

No Color
Documents
In File

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

RECEIVED

AUG - 9 2002 *K*

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
36-7284	36-16082 36-16083	✓			
36-7799		—			
36-7208		—			
36-8140		—			

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)

McCond Family Partnership
3415 S 2400 E, Jerome, ID 83338

4. New Owner/Claimant(s)

Hill &/or Ann Brundage
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2250 E 3200 S

City, State and ZIP Code

Wendell, ID 83355

New Telephone Number

(208) 404-7501

5. Date you acquired the property

See file 36-16083 for support documentation

MICROFILMED

OCT 9 4 2002

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 <u>36-7284</u> ~~36-16082~~ ~~36-16083~~		
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	<u>2.89 cfs</u>	<u>795.24 ft</u>
Stock		<u>178.8 ac (see attached)</u>
Domestic		
Other		
Total	<u>2.89 cfs (3.01 cfs when combined with 36-7799)</u>	

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)

Philip A. Gunderson

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 JS
 Received by JS
 Processed by _____ AJ

Date 8-8-02
 Date 8-8-02
 Date _____

Fee \$125.

Receipt No. 5095/54

WR _____ Date _____

MICROFILMED
 OCT 04 2002

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 36-07208
	)	
	)	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 12, 2001.


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

December 12, 2001

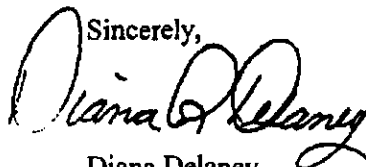
McCord Family Partnership
3415 S 2400 E
Jerome, ID 83338

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, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-07208. 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

MICROFILMED

OCT 8 4 2002

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 36-07208

1998 JUN 15 PM 12:17

FILED
TWIN FALLS, IDAHO
JUN 15 1998

NAME & ADDRESS: MC CORD FAMILY PARTNERSHIP
3415 S 2400 E
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 3.68 CFS
736.0 AFY

PRIORITY DATE: 11/10/1971

POINT OF DIVERSION: T08S R16E S30 MNWEN Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	3.68 CFS 736.0 AFY

PLACE OF USE: IRRIGATION Within GOODING County
T08S R16E S30 NEW 40 Lot 2 (SWNW)32 SENW 40 NESW 40
Lot 3 (NWSW)32
184 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

FILED
JUN 14 2002



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

October 7, 2002

HILL BRANDSMA
ANN BRANDSMA
2250 E 3200 S
WENDELL ID 83355

RE: Change of Ownership for Water Rights 36-7208, 36-7799, 36-8140

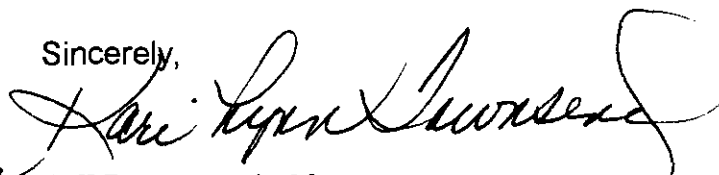
Dear Water Right Holder(s):

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 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

Enclosures

MICROFILMED
OCT 10 4 2002

State of Idaho
Department of Water Resources

RECEIVED

DEC 18 1975

WATER RIGHT LICENSE

License of Water Right No. 36-7208 Priority Nov. 10, 1971 Amount 3.68 cfs
Department of Water Resources
Southern District Office

THIS IS TO CERTIFY, that LLOYD McCORD
of Jerome, Idaho, has complied with the terms and conditions of Permit
No. 36-7208 issued pursuant to Application for Permit dated November 10, 1971,
and has submitted proof to the Department of Water Resources on September 12, 1975,
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 4.0 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 15</u> to <u>Nov. 15</u>	at <u>3.68</u> cfs and	<u>736</u> acre feet or
	from _____ to _____	at _____ cfs and	<u>4.0</u> af per acre
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 3.68 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
736 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 30,
Twp. 8 S, Rge. 16 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	16 E	30					40		32	40	40	32							184

Total number of acres irrigated 184

A measuring device of a type approved by the 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 15 day of
December, 19 75.

