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JUN 27 2002

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

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JUN 26 2002

Department of Water Resources
Southern Region

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
<u>36-7350</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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)

Irene Vander Vegt
RAY VANDER VEGT

4. New Owner/Claimant(s)

Irene Vander Vegt
Name Connector (Check one): ☐ and ☐ or ☐ and/or

New Mailing Address

1587 E 3/00 S

City, State and ZIP Code

Wendell, ID 83355

New Telephone Number

() 208-536-6537

5. Date you acquired the property

Sept. 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)

Ray Vander West
RAY VANDER WEST

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 6/26/02 Fee 2500
 Receipted by [Signature] Date 6/26/02 Receipt No. 5225025
 Processed by [Signature] AJ Date _____ WR _____ Date _____

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WARRANTY DEED

#G-27186

For Value Received

Irene VanderVegt, a married woman, contracting with her sole and separate property, an undivided one-half interest; and Irene VanderVegt, as Trustee of the Trust created by the Last Will and Testament of George VanderVegt, dated February 19, 1974, an undivided one-half interest

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

Ray VanderVegt
Ray VanderVegt, an unmarried man, dealing with his sole and separate property
Address: 1587 East 3100 South, Wendell, ID 83355

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

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

Section 7; E1/2NW1/4; Lots 1 and 2;

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, and also including but not limited to any licensed domestic or irrigation water rights, and licenses with the state of Idaho, including but not limited to water right number A36-07350 for 2.34 cfs allowing for irrigation of 132 acres..

SUBJECT TO:

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

See attached Exhibit "A"

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: September 28, 1998

Irene VanderVegt
Irene VanderVegt

Irene VanderVegt, Trustee
Irene VanderVegt, Trustee of the Trust created by the Last Will and Testament of George VanderVegt, dated February 19, 1974
STATE OF IDAHO
COUNTY OF Gooding } ss.

On this 28th day of September, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Irene VanderVegt, 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.

BECKY SHUBERT
★ NOTARY PUBLIC ★
STATE OF IDAHO
My Commission Expires 02-05-00

Becky Shubert
Notary Public
Residing at:
My Commission expires:

177317
STATE OF IDAHO COUNTY OF GOODING
Land Title & Escrow Inc.
Filed for record at the request of
44 min. past 3 o'clock P.m. this 28th
September 1998
By Penny Archibald Deputy

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 28th day of September, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Irene VanderVegt, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee for the Trust created by the Last Will and Testament of George VanderVegt, dated February 19, 1974, and acknowledged to me that she executed the same as such Trustee.

BECKY SHUBERT
★ NOTARY PUBLIC ★
STATE OF IDAHO
My Commission Expires 02-05-00

Becky Shubert
Notary Public
Residing at:
My Commission expires:

Name: 177317.001.tif
Dimensions: 2544 x 4194 MICROFILMED

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Exhibit "A"

SUBJECT TO:

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

Taxes for 1998 and subsequent years, which are a lien, but not yet due and payable.

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

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Power Line Easement given by Vernon J. Cox and Tera J. Cox, to Idaho Power Company, a corporation, recorded April 24, 1974 as Instrument Number 50047, Gooding County records.

Financing Statement No. 2305 from George VanderVegt, etux, as Debtors, to Federal Land Bank, as Secured Party, filed October 15, 1979 as Instrument Number 79331, Gooding County records. CONTINUATION filed April 13, 1984 as Instrument Number 107466, Gooding County records. CONTINUATION AND AMENDMENT filed August 30, 1989 as Instrument Number 137815, and filed in the real estate records August 30, 1989 as Instrument Number 137816, Gooding County records.

W Mortgage given by George VanderVegt and Irene VanderVegt, husband and wife, to The Federal Land Bank of Spokane, dated September 26, 1979, recorded October 15, 1979 as Instrument Number 79332, Gooding County records, TO SECURE: \$108,000.00, however, no representation is made as to the present outstanding balance thereof. MEMORANDUM OF LOAN MODIFICATION dated February 24, 1992, recorded March 11, 1992 as Instrument Number 147990, Gooding County records. CONSENT dated February 26, 1992, recorded March 11, 1992 as Instrument Number 147991, Gooding County records.

Line of Credit Mortgage (Open End) and Fixture Filing to secure payment of a note for \$105,000.00, and any other amounts as therein provided, together with interest and any other obligations thereby:

Recorded:	July 10, 1996 as Instrument No. 166158, records of Gooding County, Idaho.
Dated:	August 14, 1995
Mortgagor:	Irene VanderVegt, a single person, the Trust created by the Last Will and Testament of George VanderVegt, dated February 19, 1974
Mortgagee:	Northwest Farm Credit Services, ACA

Name: 177317.002.tif
Dimensions: 2544 x 3282 pixels

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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)

Water Right 36-07350

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 30, 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: 03-01 10-31

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT. ccc

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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Important Information About Your Water Right

August 27, 2001

IRENE VANDER VEGT
76 E 400 S
JEROME, ID 83338

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 36-07350. 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 30, 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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JUL 10 2002

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

1997 DEC 30 AM 9:43

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07350

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: IRENE VANDER VEGT
76 E 400 S
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 2.34 CFS
528.0 AFY

PRIORITY DATE: 07/18/1973

POINT OF DIVERSION: T08S R15E S07 NESENW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	2.34 CFS 528.0 AFY

PLACE OF USE:	IRRIGATION	Within GOODING County			
	T08S R15E S07	NENW 40	NWNW 31	SWNW 31	SENW 30
	132 ACRES TOTAL				

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

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



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

June 28, 2002

RAY VANDER VEGT
1587 E 3100 S
WENDELL ID 83355

RE: Change of Ownership for Water Right 36-7350

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.

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

Enclosure

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State of Idaho
Department of Water Resources

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APR 11 1975

WATER RIGHT LICENSE

License of Water Right No. 36-7350 Priority July 18, 1973

Department of Water Resources
Am~~Southern District Office~~ 234 cfs

THIS IS TO CERTIFY, that VERNON J. COX

of Hagerman, Idaho, has complied with the terms and conditions of Permit No. 36-7350 issued pursuant to Application for Permit dated July 10, 1973, and has submitted proof to the Department of Water Resources on September 9, 1974 (late proof), that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 2.34 cfs of water from a ground water source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 1</u> to <u>Oct. 31</u>	at <u>2.34</u> cfs and	<u>568 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>4.0 af per acre</u>
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.34 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 568 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 7,
Twp. 8 S, Rge. 15 E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8 S	15 E	7					40	31	31	40									142

Total number of acres irrigated 142

A measuring device of a type approved by this Department shall be permanently maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7 day of April, 19 75.

Director