

No Color
Documents
In File

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

DELOG JH 9/13/99

RECEIVED

SEP 03 1999

Department of Water Resources
Southern Region

RECEIVED

SEP 09 1999

Department of Water Resources
Eastern Region

1. Water Right No(s):

35-10685 - p.d.

Adjudication Claim No(s):

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former
Owner/ClaimantGary W. and Karen K. Peterson148 Charles Bass Rd, Beebe, Arkansas 72012

4. New Owner/Claimant(s)

Gregory J. and Doris GilkName Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

341 N. 500 W.

City, State and ZIP Code

Blackfoot, ID 83221

New Telephone Number

(208)-785-0615

5. Date you acquired the property

9-30-1994

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 4.7 Number and type of stock _____Diversion rate in CFS _____ Number of homes 1 Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner
or Claimant(s)Gregory J. Gilk
Doris A. GilkDate 20 Aug 99Date 8-20-99

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

RECEIVED

OCT 05 1999

Department of Water Resources

MICROFILMED

MAY 19 2000

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

WARRANTY DEED

For Value Received GARY W. PETERSON and KAREN K. PETERSON, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto GREGORY JOHN GILK and DORIS A. GILK, husband and wife whose address is: 341 NORTH 500 WEST, BLACKFOOT, ID, 83221

Hereinafter called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit:

Part of the NW¼SW¼ Section 17, Township 2 South, Range 35 E.B.M., Bingham County, Idaho, described as: Beginning at a point on the E. line of a County road that is N. 89°57'45" E. 25.0 feet and S. parallel to the Section line 318.95 feet from the W¼ corner of said Section 17 and running thence S. parallel to the Section line 411.98 feet; thence N. 89°57'50" E. 576.91 feet; thence N. 240.96 feet; thence N. 73°58'02" W. 171.19 feet; thence N. 40°39'02" W. 147.63 feet; thence N. 28°47'55" W. 13.26 feet; thence S. 89°57'50" W. 309.82 feet to the point of beginning.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, including all water, water rights, ditch and ditch rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: SEPTEMBER 30, 1994

GARY W. PETERSON

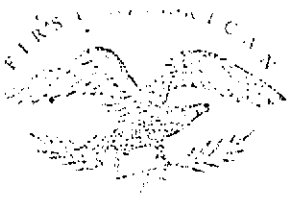
Karen K. Peterson
KAREN K. PETERSON

STATE OF IDAHO)
 : ss.
COUNTY OF BINGHAM)

On this 30TH day of SEPTEMBER, 1994, before me the undersigned, a Notary Public in and for the said county and state, personally appeared KAREN K. PETERSON, known or proved to me to be the person whose name is subscribed to the within instrument individually and as the attorney-in-fact for GARY W. PETERSON, and acknowledged to me that she subscribed her own name individually and the name of GARY W. PETERSON thereto as principal and her own name as attorney-in-fact.


Notary Public for Idaho
Residing at: BLACKFOOT, IDAHO
My Commission Expires: 4-11-2000

MICROFILMED
MAY 19 2000



SCHEDULE A

1. Commitment Date: August 19, 1994, at 4:31 p.m.
2. Policy or Policies to be issued: Policy Amount
 - [X] (a) Owner's Policy \$67,500.00
Form 1402-92 (10-17-92)
Proposed Insured: GREGORY J. GILK and DORIS A. GILK
 - [X] (b) Lender's Extended Policy \$65,000.00
Form 1056-92 (10-17-92)
Proposed Insured: FIRST SECURITY BANK OF IDAHO, N.A.
 - [X] (c) Endorsements: 100, 116, 8.1
3. A fee simple interest in the land described in this Commitment is owned, at the Commitment Date, by GARY W. PETERSON and KAREN K. PETERSON, husband and wife.
4. The Land referred to in this Commitment is described as follows:
TRACT 1:
Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, Township 2 South, Range 35 E.B.M., Bingham County, Idaho, described as: Beginning at a point on the E. line of a County road that is N. 89°57'45" E. 25.0 feet and S. parallel to the Section line 318.95 feet from the W $\frac{1}{4}$ corner of said Section 17 and running thence S. parallel to the Section line 147.00 feet; thence N. 89°57'50" E. 296.28 feet; thence N. 78°37'31" E. 118.43 feet; thence N. 40°39'02" W. 147.63 feet; thence N. 28°47'55" W. 13.26 feet; thence S. 89°57'50" W. 309.82 feet to the point of beginning.

