

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

APR - 4 2003

Department of Water Resources

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
36-07947					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- 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)

Virgil L. Jenks
 3550 S 1800 E Wendell, ID 83351

4. New Owner/Claimant(s)

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

New Mailing Address

3751 So. 2400 E

City, State and ZIP Code

Jerome, ID 83338

New Telephone Number

(208) 324-7147

5. Date you acquired the property

3-24-03

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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 _____		
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	_____	_____

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) X William Beer
(include title if applicable) _____

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 J. Mason Date 4/4/03 Fee \$25.00
 Received by J. Mason Date 4/4/03 Receipt No. 0068425
 Processed by _____ AJ Date _____ WR _____ Date _____

MAILED

APR 15 2003

WARRANTY DEED

#G-32017

For Value Received

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Department of Water Resources

BARBARA S. JENKS an unmarried woman ,

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

**CANYONSIDE DAIRY, a partnership, consisting of Adrian K. Boer, Jr.,
Kenneth W. Boer and Kevin S. Boer
Address: 3751 South 2400 East, Jerome, Id 83338**

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

SEE EXHIBIT "A" ATTACHED HERETO:

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Water Right License Permit No. 36-7947

TO 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: **March 25, 2003**

Barbara S. Jenks
BARBARA S. JENKS

Instrument # 199799

GOODING, GOODING, IDAHO

2003-03-25

03:44:57 No. of Pages: 2

Recorded for : LAND TITLE

HELEN EDWARDS

Fee: 6.00

Ex-Officio Recorder Deputy

H. Edwards

STATE OF IDAHO)
) ss.
COUNTY OF JEROME)

On this 24th day of **March, 2003**, before me, the undersigned, a Notary Public in and for said State, personally appeared **BARBARA S. JENKS**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Rick Bernsen
Notary Public

Residing at: _____

My Commission expires: _____

RICK BERNSEN
★ NOTARY PUBLIC ★
STATE OF IDAHO

RESIDING AT JEROME, ID
MY COMMISSION EXPIRES

7-30-03

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APR 1 2003

EXHIBIT "A"

TOWNSHIP 8 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 32: That part of the $W\frac{1}{2}SW\frac{1}{4}$, described as follows:

Beginning at the Northwest corner of the $W\frac{1}{2}SW\frac{1}{4}$
of said Section 32;
Thence East along the North line of said $W\frac{1}{2}SW\frac{1}{4}$,
467 feet;
Thence South parallel with the West line of
said $W\frac{1}{2}SW\frac{1}{4}$, 466 feet;
Thence West parallel with the North line of
said $W\frac{1}{2}SW\frac{1}{4}$, 467 feet to the West line of
said $W\frac{1}{2}SW\frac{1}{4}$;
Thence North along said West line, 466 feet to
the Point of Beginning.

EXCEPTING THEREFROM the following described
parcel of land:

Commencing at the Northwest corner of said $NW\frac{1}{4}SW\frac{1}{4}$
and the Northwest corner of said 5.0 acre parcel;
Thence Southerly along the Westerly boundary of said
 $NW\frac{1}{4}SW\frac{1}{4}$ South $0^{\circ}04'$ East, 466.0 feet to the South-
west corner of said 5.0 acre parcel;
Thence Easterly along the Southerly boundary of said
5.0 acre parcel South $89^{\circ}57'34''$ East, 351.38 feet
to THE TRUE POINT OF BEGINNING;
Thence continuing Easterly along the Southerly bound-
ary of said 5.0 acre parcel South $89^{\circ}57'34''$ East,
115.62 feet to the Southeast corner of said 5.0
acre parcel;
Thence Northerly along the Easterly boundary of said
5.0 acre parcel North $0^{\circ}04'$ West, 108.32 feet;
Thence South $46^{\circ}51'27''$ West, 158.29 feet to THE TRUE
POINT OF BEGINNING.

End of Exhibit "A"

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Important Information About Your Water Right

August 27, 2001

VIRGIL L JENKS
3550 S 1800 E
WENDELL, ID 83355

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc** (hereinafter "**Order**") for water right number 36-07947. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order** in combination with the **Partial Decree** that was issued for this water right on December 29, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of the water right. The original of this **Order** and the original of the **Partial Decree** for this water right are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Order** is entered **Nunc Pro Tunc**, meaning that the **Order** will be treated as if it were issued the same date that the **Partial Decree** was originally issued.