Director

Instrument # 2023719

JEROME COUNTY, JEROME, IDAHO

2002-07-16

03:40:23 No. of Pages: 3

Recorded for : LAND TITLE & ESCROW

CHERYL WATTS

Fee: 9.00

Ex-Officio Recorder Deputy

For Value Received

MCCORD FAMILY PARTNERSHP, an Idaho Limited Partnership

RECEIVED

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

AUG 08 2002

HILL A. BRANDSMA and ANN BRANDSMA, husband and wife

Address: 2250 East 3200 South, Wendell, ID

Department of Water Resources
Southern Region

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

SEE EXHIBIT "A" ATTACHED HERETO:

SUBJECT TO:

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

Instrument # 196095

GOODING, GOODING, IDAHO

2002-07-16

04:24:25 No. of Pages: 3

Recorded for : LAND TITLE, JEROME

HELEN EDWARDS

Fee: 9.00

Ex-Officio Recorder Deputy

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto

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: July 15, 2002

By: Harriett McCord
 HARRIETT MCCORD, General Partner
 MCCORD FAMILY PARTNERSHP

STATE OF IDAHO)

COUNTY OF JEROME)

) ss.
)

On this 15th day of July, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared **HARRIETT MCCORD**, known or identified to me to be the General Partner of the limited partnership that executed the instrument of the person who executed the instrument on behalf of said limited partnership and acknowledged to methat such partnership executed the same. subscribed to the withi

Notary Public

Residing at:

My Commission expires:

 RICK BERNSEN
 ★ NOTARY PUBLIC

EXHIBIT A

Order Number: JG-30989

PARCEL NO. 1:

**TOWNSHIP 8 SOUTH, RANGE 16, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO**

Section 19: SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 30: Lots 2 and 3; NE $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$; That part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northwest corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 8 South, Range 16 East Boise Meridian, said corner marked by a US Bureau of Land Management aluminum pipe with cap which shall be the TRUE POINT OF BEGINNING;

Thence South 89°42'00" East along the North line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 721.65 feet to a $\frac{1}{2}$ " rebar;

Thence South 23°31'24" West for a distance of 172.87 feet to a $\frac{1}{2}$ " rebar;

Thence along a curve to the left for 1187.38 feet to a $\frac{1}{2}$ " rebar on the West line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said curve having a radius of 1348.39 feet with a central angle of 50°27'15" and a long chord bearing of South 34°35'49" West for a distance of 1149.39 feet;

Thence North 00°00'04" West along the West line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 1108.42 feet to THE POINT OF BEGINNING.

EXCEPTING part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ more particularly described as follows:

Beginning at the Northeast Section corner of Section 30 of Township 8 South, Range 16 East Boise Meridian, said corner marked by a $\frac{5}{8}$ " rebar;

Thence North 89°44'03" West along the North line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 305.30 feet to a $\frac{1}{2}$ " rebar on the centerline of county road which shall be the POINT OF BEGINNING;

Thence South 04°20'18" West along said centerline for a distance of 1308.97 feet to a $\frac{1}{2}$ " rebar;

Thence North 89°42'17" West for a distance 915.74 feet to a $\frac{5}{8}$ " rebar on the West line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence North 00°00'56" East along said line a distance of 819.33 feet;

Thence South 89°57'07" East for a distance of 46.10 feet;

Thence North 00°00'56" East for a distance of 54.91 feet;

Thence North 89°57'07" West for a distance of 46.10 feet to the West line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$;

CONTINUATION

Order Number: JG-30989

Thence North 00°00'56" East along said line for a distance of 430.96 feet to the Northwest corner of the NE¼NE¼ marked by a 5/8" rebar;
Thence South 89°44'03" East along the North line of the NE¼NE¼ for a distance of 1014.39 feet to the POINT OF BEGINNING.

