

No Color
Documents
In File



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

MAR 30 1999

Department of Water Resources
Eastern Region

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 6 N Range 26
Section 28, 1/4 of 1/4 of 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

NENE; SWNE; NWNE;
SENE; SWNE; SENE

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

RECEIVED

APR 05 1999

☐ Water Right Number(s)
Assigned by IDWR: 34-12361

Department of Water Resources

☐ Name and Address of Former Owner/Claimant(s)(Seller): Shelton Family Trust
Frances D. Shelton Trustee
872 Highpoint Drive, Claremont, CA 91711

☐ New Owner/Claimant (Purchaser): Thomas A. Shelton

☐ New Mailing Address: 109 W 210 N
Blackfoot, Idaho 83221

☐ New Telephone Number: (208) 785-6165

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Thomas A. Shelton Date _____

☐ Signature of Former Owner/Claimant(s): Frances D. Shelton Date 3-9-99

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

MAY 18 2000

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

MICROFILMED

MAY 18 2000

NO. 034226
RECORDED

MAR 25 1999

11:40 AM PM
BUTTE COUNTY RECORDER
Shyla Moore

WARRANTY DEED

COPY

0217706

For Value Received, FRANCES D. SHELTON, in her capacity as Trustee of the SHELTON FAMILY TRUST, the Grantor, does hereby grant, bargain, sell, and convey unto THOMAS A. SHELTON, a married person, dealing with his separate property, of 109 W 210 N, Blackfoot, ID 83221, the Grantee, the following-described premises, to-wit:

Parcel 1

Township 6 North, Range 26 E.B.M., Butte and Custer Counties, Idaho.
Section 28: S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPTING therefrom the southerly 510 feet of the easterly 540 feet of the SE $\frac{1}{4}$ NE $\frac{1}{4}$

Together with decreed water from Big Lost River of the following amounts and priority dates: 20 inches, 4-30-84; 30 inches, 6-1-84; 60 inches, 8-31-87; and 279 inches of storage, Mackay Dam, and water rights under State of Idaho Water Permit License 34-12361

Parcel 2

An undivided one-third interest in and to the following:

Township 6 North, Range 26 E.B.M., Butte and Custer Counties, Idaho
Section 28: N $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPT all oil, gas and mineral rights below a point commencing 500 ft under the surface of said land.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all encumbrances of record.

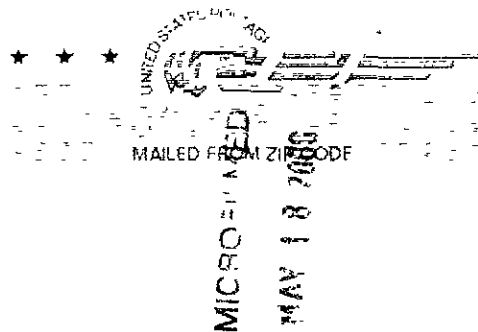
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Trust is the Owner in fee simple of

MICROFILMED

MAY 18 2009

Law office of
BAKER & HARRIS
PO Box 577
Blackfoot, ID 83221

**Department of Water Resources
900 N Skyline
Idaho Falls, ID 83402**



said premises; that said premises are free from all encumbrances except as hereinabove set forth and that the Trust will warrant and defend the same from all lawful claims whatsoever.

DATED this 9 day of March, 1999.

SHELTON FAMILY TRUST

By: Frances D. Shelton
FRANCES D. SHELTON, Trustee

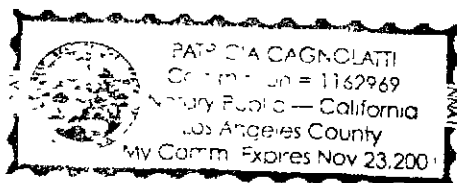
STATE OF California
County of Los Angeles : ss.

On this 9 day of March, 1999, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared FRANCES D. SHELTON, in her capacity as Trustee of the SHELTON FAMILY TRUST, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in such capacity.

