

Form 42-246/42-1409(d) July, 2000

AR 05 2001

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

Department of Water Resources
Eastern Region

RECEIVED

JAN 17 2001

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Department of Water Resources
Incomplete forms will be returned. Eastern Region

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
-----------------------	------------------------------	-------	-----------------------	------------------------------	-------

A29-11203 - partial decree/paid

A29-00604A

RECEIVED

MAR - 9 2001

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)

+ Claudia J. Cherry - Claudia Jean James

4. New Owner/Claimant(s)

R. Scott Wells

Name Connector (Check one): () and, () or, () and/or

New Mailing Address

1350 East Cedar

City, State and ZIP Code

Pocatello, ID 83201

New Telephone Number

(208) 234-9205

5. Date you acquired the property

12/15/00

MICROFILMED

AUG 08 2001

Form 42-248/42-1409(6) July, 2000

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 JC Date 9/5/01 **MICROFILMED** Fee \$25-
 Received by JC Date 3/5/01 Receipt No. E026514
 Processed by _____ AJ Date _____ **AUG 8 2001** Date _____

2-1

WARRANTY DEED

20020307

For Value Received PARCEL 1: CLAUDIA JEAN HARRIS

PARCEL 2: DENNIS D. CHERRY and CLAUDIA J. CHERRY, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

SCOTT WELLS and BRANDY WELLS, Husband and Wife

whose address is: 1914 West Portneuf Road, Inkom, Idaho 83245

1350 East Cedar, Pocatello, Idaho 83201

Hereinafter called the Grantee, the following described premises situated in Bannock County, Idaho, to-wit:

PARCEL 1:

TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO:

SECTION 28: NW $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPT:

A TRACT OF LAND IN THE NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 28, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE WEST LINE OF SECTION 28, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., AND ON THE SOUTHWESTERLY LINE OF THE PORTNEUF ROAD; THENCE SOUTH 57°03' EAST, ON THE SOUTHWESTERLY LINE OF PORTNEUF ROAD 124.00 FEET; THENCE SOUTH 00°38' WEST 15.00 FEET; THENCE NORTH 80°00' WEST 106.20 FEET, MORE OR LESS, TO THE WEST LINE OF SAID SECTION 28; THENCE NORTH 00°38' EAST ALONG THE WEST LINE OF SAID SECTION 28 64.00 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT:

THAT PORTION OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 28, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NW $\frac{1}{4}$ NW $\frac{1}{4}$, THENCE ALONG THE NORTH LINE OF THE SAID NW $\frac{1}{4}$ NW $\frac{1}{4}$ SOUTH 89°59'30" WEST 215.36 FEET; THENCE SOUTH 61°37'30" WEST 578.93 FEET; THENCE SOUTH 0°00'30" EAST 205.08 FEET; THENCE NORTH 89°59'30" EAST 324.34 FEET; THENCE NORTH 63°01'30" EAST 440.87 FEET, MORE OR LESS, TO THE EAST LINE OF SAID NW $\frac{1}{4}$ NW $\frac{1}{4}$; THENCE ALONG SAID EAST LINE NORTH 1°11'30" EAST 360.56 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

ALSO EXCEPT:

THAT PORTION OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 28, TOWNSHIP 7 SOUTH, RANGE 36, E.B.M., BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID NW $\frac{1}{4}$ NW $\frac{1}{4}$ THAT IS SOUTH 1°11'30" WEST 360.56 FEET FROM THE NORTHEAST CORNER OF SAID NW $\frac{1}{4}$ NW $\frac{1}{4}$; THENCE SOUTH 1°11'30" WEST 350.00 FEET, MORE OR LESS, TO THE INDIAN CREEK ROAD; THENCE SOUTH 3°40'30" WEST 50.00 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 87°32' FOR A DISTANCE OF 76.39 FEET; THENCE NORTH 1°11'30" EAST 323.14 FEET; THENCE NORTH 63°01'30" EAST 56.76 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

ALSO EXCEPT:

THE WESTERLY 165 FEET OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 28, TOWNSHIP 7 SOUTH, RANGE 36, E.B.M., BANNOCK COUNTY, IDAHO, EXCEPT THEREFROM THAT PORTION DESCRIBED ABOVE AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE WEST LINE OF SAID SECTION 28 AND ON THE SOUTHWESTERLY LINE OF THE PORTNEUF ROAD; THENCE SOUTH 57°03' EAST ON THE SOUTHWESTERLY LINE OF PORTNEUF ROAD 124.00 FEET; THENCE SOUTH 00°38' WEST 15.00 FEET; THENCE NORTH 80°00' WEST 106.20 FEET; THENCE NORTH 00°38' EAST ALONG THE WEST LINE 106.20 FEET; THENCE NORTH 00°38' EAST ALONG THE WEST LINE OF SAID SECTION 28 64.00 FEET TO THE POINT OF BEGINNING.

