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AP-1

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
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-26478

NAME AND ADDRESS: MILDRED M KOLANDER
1250 RUSH RD
EAGLE, ID 83616

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS

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

PRIORITY DATE: 09/01/1986

POINT OF DIVERSION: T04N R01E S05 NWSNW Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 2 HOMES	01-01 TO 12-31	0.08 CFS

PLACE OF USE: Domestic Within Ada County
T04N R01E S05 SENW

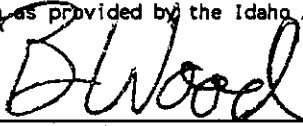
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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).

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



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

March 14, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BUDDY D KOLANDER
1260 RUSH RD
EAGLE ID 83616

RE: Change in Ownership of Water Right 63-26478

Dear Mr. Kolander:

My letter of December 11, 2000 requesting the \$25.00 filing fee that is now required for processing ownership changes on water rights remains unanswered. Therefore, I am returning the ownership change request, warranty deed and map to you. A copy of these papers will be kept in our files for reference.

If, at a later date, you wish to reinstate this request you may send the enclosed paperwork along with the required \$25.00 filing fee and we will be happy to complete the ownership change request for you.

You may call our office at 327-7900 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kari Lynn Townsend', is written over a horizontal line.

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

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

RECEIVED

JUL 10 2000

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right No(s).: 63-26478

Adjudication Claim No(s).: _____

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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

Mildred M. Kolander
1250 Rush Rd Eagle Id 83616

4. New Owner/Claimant(s)

Buddy D Kolander or Lauralyn M Kolander

New Mailing Address

1260 Rush Rd Eagle Id 83616

City, State and ZIP Code

Eagle Id 83616

New Telephone Number

208,939-1478

5. Date you acquired the property

4/1/94

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners**. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) Buddy D. Kolander
or Claimant(s)

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

WARRANTY DEED

FOR VALUE RECEIVED MILDRED M. KOLANDER, a single person

the Grantor , does hereby grant, bargain, sell and convey unto BUDDY D. KOLANDER

the Grantee , whose address is 1260 Rush Road Eagle, Idaho 83616

the following described premises, to-wit:

Lot 9, Academy Place Subdivision in the
1/4 of Section 5, T.4N, R.1E.

94030326

ADA CO RECORDER
J. DAVID HAYLERO
BOISE ID

Buddy D. Kolander
'94 APR 4 AM 11:43
FEE 300
RECORDED AT THE REQUEST OF Jackson

COPY

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 s he is the owner in fee simple of said premises; that
said premises are free from all encumbrances

and that s he will warrant and defend the same from all lawful claims whatsoever.

Dated: March 8, 1999

Mildred M. Kolander

ACKNOWLEDGMENT - Individual

STATE OF Idaho , County of Ada , ss.

On this 8th day of March , in
the year of 1999 , before me Stormy M.
Goodwin , a notary public,
personally appeared Mildred May
Kolander , known or
identified to me to be the person whose name IS
subscribed to the within instrument, and acknowledged to
me that She executed the same.

Notary Public: Stormy M. Goodwin
Residing at: Eagle, Idaho Expires: 2/1/99

STATE OF IDAHO, COUNTY OF

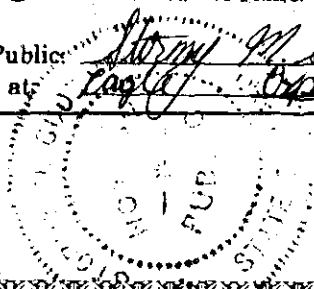
I hereby certify that this instrument was filed for record
at the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
Mail to:



PIONEER TITLE COMPANY
OF ADA COUNTY
821 W. State Street
Boise, Idaho 83702 — 208 336-6700

Representing Ticor Title Insurance Company

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MEMORANDUM

DATE: December 19, 2000

TO: File 63-26478

FROM: Kari Lynn Townsend

RE: Phone conversations

=====

Yesterday I had a phone call from Buddy Kolander in which he stated that he had been told by Lori Graves that the filing fee would be waived.

Today I talked to Lori and she said her recollection of the conversation (which she thoughts took place in April) was that Mr. Kolander would not have to pay a fee if he got the paperwork in before the end of June 2000.

