

No Color
Documents
In File

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

#38008

RECEIVED

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

SEP 11 2003

Department of Water Resources

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
36-2436					
36-15200					

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**.

Name and Address of Former Owner/Claimant(s) Rogelio O. Maldonado and Maria Maldonado
P. O. Box 138
Rupert, ID 83350

New Owner/Claimant(s) Duncan Limited Partnership and PKD Properties, L.C.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 750 East 100 South

City, State and ZIP Code Rupert, ID 83350

New Telephone Number (208) 436-1214

Date you acquired the property September 8, 2003

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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)
- | | |
|----------------------------|------------------------|
| DUNCAN LIMITED PARTNERSHIP | PKD PROPERTIES, L.C. |
| By: <u>Paul Duncan</u> | By: <u>Paul Duncan</u> |
| Paul Duncan, Partner | Paul Duncan, Member |

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 <u>J. Mann</u>	Date <u>9-11-03</u>	Fee <u>\$ 50.00</u>
Received by <u>J. Mann</u>	Date <u>9-11-03</u>	Receipt No. <u>2070862</u>
Processed by _____	AJ Date _____	WR _____ Date _____

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SEP 17 2003

WARRANTY DEED

#38008

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SEP 15 2003

468040

For Value Received

Rogelio O. Maldonado and Maria Maldonado, husband and wife Department of Water Resources

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

Duncan Limited Partnership, an Idaho limited partnership and PKD Properties, L.C., an Idaho limited liability company

**Address: 750 East 100 South
Rupert, Idaho 83350**

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

**TOWNSHIP 7 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO**

Section 24: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 25: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ AND SE $\frac{1}{4}$ SE $\frac{1}{4}$

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho Water Adjudication Nos. 36-2436 and 36-15200.

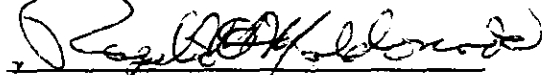
SUBJECT TO:

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

Taxes for 2003 and subsequent years.

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 8, 2003


Rogelio O. Maldonado


Maria Maldonado

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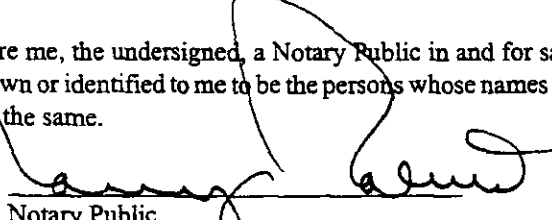
OCT 07 2003

STATE OF IDAHO

COUNTY OF Cassia

)
) ss.
)

On this 8th day of September, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared **Rogelio O. Maldonado and Maria Maldonado**, 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: Burley, ID
My Commission expires: 6-30-09

Larry Roberts
Notary Public
State of Idaho

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OCT 07 2003

Instrument # 468040

MINIDOKA COUNTY, RUPERT, IDAHO
2003-09-08 03:26:42 No. of Pages: 2
Recorded for : BURLEY LAND TITLE
DUANE SMITH Fee: 6.00
Ex-Officio Recorder Deputy Lil

Idaho Department of Water Resources Receipt

Receipt ID C070862

Payment Amount \$50.00 Date Received 9/11/2003 9:43:03 AM Region State Status
Payment Type Check Check Number 4648

Payer LAND TITLE AND ESCROW INC

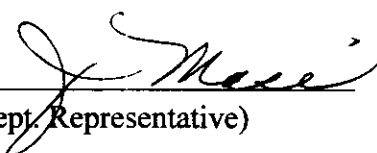
Comment WATER RIGHT 36-2436 36-15200

Fee Detail

Amount Description

Fund FD PCA SO

\$50.00 OWNERSHIP CHANGES/SECURITY INTERESTS 0229 21 56140 1155


Signature Line (Dept. Representative)

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OCT 8 7 2003

Important Information About Your Water Right

August 27, 2001

MARIA A MALDONADO
ROGELIO O MALDONADO
302 S A ST
PO BOX 138
RUPERT, ID 83350

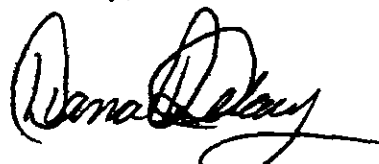
Dear Water Right Claimant(s):

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 36-02436. 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 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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OCT 07 2003

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 36-02436

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 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, 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: 04-01 10-31

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR 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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2001 8 27 2001

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 36-02436

1998 JAN 15 AM 11:24

FILED
TWIN FALLS, IDAHO

NAME & ADDRESS: ROGELIO O MALDONADO JR
602 18TH ST
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 4.6 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-15200 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.60 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1184 AF.

