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Department of Water Resources

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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 division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 35-07122              |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25
- 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) Ron and Vickie Watt  
1450 W. 200 S. Pingree, ID 83262
4. New Owner/Claimant(s) J&R Land and Cattle LLC  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 271 S. 1300W
- City, State and ZIP Code Pingree, ID 83262
- New Telephone Number ( ) \_\_\_\_\_
5. Date you acquired the property 7/01

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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<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>35-07122</u>                                                            |                                                                            |                                                              |
| 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) |
| Irrigation                                                                                                              | <u>1.44 cfs</u>                                                            | <u>72 acres</u>                                              |
| Stock                                                                                                                   |                                                                            |                                                              |
| Domestic                                                                                                                |                                                                            |                                                              |
| Other                                                                                                                   |                                                                            |                                                              |
| Total                                                                                                                   |                                                                            |                                                              |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              |                                                                            |                                                              |
| Stock                                                                                                                   |                                                                            |                                                              |
| Domestic                                                                                                                |                                                                            |                                                              |
| Other                                                                                                                   |                                                                            |                                                              |
| Total                                                                                                                   |                                                                            |                                                              |

7. Signature of New Owner(s) or Claimant(s) J & R Land and Cattle LLC  
(include title if applicable) Jerry Elliott & Sandra Elliott owners

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 JC Date 12-12-03 Fee \$25 -  
 Received by JC Date 12-12-03 Receipt No. E029419  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

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164 : 5 2004

**WARRANTY DEED**

**COPY**

For Value Received, Ronnie D. Watt and Vickie L. Watt, husband and wife, the Grantors, do hereby grant, bargain, sell, and convey unto J&R Land and Cattle, LLC, an Idaho Limited Liability Company, of 271 S 1300 W, Pingree, ID 83262, the Grantee, the following-described premises, to-wit:

**Tract C:**

**Township 3 South, Range 33 E.B.M., Bingham County, Idaho**

**Section 3: E $\frac{1}{2}$ SE $\frac{1}{4}$ ; S $\frac{1}{2}$ SE $\frac{1}{4}$  NE $\frac{1}{4}$ , EXCEPT County Road to the South and East. ALSO EXCEPTING THEREFROM: A portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  described as follows: Commencing at the SW corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 3, thence East 208 feet; thence North 208 feet; thence West 208 feet; thence South 208 feet to the point of beginning.**

**Tract E:**

**Township 3 South, Range 33 E.B.M., Bingham County, Idaho**

**Section 15: E $\frac{1}{2}$ NE $\frac{1}{4}$ , EXCEPTING THEREFROM the North 25 feet for the County Road and the County Road to the East. ALSO EXCEPT: All of that portion lying South and East of the Canal in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 15. ALSO EXCEPT: Beginning at the NE corner of said Section 15, and running thence West 150 feet; thence South 200 feet; thence East 150 feet; thence North 200 feet to the point of beginning.**

**Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.**

**Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all encumbrances of record.**

**TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove**

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**JAN 15 2004**

set forth and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 29<sup>th</sup> day of July, 2002.

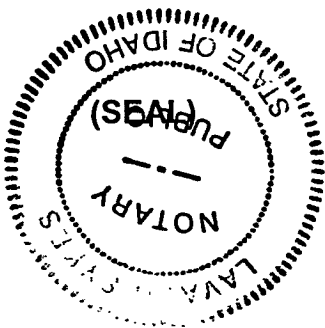
Ronnie D. Watt  
Ronnie D. Watt

Vickie L. Watt  
Vickie L. Watt

STATE OF IDAHO           )  
                                      : ss.  
County of Bingham       )

On this 29<sup>th</sup> day of July, 2002, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Ronnie D. Watt and Vickie L. Watt, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Lavonne Sykes  
Notary Public for Idaho  
Residing at Blackfoot  
My Commission Expires: 5-17-08

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JUL 25 2003

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

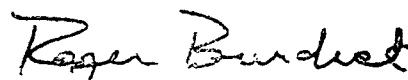
|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) |                          |
|                | ) | ORDER OF PARTIAL DECREE  |
| Case No. 39576 | ) |                          |
| _____          | ) | For Water Right 35-07122 |

On November 30, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-07122 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 4, 2002.

