

No Color
Documents
In File

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

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

RECEIVED

DEC 4 2002

RECEIVED

DEC 04 2002

Department of Water Resources
 Southern Region

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>36-00050D</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) Anita Andersen
4. New Owner/Claimant(s) James E. Herbert
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P. O. Box 514
- City, State and ZIP Code West Valley Road, Hagerman, ID 83332
- New Telephone Number () _____
5. Date you acquired the property May 24, 2002

MICROFILMED

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) James E. Herbert

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>[Signature]</u>	Date <u>12/11/02</u>	Fee <u>\$25.00</u>	
Receipted by <u>[Signature]</u>	Date <u>12.11.02</u>	Receipt No. <u>C 066303</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

MICROFILMED

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

Instrument # 197923

GOODING, GOODING, IDAHO
2002-11-21 01:59:18 No. of Pages: 2
Recorded for: LAND TITLE
HELEN EDWARDS
Ex-Officio Recorder Deputy *Helen Edwards*

**** SPACE ABOVE FOR RECORDER ****

QUITCLAIM DEED

For Value Received **CAPELLA CORP.**, an Idaho corporation, does hereby convey, remise and forever quit claim unto **JAMES E. HERBERT**, whose address is: P.O. Box 514, 212 West Valley Road, Hagerman, Idaho 83332, the following described premises, to-wit:

See Attached Exhibit "A"

together with their appurtenances.

Dated: November 20, 2002

CAPELLA CORP.

By: *R. Todd Blass*
R. Todd Blass, President

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 20th day of November, 2002, before me, the undersigned, Notary Public in and for said State, personally appeared R. Todd Blass known or identified to me to be the President of the corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written

Kathy C. Easterday
Notary Public for Idaho

Residing at: Filer

My Commission expires: 01-29-2007

KATHY C. EASTERDAY
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT A
G020152

Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho

Section 14: A parcel of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

COMMENCING at the Northeast corner of said Section 14, from which the North One Quarter (N $\frac{1}{4}$) Corner of said Section 14 bears N88°42'16"W - 2860.81 Feet;

THENCE N88°42'16"W along the North Boundary of the NE $\frac{1}{4}$ of said Section 14 for a distance of 1274.08 Feet to a point on the Easterly Right-of-Way boundary of Highway U.S. 30;

THENCE S00°36'00" along the Easterly Right-of-Way boundary of Highway U.S. 30 for a distance of 192.01 Feet to the point of curvature of a spiral curve right;

THENCE Southwesterly along the arc of the spiral curve right for a distance of 17.02 Feet, said arc having a long chord bearing a distance of S00°36'31"W 17.02 feet, to the TRUE POINT OF BEGINNING;

THENCE S88°58'16"E along an existing fence line for a distance of 219.74 Feet;

THENCE S02°25'28"W along an existing fence line for a distance of 198.00 Feet;

THENCE N88°58'06"W for a distance of 221.96 Feet to a point on the Easterly Right-of-Way boundary of Highway U.S. 30, said point being on the arc of a spiral curve left;

THENCE Northeasterly along the arc of the spiral curve left for a distance of 198.00 Feet, said arc having a long chord bearing a distance of N02°02'28"E 197.96 Feet, to the TRUE POINT OF BEGINNING.

WARRANTY DEED

For Value Received

ANITA G. ANDERSEN, a single woman

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

CAPELLA CORP., AN IDAHO CORPORATION

the grantee(s), whose current address is

P. O. BOX 486, TWIN FALLS, ID 83301

the following described premises, to-wit:

See Attached Exhibit "A"

Together with State of Idaho Department of Water Resources Water
Right #36-00050D.

Instrument # 195430
GOODING, GOODING, IDAHO
2002-05-24 03:53:49 No. of Pages: 2
Recorded for : GOODING TITLE
HELEN EDWARDS
Ex-Officio Recorder Deputy *H. Edwards* Fee 6.00

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: May 24, 2002

Anita G. Andersen
ANITA G. ANDERSEN

STATE OF IDAHO

: ss

COUNTY OF GOODING

On This 24th day of May, in the year 2002, before me, a Notary Public in and for said State, personally appeared ANITA G. ANDERSEN, known or identified to me 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.

WITNESS my hand and official seal.