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

(SEAL)

Patricia Cagnolatti
Notary Public
Residing at Carson, California
My Commission Expires: 11-23-2001



MICROFILMED
MAY 18 2000

217705
Custer County Reg. of
Baker & Harris

Time 11:15 A.M.
3/19 19 99
Ethel M Peck, Clerk
Janet Dango
Deputy
\$ 6.00

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 34-12361

1998 MAR 10 PM 4:13
DISTRICT COURT-SRBA
TWIN FALLS IDAHO
FILED _____

NAME & ADDRESS: THOMAS A SHELTON
109 W 210 N
BLACKFOOT ID 83221

JOHN SHELTON
192 N 350 W
BLACKFOOT ID 83221

SHELTON FAMILY TRUST
LEONARD A SHELTON TRUSTEE
319 HARVARD AVE
CLAREMONT CA 91711

RECEIVED

MAR 12 1998

Department of Water Resources
Adjudication Bureau

SOURCE: GROUNDWATER

QUANTITY: 0.84 CFS

USE OF THIS RIGHT WITH RIGHT NO. A34-02413C IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.67 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 609.5.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.46 CFS.
COMBINED RIGHT NOS.: 34-00049G, 34-00063A, 34-00065G, 34-00223C,
34-00224F, 34-00547G, 34-00547H, 34-00856F AND 34-02413C.

PRIORITY DATE: 04/01/1976

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T06N R26E S21 NWSWSE Within BUTTE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY-
	IRRIGATION	Irrigation Season	0.84 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE and CUSTER Counties		
	T06N R26E S28	NENE 40	NWNE 40	SWNE 40
		SWNW 15	SENE 40	SENE 35
	210 ACRES TOTAL			

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 210 ACRES IN A SINGLE
IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-00049G, 34-00063A, 34-00065G, 34-00223C,
34-00224F, 34-00547G, 34-00547H, 34-00856F AND 34-02413C.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 34-02413C PURSUANT TO SECTION 42-1426, IDAHO CODE.

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-12361

MICROFILMED

MAY 18 2000

PAGE 1
MAR-5-1998

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

MICROFILMED
MAY 18 2000

Important Information About Your Water Right

December 14, 2001

JOHN SHELTON
192 N 350 W
BLACKFOOT, ID 83221

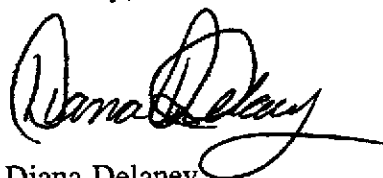
Dear Water Right Claimant(s):

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 34-12361. 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 March 10, 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

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 34-12361

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 March 10, 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 1, IDWR Basin 34, 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

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*.

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Dated December 14, 2001


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

Important Information About Your Water Right

December 14, 2001

SHELTON FAMILY TRUST
"LEONARD A SHELTON TRUSTEE
319 HARVARD AVE"
CLAREMONT, CA 91711

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In Re SRBA)
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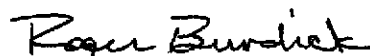
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Dated December 14, 2001



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

Important Information About Your Water Right

December 14, 2001

THOMAS A SHELTON
109 W 210 N
BLACKFOOT, ID 83221

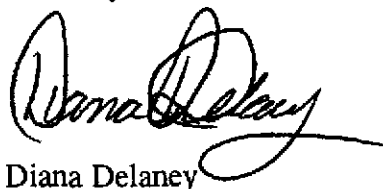
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Dated December 14, 2001



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Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
Case No. 39576)
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PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-12361

1998 MAR 10 PM 4:13
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: THOMAS A SHELTON
109 W 210 N
BLACKFOOT ID 83221

JOHN SHELTON
192 N 350 W
BLACKFOOT ID 83221

SHELTON FAMILY TRUST
LEONARD A SHELTON TRUSTEE
319 HARVARD AVE
CLAREMONT CA 91711

RECEIVED

MAR 12 1998

Department of Water Resources
Adjudication Bureau

SOURCE: GROUNDWATER

QUANTITY: 0.84 CFS

USE OF THIS RIGHT WITH RIGHT NO. A34-02413C IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.67 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 609.5.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.46 CFS.
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BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T06N R26E S21 NWSWE Within BUTTE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.84 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE and CUSTER Counties		
	T06N R26E S28	NENE 40	NWNE 40	SWNE 40
		SWNW 15	SENE 40	SENE 35
	210 ACRES TOTAL			

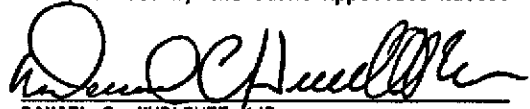
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 210 ACRES IN A SINGLE
IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00049G, 34-00063A, 34-00065G, 34-00223C,
34-00224F, 34-00547G, 34-00547H, 34-00856F AND 34-02413C.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 34-02413C PURSUANT TO SECTION 42-1426, IDAHO CODE.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 3, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

THOMAS A SHELTON
109 W 210 N
BLACKFOOT ID 83221

RE: Decreed Water Right 34-12361

Dear Mr. Shelton:

The department acknowledges receipt of correspondence changing ownership of the above referenced decreed 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.

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 the department if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

MAY 18 2000