  
\_\_\_\_\_  
ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

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

Water Right 35-07122

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| MAR 04 2002                                                                             |              |
| By _____                                                                                | Clerk        |
| _____                                                                                   | Deputy Clerk |

NAME AND ADDRESS: RICHARD D WATT  
1425 W 100 S  
PINGREE, ID 83262

RONNIE WATT  
1450 W 200 S  
PINGREE, ID 83262

SOURCE: GROUNDWATER

QUANTITY: 1.44 CFS  
288.00 AFY

PRIORITY DATE: 02/06/1970

POINT OF DIVERSION: T03S R33E S15 SENENE Within Bingham County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|----------------------------|----------------|----------------|------------------------|
|                            | Irrigation     | 04-01 TO 10-30 | 1.44 CFS<br>288.00 AFY |

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 AFTER OCTOBER 30 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.

PLACE OF USE: Irrigation Within Bingham County  
T03S R33E S15 NENE 37.0 SENE 35.0  
72.0 Acres Total

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE  
MAINTAINED AS A PART OF THE DIVERTING WORKS.

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. I.C. SECTION 42-1412(6).

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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.

*Roger Burdick*

Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

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MAR 12 2002

2002 MAR 04 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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     | ) | CERTIFICATE OF MAILING   |
|                | ) |                          |
| Case No. 39576 | ) |                          |
| _____          | ) | Water Right(s): 35-07122 |

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-07122 was mailed  
on March 04, 2002, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

C & L FARMS  
DEL RAY HOLM  
HOLM BROS. PARTNERSHIP, HOLM  
R & M FARMS PARTNERSHIP  
THEODORE L DEFFINGER  
Represented by:  
BLAIR J. GROVER  
215 FARNSWORTH WAY  
PO BOX 36  
RIGBY, ID 83442-0036  
Phone: 208-745-6653

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MAR 14 2002

CERTIFICATE OF MAILING

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03/04/02

ABERDEEN-AMERICAN FALLS  
BINGHAM GROUND WATER DISTRICT  
RICHARD D WATT  
RONNIE WATT  
UPPER VALLEY IRRIGATORS ASSOC.

Represented by:  
JEFFREY C. FEREDAY  
PO BOX 2720  
BOISE, ID 83701-2720  
Phone: 208-388-1200

FREMONT MADISON IRRIG. DIST.

Represented by:  
JERRY R. RIGBY  
PO BOX 250  
REXBURG, ID 83440-0250  
Phone: 208-356-3633

ALBERT & CHRISTINE WADA  
BRENT STOLWORTHY  
CLYDE M WILSON  
DARWIN BROWN  
FRANK S & AGNES H WADA  
GERALD J BUTIKOFER  
JAY L & MERRI LYNN STOLWORTHY  
KENT B CORNELISON  
KENT SEARLE  
LDS CHURCH  
LINDEN J & LOIS J BUTIKOFER  
MERLE & ULENE BUTIKOFER  
MURDOCH-WILSON FARMS  
PAUL & ALICE HEYREND  
WAYNE HANSEN

Represented by:  
KENT W FOSTER  
PO BOX 50130  
IDAHO FALLS, ID 83405  
Phone: 208-523-0620

STATE OF IDAHO

Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

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JUL 10 1991

CERTIFICATE OF MAILING

DIANA DELANEY  
Chief Deputy Clerk

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03/04/02



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 30, 2003

J & R LAND & CATTLE LLC  
271 S 1300 W  
PINGREE ID 83262

RE: Change of Ownership for Water Rights 35-2173, 35-7122 and 35-7057

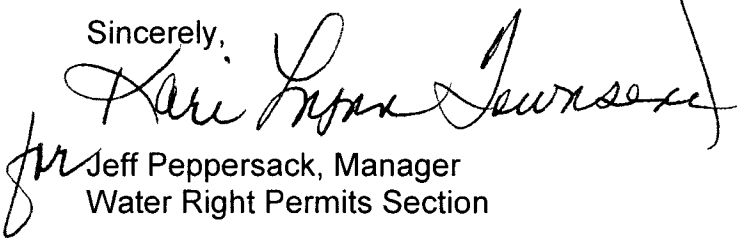
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports 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 this office if you have any questions regarding this matter.

Sincerely,

  
for Jeff Peppersack, Manager  
Water Right Permits Section

JP:klt

Enclosures

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JAN 15 2004