Sincerely,



Diana Delaney
Case Administrator

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SEP 14 2001

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)

Water Right 36-07947

Case No. 39576)

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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 August 27, 2001

Roger Burdick
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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APR 14 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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07947

1997 DEC 29 AM 10:34
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: VIRGIL L JENKS
3550 S 1800 E
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.13 CFS
16.0 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 11/28/1980

POINT OF DIVERSION: T08S R15E S32 NWNWSW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.12 CFS 16.0 AFY
	STOCKWATER	01-01 12-31	0.02 CFS 1.0 AFY
	DOMESTIC	01-01 12-31	0.04 CFS 1.2 AFY

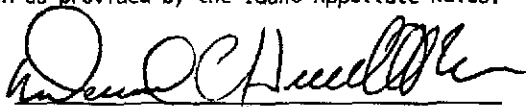
PLACE OF USE:	IRRIGATION	Within GOODING County
	T08S R15E S32	NWSW 4
	4 ACRES TOTAL	
	STOCKWATER	Within GOODING County
	T08S R15E S32	NWSW
	DOMESTIC	Within GOODING County
	T08S R15E S32	NWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE 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

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PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07947

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DEC-12-1997



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

April 4, 2003

CANYONSIDE DAIRY
3751 S 2400 E
JEROME ID 83338

RE: Change of Ownership for Water Right 36-7947

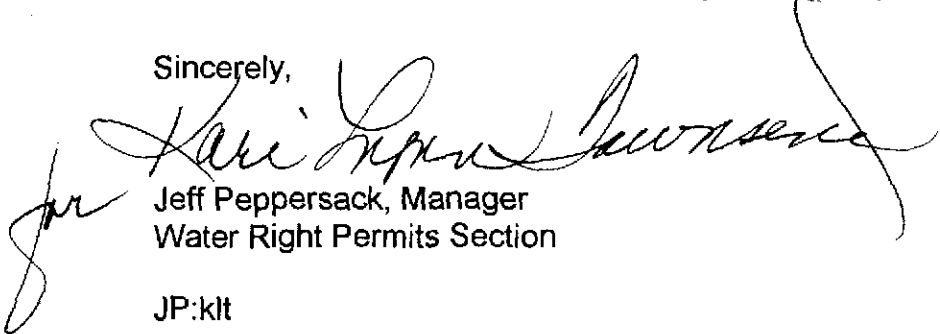
Dear Water Right Holder(s):

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. Also enclosed is a receipt for the \$25.00 filing fee.

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,


Jeff Peppersack, Manager
Water Right Permits Section

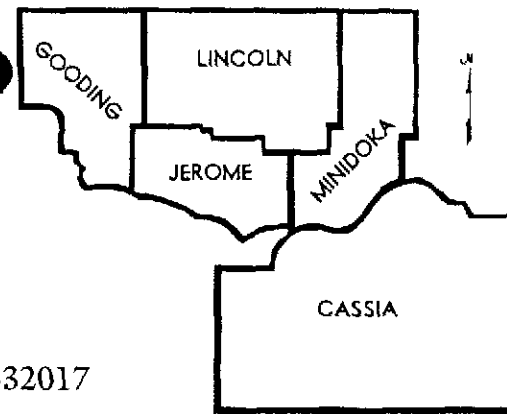
JP:klt

Enclosures

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SEP 14 2003

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: G-32017
OFFICE: Jerome

April 2, 2003

IDWR
Kari Lynn
1301 N. Orchard
Boise, ID 83706-2237

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Department of Water Resources

RE: Water Right Transfer No.36-07947
Barbara S. Jenks to Canyonside Dairy

Dear Kari Lynn:

Enclosed please find Land Title and Escrow, Inc. check #22932 in the amount of \$25.00. Also enclosed is the completed form and a copy of the recorded Warranty Deed.

If you have any questions regarding this matter, please do not hesitate to contact this office at 208-324-3357.

Very truly yours,
LAND TITLE AND ESCROW, INC.

A handwritten signature in cursive script that reads "Laury Lamb".

Laury Lamb
Escrow Assistant

encs.

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APR 14 2003