Today I called Mr. Kolander and reached his answering machine which informed me that he was away but would return the call as soon as possible, and further that if I needed to talked to someone right away Jesus was always available.

I finally made phone contact with Mr. Kolander and told him of my conversation with Lori. He became angry and abusive when I offered to give him Lori's number so that he could talk to her.

I also talked to Lori and she said that Mr. Kolander had called and was angry and very unpleasant with her on the phone call she had just had with him. She had tried to explain that she had made a mistake in telling him that the fee would be waived and offered to have him speak to Gary Spackman. Lori said that she had checked with both Gary Spackman and Shelley Keen and they both told her that there is nothing in the statutes that allow for the waiving of a filing fee on an ownership change.

Lori said that her conversation with Mr. Kolander ended with his statement that he had gotten his \$25.00 that he didn't have to pay and that the paperwork could just stay the way it is.

MEMORANDUM

RECEIVED

DEC 21 2000

Department of Water Resources

DATE: 12/19/00

FROM: Lori Graves *LG*

TO: File 63-26478

RE: Fee Waiver

Domestic water right 63-26478 was decreed April 28, 2000 in the name of Mildred Kolander. Buddy Kolander, Mildred's son, called Friday, June 30, 2000 requesting the name be changed on the right. I told Buddy that he would need to complete a change of ownership form and that starting July 1, 2000, there would be a \$25 fee. Buddy felt his phone call was "timely" and should be credited since it was late Friday afternoon, June 30, making it impossible for him to accomplish a change of ownership via mail by July 1. Based on our telecon, I erroneously agreed to accept Buddy's change of ownership request without the \$25 fee if he returned the form ASAP to my attention.

The form was mailed Friday, June 30. Buddy said he received it Monday, July 3. The form was received by Western Region July 10. I did not see the form before it was sent to the SO for processing.

After correspondence with the SO, Buddy telephoned and demanded that I get the fee waived per our June 30, 2000 telecon. I explained my initial mistake and that the matter was out of my hands now, then apologized for the inconvenience. He asked for names and numbers of my supervisors. I told Buddy I would discuss the matter with my supervisors and call him back. I consulted Shelley Keen, Jeff Peppersack and Gary Spackman. All three said that the fee could not be waived per Idaho Statute and that I had made a mistake.

Buddy was disappointed when I told him that the \$25 fee could not be waived. He then stated, among other impolite things, that he was not going to follow through with the ownership change.

PHONE MEMO	TO	Kari Lynn		DATE	12/18	TIME	3:46	AM	
	FROM	Buddy Holander		AREA CODE				PM	
	OF			NO.	939-1478				
					EXT.				
MESSAGE	Re: Change of Ownership - he had a verbal ok from someone about waiting the see.								
	SIGNED <i>[Signature]</i>								
PHONED	☒	CALL BACK	☒	RETURNED CALL	☐	WANTS TO SEE YOU	☐	WILL CALL AGAIN	☐
								WAS IN	☐
								URGENT	☒



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

December 11, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BUDDY D KOLANDER
1260 RUSH RD
EAGLE ID 83616

RE: Change in Ownership of Water Right 63-26478

Dear Mr. Kolander:

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:

☒ **Filing Fee** of \$25 per water right

☐ **Filing Fee** of \$100 per water right for changes resulting from division of a water right

☐ **Signature**

☐ **Notarized Signature** for Assignment of Permit

☐ **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

☐ **Evidence of Security Interest:** copy of Deed of Trust, Mortgage, Contract of Sale or other legal document indicating your interest in the property and water rights in question

☐ **Security Interest Expiration Date**

☐ **Legal Description of Property**

☐ **Plat of Property or Survey Map** usually on file with the county

- _____ **USDA Farm Service Agency (formerly ASCS) Aerial Photo** with irrigated acres outlined and point(s) of diversion clearly marked
- _____ **Description of Portion of Water Right** resulting from division of water right

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the filing fee for your notice will be \$25.00

Because the Department cannot process the ownership change without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees 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.

Please feel free to contact the Department if you have any questions.

Sincerely,


Kari Lynn Townsend
Secretary

KLT:k