

No Color
Documents
In File

36-07282-decreed
36-07314C-not decreed

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

MAY 19 1998

Department of Water Resources
Southern Region

1. Water Right Number(s) 36-00037B, 36-07282 and 36-07314C
Adjudication Claim Number(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, or other legal document indicating your 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 on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Services Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimants Calvin J. & Myrle Eckles
HCO 60, Box 1255, Bliss, Idaho 83314
4. New Owner/Claimant(s) Peter L. Sturdivant
Name connector (check one): [] AND, [] OR, [] AND/OR
New Mailing Address P.O. Box 606
City, State and ZIP Code Hailey, ID 83333
New Telephone Number (208) 788-9845
5. Date you acquired the property May 4, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water rights(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 actually irrigated _____ Number and type of stock _____
Diversion rate in CFS cubic feet per second _____ 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/Claimant(s) PETER L. STURDIVANT Date 4/29/98
(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

MICROFILMED

MAY 22 2000

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MAY 20 2003

WARRANTY DEED

FOR VALUE RECEIVED, and as consideration as part of an IRC § 1031 tax-deferred exchange,

Calvin J. Eckles and Myrle Eckles, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

Peter L. Sturdivant, a married man

The grantee, whose address is P. O. Box 606, Hailey, Id 83333

the following described premises, in GOODING COUNTY, IDAHO, to wit:

See Attached Exhibit "A" attached hereto and made a part hereof

Together with any and all water rights appurtenant thereto including, but not limited to, Water Rights Nos. 36-00037B, 36-07282 and 36-07314C as decreed in Re Snake River Basin Adjudication, Case No. 39576, Twin Falls District Court.

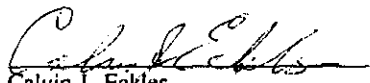
This transaction is a 1031 Exchange for the benefit of Calvin J. Eckles and Myrle Eckles, husband and wife, as "Relinquished Property" and for Peter Sturdivant, a married man, as "Replacement Property".

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that the owner in fee simple of said premises; that they are free from all incumbrances

and that will warrant and defend the same from all lawful claims whatsoever.

Dated: April 29, 1998

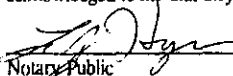

Calvin J. Eckles


Myrle Eckles

STATE OF Idaho

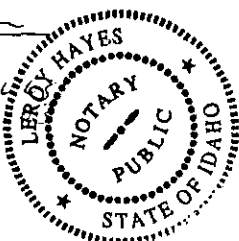
COUNTY OF:

On this 30th day of APRIL, 1998
before me a Notary Public in and for said State,
personally appeared Calvin J. Eckles and Myrle Eckles
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.


Notary Public

Residing at: Twin Falls
Comm. expires: 11-26

Seal/Stamp



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MAY 19 1998

Department of Water Resources
Southern Region

175322

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the office of Land Title & Escrow, Inc.

10 min. past 4 o'clock P.m. this 4th

May 1998 6.00

Myrle Eckles Deputy

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MAY 19 1998

Department of Water Resources
Southern Region

CONTINUATION - SCHEDULE A

Order Number: G-26747

TOWNSHIP 7 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 11: A parcel of land located in Lots 2 and 3 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$, more specifically described as follows:

Commencing at the West quarter corner of Section 11, Township 7 South,
Range 13, East Boise Meridian;
Thence South 89°41'17" East, 292.03 feet along the Southerly boundary of Lot
3 said Section 11 to THE REAL POINT OF BEGINNING;
Thence North 22°08'13" East, 1606.63 feet;
Thence South 78°13'14" East, 1167.80 feet to a point on the top of a rim rock;
Thence Southerly along the top of the rim rock the following 5 courses and
distances:
South 0°43'44" East, 258.93 feet;
South 3°18'49" East, 111.59 feet;
South 18°15'14" East, 103.89 feet;
South 10°14'13" West, 84.98 feet;
South 1°42'19" East, 136.93 feet to a point of intersection with the
Northwesterly channel of Billingsley Creek;
Thence along the centerline of the Northwesterly channel of Billingsley Creek
the following 6 courses and distances:
North 65°13'30" West, 32.94 feet;
North 24°13'28" West, 173.16 feet;
North 59°11'06" West, 49.87 feet;
South 48°03'34" West, 376.98 feet;
South 3°04'09" East, 242.39 feet;
South 28°41'48" West, 308.09 feet to a point in the Southerly boundary of
the SE $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 11;
Thence North 89°41'17" West, 1221.61 feet along the Southerly boundary of
the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and Lot 3 of said Section 11 to THE REAL POINT OF
BEGINNING.

