

No Color

Documents

In File

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

RECEIVED**AUG 29 2003**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.

RECEIVED**AUG 29 2003**

Department of Water Resources

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. **Also list 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
36-113B					
36-7565					

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)

4. New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

Ken & Jill Stutzman
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
4123 Hidden Lake Dr.
Kimberly Idaho 83341
208 734-7366

SCANNED**MAY 19 2004****MICROFILMED****AUG 7 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)

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 [Signature] Date 8/28/03 Fee 50.00
 Received by [Signature] Date 8/28/03 Receipt No. 5026084
 Processed by AJ Date _____ WR _____ Date _____

MICROFILMED

OCT 07 2003

GB-04665

COPY

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

Instrument # 202314
GOODING, GOODING, IDAHO
2003-08-22 04:09:20 No. of Pages: 1
Recorded for: LAND TITLE
HELEN EDWARDS
Ex-Officio Recorder Deputy *Helen Edwards*

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

TRUST WARRANTY DEED

FOR VALUE RECEIVED CAPELLA CORP., an Idaho corporation, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto KEN L. STUTZMAN AND JILL STUTZMAN, husband and wife hereinafter called grantee, whose address is: P.O. Box JJ, Twin Falls, Idaho 83303, the following described premises, in Gooding County, Idaho, to-wit:

A tract of land in Parcel "A" of the Robert L. Justice Ranch, situate in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho more particularly described as follows:

Beginning at the Northeast corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11;
Thence S89°29'W along the North boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 333.8 feet to the TRUE POINT OF BEGINNING;
Thence S 0°31' E for a distance of 381.64 feet to the center line of Billingsley Creek;
Thence N 80°40' W along the center line of Billingsley Creek for a distance of 112.75 feet;
Thence N 0°31' W for a distance of 362.4 feet to the North boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence N 89°29' E along the North boundary for a distance of 111.0 feet to the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: August 21, 2003

CAPELLA CORP.

BY: *[Signature]*
Richard B. Stivers, Vice-President

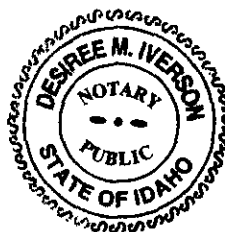
* * * * *

STATE OF IDAHO
County of Twin Falls

On this 22nd day of August, 2003, before me, the undersigned, Notary Public in and for said State, personally appeared Richard B. Stivers known or identified to me to be the Vice-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

[Signature]
Notary Public for Idaho
Residing at: *Twin Falls*
My Commission expires: *01-29-2007 1-15-2005*



MICROFILMED

OCT 17 2003

RECEIVED

APR 29 2003

RECEIVED

APR 25 2003

Department of Water Resources
Cameron Benin

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.

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
36-113B					
36-7565					

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) The Will of Jeanne A. Strom
838 Canyon Park Ave. Twin Falls, ID 83301
4. New Owner/Claimant(s) Ken L. Stutzman & Jill Stutzman
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box JJ
- City, State and ZIP Code Twin Falls, ID 83303
- New Telephone Number ()
5. Date you acquired the property April 25, 2003

MICROFILMED

OCT 07 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) _____

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 [Signature] Date 4/28/03 Fee 50.00
 Received by [Signature] Date 4/28/03 Receipt No. 9025764
 Processed by _____ AJ Date _____ WR _____ Date _____

MICROFILMED

RECEIVED

APR 29 2003

Department of Water Resources

OCT 07 2003

RECEIVED

APR 25 2003

Department of Water Resources
Southern Basin

RECEIVED

APR 29 2003

CB. 04395

49028SM

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

RECEIVED

APR 25 2003

Department of Water Resources
Southern Region

Instrument # 200432

GOODING, GOODING, IDAHO

2003-04-24

04:30:05

No. of Pages: 1

Recorded for: LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder

Deputy

Department of Water Resources

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

TRUST WARRANTY DEED

FOR VALUE RECEIVED ROBERT M. STROM, Trustee under the WILL OF JEANNE A. STROM dated June 17, 1983, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto CAPELLA CORP., an Idaho corporation hereinafter called grantee, whose address is: P.O. Box 486, Twin Falls, Idaho 83303-0486, the following described premises, in Gooding County, Idaho, to-wit:

A tract of land in Parcel "A" of the Robert L. Justice Ranch, situate in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho more particularly described as follows:

Beginning at the Northeast corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11;

Thence S89°29'W along the North boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 333.8 feet to the TRUE POINT OF BEGINNING;

Thence S 0°31'E for a distance of 381.64 feet to the center line of Billingsley Creek;

Thence N 80°40' W along the center line of Billingsley Creek for a distance of 112.75 feet;

Thence N 0°31' W for a distance of 362.4 feet to the North boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence N 89°29' E along the North boundary for a distance of 111.0 feet to the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 23, 2003

THE WILL OF JEANNE A. STROM DATED JUNE 17, 1983

BY: Robert M. Strom, Trustee
ROBERT M. STROM, Trustee

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 24th day of April, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert M. Strom known to me to be the Trustee of the trust that executed this instrument, or the person who executed the instrument on behalf of said trust, and acknowledged to me that he executed the same as such trustee.

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

Susan Moore
Notary Public for Idaho
Residing at: Twin Falls
My Commission expires: 11-28-2008



MICROFILMED

OCT 27 2003

RECEIVED

NOV 29 2001

Department of Water Resources

NOV 27 11 31 AM '01

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 36-00113B
	)	
	)	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 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, on August 2, 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: 02-15 to 11-30

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).

MICROFILMED

NOV 27 2002

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 November 27, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

1997 DEC 29 PM 4:55

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-001138

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

NAME & ADDRESS: JEANNE A STROM
ROBERT M STROM
931 E JUSTICE GRADE
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.038 CFS

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NESWNE Within GOODING County
NWSENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.038 CFS

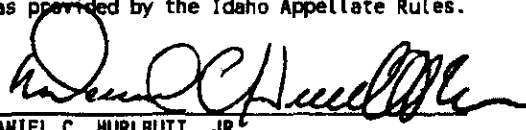
PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S11 SWNE 1
1 ACRES TOTAL

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.
LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO IDWR SHALL
BE PERMANENTLY INSTALLED AND MAINTAINED AS 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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-001138

PAGE 1
DEC-18-1997

MICROFILMED

MAR 27 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

September 4, 2003

KEN L STUTZMAN
JILL STUTZMAN
4123 HIDDEN LAKE DR
KIMBERLY ID 83341

RE: Change of Ownership for Water Rights 36-113B and 36-7565

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,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

OCT 8 7 2003

Receipt Details for ID S026084

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/28/2003 11:06:38 AM	8/29/2003 11:01:51 AM	SOUTHERN	\$50.00	Check
Payer		STUTZMAN, JILL		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1426			
Card Expiration Date	Credit Card Transaction #		

Comment owner change 36-113B, 36-7565

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	OWNERSHIP CHANGES/SECURITY INTERESTS	64140	0229	21		1155

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

DEBBIE ALLEN . . .

PLEASE ARRANGE FOR REFUND TO:

JILL STUTZMAN
4123 HIDDEN LAKE DR
KIMBERLY ID 83341

THESE OWNERSHIP CHANGE FEES WERE ALREADY PAID AND RECEIPTED ON RECEIPT # S025764 IN APRIL 2003. (COPY ATTACHED)

THANKS!

KARI LYNN
SEPTEMBER 4, 2003

MICROFILMED

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

May 30, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KEN L STUTZMAN
JILL STUTZMAN
PO BOX JJ
TWIN FALLS ID 83303

RE: Change in Ownership of Decreed Water Rights 36-113B and 36-7565

Dear Mr. & Mrs. Stutzman:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

✓ **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

The Trust Warranty Deed that accompanied your ownership change request conveys this water right and appurtenant land to Capella Corp. and not to you. Please furnish our office with documentation showing your ownership of this property so that we may complete your request.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

MICROFILMED

OCT 6 7 2003