



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

August 4, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

THOMAS J BUDGE
RACINE OLSEN NYE BUDGE & BAILEY CHTD
PO BOX 1391
POCATELLO ID 83204-1391

RE: Change in Ownership for Water Right No. 29-13167

Dear Mr. Budge:

The Department of Water Resources is returning the enclosed unprocessed Notice of Change in Water Right Ownership. The Department was unable to split the water right as requested as the Department received an ownership change request from the Lakota Subdivision Homeowners Association. The homeowners association submitted evidence that the appurtenant water rights were conveyed to each landowner. The deeds submitted by the homeowners predated the deed recorded as instrument number 20616064.

I have requested that a refund of the \$100 fee be mailed to you. If you have any questions regarding this matter, please call me at 208-287-4952.

Sincerely,

Emalee Rushing
Office Services Supervisor

Enclosure

RECEIVED

JUL 27 2006

DEPARTMENT OF
WATER RESOURCES

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 numbers (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
29-13167		X

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)

L.M. Bull or Burna Dean Bull
5787 W. Portneuf Rd., Pocatello, ID 83204
4. New Owner/Claimant(s)

Lakota Subdivision Owners Association, Inc.
Name Connector (check one) ☐ and, ☐ or, ☐ and/or

New Mailing Address c/o Jessie Smith, 1808 N. Tatonka Lane
City, State, Zip code Inkom, Idaho 83245
New Telephone Number 208-775-3327
5. Date you acquired the property

July 17th, 2006.

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 <u>29-13167</u>		
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	<u>0.16</u>	
Stock		
Domestic		
Other		
Total	<u>0.16</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
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Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) Lakota Subdivision Owners Association, Inc.
(include title if applicable)
By Jessie Smith, President

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 _____ Date _____ Fee \$125-
 Received by JC Date 7-21-06 Receipt No. E032089
 Processed by _____ AJ Date _____ WR _____ Date _____

CORRECTION
WARRANTY DEED

~~20615769~~

FOR VALUE RECEIVED, L.M. BULL and BURNA DEAN BULL, husband and wife, of 5787 W. Portneuf Road, Pocatello, Idaho 83204 (hereinafter "Grantors"), do hereby grant, bargain, sell and convey unto LAKOTA SUBDIVISION OWNERS ASSOCIATION, INC., in care of Jessie Smith, President, whose current address is 1808 North Tatonka Lane, Inkom, Idaho 83245 (hereinafter "Grantee"), their heirs and assigns forever, the following described premises in Bannock County, Idaho, to-wit:

(1) All of Licensed Water Right No. 29-7783:

Source: Ground water

Quantity: 0.13 cfs, consisting of 0.06 cfs irrigation plus 0.07 cfs stock water

Priority date: 4/22/1985

Point of Diversion: NE NW NE, Section 25, T.07S., R.35E., Bannock County

Purpose of Use: Irrigation

Period of Use: 04/01 - 10/31

Place of Use: T.7S. R.35E., Section 25:

NE NE - 19 acres

NW NE - 7 acres

(This right is limited to the irrigation of 3 acres within the place of use described above in a single irrigation season.)

(2) Licensed Water Right No. 29-13167 (portion):

Source: Groundwater

Quantity: 0.16 cfs

Priority Date: 5/24/2001

Point of Diverison: NE NW NE, Section 25, T.07S. R.35E. within Bannock County

Purpose: Irrigation

Period of Use: 04/01 - 10/31

Place of Use: T.7S. R.35E., Section 25,

NW NE - ~~6.5~~^{2.0} acres

NE NE - ~~17~~^{21.8} acres

(23.5 total acres)

(Note: Right Nos. 29-7783 and 29-13167 are diverted from the same point of diversion and well and combined to provide a total of 0.22 cfs for the irrigation of 23.5 total acres.)

(3) 7-1/2 hp motor, submersible pump, pipeline and water delivery system.

- (4) TOGETHER WITH Easement of Record on recorded plat of Lakota Subdivision, Bannock County Recorder's Instrument No. 20415655, Records of Plats in Book 852, relating to the well located on Block 2, Lot 8.

Sold "AS IS" without any warranty except warranties of title.

TO HAVE AND TO HOLD the said premises, with their appurtenances, including all water, gas, oil and mineral rights.

Grantors do hereby covenant that they are the owners in fee simple of the described property, that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims.

DATED this 17th day of July, 2006.

20616064

RECORDED AT REQUEST OF
L.M. BULL FEE 6 DEPUTY me
Burna Dean Bull Racine Law
 BURNA DEAN BULL 2006 JUL 24 PM 2 18

OFFICIAL RECORD BK# 885
 RECORDER
 BANNOCK COUNTY IDAHO

STATE OF IDAHO)
) : ss
 County of Bannock)

On this 17th day of July, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared L.M. Bull and Burna Dean Bull, husband and wife, known to me to be the persons whose names are subscribed to the foregoing and acknowledged to me that they executed the same.

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

20615769 Randall C. Budge
Racine Law NOTARY PUBLIC FOR IDAHO
 Residing at: Pocatello, ID.
 My Commission expires: 10/11/2006
 (SEAL) RANDALL C. BUDGE
 NOTARY PUBLIC
 STATE OF IDAHO
 FEE 6 DEPUTY BP

2006 JUL 19 AM 10 39

WARRANTY DEED - 2
 OFFICIAL RECORD BK# 885
 RECORDER
 BANNOCK COUNTY IDAHO

20615769

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Purpose: Irrigation

Period of Use: 04/01 - 10/31

Place of Use: T.7S. R.35E., Section 25,

NW NE - 6.5 acres

NE NE - 17 acres

(23.5 total acres)

(Note: Right Nos. 29-7783 and 29-13167 are diverted from the same point of diversion and well and combined to provide a total of 0.22 cfs for the irrigation of 23.5 total acres.)

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- 22
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DATED this 17th day of July, 2006.

L.M. Bull
L.M. BULL

Burna Dean Bull
BURNA DEAN BULL

STATE OF IDAHO)
 : ss
County of Bannock)

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20615769 Randall C. Budge
Racine Law NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID.
RECORDED AT REQUEST OF 6 My Commission expires: 10/11/2006
DEPUTY PP
(SEAL) RANDALL C. BUDGE
NOTARY PUBLIC
STATE OF IDAHO

2006 JUL 19 AM 10 39
WARRANTY DEED - 2 OFFICIAL RECORD BK# 885
RECORDER
BANNOCK COUNTY IDAHO