



## 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](http://www.idwr.idaho.gov)

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C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

January 15, 2010

PENNY DOUGLAS  
1355 DOUGLASS LN  
POCATELLO ID 83204

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP FOR WATER RIGHT  
NUMBER(S) 29-2344E

Dear Interested Parties:

Our letters dated 06/08/2009 and 11/10/2009 (copies enclosed) requesting items to complete the change in ownership remain unanswered. Therefore, we are returning the Notice of Change in Water Right Ownership request. Copies of your ownership change request information will be kept in our files for reference.

If, at a later date, you wish to reinstate this request you may send the enclosed ownership change request form along with the required information and fees and we will be happy to complete the request for you.

If you have any questions about this matter feel free to contact Jonie Barg at (208) 525-7161.

Respectfully submitted,

Bobby Kern  
Office Specialist II

Enclosure(s)



State of Idaho

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EASTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

2ND Request - 11/10/09

June 8, 2009

Penny Douglas  
1355 Douglass Ln  
Pocatello ID 83204

COPY

RE: Change in Ownership Water Right No. 29-2344E

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:

XXXX **Filing Fee** of \$100 per water right for changes resulting from division of a water right

XXXX **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right(s) indicated in your notice. I have enclosed a copy of the water right(s) for your reference.

The place of use of this water right is for covers 12 acres, according to the Deed of Distribution by a Personal Representative you provided with your Notice of Change in Water Right Ownership you own 7.3 acres. Please find attached a map showing the place of use of water right number 29-2344E and the property you purchased. If you believe you own the entire place of use please submit a deed covering the additional acres. If you do not own the entire place of use the fee to split a water right is \$100.00, according to receipt number E035016 you have already paid \$25.00, please submit an additional \$75.00 in order for the department to complete a split of this water right.

Also during our review the department found another water right that is covered under the property you purchased the water right number is 29-7682, the place of use is also indicated on the attached map and I have sent a copy of a proof report for your records. If you believe you should receive ownership of that water right there would be a fee of \$25.00 to complete that change.

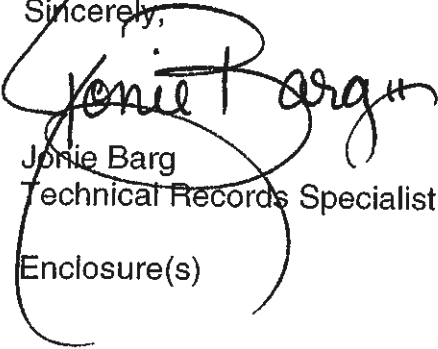
Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the filing fee for your notice will be an additional \$100.00, if we split 29-2344E and change the ownership for 29-7682.

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](http://www.idwr.idaho.gov).

Please feel free to contact the Department if you have any questions.

Sincerely,



Jonie Barg  
Technical Records Specialist

Enclosure(s)

SCANNED

JUN 08 2009

# Idaho Department of Water Resources



## Legend

⊙ Right POD

Taxlots

29-2344e

Place of Use 29-2344e

Place of Use 29-7682

Township/Range

Sections

QQ

SCANNED

JUN 08 2009

Created by: Jonie Barg

Date: June 8, 2009



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

EASTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

June 8, 2009

Penny Douglas  
1355 Douglass Ln  
Pocatello ID 83204

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SCANNED

JUN 03 2009

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Please feel free to contact the Department if you have any questions.

Sincerely,



Jonie Barg  
Technical Records Specialist

Enclosure(s)

SCANNED

JUN 08 2009

# Idaho Department of Water Resources



## Legend

⊙ Right POD

Taxlots

29-2344e

Place of Use 29-2344e

Place of Use 29-7682

Township/Range

Sections

QQ

SCANNED

JUN 08 2009

Created by: Jonie Barg

Date: June 8, 2009

DE ✓

**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<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) |
|----------------------|-----------------------------|----------|----------------------|-----------------------------|----------|
| <del>29-2344E</del>  |                             |          |                      |                             |          |
| WR 29-2344E          |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |

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) | <u>Esther Turner</u><br><u>1355 Douglass Ln, Pocatello, ID 83204</u>                                                   |
| 4. New Owner/Claimant(s)                        | <u>Penny Douglass</u>                                                                                                  |
|                                                 | Name Connector (Check one): <input type="checkbox"/> and, <input type="checkbox"/> or, <input type="checkbox"/> and/or |
| New Mailing Address                             | <u>1355 Douglass Ln</u>                                                                                                |
| City, State and ZIP Code                        | <u>Pocatello, ID 83204</u>                                                                                             |
| New Telephone Number                            | <u>(208) 232-5232</u>                                                                                                  |

**RECEIVED**  
**MAY 08 2009**

5. Date you acquired the property

3/07

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<br>(If the right will not be split, skip this area and proceed to line 7) |                                                                            |                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| Totals                                                                                                               |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| Totals                                                                                                               |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| 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)

Penny L. Douglass

(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 BMKDate 5/8/09Received by BMKDate 5/8/09Processed by                      AJDate                     Receipt Amt. \$ 25Receipt No. E035016WR                     Date

**Instrument # 192374**

POWER COUNTY, IDAHO

2007-08-27

09:07:31 No. of Pages: 3

Recorded for : PENNY DOUGLASS

CHRISTINE STEINLICHT

Fee: 9.00

Ex-Officio Recorder Deputy

*Margaret Schelke*

DEED OF DISTRIBUTION  
BY  
PERSONAL REPRESENTATIVE

THIS DEED is made by Barbara Madden and Penny Young (now known as Penny Douglass) as Co-Personal Representatives of the Estate of Esther Simpson Turner , Deceased, Grantor, to Penny Douglass, Grantee, whose current address is 1355 Douglass Lane, Pocatello, Idaho 83204.

