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Department of Water Resources
Southern Region

STATE OF IDAHO Department of Water Resources
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
36-07573					

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) Mark Barnes
4. New Owner/Claimant(s) 93 Golf Ranch
40 Edward Peterson
Name Connector (Check one: ☐ and, ☐ or, ☐ and/or
- New Mailing Address 805 4th Ave East
- City, State and ZIP Code Jerome, Idaho 83338
- New Telephone Number 208 324-5619
5. Date you acquired the property April 15, 1998

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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)
(include title if applicable)

Edmund Peterson

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 *[Signature]* Date 1/28/02 Fee 25.00
 Received by *[Signature]* Date 1/28/02 Receipt No. 5024573
 Processed by AJ Date _____ WR _____ Date _____

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9 8 2 6 4 4

#J-26318

WARRANTY DEED

For Value Received

MARK BARNES and RONDA BARNES, husband and wife

RECORDED IN THE CLERK'S OFFICE
Land Title & Escrow, Inc.
APR 20 3 20 PM '98
JEROME, IDAHO
FEES \$2.00

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

ED PETERSON and SHARON PETERSON, husband and wife, as to an undivided 44.2% interest.
Address: 4th Avenue East, Jerome, ID 83338

WALLY PETERSON and GAIL PETERSON, husband and wife, as to an undivided 44.2% interest.
Address: 137 West 400 South, Jerome, ID 83338

BILL and DORIS BARNES, husband and wife, as to an undivided 11.6% interest.
Address: 5722 U.S. Highway 93 Jerome, ID 83338

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

TOWNSHIP 8 SOUTH, RANGE 17, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 26: SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; EXCEPT that portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

A strip of land 60 feet wide on the Easterly side of the following described center line of highway as surveyed and shown on the official plat of the Sawtooth Park F-2391 (1) Highway Survey on file in the office of the Department of Highways of the State of Idaho:

Beginning at Station 488+53.6 of the said Highway Survey, which station is a point on tangent approximately coincident with the Southwest corner of said Section;
Thence running North 0°17' East, 1326.4 feet to Station 501+80 of said Survey, which station is a point on tangent approximately 1326.4 feet North from the Southwest corner of said Section 26;

AND EXCEPTING THEREFROM that portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, described as follows:

Beginning at the Southeast corner of Section 26;
Thence North 89°49'36" West, 1343.00 feet along the Southerly boundary of Section 26 to THE TRUE POINT OF BEGINNING;
Thence North 0°10'24" East, 319.00 feet;
Thence Southwesterly along a curve to the right having a radius of 550.00 feet, an arc length of 372.31 feet and a chord of South 44°27'08" West, 365.25 feet;
Thence South 0°10'24" West, 57.50 feet to a point on the Southerly boundary of Section 26;

Thence South 89°49'36" East, 255.00 feet along the Southerly boundary of Section 26 to THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM that part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows:

Commencing at the West quarter corner of Section 26;
Thence South 89°38'22" East, 200.00 feet along the North boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 26 to the East right of way boundary marker of Highway 93, which is THE TRUE POINT OF BEGINNING;
Thence South 00°17'00" West, 169.82 feet along a line parallel with the West boundary of Section 26 to a point;
Thence South 89°38'22" East 200.00 feet along a line parallel with the North boundary of the NW¼SW¼ of Section 26 to a point;
Thence South 00°17'00" West, 171.82 feet along a line parallel with the West boundary of Section 26 to a point;
Thence Northeasterly 573.33 feet along a 1372.11 foot radius curve, long chord distance of 569.17 feet, long chord bearing North 58°48'33" East to a point;
Thence North 00°17'00" East 43.82 feet along a line parallel with the West boundary of Section 26 to a point;
Thence North 89°38'22" West, 685.43 feet along the North boundary of the NW¼SW¼ of Section 26 to THE TRUE POINT OF BEGINNING.

SUBJECT TO a 25.00 foot easement along the North boundary.

