

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
 OCT 12 2011
 Department of Water Resources
 Eastern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
35-127.37	OK				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
 OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Eris & Kenneth Simms
3174 Pleasant Valley

4. New Owner/Claimant(s)

American Falls Id 83211 (226 2021)

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

Gary and Larry Simms
3127 S. Pleasant Valley

City, State and ZIP Code

American Falls Id 83211

New Telephone Number

208 226 5240

5. Date you acquired the property

November 4 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by [Signature] Date 10/13/2011 Fee \$25.-
 Received by [Signature] Date 10/13/2011 Receipt No. E0371037
 Processed by _____ AJ Date _____ WR _____ Date _____
\$100.- E037104

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

9/26/2011

WATER RIGHT NO. 35-12737

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IRIS SIMMS
Current Owner	KENNETH SIMMS
	3174 PLEASANT VALLEY
	AMERICAN FALLS, ID 83211
	(208)226-2021

Priority Date: 06/24/1920

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.02 CFS	
DOMESTIC	1/01	12/31	0.02 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNENW	Sec. 26	Township 07S	Range 30E	POWER County
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Place(s) of use:

Place of Use Legal Description: STOCKWATER POWER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	30E	26		NENW										

Place of Use Legal Description: DOMESTIC POWER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	30E	26		NENW										

Conditions of Approval:

1.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3.		PARCEL NO. RP D0679-01 STOCKWATER, 20 CATTLE.

Dates:

Licensed Date:

Decreed Date: 11/28/1997

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: AND

Water District Number:

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](#)

PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION

THIS DEED made by **GARY I. SIMMS**, as personal representative of the estate of **KENNETH L. SIMMS**, deceased, Grantor, to **GARY I. SIMMS** and **LARRY K. SIMMS**, tenants in common, as and for their sole and separate property, Grantees, whose address is: 3127 S Pleasant Valley Road, American Falls, ID 83211.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. CV-2004-000323, Magistrate Division, Sixth District Court, Power County, Idaho;

AND WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

NOW THEREFORE, for valuable consideration received, Grantor conveys and releases to Grantee the following described real property located in Power County, Idaho:

AN UNDIVIDED $\frac{1}{2}$ INTEREST IN AND TO THE FOLLOWING PROPERTY:

Parcel 1: The E1/2 of the NW1/4 section 26, Township 7 S Range 30 E. B. M.

Parcel 2: The SW1/4 of Section 26, Township 7 S, range 30 E. B. M.,
less:

Beginning at the Southeast corner of the Southwest quarter of Section 26, Township 7 South, Range 30 East Boise Meridian, Power County, Idaho, hereinafter referred to as the Point of Beginning.

Thence North along the quarter Section line 420.0 feet; thence due West 200.0 feet to a Point hereinafter called Point A. from the Point of Beginning; thence West along the Section line, 315 feet; thence due North 300.0 feet to a Point hereinafter called Point B; thence from Point B on a straight line to Point A.

ALSO described as follows:

Beginning at the Southeast corner of the Southwest quarter of Section 26, Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho; Thence North along the quarter Section line 420 feet; Thence due West 200.0 feet; thence Southwesterly to a point located West 315 feet and North 300.0 feet from the Point of Beginning; thence South 300.0 feet to the South Section line; Thence West along said Section line 315 feet to the Point of Beginning.

Parcel 3: A tract of land in the SW1/4NW1/4 of Section 26, Township 7 South Range 30 East of the Boise Meridian described as follows:
Beginning at a point on the South line of said SW1/4NW1/4, from which the 1/4 corner of said section 26 bears N 89°56'14"W, 212.56 feet;
Thence N 61°25'14"E, 529.4 feet; thence N 79°32'03" E, 655.77 feet to the East line of said SW1/4NW1/4; thence S 0°15'49" W along said East line, 373.59 feet, to the SE corner of said SW1/4NW1/4; thence N 89°56'14" W along the South line of said SW1/4NW1/4, 1108.04 feet to the point of beginning and containing 5.99 acres more or less.

Together with 110 shares of water in the Aberdeen-Springfield Canal Company.

PERSONAL REPRESENTATIVE'S DEED OF DISTRIBUTION
0414-simmsgdeeddistpr

Instrument # 186029

POWER COUNTY, IDAHO

2004-11-05

01:00:04 No. of Pages: 2

Recorded for : ELIASSEN LAW OFFICE

CHRISTINE STEINLICHT

Fee: 6.00

Ex-Officio Recorder Deputy

maureen schelste

Together with 30 shares of water in the Aberdeen-Springfield Canal Company.

