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Documents
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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.

decreed
RECEIVED
SEP 11 1998
Department of Water Resources
Southern Region

1. Water Right No(s): 43-10842

Adjudication Claim No(s): _____

RECEIVED

SEP 16 1998

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

Department of Water Resources

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/Claimant

Brent Udy, Linda Udy

1958 Spring Oaks Drive, Springville, UT 84663

4. New Owner/Claimant(s)

Devan William Tolman and Jon Elaine Tolman

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

Box 35

City, State and ZIP Code

Malta, Idaho, 83342

New Telephone Number

(208) 645-2449

5. Date you acquired the property

June 9th 1995

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 _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ 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)

Devan W. Tolman

Elaine Tolman

(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..

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

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

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
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WARRANTY DEED

#26143

237038

For Value Received

BRENT UDY and LINDA UDY, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

DEVAN W. TOLMAN and ELAINE TOLMAN, husband and wife

Address: Center Street SW1/4 12-13-26, Malta, Idaho

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

PARCEL NO. 1:

**TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 12: Beginning at the Northwest corner of the SW $\frac{1}{4}$ of said Section 12;
Thence East along the mid-section line of said Section 12 for a distance
of 2,040.35 feet to a point marked with a steel nail which point shall
be known as the True Point of Beginning;
Thence South for 107 feet to a point marked with a steel pin;
Thence East for 79 feet to a point marked with a steel pin;
Thence North for 107 feet to a point marked with a steel nail, on mid-
section line of said Section 12;
Thence West along mid-section line for 79 feet to the True Point of
Beginning.

PARCEL NO. 2:

**TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 12: Part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Beginning at the West quarter section corner of said Section 12, said
corner marked by a 3 inch Cassia County survey cap; Thence South
89°51'00" East along the quarter section line for 1744.88 feet to a $\frac{1}{2}$
inch rebar; Thence South 89°51'00" East along said quarter section line
for 282.98 feet to a $\frac{1}{2}$ inch rebar and the True Point of Beginning;
Thence South 1°49'09" West for 114.61 feet to a $\frac{1}{2}$ inch rebar;
Thence South 88°12'23" East for 36.81 feet to a $\frac{1}{2}$ inch rebar;
Thence South 1°58'29" West for 57.78 feet to a $\frac{1}{2}$ inch rebar;
Thence South 89°51'51" East for 82 feet 10 inches to a point;
Thence directly North to a point on said quarter section line;
Thence North 89°51'00" West along said quarter section line to the
Northeast corner of that parcel of land deeded to Brent Udy and Linda
Udy, husband and wife, by Warranty Deed dated December 27, 1965,
and recorded January 14, 1966, as Instrument No. 27845 on Film No.
39, records of Cassia County, Idaho.

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HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 9, 1995

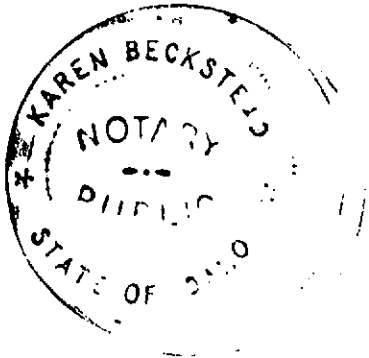
Brent Udy
Brent Udy

Linda Udy
Linda Udy

STATE OF IDAHO)
COUNTY OF Cassia) ss.

On this 9th day of June, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared Brent Udy and Linda Udy, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Karen Beckstead
Notary Public
Residing at: Burley
My Commission expires: 3/4/97



RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILE # 266
1995 JUN - 9 10 44 33
FEE 4.00 RETURN 2M
LAND TITLE & ESCROW

237038

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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) PARTIAL DECREE PURSUANT TO
)
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-10842

NAME AND ADDRESS: BRENT UDY
LINDA UDY
1958 SPRING OAKS DR
SPRINGVILLE, UT 84663

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 06/23/1989

POINT OF DIVERSION: T13S R26E S12 NESW Within Cassia County

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

PLACE OF USE: Domestic Within Cassia County
T13S R26E S12 NESW

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.

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.

Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 43-10842

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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

July 9, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DEVAN WILLIAM TOLMAN
ELAINE TOLMAN
BOX 35
MALTA ID 83342

RE: Water Right 43-10842

Dear Mr. & Mrs. Tolman:

The department acknowledges receipt of correspondence changing ownership of the above referenced decreed 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 'L. Glen Saxton'.

L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosure

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