

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

MAR 04 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?
29-2224M OK	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Sally R. Smith
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): John E. Brennan
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

12 Cedar Hills Bozatto ID 83204
Mailing address City State ZIP

208-233-8918 jbrennan1@cableone.net
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: 3-3-14

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: [Signature] Title, if applicable: _____ Date: 3/3/14

Signature: _____ Title, if applicable: _____ Date: _____

For IDWR Office Use Only:

Received by: [Signature] Date: 3/4/2014 Receipt No. E039587 Receipt Amt. \$25.-

Approved by: [Signature] Processed by: [Signature] Date: 3/7/2014

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:221845

FOR VALUE RECEIVED

Sally R Smith and Randy L. Smith, wife and husband

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

John E. Brennan an unmarried person

whose current address is

**12 Cedar Hills
Pocatello, ID 83204**



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

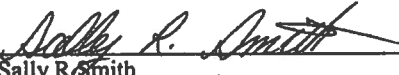
The South 80 feet of Tract 2 of Mirabella Tracts, Bannock County, Idaho according to the official plat thereof, as recorded in the office of the County Recorder of Bannock County, Idaho

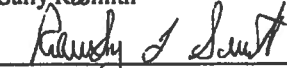
Less and excepting the Manufactured Home situated thereon.

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: March 3, 2014


Sally R. Smith

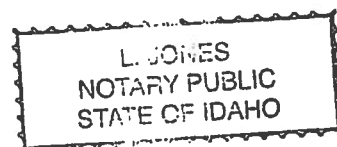

Randy L. Smith

State of Idaho } ss
County of Bannock }

On this 3rd day of March, 2014, before me, L. Jones, a Notary Public in and for said state, personally appeared Sally R. Smith and Randy L. Smith, known or identified to me to be the persons whose names are subscribed to the within Instrument and acknowledged to me 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 Idaho
Residing at: Pocatello
Commission Expires: 06-01-19



[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/5/2014

WATER RIGHT NO. 29-2224M

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SALLY R SMITH 2396 S GRANT POCATELLO, ID 83204 (208)233-5569
Original Owner	HENRY O LEARY POCATELLO, ID 83201
Original Owner	WILLIAM HOLTON 2065 S BANNOCK HWY POCATELLO, ID 83204 (208)233-2201

Priority Date: 10/04/1919

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTNEUF RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.02 CFS	
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

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PORTNEUF RIVER	NENWNW	Sec. 01	Township 07S	Range 34E	BANNOCK County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	34E	1	3	NENW	0.5									

Total Acres: 0.5

Conditions of Approval:

1.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
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.

Dates:

Licensed Date:

Decreed Date: 08/27/2004

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 29D

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Water District 29-D
Lower Portneuf River and Tributaries
2011 Annual Assessment

Billing ID: 1225

ROSALIE & J C THOMAS
2105 BANNOCK HWY

POCATELLO ID 83204

Owner's Water Right Information

Water Right	Source	Usage	Acres	Div Rate (cfs)	Comb Div Rate	Estimated Annual Use (24 Hr-cfs)*
29-2224M	PORTNEUF RIVER	IRRIGATION	0.5	0.02		1.7

Sum 24-hr cfs Estimate:	1.7
Pro-rata cost factor (rounded):	\$1.63
2011 Prorated Assesment:	\$40.00

*Estimated Annual Use (24 Hr-cfs) = Diversion rate (cfs) x 85 days per season

Assessment (\$) = Sum of Estimated Annual Use (24 Hr-cfs) x \$1.63/24 Hr-cfs

Note that the prorated cost factor shown in this invoice is rounded but the assessed rate uses a factor with more significant digits. The assessment may vary slightly from a calculation using the rounded factor.

Minimum Annual Assesment Rate = \$40.00. Use is assessed \$40.00 if pro-rated charge is less than \$40.00

Individual water rights or diversions in excess of 0.24 cfs for non-consumptive uses including but not limited to fish propagation, hydro-power, or recreation/wildlife are subject to a minimum assesment of \$40.00.

Payments made after June 6, 2011 are subject to a late fee of 10% of the amount due and interest of 1% per month in accordance with Section 42-617, I.C.

