

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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 63-29443

NAME & ADDRESS: AILEEN RUTHERFORD
ART S RUTHERFORD
HC 33 BOX 4010
BOISE ID 83706

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 06/01/1993

POINT OF DIVERSION: T05N R04E S29 SWNE Within BOISE County

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

PLACE OF USE: DOMESTIC Within BOISE County
T05N R04E S29 SWNE

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

Lot 74 Block 6, Clear Creek Estates Subd. No. 3

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.

BARRY WOOD
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MEMORANDUM

DATE: September 5, 2002
FROM: KARI LYNN TOWNSEND
TO: FILE 63-29443
RE: Ownership change request

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A request for change of ownership was received on 7-31-2000 from John A. & Inna McCann.

Our review resulted in a deficiency letter dated 8-1-2001 which was returned by the post office on August 8, 2001 stating "TEMPORARILY AWAY - RETURN TO SENDER". We resent the letter in October and it was returned by the post office on October 19, 2001 with the same message.

I checked with the Boise County Assessor's office and verified that they show the same address that we have on file. I tried to telephone the McCann's on August 1, 2002 and found that their phone has been disconnected.

A 3rd and final mailing of the letter was mailed on August 1, 2002. That letter has not been returned and there has been no response to our letter.

After discussing these events with Jeff Peppersack we decided to return the file to the vault after it has been microfilmed. No attempt to refund the \$25.00 filing fee will be made. If there is some later response from the McCann's we can renew the efforts to complete the ownership change or refund the filing fee.

MICROFILMED

OCT 02 2002

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

RECEIVED

JUL 27 2000

WATER RESOURCES
WESTERN 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, 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
	63-29443				

RECEIVED

JUL 31 2000

Department of Water Resources

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) are 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) ART S. & AILEEN RUTHERFORD
HC 33 BOX 4010, BOISE, ID 83706
4. New Owner/Claimant(s) JOHN A. & INNA McCANN
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 4 FRENCHMAN FLAT RD.
- City, State and ZIP Code BOISE, ID 83716-3208
- New Telephone Number (208) 392-6784
5. Date you acquired the property 7-27-00

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OCT 12 2002

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	<u>0.04 CF</u>	<u>ONE HOME</u>
Other	_____	_____
Total	<u>0.04 CF</u>	

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)

Julia A. McLean
Julia A. McLean

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 LM
 Received by LM
 Processed by _____ AJ

Date 7-27-00
 Date 7-27-00
 Date _____

Fee \$25.00
 Receipt No. W006791
 WR _____ Date _____

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JUL 27 2000



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

August 1, 2001

*3rd and last
request
8.1.02*

JOHN A MC CANN
INNA MC CANN
4 FRENCHMANS FLAT RD
BOISE ID 83716-3208

RE: Change in Ownership for Decreed Water Right 63-29443

Dear Mr. & Mrs. McCann:

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
- ☒ Legal Description of Property

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 on the Internet to obtain the proper forms and instructions.

Please feel free to contact this office if you have any questions.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k
Enclosure

MICROFILMED

OCT 02 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Re Service Requested

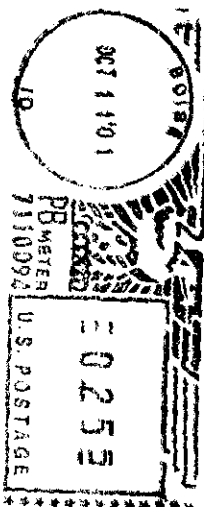
RECEIVED

OCT 19 2001

Department of Water Resources

WR #63- 29443 - Mail
resent on 5.31.02
Kari Lynn
5.30.02

PRESORTED
FIRST CLASS



MCCOA004 T037162221 1801 06 10/17/01
MCCANN
RETURN TO SENDER
TEMPORARILY AWAY
RETURN TO SENDER

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OCT 02 2002

Price County
Treasurers
Office
392-4441

RA/5030060740A



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

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Sincerely,

Kari Lynn Townsend
Secretary

MICROFILMED

KLT:k
Enclosure

OCT 02 2002

No Color
Documents
In File