WHEREAS, Grantors were duly appointed Co-Personal Representatives of the Estate of Esther Simpson Turner , Deceased, by the Magistrate Division of the District Court of Power County, Idaho, in Probate Case No. Case No. CV 2004-0000096 and are now qualified and acting in said capacity; and

WHEREAS, the Grantee is determined to be the person entitled to distribution of the hereinafter-described real property, and Grantor is authorized to distribute the same to Grantee;

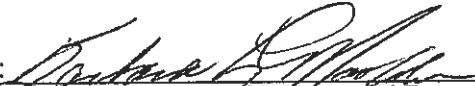
NOW, THEREFORE, Grantor conveys and releases to Grantee the following-described real property:

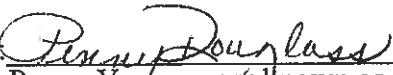
The property described on the attached Exhibit and as depicted as Parcel A (7.23 A) on that certain record of survey recorded as instrument number 192354 in the records of Power County, Idaho together with the right of ingress and egress over and across the existing access road together with all water rights appurtenant thereto and described in Application for Permit Identification Number 29-7682, which water rights consist of .12 cubic feet per second for irrigation purposes and .08 cubic feet per second for domestic purposes.

together with all tenements, hereditaments and appurtenances thereof belonging, but subject to easements and restrictions of record.

DATED this 24 day of August, 2007

Estate of Esther Simpson Turner, Deceased

By:   
Barbara Madden, Co-Personal Representative

By:   
Penny Young, now known as Penny Douglass,  
Co-Personal Representative

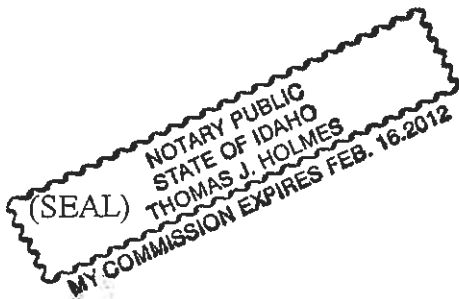
STATE OF IDAHO )

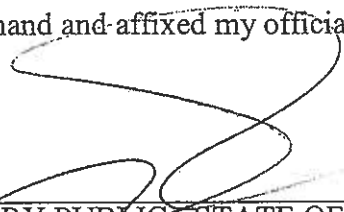
:SS

County of Bannock )

On this 24 day of August, 2007, before me, the undersigned, a Notary Public in and for said state, personally appeared Barbara Madden and Penny Young, now known as Penny Douglass, 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 Esther Simpson Turner, Deceased, and acknowledged to me that they executed the same as such Co-Personal Representatives of the Estate of Esther Simpson Turner, Deceased.

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 - STATE OF IDAHO  
My Commission Expires: \_\_\_\_\_

Legal Description  
Penny Douglass

A parcel of land located in the SW ¼ of Section 6 T.6S., R.34E., B.M., Power County, Idaho. It is more particularly described as follows:

Commencing at the West ¼ corner of Section 6, thence N.89°59'48"E. along the latitudinal centerline of Section 6 a distance of 220.00 feet to an intersection with the centerline of an existing road and the TRUE POINT OF BEGINNING. Thence continuing N.89°59'48"E. along the latitudinal centerline a distance of 897.04 feet to the Left Bank of the Portneuf River; thence along the Left Bank of the Portneuf river S.11°48'41"E. a distance of 153.12 feet and S.25°59'49"E a distance of 113.95 feet; thence leaving the Left Bank of the Portneuf River S.85°48'36"W. a distance of 1184.81 feet to an intersection with the West line of Section 6; thence N.0°13'17"E. along the West line of Section 6 a distance of 142.84 feet to an intersection with the centerline of an existing road; thence N.48°24'12"E. along said centerline a distance of 295.20 feet to the TRUE POINT OF BEGINNING.

Contains 7.23 Acres



DAVID KLATT, PROFESSIONAL LAND SURVEYOR  
416 SOUTH 4TH AVE.  
POCATELLO, IDAHO 83201  
208-232-8396

Legal Description  
Penny Douglass

A parcel of land located in the SW  $\frac{1}{4}$  of Section 6 T.6S., R.34E., B.M., Power County, Idaho. It is more particularly described as follows:

Commencing at the West  $\frac{1}{4}$  corner of Section 6, thence N.89°59'48"E. along the latitudinal centerline of Section 6 a distance of 220.00 feet to an intersection with the centerline of an existing road and the TRUE POINT OF BEGINNING. Thence continuing N.89°59'48"E. along the latitudinal centerline a distance of 897.04 feet to the Left Bank of the Portneuf River; thence along the Left Bank of the Portneuf river S.11°48'41"E. a distance of 153.12 feet and S.25°59'49"E a distance of 113.95 feet; thence leaving the Left Bank of the Portneuf River S.85°48'36"W. a distance of 1184.81 feet to an intersection with the West line of Section 6; thence N.0°13'17"E. along the West line of Section 6 a distance of 142.84 feet to an intersection with the centerline of an existing road; thence N.48°24'12"E. along said centerline a distance of 295.20 feet to the TRUE POINT OF BEGINNING.

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Contains .5 Acres

Together with a right to use an existing roadway, a centerline of which is described as follows:

Commencing at the West  $\frac{1}{14}$  of Section 6, thence S.0°13'17"W. along the West line of Section 6 a distance of 195.96 feet to the TRUE POINT OF BEGINNING. Thence N.48°24'12"W. along an existing roadway 295.20 feet to the POINT OF TERMINIUS.



DAVID KLATT, PROFESSIONAL LAND SURVEYOR  
416 SOUTH 4TH AVE.  
POCATELLO, IDAHO 83201  
208-232-8396