PAID
JUNE 1

STATE OF IDAHO
WATER DISTRICT NO. 29-D

PO BOX 2166
POCATELLO, ID 83206-32166

IDWR INTERIM DIRECTOR
GARY SPACKMAN

WATERMASTER
MARSHALL WHEATLEY
208-242-7894 (cell)

TREASURER
EHLENE ROCK

Advisory Committee:
George Chandler
Matt Rendace
Elese Teton
Dean Tranmer
Lyndon Smith

APRIL 29, 2011

**RE: ANNUAL ASSESSMENT FOR WATER DISTRICT NO. 29-D, LOWER PORTNEUF
RIVER AND TRIBUTARIES**

Dear Water Right Holder:

Please find enclosed your 2011 annual assessment notice for Water District No. 29-D. This is the second annual assessment for the new water district, which was created by Order of the Idaho Department of Water Resources (IDWR or Department) on June 22, 2009. The district includes all surface water rights from the Portneuf River and tributaries between roughly McCammon and the Ft. Hall Reservation, excluding Marsh Creek and tributaries, and Pocatello Creek and tributaries. The second annual meeting of the water district was conducted on March 8, 2011 at the Idaho State University Student Union Building. Over fifty water right holders in the district attended the meeting. The water users present adopted a total budget of \$16,000 (7.5% less than 2010) and re-elected Marshall Wheatley of Inkom as watermaster. Minutes of the annual meeting, adopted budget, and resolutions may be found on IDWR's web site as follows:

<http://www.idwr.idaho.gov/WaterManagement/WaterDistricts/Portneuf/Portneuf.htm>

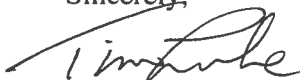
Payments are due to Water District No. 29-D by June 6, 2011, or within 30 days of receipt of the assessment notice, whichever is latest. The amount owed is shown on the assessment notice, along with a summary of your water rights subject to assessment and some detail regarding your billing calculation. Please note that small domestic and stock water rights are not subject to assessment. Please also note that payments received after the due date or thirty (30) days after the assessment notice postmark date will be subject to a 10 percent late fee (10% of the amount owed) and interest of 1% per month. Unpaid assessments from 2010 will show additional charges and an updated total amount due on the attached assessment notice. Please note that assessments are used to cover water district expenses only and do not go to or benefit either IDWR or the State of Idaho.

Please notify the watermaster if the address listed on the attached assessment is not the correct billing address or if you are not the current owner of the rights listed.

The watermaster has been officially appointed by IDWR and is available to address any water right delivery calls or questions. The watermaster will continue this year with inventory and inspection of water diversions, specifically those diversions that were not visited last year. The watermaster may need to access your property in order to inspect diversions but will make every attempt to contact you to arrange or notify you of any initial visit.

Questions concerning your assessment may be addressed to Marshall Wheatley at 208-242-7894 (c) or 775-4919 (h), or Tim Luke, IDWR at 208-287-4959.

