

SEP 22 2010

Department of Water Resources
Eastern Region

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.

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
29-1956 (Enclused)	29-7776	Split into	29-13993		
			& 29-13994		

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 on file with the county Planning and Zoning or Recorder's Office).

OR

D. 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 or equivalent **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)

Thomas + Ginny Phillips

2087 E Harkness Canyon Rd.

McCammom, ID 83250

4. New Owner/Claimant(s)

Joseph A. Foster

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

2087 E Harkness Canyon Rd.

City, State and ZIP Code

McCammom, ID 83250

New Telephone Number

(208) 339-0948

Email: jafoster2@up.com

5. Date you acquired the property

8-11-2010

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)


Joseph A. Foster
 (title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by JR
 Received by JR
 Processed by AJ

Date 9/22/2010
 Date 9/22/2010
 Date 9/22/2010

Receipt Amt. \$25.00
 Receipt No. E036141
 WR Date

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-195G

WATER RIGHT NUMBER: 29-195G

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS E PHILLIPS 2087 E HARKNESS CANYON RD MCCAMMON, ID 83250 (208)254-9026
Current Owner	GINNY M PHILLIPS 2087 E HARKNESS CANYON RD MCCAMMON, ID 83250 (208)254-9026

Priority Date: 06/17/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HARKNESS CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to 09/15	0.850 CFS
<u>Total Diversion:</u>		0.850 CFS

Location of Point(s) of Diversion

HARKNESS CREEK SE1/4NE1/4SE1/4 Sec. 1, Twp 09S, Rge 36E, B.M. BANNOCK County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	36E	12	1.1			18.1										2.5			21.7
						L 2										L 3			
09S	37E	7					1.5	18.0			12.0								31.5
							L 1	L 2			L 3								

Total Acres: 53.2

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.
4. S35 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.



Pioneer Co.

135 N. Arthur Ave. / Pocatello, Idaho 83204
(208) 233-9595

Order No. 20100961 SMK LT

WARRANTY DEED

For Value Received

Thomas E. Phillips and Ginny M. Phillips, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

J Joseph A. Foster, an unmarried person

hereinafter referred to as Grantee, whose current address is

2087 E Harkness Canyon Road, McCammon, ID 83250

the following described premises, to-wit:

LEGAL DESCRIPTION EXHIBIT "A" ATTACHED

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) his heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), that the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all claims whatsoever.

Dated: August 11, 2010

Thomas E. Phillips
Thomas E. Phillips

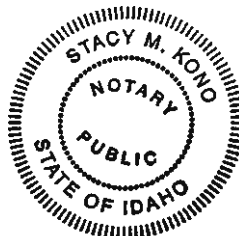
Ginny M. Phillips
Ginny M. Phillips

STATE OF IDAHO

COUNTY OF BANNOCK

s.

On this 11th day of AUGUST, in the year of 2010, before me STACY M. KONO, notary public personally appeared THOMAS E. PHILLIPS and GINNY M. PHILLIPS known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Stacy M. Kono
STACY M. KONO
Notary Public of IDAHO
Residing at POCATELLO, ID
Commission expires: March 9, 2015

EXHIBIT A

A parcel of land situated in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, Township 9 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

(Basis of bearings North 0°09'21" East between the South 1/16 corner on the East line of said Section to the East Quarter corner of said Section)

Beginning at the South 1/16th corner on the East line of said Section, said point being monumented by a Bannock County Brass Cap monument stamped LS 968, 1977; thence South 89°36'00" West along the South 1/16th line of said Section, 604.40 feet to the centerline of Harkness Canyon Road; thence North 31°09'50" East along said centerline, 256.69 feet; thence North 58°44'55" East along said centerline, 553.18 feet to the East line of said Section; thence South 0°09'21" West along said East line, 502.42 feet, to the point of beginning.