LESS: tax #63 described as:

Together with 52 shares of water in the Aberdeen-Springfield Canal Company.

DATED this 4th day of ~~October~~ 2004.

STATE OF IDAHO)
) SS
COUNTY OF POWER)

Notary Public -
Residing at: American Falls, Idaho
My Commission Expires: 4-22-2010

LYLE D. ELIASSEN
 NOTARY PUBLIC
 STATE OF IDAHO

QUIT CLAIM DEED

For Value Received Iris M. Simms, surviving spouse of Kenneth L. Simms, deceased do convey, release, grant, remise and forever quit claim unto Gary I. Simms and Larry K. Simms, tenants with in common, as and for their sole and separate property, whose current address is 3127 S. Pleasant Valley Road, American Falls, ID 83211. The following described premises, to-wit:

AN UNDIVIDED ½ INTEREST IN AND TO THE FOLLOWING PROPERTY:

Parcel 1: The E1/2 of the NW1/4 section 26, Township 7 S range 30 E. B. M.

Parcel 2: The SW1/4 of Section 26, Township 7 S, range 30 E. B. M. less:

Beginning at the Southeast corner of the Southwest quarter of Section 26, Township 7 South, Range 30 East Boise Meridian, Power County, Idaho, hereinafter referred to as the Point of Beginning. Thence North along the quarter Section line 420.0 feet; thence due West 200.0 feet to a Point hereinafter called Point A. from the Point of Beginning; thence West along the Section line, 315 feet; thence due North 300.0 feet to a Point hereinafter called Point B; thence from Point B on a straight line to Point A.

ALSO described as follows:

Beginning at the Southeast corner of the Southwest quarter of Section 26, Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho; Thence North along the quarter Section line 420 feet; Thence due West 200.0 feet; thence Southwesterly to a point located West 315 feet and North 300.0 feet from the Point of Beginning; thence South 300.0 feet to the South Section line; Thence West along said Section line 315 feet to the Point of Beginning.

Parcel 3: A tract of land in the SW1/4NW1/4 of Section 26, Township 7 South Range 30 East of the Boise Meridian described as follows: Beginning at a point on the South line of said SW1/4NW1/4, from which the W1/4 corner of said section 26 bears N 89°56'14"W 212.56 feet; Thence N 61°25'14"E, 529.4 feet; thence N 79°32'03" E, 655.77 feet to the East line of said SW1/4NW1/4; thence S0°15'49" W along said East line, 373.59 feet, to the SE corner of said SW1/4NW1/4; thence N 89°56'14" W along the South line of said SW1/4NW1/4, 1108.04 feet to the point of beginning and containing 5.99 acres more or less.

Together with 110 shares of water in the Aberdeen-Springfield Canal Company.

QUIT CLAIM DEED

0414-simmsiqtdmdd

Page 1

Instrument # 186028

POWER COUNTY, IDAHO

2004-11-05

12:59:42 No. of Pages: 2

Recorded for : ELIASSEN LAW OFFICE

CHRISTINE STEINLICHT

Ex-Officio Recorder Deputy

Fee: 6.00

Maurice Schelste

Parcel 4: The SE1/4 of the SW1/4 in section 23, township 7 S range 30 E.B.M.;

Together with 30 shares of water in the Aberdeen-Springfield Canal Company.

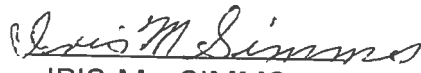
Parcel 5: The SW1/4 of the SE1/4 of section 23, township 7 S range 30 E.B.M. less: tax #63 described as:

One (1) square acre in the Southeast corner of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twenty-three (23), Township Seven (7) South, Range Thirty (30), E.B.M.

Together with 52 shares of water in the Aberdeen-Springfield Canal Company.

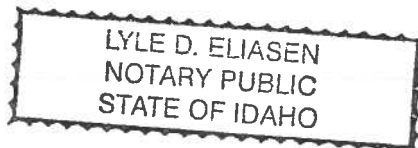
together with their appurtenances.

DATED this ^{November} 4th day of ~~October~~ 2004


IRIS M. SIMMS

STATE OF IDAHO)
 SS
COUNTY OF POWER)

On this ^{November} 4th day of ~~October~~ 2004, before me, a notary public in and for said State, personally appeared IRIS M. SIMMS known to me to be the person who name is subscribed to the within instrument, and acknowledged to me that she executed the same.




Notary Public
Residing at American Falls, Idaho
My Commission Expires:04-22-04