MICROFILMED

AUG 08 2001

20020307

ALSO EXCEPT:

2.2

THE WEST 115.5 FEET OF THE EAST 148.5 FEET OF THE WEST 313.5 FEET, NW¹/₄NW¹/₄, SECTION 28, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO.

ALSO EXCEPT:

THE EAST 66 FEET OF THE WEST 379.5 FEET OF THE NW¹/₄NW¹/₄, SECTION 28, TOWNSHIP 7 SOUTH, RANGE 36, E.B.M., BANNOCK COUNTY, IDAHO.

ALSO EXCEPT:

THE EAST 33 FEET OF THE EAST 148.5 FEET OF THE WEST 313.5 FEET OF THE NW¹/₄NW¹/₄ OF SECTION 28, TOWNSHIP 7 SOUTH, RANGE 36, E.B.M., BANNOCK COUNTY, IDAHO.

ALSO EXCEPT:

ALL THAT PORTION OF THE NW¹/₄NW¹/₄, SECTION 28, TOWNSHIP 7 SOUTH, RANGE 36, E.B.M., BANNOCK COUNTY, IDAHO, LYING SOUTH OF PORTNEUF ROAD.

PARCEL 2:

ALL THAT PORTION OF THE NW¹/₄NW¹/₄, SECTION 28, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, LYING SOUTH OF PORTNEUF ROAD.

EXCEPTING THEREFROM:

THE WEST 379 FEET OF SAID NW¹/₄NW¹/₄, SECTION 28, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO.

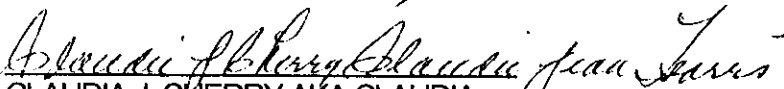
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: December 15, 2000

20020307


DENNIS D. CHERRY

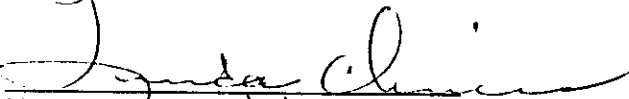

CLAUDIA J. CHERRY AKA CLAUDIA
JEAN HARRIS

NO
RECORDED
FIRST AMERICAN TITLE
2000 DEC 18 PM 4 03

STATE OF Idaho
ss.
COUNTY OF BANNOCK

771
6-
M1

On this 15th day of December, 2000, before me LINDA CHIVERS, personally appeared DENNIS D. CHERRY AND CLAUDIA J. CHERRY AKA CLAUDIA JEAN HARRIS, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) ARE subscribed to the within instrument, and acknowledged to me that THEY executed the same.


Notary Public of Idaho
Residing at: Pocatello
Commission Expires: 02/18/05

LINDA CHIVERS
NOTARY PUBLIC
STATE OF IDAHO

MICROFILMED
AUG 08 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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 29-11208

NAME AND ADDRESS: CLAUDIA JEAN HARRIS
1914 W PORTNEUF RD
INKOM, ID 83245

RECEIVED
JUN 26 1998
Department of Water Resources
Adjudication Bureau

SOURCE: GROUNDWATER
QUANTITY: 0.04 CFS

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

PRIORITY DATE: 06/01/1953

POINT OF DIVERSION: T07S R36E S28 NWNW Within Bannock County

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

PLACE OF USE: Domestic Within Bannock County
T07S R36E S28 NWNW

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.

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
AUG 08 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 25, 2001

R SCOTT WELLS
1350 E CEDAR
POCATELLO ID 83201

RE: Change of Ownership for Water Right 29-11208

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,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

AUG 08 2001