AND ALSO:

Government Lot 6; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

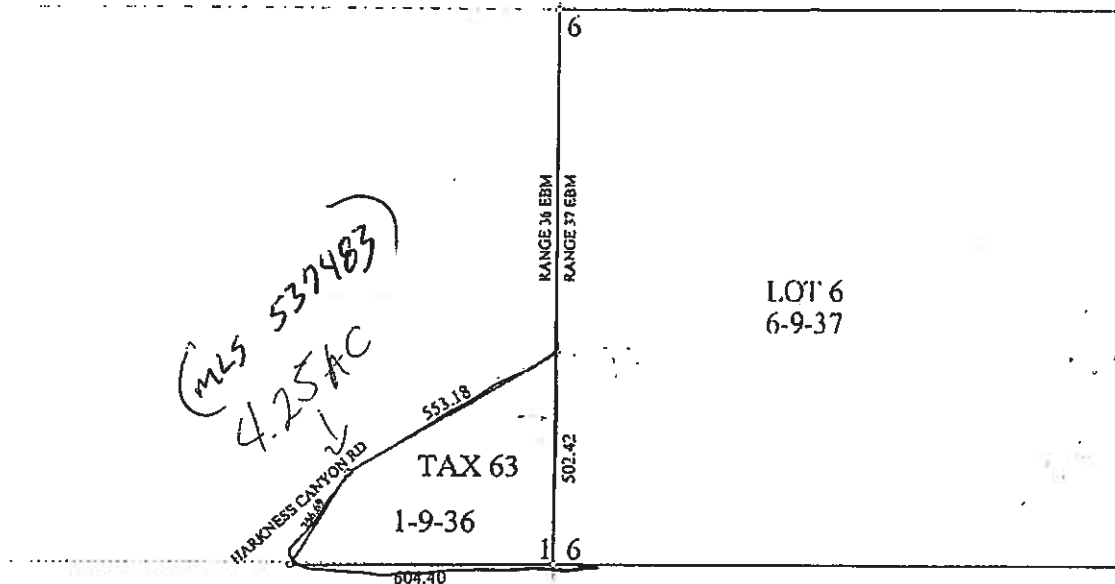
TP 2P 5

Addendum # 1

NORTH

SECTION 1, TOWNSHIP 9 SOUTH, RANGE 36 EBM, BANNOCK COUNTY, IDAHO
AND
SECTION 6, TOWNSHIP 9 SOUTH, RANGE 37 EBM, BANNOCK COUNTY, IDAHO