(Continued)

MICROFILMED
MAY 19 2000



SCHEDULE A
(Continued)

4. Legal description continued:

TRACT 2:

Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, Township 2 South, Range 35 E.B.M., Bingham County, Idaho, described as: Beginning at a point on the E. line of a County road that is N. 89°57'45" E. 25.0 feet and S. parallel to the Section line 465.95 feet from the W $\frac{1}{4}$ corner of Section 17; and running thence S. parallel to the Section line 130.00 feet; thence N. 89°57'50" E. 576.91 feet; thence N. 105.98 feet; thence N. 73°58'02" W. 171.19 feet; thence S. 78°36'45" W. 118.43 feet; thence S. 89°57'50" W. 296.28 feet to the point of beginning.

TRACT 3:

Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, Township 2 South, Range 35 E.B.M., Bingham County, Idaho, described as: Beginning at a point on the E. line of a County road that is N. 89°57'45" E. 25.0 feet and S. parallel to the Section line 595.95 feet from the W $\frac{1}{4}$ corner of Section 17; and running thence S. 134.98 feet; thence N. 89°57'50" E. 576.91 feet; thence N. 134.98 feet; thence S. 89°57'50" W. 576.91 feet to the point of beginning.

9/19

RM

18

MICROFILMED
MAY 19 2003



Order No. 33709

SCHEDULE B - SECTION 1

Requirements

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.

gfr

gfr

gfr

RECORDED
MAY 19 2008



Order No. 33709

SCHEDULE B - SECTION 2

Exceptions

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

PART I:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Taxes for 1994 are an accruing lien and not yet due or payable.
(General taxes for 1993, in the original amount of \$574.56, Parcel No. 03007.02 as to Tract 1, and \$136.06, Parcel No. 03007.04 as to Tract 2 and 3, are paid in full.)
8. Rights-of-way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States, as granted to the United States under provisions of Section 58-604, Idaho Code 1947.

(Continued)

MAY 19 2000



Order No. 33709

SCHEDULE B - SECTION 2

Exceptions
(Continued)

9. Exceptions and reservations contained in Deed from the State of Idaho, wherein mineral rights are reserved to the State. (47-701, Idaho Code 1947).
10. Power line easement granted to Idaho Power Company recorded as Instrument No. 229656.
(Over Tract 1 and other property)
11. Deed of Trust dated March 6, 1992, to secure an indebtedness in the principal sum of \$60,250.00, and any other amounts and/or obligations secured thereby.
Recorded: March 6, 1992, Instrument No. 404940
Grantor: Gary W. Peterson and Karen K. Peterson, husband and wife
Trustee: American Land Title Company
Beneficiary: First Security Bank of Idaho, N.A.

(The foregoing numbered Exceptions 1-6 may be eliminated in an ALTA Extended Coverage Policy.)

NOTE: There is located on said land a single family residence, addressed as 341 North 500 West, Blackfoot, Idaho 83221.

NOTE: If you have any questions regarding this report, please feel free to contact your Title Examiner, Arlene Mecham.

NOTE: If you have any questions regarding your closing, please feel free to contact your Escrow Officer, Anita McMurtrey or Michelle Peterson.

END SCHEDULE B

MAY 13 2000



NW4SW4
17-25-35
1"=200'

