

No Color
Documents
In File

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.

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 MAR 15 2004
 Department of Water Resources
 Southern Region

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
36-7793					
36-7796					

Department of Water Resources

MAR 16 2004

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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

4. New Owner/Claimant(s)

Bartara L. Jenks
 Name Connector (Check one): ☐ and ☐ or ☐ and/or

New Mailing Address

340 3rd Ave E.

City, State and ZIP Code

Wendell Idaho 83355

New Telephone Number

(208) 536-2585

5. Date you acquired the property

1978

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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 _____	_____	_____

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)
(include title if applicable)

Barbara Jenkins

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 <i>[Signature]</i>	Date <i>3/15/04</i>	Fee <i>50.00</i>
Receipted by <i>[Signature]</i>	Date <i>3/15/04</i>	Receipt No. <i>5026537</i>
Processed by <i>[Signature]</i> AJ	Date _____	WR _____ Date _____

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I hereby certify that the foregoing is a true copy
of the original instrument on file in my office.

Dated 7-29-97

HELEN E. EDWARDS
District Court Clerk

By

Alfred E. Barrus
Attorney at Law
1918 Overland Avenue
P.O. Box 487
Burley, Idaho 83318
Telephone (208) 678-1155

Attorney for Petitioner

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

MAGISTRATE DIVISION

* * * * *

In the Matter of the Estate	)	
of:	)	Case No. SP-97-00066
	)	
VIRGIL LEE JENKS,	)	DECREE VESTING ESTATE
	)	IN SURVIVING SPOUSE
Deceased.	)	

Upon consideration of the Petition for Summary Administration of Estate in Which Surviving Spouse is Sole Beneficiary filed by Barbara S. Jenks on the 4th day of May, 1997, the court finds that:

1. The facts set forth in the Petition are true.
2. The required notice has been given or waived.
3. The decedent, Virgil Lee Jenks, died on the 20th day of March, 1996, and was domiciled in Gooding County, Idaho.
4. Venue is proper.
5. The decedent and Barbara S. Jenks were duly married on the 24th day of August, 1950, and remained married until the date of decedent's death.
6. The surviving spouse, Barbara S. Jenks is the sole heir or devisee of the decedent.
7. That the Petitioner exercised reasonable diligence to determine if decedent died testate, and has found no unrevoked testamentary instrument relating to property having a situs in the State of Idaho; and that decedent died intestate leaving no will.

DECREE VESTING ESTATE IN
SURVIVING SPOUSE - 1

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ALFRED E. BARRUS
ATTORNEY AT LAW
POST OFFICE BOX 487
BURLEY, IDAHO 83318
TELEPHONE: (208) 678-1155

1

2

8. That decedent left an estate consisting solely of the community property of the decedent and Barbara Jenks, his spouse, described on Exhibit "A" attached hereto and by this

EXHIBIT "A"

REAL PROPERTY:

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

Section 19: SE1/4, EXCEPTING THEREFROM that part of the
SW1/4SW1/4SE1/4 described as a triangular
shaped parcel:

Commencing at the southwest corner of the
SE1/4 of Section 19;
Thence North 660 feet along the West boundary
of the SE1/4 of Section 19;
Thence Southeast to a point which is 660 feet
East of the Southwest corner of the SE1/4
of Section 19 on the South boundary of the
SE1/4 of Section 19;
Thence West 660 feet to the Southwest corner
of the SE1/4 of Section 19, which is the
point of beginning.

Subject to rights of way, easements and
patents and other reservations of record in
use and apparent.

VALUE: \$ 465,000.00

TOWNSHIP 19 SOUTH, RANGE 15 EAST, BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 19: That part of the SW1/4SW1/4SE1/4
described as a triangular shaped parcel:

Commencing at the southwest corner of the
SE1/4 of Section 19;
Thence North 660 feet along the West
boundary of the SE1/4 of said Section 19;
Thence Southeast to a point which is 660
feet East of the Southwest corner of the
SE1/4 of Section 19 on the South boundary
of the SE1/4 of said Section 19;
Thence West 660 feet to the Southwest corner
of the SE1/4 of said Section 19, which is
the point of beginning.

Subject to rights-of- way, easements and patent and
other reservations of record, in use and apparent.

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VALUE

\$ 10,000.00

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

Section 32: That part of the W1/2SW1/4, described as
follows:

Beginning at the Northwest corner of the
of the W1/2SW1/4 of said Section 32;
Thence East along the North line of said
W1/2SW1/4 476 feet;
Thence South parallel with the West line of
said W1/2SW1/4, 466 feet;
Thence West parallel with the North line of
said W1/2SW1/4, 467 feet to the West line
of said W1/2SW1/4;
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
NW1/4SW1/4 and the Northwest corner of said
5.0 acre parcel;
Thence Southerly along the Westerly boundary
of said NW1/4SW1/4 South 0°04' East, 466.0
feet to the Southwest corner of said 5.0
acre parcel;
Thence Easterly along the Southerly boundary
of said 5.0 acre parcel South 89°57'34"
East, 351.38 feet to the True Point of
Beginning;
Thence continuing Easterly along the Southerly
boundary of said 5.0 acre parcel South
89°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°04' West, 108.32
feet;
Thence South 46°51'27" West, 158.29 feet to the
True Point of Beginning.

VALUE

\$ 85,000.00

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Lots 6 and 11 and the West 5 feet of Lot 12,
in Block 42 of the Wendell Townsite, as the
same is platted in the official plat thereof,
now of record in the office of the recorder
of Gooding County, State of Idaho.

VALUE:

\$ 25,000.00

171801

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of Alfred E. Barnes

20 min. past 9 o'clock AM this 31st

of July 1997 15.00

By Penny Watson Deputy

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Important Information About Your Water Right

January 2, 2002

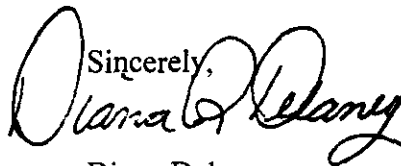
Virgil L Jenkins
3550 S 1800 E
Wendell, ID 83355

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, Nunc Pro Tunc** (hereinafter "**Order**") for water right number 36-07793. 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 this 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 on the same date that the **Partial Decree** was originally issued.

Sincerely,


Diana Delaney
Case Administrator

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707 JAN -2 PM 2:38

FILED
TWIN FALLS, IDAHO
1999

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

	)	Water Right 36-07793
In Re SRBA	)	
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

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, on June 24, 1999, 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 *Supplemental Director's Report*

~~THEREFORE IT IS ORDERED that the period of use element for the irrigation season~~

This order is being entered *nunc pro tunc* as of the date the ***Partial Decree*** was issued and is not intended to modify 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 **JAN 0 2 2002**


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07793

1997 DEC 29 AM 10:34

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

SOURCE: GROUNDWATER

QUANTITY: 2.26 CFS
576.0 AFY

PRIORITY DATE: 06/01/1978

POINT OF DIVERSION: T08S R15E S19 SENESE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	2.26 CFS 576.0 AFY

PLACE OF USE:	IRRIGATION	Within GOODING County			
	T08S R15E S19	NESE 32	NWSE 40	SWSE 34	SESE 38
	144 ACRES TOTAL				

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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APR 06 2004



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

March 25, 2004

BARBARA S JENKS
340 3RD AVE E
WENDELL ID 83355

RE: Change of Ownership for Water Rights 36-7793 and 36-7946

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,

Jeff Peppersack, Manager

JP:klt

Enclosures