

No Color
Documents
In File

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

RECEIVED**JAN 24 2001**

Department of Water Resources

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
<u>85-07355</u>	<u>39576</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) 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) ESTELLA B. DUELL
- RR 1 Box 166 A Lenore, Idaho 83541
4. New Owner/Claimant(s) Thomas & Judy Giacobello
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address RR1 Box 166 A
- City, State and ZIP Code Lenore, Idaho 83541
- New Telephone Number (208) 836-5784
5. Date you acquired the property 1-02-80

MICROFILMED**SEP 25 2001**

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)

Judy A. Lambertz
Thomas A. Smith

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.

MICROFILMED

SEP 25 2001

For Office Use Only

Received by	<i>db</i>	Date	<i>1/22/01</i>	Fee	<i>\$25.00</i>
Received by	<i>db</i>	Date	<i>1/22/01</i>	Receipt No.	<i>N014105</i>
Processed by	_____	AJ	Date	WR	Date

Lot 10 T 31N
R 2W
S 29 SWNW

Lot 11 T 37N
R 2W SWNW
S 29
MICROFILMED
SEP 25 2001

Lot 12 T 37N
R 2W SWNW
S 29

Above info per Debbie at
Way Pierce County Assessors office
Kaci Lynn
2.22.01

Read
WARRANTY

ESTELLA B. DUELL

TO

THOMAS J. GIACOBELLO
AND
JUDITH A. GIACOBELLO

Dated January 2, 1980

LAW OFFICES OF

Nick Chenneth

P. O. BOX 1422

ORFONO, IDAHO 83544

MICROFILM NO.
565878

FILED FOR RECORD

FEE 10⁰⁰ REG. D. Judy

92 OCT 15 AM 8 37

BETTY J. WILSEY
RECORDER, NEZ PERCE CO. ID.

BY Nay DEPUTY

RECEIVED
INDEXED
FILED
DELIVERED
MAILED

A

This Indenture

Made the 2nd day of January

Nineteen Hundred and Eighty

Between

ESTELLA B. DUELL, a widow, of Route 1, Box 116A,
Lenore, Nez Perce County, Idaho,

party of the first part, and

THOMAS J. GIACOBELLO and JUDITH A. GIACOBELLO, husband
and wife, of 45176 Lehuuila, Kaneohe, Honolulu County,
Hawaii,

parties of the second part,

Witnesseth that the parties of the first part, in consideration of

Ten Dollars (\$10.00)

lawful money of the United States,

paid by the parties of the second part, do es hereby grant and release unto the parties
of the second part, their heirs

and assigns forever, all the following real property, situate and being in
the County of Nez Perce, State of Idaho, to-wit:

Lots Ten (10), Eleven (11), and Twelve (12), Block One (1), Cook's Paradise Acres
Subdivision, according to the recorded plat thereof,

EXCEPTING THEREFROM a part of said Lot Twelve (12) bounded and described as follows:
Beginning at the Northeast corner of said Lot 12; thence West on the North line of
Lot 12 a distance of 80 feet; thence South parallel to the East line of Lot 12 a
distance of 40 feet; thence East parallel to the North line of Lot 12 a distance of
80 feet to the East line of Lot 12; thence North 40 feet to the place of beginning.

SUBJECT TO: Utility Easement and Easements as set forth in the recorded plat.

ALSO SUBJECT TO: the following restrictive covenants: (a) No noxious or offensive
trade, business or activity shall be carried on or upon any of said land or any part
thereof, nor shall anything be done thereon which may be or become an annoyance or
nuisance to the neighborhood. This includes and prohibits, but is not limited to,
the keeping or maintaining of livestock or poultry of any type on said land. No
animals, livestock or poultry of any kind shall be raised, bred or kept on any part
of said property, except that dogs, cats or other household pets may be kept,
provided that they are not kept, bred or maintained for any commercial purpose.

(b) No lot shall be used or maintained as a dumping ground for rubbish. Trash,
garbage or other waste shall not be kept except in sanitary containers. All
incinerators or other equipment for the storage or disposal of such material shall
be kept in a clean and sanitary condition.

MICROFILMED
SEP 25 2001

(c) No individual sewage disposal system shall be permitted on any part or parcel of said land unless such system is designated, located and constructed in accordance with the requirements, standards and recommendations of the state or local public health authority having jurisdiction. Approval of such system as installed shall be obtained from such authority.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever.

And said Party of the First Part, her heirs and assigns,

covenants as follows:

First That the parties of the second part shall quietly enjoy the said premises;

Second That said Party of the First Part, her heirs and assigns,

will forever Warrant the title to said premises.

In Witness Whereof, the party of the first part has hereunto set her hand and seal the day and year first above written.

In Presence of

Estella B. Duell

Estella B. Duell

State of Idaho

County of Clearwater

ss.

On this 2nd day of January
Nineteen Hundred and Eighty

before me, the subscriber, personally appeared

ESTELLA B. DUELL

to me personally known and known to me to be the same person described in and who executed the
acknowledged to me that she executed the same.

Barbara Clay
Notary Public
In and for the State of Idaho,
Residing at Orangefield therein.

MICROFILMED
SEP 25 2001

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 85-07355

NAME AND ADDRESS: ESTELLA B DUELL LEONARD
RT 1 BOX 116 A
LENORE, ID 83541

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
1.20 AFY

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

PRIORITY DATE: 06/13/1983

POINT OF DIVERSION: T37N R02W S29 SWNW Within Nez Perce County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS 1.20 AFY

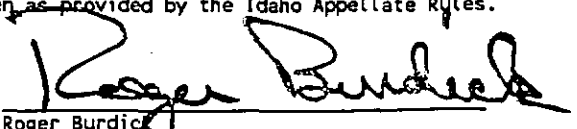
PLACE OF USE: Domestic T37N R02W S29 SWNW Within Nez Perce County

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.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

SEP 25 2001



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

September 13, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

THOMAS GIACOBELLO
JUDY GIACOBELLO
RT 1 BOX 166 A
LENORE ID 83541

RE: Change of Ownership for Water Right 85-7355

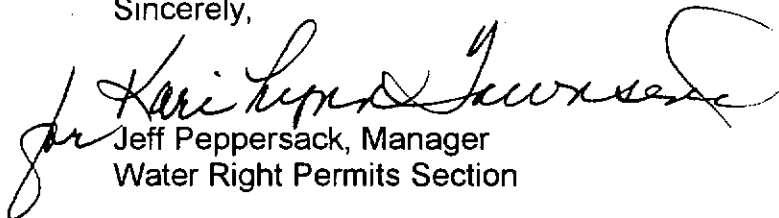
Dear Water Right Holder(s):

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.

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
SEP 25 2001

Idaho Department of Water Resources Receipt

Receipt ID N014105

Payment Amount Date Received Region Status

Payment Type Check Number

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	65140	1155



Signature Line (Dept. Representative)

MICROFILMED
SEP 27 2001