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In File

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 1986 DEC 10 PM 2:32
I.R.C.P. 54(b) FOR
Water Right 36-12306

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: ALVIN R SCHENK
DOROTHY J SCHENK
RT 5 BOX 5272
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 12/31/1907

POINT OF DIVERSION: T09S R24E S19 SESWNE Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER		01-01 12-31	0.03 CFS
DOMESTIC 1 HOME		01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within MINIDOKA County
T09S R24E S19 SWNE

DOMESTIC Within MINIDOKA County
T09S R24E S19 SWNE

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.

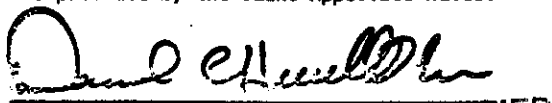
DATED: DEC 10 1996


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.

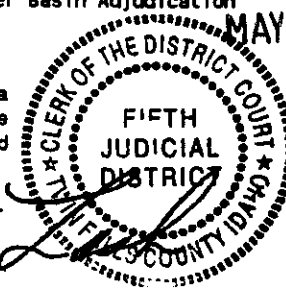
DATED: DEC 10 1996


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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-12306

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the above entitled
action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



PAGE 1
NOV-26-1996

MAY 22 1997

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
36-12306	SCHENK, ALVIN R	C		12/31/1907	D/	GROUNDWATER	P DECR	WR
	SCHENK, DOROTHY J	C						
*36-12306	SCHENK, ALVIN R	C		12/31/1907	D/	GROUNDWATER	P DECR	AJ
	SCHENK, DOROTHY J	C						
A36-12306	SCHENK, ALVIN R	C		12/31/1907	J/	GROUNDWATER	DOMEST	AJ
	SCHENK, DOROTHY J	C					STOCK	

*no other information
found in public files or records*

*Kari Lynn
11.26.00*

*Request returned to Merrill
Kari Lynn
1.9.02*



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

January 10, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JERRY H MERRILL
ELLEN C MERRILL
125 W 51 LANE N
RUPERT ID 83350

RE: Change of Ownership for Decreed Water Right 36-12306

Dear Mr. & Mrs. Merrill:

Our letter of November 30, 2000 (copy enclosed) requesting the \$25.00 filing fee which is required for the processing of an ownership change on water rights remains unanswered. Therefore, I am returning the ownership change request and Deed of Trust to you. A Deed of Trust is not signed by the seller(s) of the property and is not considered proof of ownership. A copy of your ownership change form will be kept in our files for reference.

If, at a later date, you wish to reinstate this request you may send the enclosed ownership change request form along with the required proof of ownership, legal description and \$25.00 filing fee and we will be happy to complete the request for you.

You may call our office at 327-7900 if you have any questions regarding this matter.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

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.

RECEIVED
 NOV 28 2000
 Department of Water Resources
 Southern Region

1. Water Right No(s): 36-12306

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~~ **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document establishing 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

Alvin R. Schenk and Dorothy J. Schenk
Rt. 5, Box 5272

4. New Owner/Claimant(s)

Jerry H. Merrill and Ellen C. Merrill

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
125 W 51 Lane N

City, State and ZIP Code

Rupert, ID 83350

New Telephone Number

(208) (not issued by telephone co.)

5. Date you acquired the property

November 2000

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)

X Jerry H. Merrill
X Ellen C. Merrill

(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..

COPY RECEIVED
 NOV 29 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 30, 2000

JERRY H MERRILL
ELLEN C MERRILL
125 W 51 LANE N
RUPERT ID 83350

RE: Change in Ownership of Water Right 36-12306

Dear Mr. & Mrs. Merrill:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

- ☒ **Filing Fee** of \$25 per water right
- ☐ **Filing Fee** of \$100 per water right for changes resulting from division of a water right
- ☐ **Signature**
- ☐ **Notarized Signature** for Assignment of Permit
- ☐ **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question
- ☐ **Evidence of Security Interest:** copy of Deed of Trust, Mortgage, Contract of Sale or other legal document indicating your interest in the property and water rights in question
- ☐ **Security Interest Expiration Date**
- ☒ **Legal Description of Property**
- ☐ **Plat of Property or Survey Map** usually on file with the county

____ USDA Farm Service Agency (formerly ASCS) Aerial Photo with irrigated acres outlined and point(s) of diversion clearly marked

____ Description of Portion of Water Right resulting from division of water right

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the filing fee for your notice will be \$25.00.

Because the Department cannot process the ownership change without proper documentation and fees, we will hold any action on your notice pending receipt of the necessary information and fees. If we do not receive the necessary information and fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

Please feel free to contact the Department if you have any questions.

Sincerely,



Kari Lynn Townsend
Secretary

KLT:k