SUBJECT TO a 15 foot wide access easement along the Northerly boundary.

TOGETHER WITH a 15 foot wide access easement adjacent to the Northerly
boundary and a 50 foot wide roadway easement being 25 feet each side of the
following described centerline:

Commencing at the Northeast corner of the above described parcel of land:

Thence North 78°13'14" West, 97.51 feet;
Thence South 19°07'42" West, 3.22 feet to THE POINT OF BEGINNING;
Thence North 19°07'42" West, 321.01 feet;
Thence North 12°23'03" West, 236.55 feet;
Thence North 13°28'00" West, 66.69 feet;
Thence North 3°53'01" West, 50.22 feet to THE POINT OF ENDING.

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MAY 22 2000

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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 36-07282

1997 DEC 30 AM 9:42

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: MYRLE ECKLES
CALVIN J ECKLES
HC 60 BOX 1255
BLISS ID 83314

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 36.00 CFS

FACILITY VOLUME 387,684 CU. FT.
USE OF THIS RIGHT WITH RIGHT NO. 36-07314C IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 41.00 CFS AND A TOTAL COMBINED
FACILITY VOLUME OF 420,000 CUBIC FEET.

PRIORITY DATE: 01/05/1973

POINT OF DIVERSION: T07S R13E S11 NWSNW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	FISH PROPAGATION	01-01 12-31	36.00 CFS

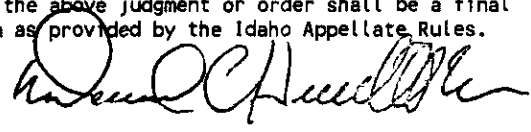
PLACE OF USE: FISH PROPAGATION Within GOODING County
T07S R13E S11 Lot 2 (NENW) Lot 2 (NWNW) SENW

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, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 24, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

PETER L STURDIVANT
PO BOX 606
HAILEY ID 83333-0606

RE: Decreed Water Rights 36-00037B/36-07282 + 36-7314C

Dear Mr. Sturdivant:

The department acknowledges receipt of correspondence changing ownership of the above referenced decreed 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 the department if you have questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosure

cc: IDWR-Southern Region

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MAY 22 2000

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NOV 20 2003

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

May 18, 1998

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Department of Water Resources
Southern Region

Mr. Alan Merritt
Idaho Department of Water Resources
1341 Filmore, Suite 200
Twin Falls ID 83301

Re: Peter L. Sturdivant

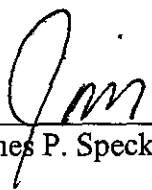
Dear Alan:

Enclosed you will find a Notice of Change of Water Right Ownership and Notice of Appearance by my firm for Water Right Nos. 36-00037B, 36-07282 and 36-07314C as decreed in the SRBA. I am also enclosing an Assignment of Permit to Mr. Sturdivant for Permit No. 36-07750B. Once all of the appropriate changes have been made in the IDWR and SRBA records, please provide me with confirmation documentation. If you have any questions please give me a call.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

JPS:rsd
enclosures
cc: Peter L. Sturdivant, w/encl.

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MAY 22 2000

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MAY 22 2000

State of Idaho
Department of Water Resources

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WATER RIGHT LICENSE

License of Water Right No. 36-7282 Priority January 5, 1973 Department of Water Resources
Southern District Office

THIS IS TO CERTIFY, that O. S. &/or ETHEL C. SMITH
of Hagerman, Idaho, has complied with the terms and conditions of Permit
No. 36-7282 issued pursuant to Application for Permit dated January 5, 1973,
and has submitted proof to the Department of Water Resources on October 22, 1979,
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 39.04 cfs of water from Billingsley Creek,
tributary to Snake River, and that the permit holder has applied to a beneficial use an
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish			
Propagation	from <u>January 1</u> to <u>December 31</u>	at <u>36</u> cfs and <u>N/A</u>	
	from _____ to _____	at _____ cfs and _____	
	from _____ to _____	at _____ cfs and _____	

(both dates inclusive)

Subject, however, to the condition that no more than 36 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
N/A acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, Twp. 7S,
Rge. 13E, 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 $\frac{1}{4}$	
7S	13E	11					Lot 2 X	X		X									

CONDITIONS: Total number of acres irrigated _____

(1) Measuring devices of a type approved by the Department shall be maintained at the point of diversion & point of effluent discharge. (2) Use of water under this license is subject to control by the watermaster of State Water District # 36-A, Billingsley Creek. (3) Facility volume = 8.9 acre feet. (4) This license covers 8 earthen ponds.

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 16 day of
May, 19 80

Director

36-7282