W A distance of 2723.57' along the westerly R/W of Highway 91-191 to the P.C. of a curve that bears southeasterly with a radius of 1959.57' and a central angle of 25° 33'; thence continuing along the westerly R/W of said curve a distance of 346.62', and the Point of Beginning; thence S 84° 12' W a distance of 591.30' along the southerly boundary of Lance & Wendy Elison (Instr. # 99010450); thence S 2° 00' 56" W a distance of 262.94'; thence S 80° 13' 41" E a distance of 473.76'; thence N 87° 26' 11" E a distance of 139.96' to the westerly R/W of Highway 91-191; thence northwesterly along said curve a distance of 276.92', and the Point of Beginning.

Said parcel contains 3.265 acres, more or less, excepting the original homesite (Instr. # 785586). Utilities or other easements not researched.

Exhibit c

4-4

Second Parcel

For M. Duane Samuelson

21407980

~~99019345~~

Beginning at the S.W. corner of M. Duane Samuelson parcel, thence S $80^{\circ}-13'-41''$ E a distance of 34.5 feet to the P.O.B; thence Southeasterly to an existing fence Post on the south side of Robbers Roost Creek: Thence parallel to the South boundary of M. Duane Samuelson's Property of distance of 16.23 Feet: thence Northwesterly to the South Boundary of M. Duane Samuelson: thence N $80^{\circ}-13'-41''$ W a distance of 16.23 feet, and the Point of Beginning. Parcel is a 16 foot wide strip.

OF THE SIXT

)
)
)
)
)
)

CASE NO. CV 10-2300 IE

LETTERS TESTAMENTARY

... Hough are be

41

7910

100

Magistrat

ST

1 h

15

D

STATE OF IDAHO)

:ss

County of Bannock)

Darlene Samuelson and Frank N. Hough, hereby accept the duties of Co-Personal Representatives of the Estate of Mary S. Hough, deceased, and do solemnly swear they will perform, according to law, the duties of Co-Personal Representatives.

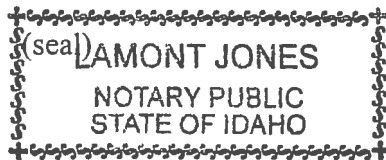
Frank N. Hough

Frank N. Hough
3712 S. Old Hwy 91
McCammon, ID 83250
(208)775-3373

Darlene Samuelson

Darlene Samuelson
3577 S. Old Hwy 91
McCammon, ID 83250
(208) 775-3521

SUBSCRIBED AND SWORN TO before me this 25th day of May, 2010.



Lamont Jones
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello
My Commission Expires: 11/3/10

DEED OF DISTRIBUTION BY PERSONAL REPRESENTATIVES

THIS DEED, made by Darlene Samuelson and Frank N. Hough, as co-personal representatives of the estate of Mary S. Hough, deceased, Grantors, to Frank N. Hough, Grantee, whose mailing address is 3512 S. Old Hwy 91, McCammon, Idaho 83250.

WHEREAS, Grantors are the qualified co-personal representatives of said estate, filed as Case No. CV 10-2300 IE in Bannock County, Idaho; and

THEREFORE, for valuable consideration received, Grantors quitclaim, transfer and convey to Grantee the real property described in Bannock County, Idaho particularly described on the two (2) page attachment hereto and by reference incorporated herein with all appurtenances, including water and water rights.

EXECUTED this 5th day of August, 2010.

Darlene Samuelson
Darlene Samuelson, Co-Personal Representatives of
the Estate of Mary S. Hough, deceased

Frank N. Hough
Frank N. Hough, Co-Personal Representatives of
the Estate of Mary S. Hough, deceased

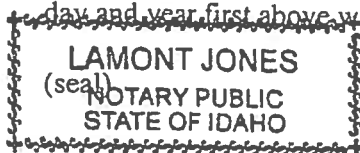
STATE OF IDAHO)

:SS

County of Bannock)

On this 5th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Darlene Samuelson and Frank N. Hough, known or identified to me to be the persons whose names are subscribed to the within instrument, as Co-Personal Representatives of the Estate of Mary S. Hough, deceased, and acknowledged to me that they executed the same as such Co-Personal Representatives.

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



Lamont Jones
NOTARY PUBLIC FOR IDAHO
Residing at: Bozella
My Commission Expires: 11/3/10

A parcel of land located in the SE ¼ of Section 23 T.8S., R.36E., B.M., Bannock County, Idaho. It is more particularly described as follows:

Commencing at the SE corner of Section 23, thence N.0°03'11"W. along the East line of Section 23 a distance of 1322.12 feet to the South 1/16 corner; thence N.89°41'29"W. along the South 1/16 line a distance of 987.50 feet to the Southwesterly Right of Way line of US Highway 191, the TRUE POINT OF BEGINNING. Thence N.23°51'58"W. along said Right of Way line a distance of 219.74 feet to an existing fence line; thence S.75°30'51"W. along said fence line a distance of 94.53 feet to an intersection with the centerline of Robbers Roost Creek; thence following the centerline of Robber Roost Creek in a Northwesterly and Westerly direction on the following fourteen courses:

N.17°31'22"W. a distance of 18.36 feet;
 N.57°10'32"W. a distance of 64.53 feet;
 N.55°54'09"W. a distance of 36.91 feet;
 N.74°59'36"W. a distance of 32.88 feet;
 S.70°39'07"W. a distance of 57.99 feet;
 N.72°35'31"W. a distance of 26.35 feet;
 N.61°47'52"W. a distance of 45.87 feet;
 S.76°05'25"W. a distance of 22.90 feet;
 N.28°13'48"W. a distance of 50.98 feet;
 N.58°52'44"W. a distance of 77.43 feet;
 N.78°02'51"W. a distance of 102.29 feet;
 N.47°44'40"W. a distance of 21.98 feet;
 N.23°16'18"W. a distance of 61.14 feet;
 N.69°25'21"W. a distance of 114.76 feet to an existing fence on a Southwesterly line of the Samuelson property; thence along said line N.30°45'20"W. a distance of 134.30 feet to the South line of the Samuelson property; thence S.88°14'36"W. along said South line a distance of 19.53 feet and N.09°39'47"W. along the Westerly line a distance of 19.94 feet to the East line of Instr# 92008506; thence S.0°43'26"E. along said line a distance of 175.11 feet to the North line of Instr# 20607015; thence S.89°41'29"E. along said North line a distance of 99.89 feet; thence continuing along the Easterly line of Instr# 20607015 S.09°00'18"W. a distance of 440.98 feet to the South 1/16 line; thence S.89°41'29"E. along the South 1/16 line a distance of 841.82 feet to the TRUE POINT OF BEGINNING.

Contains 6.13 Acres

together with the existing powerline easement existing within:

A 10 foot strip of land located in the SE ¼ of Section 23 T.8S., R.36E., B.M., Bannock County, Idaho. A centerline of which is more particularly described as follows:

Commencing at the SE corner of Section 23, thence N.0°03'11"W. along the East line of Section 23 a distance of 1322.12 feet to the South 1/16 corner; thence N.89°41'29"W. along the South 1/16 line a distance of 1277.57 feet; thence N.0°18'31"E. a distance of 123.75 feet to an existing well and the TRUE POINT OF BEGINNING; thence N.23°22'50"W. along an existing waterline a distance of 130.81 feet to the center of Robbers Roost Creek and the POINT OF TERMINUS.

Subject to:

A 10 foot by 10 foot parcel of land around an existing well described as follows:

A parcel of land located in the SE $\frac{1}{4}$ of Section 23 T.8S., R.36E., B.M., Bannock County, Idaho. It is more particularly described as follows:

Commencing at the SE corner of Section 23, thence N.0°03'11"W. along the East line of Section 23 a distance of 1322.12 feet to the South 1/16 corner; thence N.89°41'29"W. along the South 1/16 line a distance of 1272.57 feet; thence N.0°18'31"E. a distance of 113.75 feet to the TRUE POINT OF BEGINNING. Thence N.0°18'31"E. a distance of 10.00 feet; thence N.89°41'29"W. a distance of 10.00 feet; thence S.0°18'31"W. a distance of 10.00 feet; thence S.89°41'29"E. a distance of 10.00 feet to the TRUE POINT OF BEGINNING.

Subject to the existing waterline from the above described well, to-wit:

A 10 foot strip of land located in the SE $\frac{1}{4}$ of Section 23 T.8S., R.36E., B.M., Bannock County, Idaho. A centerline of which is more particularly described as follows:

Commencing at the SE corner of Section 23, thence N.0°03'11"W. along the East line of Section 23 a distance of 1322.12 feet to the South 1/16 corner; thence N.89°41'29"W. along the South 1/16 line a distance of 1146.71 feet; thence North a distance of 181.93 feet to the TRUE POINT OF BEGINNING. Thence N.27°38'27"W. a distance of 275.29 feet; thence N.85°11'50"E. a distance of 65.80 feet to the POINT OF TERMINUS.

OFFICIAL RECORD BK# 934
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 16 DEPUTY *ms*

Jones Law

21012971

2010 AUG -5 P 12:33

QUITCLAIM DEED

For Value Received

785586

Mark D. Samuelson and Shirley Darlene Samuelson, also shown of record as Duane Samuelson and S. Darlene Samuelson (husband & wife)

do hereby convey, release, remise and forever quit claim unto

M. Duane Samuelson and S. Darlene Samuelson - husband and wife

whose current address is

3577 S. Old Hwy 91
McCannon, Idaho 83250

the following described premises, to-wit:

Beginning at the Northeast corner of Section 23, Township 8 South, Range 36, E.B.M., Bannock County, Idaho; thence North 89°17' West, 1323.45 feet along the North boundary line of said Section 23 to the East 1/16 corner of said Section; thence South 3°14' West, 3366.63 feet to a point, thence North 74°41' East 146.90 feet to the point of beginning; thence Northwesterly at right angles 100 feet to a point; thence North 74°41' East, 137 feet, more or less, to the West right of way boundary of U.S. Highway 30 North; thence along a curve to the left, having a radius of 1960 feet and a tangent to which at the said point of intersection bears South 15°19' East, to a point which bears North 74°41' East, 130 feet from the true point of beginning; thence South 74°41' West, 130 feet to the true point of beginning....

together with their appurtenances.

Dated: December 4, 1986

Mark D. Samuelson
Duane Samuelson

Shirley Darlene Samuelson
S. Darlene Samuelson

STATE OF IDAHO, COUNTY OF Bannock
On this 4th day of December, 19 86,
before me, a notary public in and for said State, personally
appeared

M. Duane Samuelson and S. Darlene
Samuelson (husband & wife)

NOTARY SEAL

known to me to be the person s who s name s
subscribed to the within instrument, and acknowledged to
me that they executed the same.

K. C. Dore

Notary Public

785586

NO. RECORDED AT REQUEST OF
PIONEER TITLE CO.

'86 DEC -5 AIO:28

455
L.A. 06
FEE \$5.00
7-6-86