**TOWNSHIP 8 SOUTH, RANGE 16, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO**

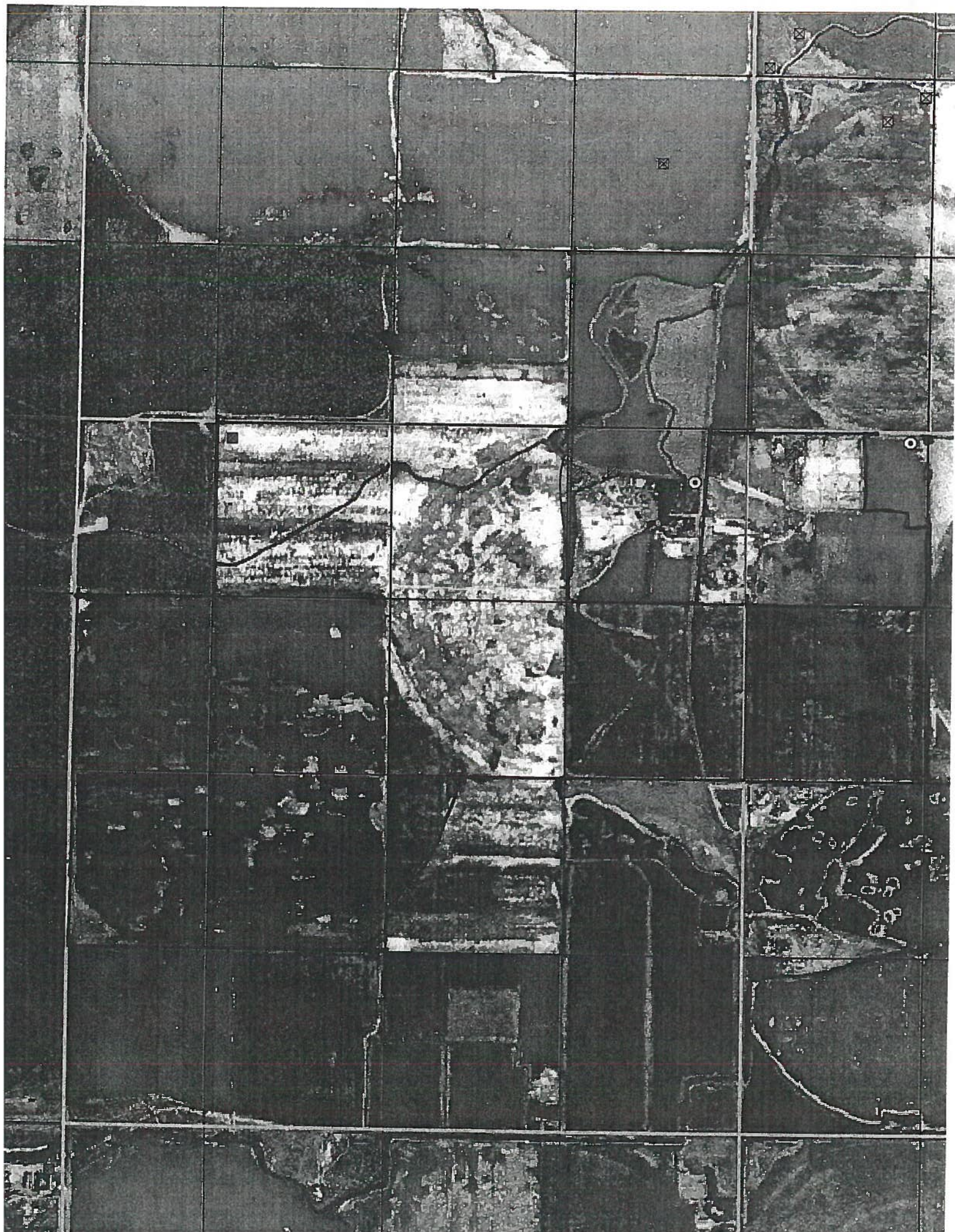
Section 29: NW¼NW¼; EXCEPTING THEREFROM part of the NW¼NW¼, more particularly described as follows:

Beginning at the Northeast corner of the NW¼NW¼ of Section 29 of Township 8 South, Range 16 East Boise Meridian, said corner marked by a 5/8" rebar which shall be the POINT OF BEGINNING;
Thence South 00°01'18" East along the East line of the NW¼NW¼ for a distance of 927.39 feet to a 1/2" rebar;
Thence North 89°45'58" West for a distance of 264.67 feet to a 1/2" rebar;
Thence North 00°01'18" West for a distance of 314.05 feet to a 1/2" rebar;
Thence North 80°04'39" West for a distance of 190.26 feet to a 1/2" rebar;
Thence North 00°37'27" West for a distance of 581.37 feet to a 1/2" rebar on the North line of the NW¼NW¼;
Thence South 89°45'58" East along said line for a distance of 458.18 feet to the POINT OF BEGINNING.

PARCEL NO. 2:

**TOWNSHIP 8 SOUTH, RANGE 16, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO**

Section 29: SW¼NW¼;



TRANSFER

36-7284 2.09 cfs 795.2 AFA } 3.01 cfs total for Brandema
36-7799 0.80 cfs 160 AFA

ACTION REQUIRED

FROM: Jim, Southern

TO: Karibynn Townsend 8-8-02

Mr. Brandsma requests processing of COO as soon as possible.
Thanks.

36-7208