Sincerely,



Tim Luke
Water Distribution Section, IDWR

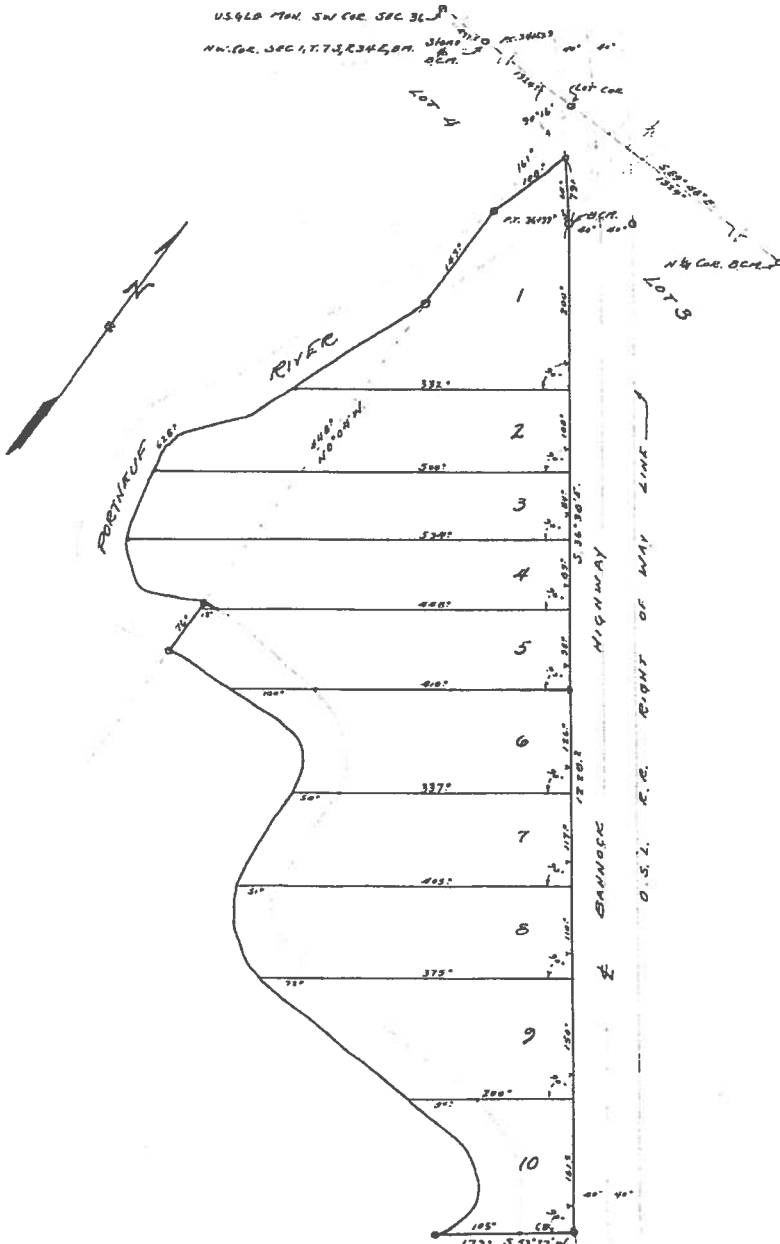
Encl.

MIRABELLA TRACTS

SUBDIVISION IN LOTS 3 & 4 SEC. 1, T. 7 S., R. 34 E., B.M.
Scale 1" = 100'

May 25, 1939

RECORDED
CLERK, AUDITOR & RECORDER
BANNER COUNTY, IDAHO
IN BOOK
OF TOWNSHIP PLATS AND
RECORDS OF BANNER COUNTY
State of Idaho.
Recorder
May 30, 1939
At Request of
Mirabella



State of Idaho } S.S.
County of Banner

Know all men by these Presents that Umile Mirabella and Susie Mirabella, his wife, do hereby certify that the following is a correct description of the land included in MIRABELLA TRACTS, Subdivision in lots 3 & 4, Sec. 1, T. 7 S., R. 34 E., B.M.

Beginning at the point of intersection of the west line of lot 3, Sec. 1, T. 7 S., R. 34 E., B.M. with the left bank of the Portneuf river, which point is 50' or 100' ft. distant from the northwest corner of the said lot 3, thence northerly along the said left bank 100' ft. more or less to the westerly right of way line of the Banner Highway, thence following the said right of way line in a southeasterly direction on a curve to the right, having a radius of 100' ft., 79' ft. to a point of tangency, thence S. 36° 30' E., 122.7 ft. thence S. 53° 12' N., 173' ft. more or less to the left bank of the Portneuf river, thence northerly along the said left bank 96' ft. more or less to the west line of the said lot 3, thence northerly along the said west line 76' ft. to the right bank of the said river, thence northerly along the said right bank 625' ft. more or less to the west line of the said lot 3, thence northerly along the said west line 143.0 ft. to the point of beginning.

And the said Umile Mirabella and Susie Mirabella, his wife, do further state that it is their intention to include the same and the whole thereof in MIRABELLA TRACTS, Subdivision in lots 3 & 4, Sec. 1, T. 7 S., R. 34 E., B.M.

In witness whereof the said Umile Mirabella and Susie Mirabella, his wife, have set their hands and seals this 25th day of May, 1939.