PRIORITY DATE: 10/09/1960

POINT OF DIVERSION: T07S R25E S25 SESWNE Within MINIDOKA County

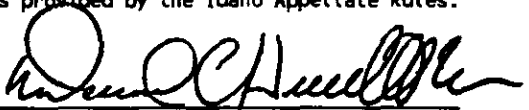
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	4.6 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County
	T07S R25E S24 ✓	SESE 20
	S25 ✓	NENE 39 NWNE 39 SWNE 40 SENE 39
		NESE 39 NWSE 40 SESE 40
	296 ACRES TOTAL	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 231 ACRES IN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-15200 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 296 ACRES IN A SINGLE
IRRIGATION SEASON.

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 36-02436

PAGE 1
DEC-11-1997

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OCT 07 2003



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

September 15, 2003

DUNCAN LIMITED PARTNERSHIP
PKD PROPERTIES LLC
750 E 100 S
RUPERT ID 83350

RE: Change of Ownership for Water Rights 36-2436 and 36-15200

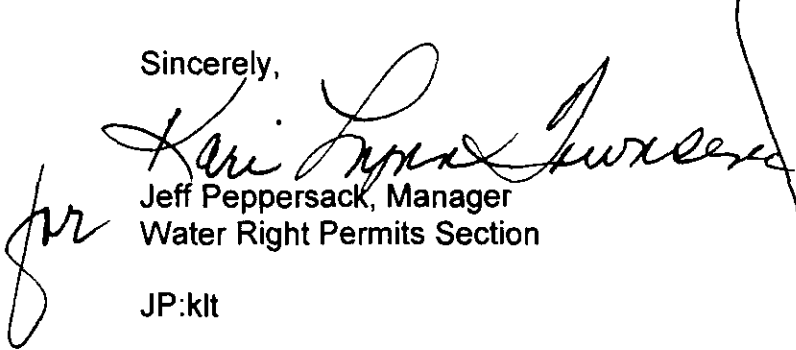
Dear Water Right Holder(s):

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
Water Right Permits Section

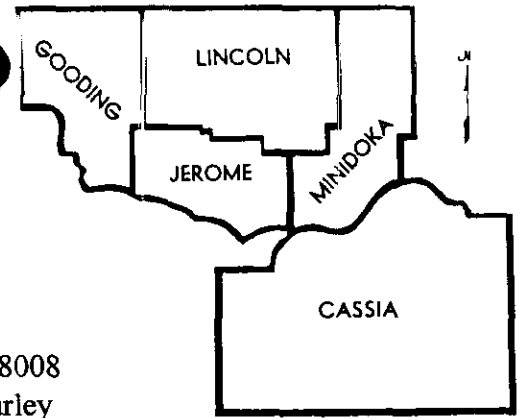
JP:klt

Enclosures

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SEP 07 2003

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #38008
OFFICE: Burley

September 12, 2003

RECEIVED

SEP 15 2003

Kari Lynn Townsend
Idaho Dept. of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Department of Water Resources

RE: Water Adjudication Nos. 36-2436 and 36-15200

Dear Kari Lynn:

Enclosed please find a copy of the original executed Warranty Deed from Rogelio O. Maldonado and Maria Maldonado, husband and wife to Duncan Limited Partnership and PKD Properties, L.C. that I forgot to enclose with the Notice of Change In Water Right Ownership.

Thanks for your help.

Very truly yours,
Land Title and Escrow, Inc.

A handwritten signature in cursive script that reads "Nancy Garrett".

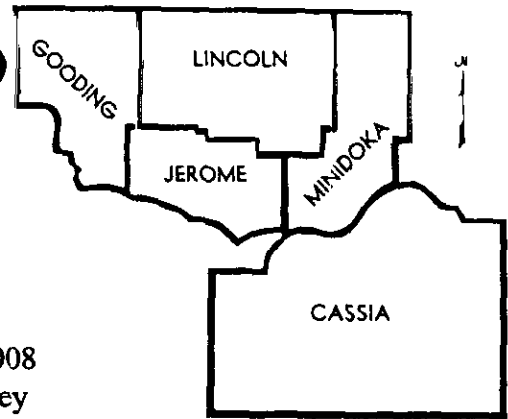
Nancy Garrett
Reconveyance Department

/nrg
enc.

MICROFILMED
OCT 07 2003

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



RECEIVED

SEP 11 2003

REFER TO: #38008
OFFICE: Burley

Department of Water Resources

September 9, 2003

Kari Lynn Townsend
Idaho Dept. of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Dear Kari Lynn:

Enclosed with this letter please find a Notice of Change In Water Right Ownership on Rogelio O. Maldonado's sale of property and water rights to Duncan Limited Partnership and PKD Properties, L.C. along with Land Title's check in the amount of \$50.00 for the transfer fee.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,
Land Title and Escrow, Inc.

A handwritten signature in cursive script that reads "Nancy Garrett".

Nancy Garrett
Reconveyance Department

/nrg
enc.

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OCT 07 2003

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 • FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 • FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 • FAX 436-1199