Wendell M. Dyer
Notary Public of Idaho
Residing at Wendell, ID
Commission Expires: 3-13-2004



EXHIBIT A
G020152

Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho

Section 14: A parcel of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

COMMENCING at the Northeast corner of said Section 14, from which the North One Quarter (N $\frac{1}{4}$) Corner of said Section 14 bears N88°42'16"W - 2660.81 Feet,

THENCE N88°42'16"W along the North Boundary of the NE $\frac{1}{4}$ of said Section 14 for a distance of 1274.08 Feet to a point on the Easterly Right-of-Way boundary of Highway U.S. 30;

THENCE S00°36'00" along the Easterly Right-of-Way boundary of Highway U.S. 30 for a distance of 192.01 Feet to the point of curvature of a spiral curve right;

THENCE Southwesterly along the arc of the spiral curve right for a distance of 17.02 Feet, said arc having a long chord bearing a distance of S00°36'31"W 17.02 feet, to the TRUE POINT OF BEGINNING;

THENCE S88°58'16"E along an existing fence line for a distance of 219.74 Feet;

THENCE S02°25'28"W along an existing fence line for a distance of 198.00 Feet;

THENCE N88°58'06"W for a distance of 221.96 Feet to a point on the Easterly Right-of-Way boundary of Highway U.S. 30, said point being on the arc of a spiral curve left;

THENCE Northeasterly along the arc of the spiral curve left for a distance of 198.00 Feet, said arc having a long chord bearing a distance of N02°02'26"E 197.96 Feet, to the TRUE POINT OF BEGINNING.

1. *Journal of the American Medical Association*, 1997; 277: 1033-1037.

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 36-00050D

1998 JAN -5 PM 1:43

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

NAME & ADDRESS: ANITA G ANDERSEN
18022-A US HIGHWAY 30
HAGERMAN ID 83332

SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION: T07S R13E S12 SESENW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within GOODING County
T07S R13E S14 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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

1998 JAN 05 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 36-00050D

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-00050D was mailed
on January 05, 1998, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO
Represented by:
CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

ANITA G. ANDERSEN
P.O. BOX 415
HAGERMAN, ID 83332

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

MICROFILMED

PAGE 1
01/05/98



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

December 11, 2002

JAMES E HERBERT
PO BOX 514
HAGERMAN ID 83332

RE: Change of Ownership for Water Right 36-50D

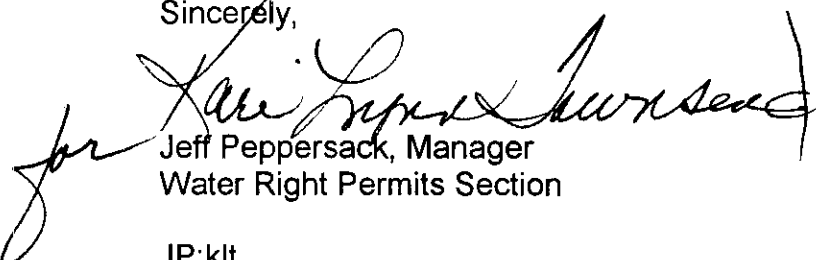
Dear Water Right Holder(s):

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. Also enclosed is a receipt for the \$25.00 filing fee paid by Gooding Title and Escrow.

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

Enclosure

MICROFILMED



GOODING
TITLE & ESCROW
COMPANY

RECEIVED

DEC 11 2002

Department of Water Resources

December 9, 2002

Idaho Dept. of Water Resources
Attn: Kari Lynn Townsend
1301 N. Orchard
Boise, ID 83706-2237

Re: James Herbert
Water Right #36-00050D

Dear Kari Lynn:

Enclosed please find our check #001613 in the amount of \$25.00, which represents the fee due in connection with the above-referred to ownership transfer.

Please feel free to contact our office if you need anything further.

Sincerely,

GOODING TITLE & ESCROW CO.

DeNene M. Dixon
Escrow Officer

/dmd
Encl.

MICROFILMED

JAN 03 2003



GOODING
TITLE & ESCROW
COMPANY

RECEIVED

DEC - 6 2002

Department of Water Resources

December 3, 2002

Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Water Right #36-00050D

Dear Sir or Madame:

Enclosed please find a Notice of Change of Water Right Ownership to be filed with your office on the above-referred to water right. Also enclosed is a copy of the Quit Claim Deed Jim Herbert received in connection with this transfer. Mr. Herbert originally purchased the property from Anita Anderson in May of 2002. He also did a reverse 1031 exchange which delayed the property from being transferred directly into his name.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

GOODING TITLE & ESCROW CO.

DeNene M. Dixon
Escrow Officer

/dmd
Encl.

RECEIVED
DEC 04 2002
Department of Water Resources
Southern Region

MICROFILMED

IAN 0 9 2003