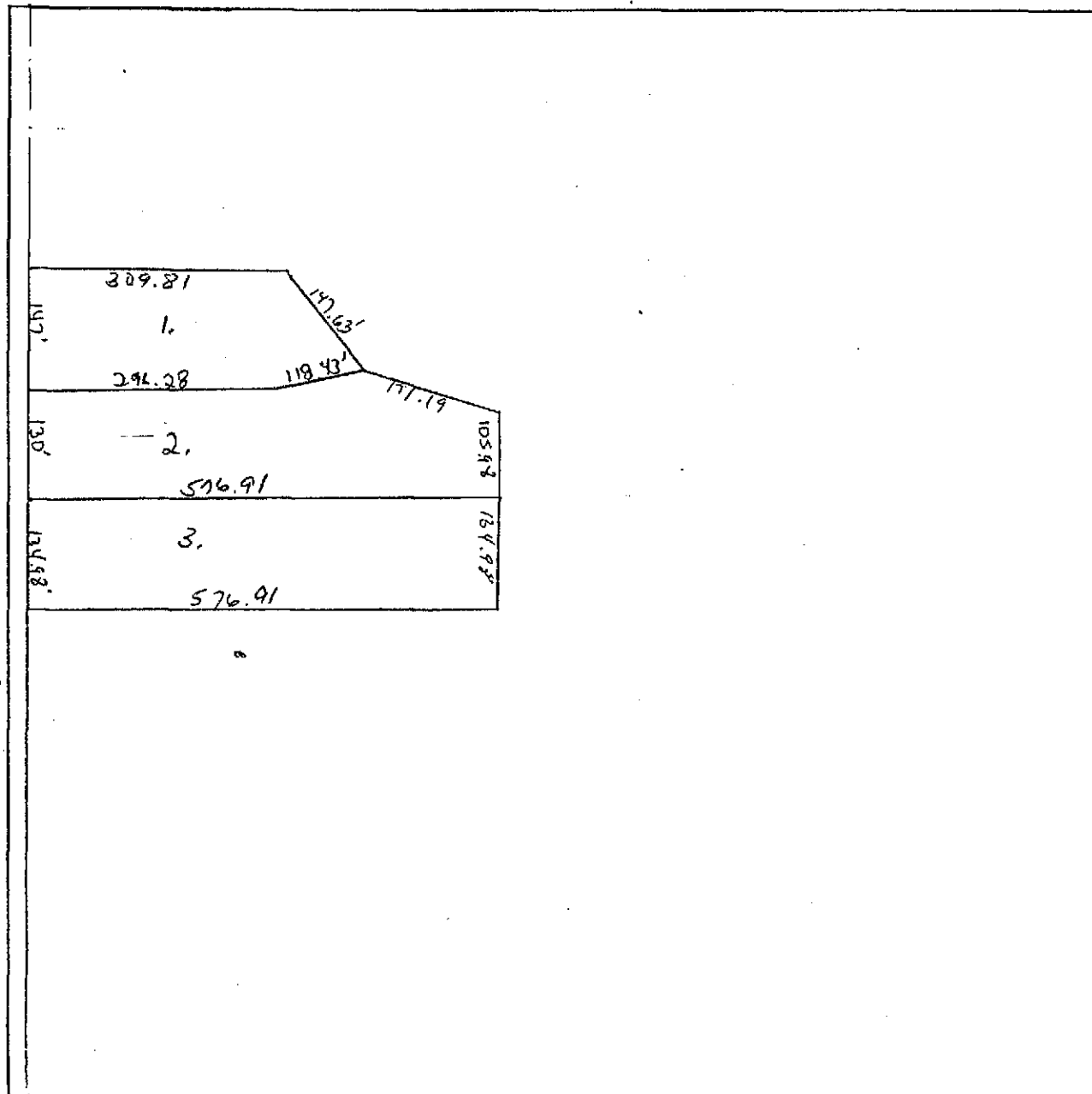
W 1/4
corner

N
↑

318.95'

465.95'

595.95'



MAY 19 2000

THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF
ASSISTING IN LOCATING THE PREMISES AND THE
COMPANY ASSUMES NO LIABILITY FOR VARIATIONS
IF ANY, WITH AN ACTUAL SURVEY.
FIRST AMERICAN TITLE COMPANY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR NOV 28 PM 2:11

Water Right 35-10685 DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: GARY W PETERSON
KAREN K PETERSON
341 N 500 W
BLACKFOOT ID 83221

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/06/1977

POINT OF DIVERSION: T02S R35E S17 NWSW Within BINGHAM County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within BINGHAM County
T02S R35E S17 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED:


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED:


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MICROFILMED

DEC 01 1998

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 35-10685

PAGE 1
OCT-21-1997

MICROFILMED

MAY 19 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 8, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GREGORY J GILK
DORIS GILK
341 N 500 W
BLACKFOOT ID 83221

RE: Water Right 35-10685

Dear Mr. & Mrs. Gilk:

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

MAY 19 2000

35-10685

November 17, 1998

District Court of the
Fifth Judicial District
State of Idaho
Twin Falls County

Attn: Daniel C. Hurlbutt Jr.
Presiding Judge
Snake River Basin Adjudication

Dear Sir:

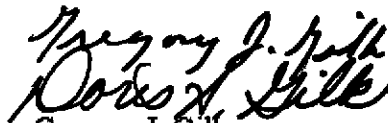
I am writing in regards to the enclosed copy of a Partial Decree for water rights, issued to Gary and Karen Peterson on Nov. 28, 1997. This property, 341 N. 500 W., Blackfoot, ID was purchased by Gregory J. and Doris A. Gilk in October of 1994.

We would like to request that the groundwater rights be transferred to:

Gregory J. Gilk
Doris A. Gilk
341 N. 500 W.
Blackfoot, ID 83221

We appreciate your help in this matter and apologize for the amount of time that has passed since receiving this notice.

Thank you


Gregory J. Gilk
Doris A. Gilk

MICROFILMED

MAY 19 2008

Copy

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR NOV 28 PM 2:11

Water Right 35-10685 DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: GARY W PETERSON
KAREN K PETERSON
341 N 500 W
BLACKFOOT ID 83221

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/06/1977

POINT OF DIVERSION: T02S R35E S17 NWSW Within BINGHAM County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within BINGHAM County
T02S R35E S17 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED:


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED:


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 35-10685

MAY 19 2003