House w/ 38.5 AC.
mls (537485)
↓



Purchase to include both parcels

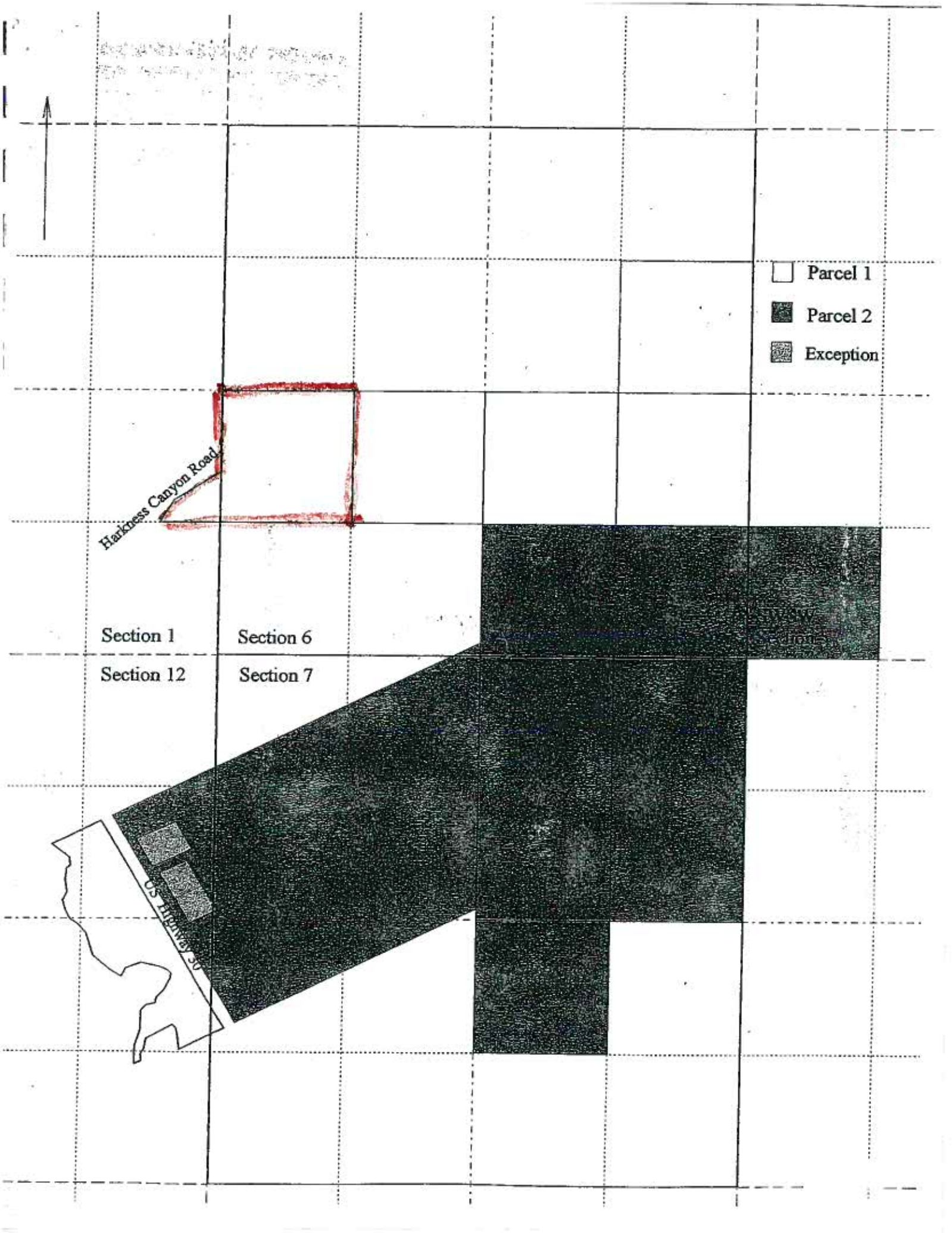
Buyer

[Signature]

Date 7-19-10

Sellers

Date _____



SECTION 12 OF TOWNSHIP 2
RANGE 10E

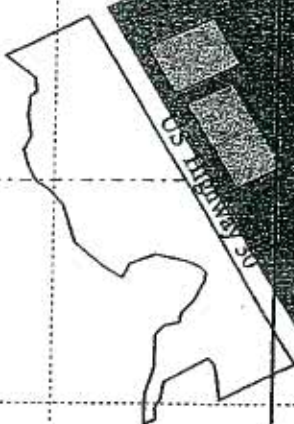


- ☐ Parcel 1
- ☒ Parcel 2
- ☐ Exception

Harkness Canyon Road

Section 1 Section 6
Section 12 Section 7

SW
Sections



US Highway 50

FAX TRANSMISSION

[REDACTED]
[REDACTED]
[REDACTED]
Fax: (208) 236-5245

2087 E. Harkness Canyon Rd
McCannan, ID 83250

To: Jonie Bary.

Date:

J.A.F.

Fax # (208) 525-7177

Pages:

OCT 12 2010

Cover #3

From: Joe Foster

Subject: Water Right No. 29-1956

COMMENTS:

Here is a copy of the recorded warranty deed

Please let me know if you need anything else.

Joe Foster

(208) [REDACTED]

339-0948



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

September 23, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Joseph Foster
2087 E Harkness Canyon Rd
McCammon ID 83250

RE: Change in Ownership Water Right No. 29-195 G

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:

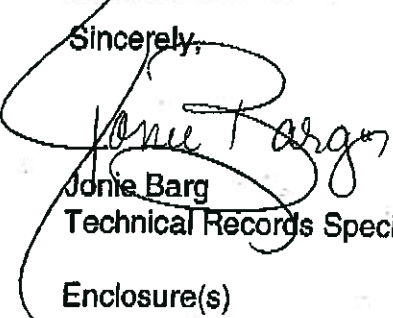
**** **Evidence of Water Right Ownership:** The Warranty Deed submitted with your application was not recorded. Please supply a copy of your 'recorded' Warranty Deed.

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)



Pioneer

Co.

135 N. Arthur Ave. / Pocatello, Idaho 83204
(208) 233-9395

Recorded Electronically	
ID	21017164
County	Bannock
Date	8/11/10 Time 3:45
Simplifile.com 800.460.6657	

21017164

RECORDED BY 936
BANNOCK COUNTY, IDAHORECORDED AT REQUEST OF
FLEET DEPUTY 24

PIONEER TITLE

Order No. 20100961 SMK LT

21017164

2010 OCT 12 P 2:32

WARRANTY DEED

For Value Received

Thomas E. Phillips and Ginny M. Phillips, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

J

Joseph A. Foster, an unmarried person

hereinafter referred to as Grantee, whose current address is

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Dated: August 11, 2010

Thomas E. Phillips

Ginny M. Phillips

STATE OF IDAHO

COUNTY OF BANNOCK

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STACY M. KONO
Notary Public of IDAHO
Residing at POCATELLO, ID
Commission expires: March 9, 2015

2-2

21017164

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TP 2P 5