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Ortho
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HOUSE

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MAIN LINE

PUMP

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Ortho
2000

MICROFILM
MAR 17 2003

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RECEIVED RECEIVED

MAR 13 2003

MAR 12 2003

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

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
36-2381(A)					
36-2381(B)					
36-12043					

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)
Ronald Van Delden & Sandra Lee Van Delden, co-Trustees of the Ronald Van Delden & Sandra Lee Van Delden Living Trust
6455 Cambria Pines Road
Cambria, CA 93428
4. New Owner/Claimant(s)
Gary Garner & Beverly Garner
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address
1458 North 300 East
- City, State and ZIP Code
Rupert, ID 83350
- New Telephone Number
(208) 532-4123
5. Date you acquired the property
April 2002

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MAR 17 2003

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 Sanner
Beverly Sanner

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>Howert</u>	Date <u>3/12/03</u>	Fee <u>\$75.00</u>
Receipted by <u>Howert</u>	Date <u>3/12/03</u>	Receipt No. <u>5025553</u>
Processed by <u>Howert</u>	AJ Date _____	WR _____ Date _____

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MAR 12 2003

COPY

464170

WARRANTY DEED

THIS INDENTURE, made this 27th day of FEBRUARY, 2003,
between **RONALD VAN DELDEN** and **SANDRA LEE VAN DELDEN**, co-Trustees of the
Ronald Van Delden and Sandra Lee Van Delden Living Trust dated June 4, 1987,
whose address is 6455 Cambria Pines Road, Cambria, California 93428 ("**Grantor**"),
and **GARY GARNER** and **BEVERLY GARNER**, husband and wife, whose address is
1458 North 300 East Rupert, Idaho 83350, ("**Grantee**").

WITNESSETH:

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00),
lawful money of the United States of America, and other good and valuable
consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby
acknowledged, has granted, bargained, and sold and by these presents does grant,
bargain and sell, convey and confirm unto the Grantee, and to the heirs and assigns of
Grantee forever, all of the following described real estate situated in the County of
Minidoka, State of Idaho, to-wit:

TOWNSHIP 7 SOUTH, RANGE 24 EAST
BOISE MERIDIAN, MINIDOKA COUNTY,
IDAHO:

Section 12: West one-half (W $\frac{1}{2}$).

All water rights appurtenant including, but not limited to
numbers:

36-2381(A), 36-2381(B), 36-12043

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MAR 12 2003

Warranty Deed - 1

Instrument # **464170**

MINIDOKA COUNTY, RUPERT, IDAHO
2003-03-07 08:35:47 No. of Pages: 4
Recorded for : BURLEY LAND TITLE
DUANE SMITH Fee: 12.00
Ex-Officio Recorder Deputy

SUBJECT TO: Accruing taxes, levies and assessments, including assessments levied or to be levied by Magic Valley Ground Water District, Power Line Easement recorded as Instrument No. 166093 records of Minidoka County, easement for construction and maintenance of highway recorded as Instrument No. 409716 records of Minidoka County.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the heirs and assigns of Grantee forever.

The Grantor shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee, and the heirs and assigns of Grantee against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

**RONALD VAN DELDEN & SANDRA LEE
VAN DELDEN LIVING TRUST**

BY Ronald Van Delden
RONALD VAN DELDEN,
Co-Trustee

BY *Sandra Lee Van Delden*
SANDRA LEE VAN DELDEN,
Co-Trustee

STATE OF CALIFORNIA)
) ss.
County of _____)

On this ____ day of _____, in the year 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared **RONALD VAN DELDEN** and **SANDRA LEE VAN DELDEN**, known or identified to me to be the person whose name is subscribed to the within instrument as the Co-Trustees of the Ronald Van Delden and Sandra Lee Van Delden Living Trust, and acknowledged to me that they subscribed their names as said Co-Trustees.

see attached
Notary Public for California
Residing at _____
My Commission Expires: _____

(GarnerGary\WDeed.wpd)

Warranty Deed - 3

MICROFILMED
MAR 17 2003

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375

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383

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T1331

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Pump

T1502

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MAR 17 2001

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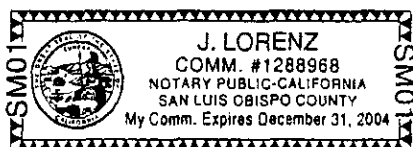
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA

County of SAN LUIS OBISPO

On FEBRUARY 27, 2003 before me, J LORENZ, NOTARY PUBLIC, personally appeared RONALD VAN DELDEN AND SANDRA LEE VAN DELDEN,

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Signature of Notary

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☒ Individual
☐ Corporate Officer

Title

- ☐ Partner(s) ☐ Limited
☐ General
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Guardian/Conservator
☐ Other:

DESCRIPTION OF ATTACHED DOCUMENT

WARRANTY DEED

Title or Type of Document

3

Number of Pages

02-27-2003

Date of Document

Absent Signer (Principal) is Representing:

Signer(s) Other Than Name(s) Above

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SEP 27 2003

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MAR 17

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)

Water Right 36-02381A

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 29, 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: 03-15 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 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

MICROFILMED
MAR 17 2003

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

Important Information About Your Water Right

August 27, 2001

SANDRA VAN DELDEN
RONALD VAN DELDEN
35474 MILLWOOD DR
WOODLAKE, CA 93286

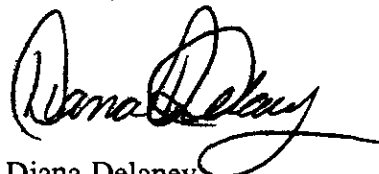
Dear Water Right Claimant(s):

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 36-02381A. 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 29, 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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MAR 17 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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02381A

1997 DEC 29 PM 3:00

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

NAME & ADDRESS: RONALD VAN DELDEN
SANDRA VAN DELDEN
35474 MILLWOOD DR
WOODLAKE CA 93286

SOURCE: GROUNDWATER

QUANTITY: 4.27 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-12043 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.27 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1232 AF.

PRIORITY DATE: 04/07/1959

POINT OF DIVERSION: T07S R24E S12 NESENW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	4.27 CFS

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T07S R24E S12	NENW 39	NWNW 39	SWNW 36	SENW 39
		NESW 38	NWSW 37	SWSW 40	SESW 40
	308 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 290 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-12043 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 308 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 36-02381A

FILED
MICROFILMED
2003
DEC 17 2003
PAGE 1
DEC-12-1997



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

March 14, 2003

GARY GARNER
BEVERLY GARNER
1458 N 300 E
RUPERT ID 83350

RE: Change of Ownership for Water Rights 36-2381A, 36-2381B, 36-12043

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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MAR 17 2003

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS

RICHARD K. SMITH

RANDOLPH C. STONE

LANCE A. LOVELAND

DAVID F. SHIRLEY

TELEPHONE
(208) 878-8382

FAX NO.
(208) 878-0146

pss@pmt.org

March 11, 2003

RECEIVED

MAR 12 2003

Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore Street, Suite 2000
Twin Falls, ID 83301-3380

RE: Water Right Nos. 36-2381(A), 36-2381(B), and 36-12043
Our File No. 7337.000010

Gentlemen:

I'm enclosing a check for \$75.00, a Change in Water Right Ownership, a map and a copy of the recorded Warranty Deed regarding the above water rights.

I notice on the printout that Gary Garner was shown as an original owner and I don't suspect that makes any difference as he and Beverly now own all of the property.

If there is something else, I need to provide please let me know.

Very truly yours,

PARSONS, SMITH & STONE, LLP


William A. Parsons

WAP:sw
Enc.

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MAR 17 2003