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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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
35-02173					

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)

George Pieper
4665 Ramsgate, Chubbuck, ID 83202

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

208 684-4668

5. Date you acquired the property

6/03

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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 (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>35-02173</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>2.51 cfs</u>	<u>184 acres</u>
Stock		
Domestic		
Other		
Total		

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 _____		
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		
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, Paula 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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OWNER'S POLICY

SCHEDULE A

Order No.: **B47977**

Policy No.: **J 1863837**

Reference No.:

Amount of Insurance: **\$ 200,000.00**

Premium: **\$ 905.00**

Endorsements: **None**

\$

Date of Policy: **July 21, 2003**

at **04:39 PM**

1. Name of Insured:

J & R Land & Cattle LLC

2. The estate or interest in the land which is covered by this policy is:

A fee simple interest

3. Title to the estate or interest in the land is vested in:

J & R Land & Cattle LLC

4. The land referred to in this policy is described as follows:

**Township 3 South Range 33 E.B.M., Bingham County, Idaho
Section 11: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT the right of way of the
Rockford Canal Company and EXCEPT S. 25 feet of SW $\frac{1}{4}$ SW $\frac{1}{4}$ for a
road.**

ALSO:

**Section 10: NE $\frac{1}{4}$ SE $\frac{1}{4}$, and beginning at the E $\frac{1}{4}$ corner of said Section
10, thence W. 990 feet; thence N. 1329 feet; thence E. 990 feet; thence S.
1329 feet to the point of beginning, EXCEPT the right of way of the
Rockford Canal Company.**

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ALTA Owner's Policy Schedule A (10/17/92)

Form 1402-92

SCHEDULE B

Order No.: **B47977**

Policy No.: **J 1863837**

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

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, interest, 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 public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
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. 2002 taxes are paid in full.
2003 taxes are an accruing lien, not yet due and payable until the fourth Monday in November of the current year. The first one-half is not delinquent until after December 20 of the current year, the second one-half is not delinquent until after June 20 of the following year.
Taxes which may be assessed and entered on the property roll for 2003 with respect to new improvements and first occupancy, which may be included on the regular property, which are an accruing lien, not yet due and payable.
8. Levies and assessments of Aberdeen Springfield Canal Company.
9. Easement granted to Idaho Power Company, recorded March 6, 1940 in Book L of Miscellaneous, page 493.

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ALTA Owner's Policy Schedule B (10/17/92)
Form 1402-92

**OWNER'S POLICY
SCHEDULE B
(Continued)**

Order No.: **B47977**

10. Easement granted to Idaho Power Company, recorded April 26, 1948 in Book O of Miscellaneous, page 560.
11. Easement granted to Idaho Power Company, recorded April 22, 1953 in Book R of Miscellaneous, page 439.
12. Easement granted to Idaho Power Company, recorded April 20, 1948 in Book O of Miscellaneous, page 561.
13. Easement granted to Idaho Power Company, recorded March 17, 1955, as Instrument No. 41054.
14. Right-of-way Agreement upon the terms, conditions and provisions contained therein:
Parties: Max Wiese, a widower, John B. Wiese, a single man, Lena W. Bernat and Godfrey Bernat, husband and wife, Fred T. Lamm and Marie W. Lamm, husband and wife, individually and as the sole and only heirs at law and next of kin of Frank Wiese, deceased and Marie Wiese, deceased, parties of the first part and Max Wiese, a widower, party of the second part
Recorded: August 22, 1946, in Book O of Miscellaneous, Page 84
15. Easement granted to Idaho Power Company, recorded November 30, 1972, as Instrument No. 175645.
16. Easement granted to Idaho Power Company, recorded February 9, 1977, as Instrument No. 221313.
17. Mortgage to secure an indebtedness of \$200,000.00.
Recorded: July 21, 2003, as Instrument No. 529518
Mortgagor: J & R Land and Cattle, LLC
Mortgagee: Lavaudis Pieper.

END OF EXCEPTIONS

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JAN 19 2004

ALTA Owner's Policy Schedule B (10/17/92)
Form 1402-92

2002 FEB 15 PM 2: 57

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

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right 35-02173

On November 27, 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 35-02173 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 4, 2002.

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED

JAN 15 2004

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 35-02173

2002 FEB 15 AM 9:14
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: GEORGE G PIEPER
PO BOX 1174
POCATELLO, ID 83201

SOURCE: GROUNDWATER

QUANTITY: 2.51 CFS
732.00 AFY

PRIORITY DATE: 05/08/1950

POINT OF DIVERSION: T03S R33E S11 SWSNW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.51 CFS 732.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T03S R33E S10 SENE 30.0	*NESE 40.0
	S11 *SWNW 33.0	*NWSW 40.0
	*SWSW 40.0	
	183.0 Acres Total	

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

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).

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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JAN 15 2004

2002 FEB 15 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): 35-02173

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 35-02173 was mailed
on February 15, 2002, with sufficient first-class postage prepaid
to the following:

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

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

GEORGE G PIEPER
PO BOX 1174
POCATELLO, ID 83201
Phone: 208-237-1973

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

MICROFILMED PAGE 1
JAN 15 2004 02/15/02



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

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 13 2004