Umile Mirabella Susie Mirabella
State of Idaho } S.S.
County of Banner

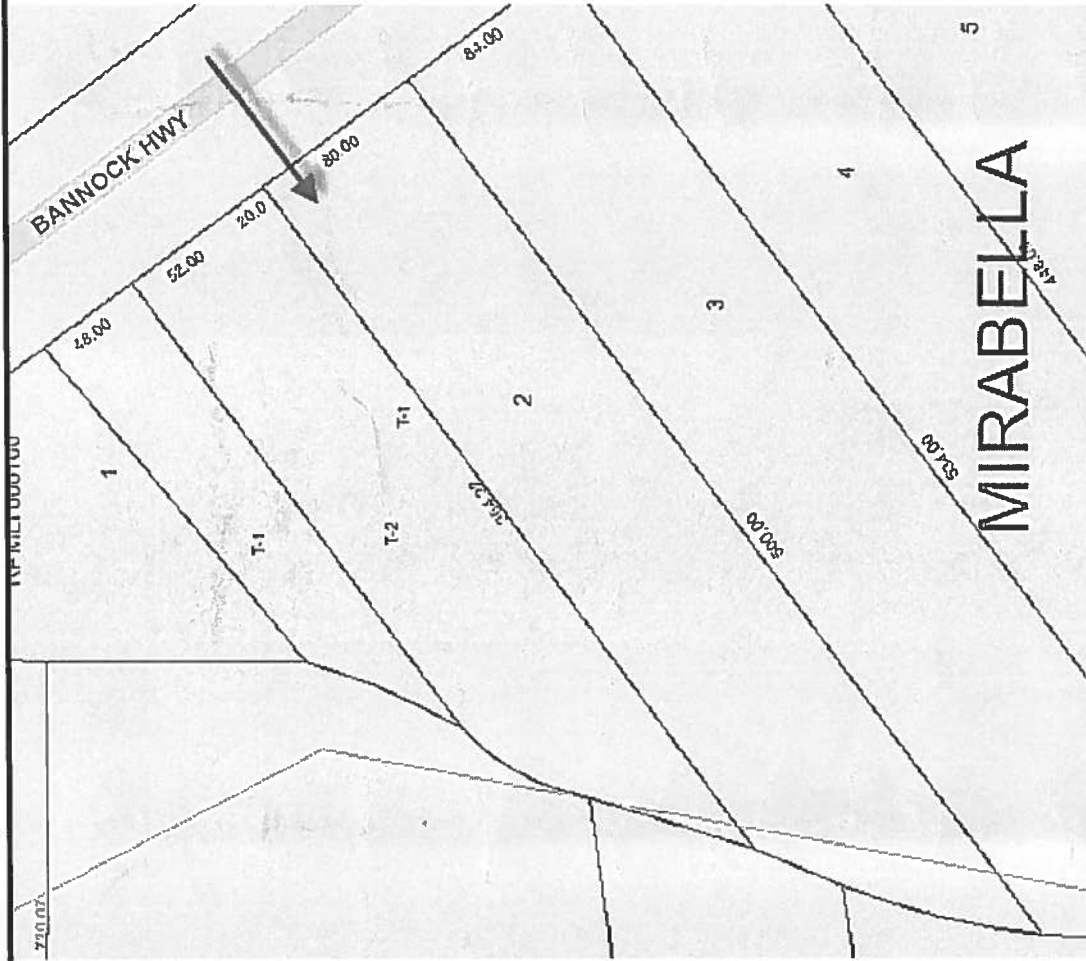
On this 22nd day of May, 1939, before me, Theo J. Turner, a Notary Public, in and for said County and State, personally appeared Umile Mirabella and Susie Mirabella, his wife, known to me to be the persons who executed the foregoing instrument and each acknowledged to me that they executed the same.

My Commission Expires: Oct. 15th 1940
Notary Public
Residing at Pocatello, Idaho.

State of Idaho } S.S.
County of Banner
W. R. Havenor, being duly sworn, says that he caused to be made a survey of MIRABELLA TRACTS Subdivision in lots 3 & 4, Sec. 1, T. 7 S., R. 34 E., B.M. for Umile Mirabella and Susie Mirabella, his wife, that the accompanying plat accurately represents the same as marked out upon the ground and contains the land as hereinbefore described.

W. R. Havenor
Licensed Engineer #31
Subscribed and sworn to before me this 25th day of May, 1939.

My Commission Expires: May 25, 1940
Notary Public
Residing at Pocatello, Idaho.



THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF

2105 South Bannock Highway
Pocatello, ID 83204


ALLIANCE
TITLE & ESCROW CORP.



**2105 South Bannock Highway
Pocatello, ID 83204**

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