EXCEPTING THEREFROM that part of the NW¼SW¼ described as follows:

Commencing at the West quarter corner of Section 26;
Thence South 89°38'22" East, 200.00 feet along the North boundary of the NW¼SW¼ of Section 26 to a point on the East right of way of U.S. Highway 93, marked by a brass capped monument;
Thence South 0°17'00" West, 169.82 feet along said boundary to THE TRUE POINT OF BEGINNING;
Thence South 0°17'00" West, 410.00 feet along said highway right of way to a point on said line;
Thence Northeasterly 311.47 feet along a 1372.11 foot radius curve right, with a long chord distance of 310.80 feet and a long chord bearing of North 40°20'10" East to a point;
Thence North 0°17'00" East 171.82 feet to a point;
Thence North 89°38'22" West, 200.00 feet to THE TRUE POINT OF BEGINNING.

TOGETHER WITH all water and water rights, ditches or ditch rights used thereon or appurtenant thereto, including but not limited to 26 shares of capital stock in the North Side Pumping Company.

TOGETHER WITH IDWR RIGHT NOS. 36-07573.

SUBJECT TO:

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

Taxes for 1998 and subsequent years.

Assessments of the North Side Pumping Company and the rights and powers of said Company as by law provided.

Right of way for roads, canals, laterals and waste ditches as contained in an Agreement by and between the State of Idaho, and the Twin Falls North Side Land and Water Company, dated August 21, 1907, recorded in Book 15 Page 589, Jerome County records.

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Easement contained in Right of Way Deed given by Sam Hansen and Anna Hansen, husband and wife, to the State of Idaho, dated May 10, 1951, recorded June 21, 1951 in Book 141 Page 462 as Instrument Number 113403, Jerome County records.

Power Line Easement given by Earle Thomason and Patricia Thomason, husband and wife, to Idaho Power Company, a corporation, dated March 22, 1965, recorded August 16, 1965 in Book 168 Page 530 as Instrument Number 164958, Jerome County records, affecting the E½SW¼ of Section 26, Township 8 South, Range 16, East Boise Meridian.

Financing Statement between Mark Barnes, as Debtor, and Farm Credit Leasing Services

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.

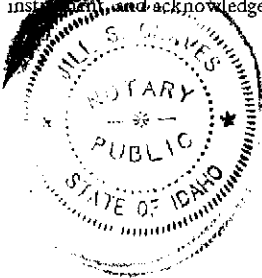
Dated: April 15, 1998

Mark Barnes
MARK BARNES

Ronda Barnes
RONDA BARNES

STATE OF IDAHO)
) ss.
COUNTY OF Latah)

On this 15th day of April, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared MARK BARNES and RONDA BARNES, 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.



Jill S. Mahon
Notary Public
Residing at: Moscow
My Commission expires: 2-28-2004

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2001 DEC 15 PM 3:33

FILED
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

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 36-07573
	)	
	)	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 January 15, 1998. 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 portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 to 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:

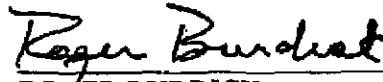
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify 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 December 18, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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 36-07573

1997 JUN 15 PM 1:00

NAME & ADDRESS: MARK BARNES
342 W TAYLOR AVE APT 3
MOSCOW ID 83843-4450

SOURCE: GROUNDWATER

QUANTITY: 2.92 CFS
752.0 AFY

PRIORITY DATE: 10/31/1975

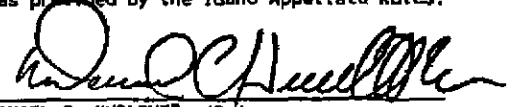
POINT OF DIVERSION: T08S R17E S26 SESESW Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	2.92 CFS 752.0 AFY

PLACE OF USE:	IRRIGATION	Within JEROME County			
T08S R17E S26		NESW 40	NWSW 39	SWSW 33	SESW 39
188 ACRES TOTAL		SWSE 37			

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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07573

PAGE 1
DEC-29-1997

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Important Information About Your Water Right

December 18, 2001

Mark Barnes
342 W Taylor Ave Apt 3
Moscow, ID 83843-4450

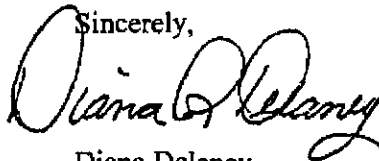
Dear Water Right Claimant(s):

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 36-07573. 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 January 15, 1998, 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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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

May 31, 2002

93 GOLF RANCH
C/O EDWARD PETERSON
805 4TH AVE EAST ID 83338

RE: Change of Ownership for Water Right 36-7573

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,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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