

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 29-10362

NAME AND ADDRESS: EDWARD DE SANO  
MARSHA DE SANO  
2110 N MINK CREEK RD  
POCATELLO, ID 83204

SOURCE: GROUNDWATER

QUANTITY: 0.03 CFS

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

PRIORITY DATE: 12/06/1960

POINT OF DIVERSION: T07S R35E S29 SWNW Within Bannock County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.03 CFS |

PLACE OF USE: Stockwater Within Bannock County  
T07S R35E S29 SWNW

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

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APR 06 2023

## NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources  
Eastern Region

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

| Water Right/Claim No. | Split?                       | Leased to Water Supply Bank? | Water Right/Claim No. | Split?                       | Leased to Water Supply Bank? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 29-10362 <i>OK</i>    | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 29-10368 <i>OK</i>    | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Edward DeSano and Marsha DeSano / DeSano Family Estate Trust  
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Jeffrey L. Matkin  
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

PO Box 4885 Pocatello ID 83205  
Mailing address City State Zip  
208-681-7316 jmatkin@aol.com  
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?  
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.  
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: March 23, 2023

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐  
o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.  
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).  
☒ Filing fee (see instructions for further explanation):  
o \$25 per *undivided* water right.  
o \$100 per *split* water right.  
o No fee is required for pending adjudication claims.  
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.  
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 29-10362

8. Signature: *Thomas J. Budge* Attorney for Jeffrey L. Matkin 4.4.23  
Signature of new owner/claimant Title, if applicable Date  
Thomas J. Budge  
Print name

Signature: \_\_\_\_\_ Title, if applicable \_\_\_\_\_ Date \_\_\_\_\_  
Signature of new owner/claimant  
Print name

For IDWR Office Use Only:

Received by JB Date 4/6/2023 Receipt No. E049055 Receipt Amt. \$50.-  
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐  
Name on W-9 \_\_\_\_\_ Approved by JB Processed by JB Date 4/7/2023

APR 07 2023

574833AM

**WARRANTY DEED**

FOR VALUE RECEIVED, DeSano Family Estate Trust, by Ed DeSano and Marsha DeSano, Trustees, whose address is 2110 N. Mink Creek Road, Pocatello, Idaho 83204 (the "Grantor") does hereby GRANT, BARGAIN, SELL CONVEY, and WARRANT unto ~~Jeffery L. Matkin~~ \*Jeffery L. Matkin, an unmarried man whose mailing address is PO Box 4885, Pocatello, Idaho 83205 (the "Grantee"), the real property situated in Bannock County, State of Idaho, described as follows:

See Exhibit A attached hereto and incorporated by reference.

TOGETHER WITH all appurtenant water rights for beneficial use on the property, including Water Right Nos. 29-10362 and 29-10368.

TOGETHER WITH all and singular the improvements, tenements, hereditaments, easements, covenants, together with all other appurtenances thereunto belonging or in anywise appertaining to the property herein described, and the reversions, remainders, rents, issues and profits thereof; and

TO HAVE AND TO HOLD the said premises, together with all appurtenances thereto, unto the said Grantee, their successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; and that said premises are free from all encumbrances and that Grantor will warrant and defend the same from all other lawful claims whatsoever,

EXCEPTING taxes, levies, and assessments for the current year not yet due and payable and the following items: reservations in favor of the United States of America; right of ways, boundary line agreements, development agreements, water supply agreements, plats, covenants, conditions, restrictions and reservations that are a matters of public record; along with any state of facts that an accurate survey or inspection of the Property would show.

IN WITNESS WHEREOF, The Grantor has caused its name to be affixed effective this 22 day of March, 2023.

GRANTOR:

DESANO FAMILY ESTATE TRUST

By: [Signature]  
Its: Trustee, Ed DeSano

By: [Signature]  
Its: Trustee, Marsha DeSano

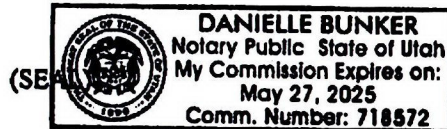
WARRANTY DEED - 1

SCANNED

APR 07 2023

Utah  
STATE OF IDAHO )  
Salt Lake : ss.  
County of Benneville )

This record was acknowledged before me on this 22 of March, 2023, by Ed DeSano and Marsha DeSano, as Trustees of DeSano Family Estate Trust.



NOTARY PUBLIC FOR IDAHO Utah )  
My Commission Expires: 9/27/2025

WARRANTY DEED - 2

SCANNED  
APR 07 2023

**EXHIBIT A**

**Parcel 1:**

SW1/4 and the SW1/4NW1/4 of Section 29, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, except the following 4 tracts:

1. Commencing at the Northeast corner of the SE1/4NE1/4 of Section 30, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho; and running thence South 25 feet along the East line of said SE1/4NE1/4 to the point of beginning; thence South 23° East 537 feet; thence South 43° West 50 feet; thence North 28° West 380 feet, more or less, to a point 200 feet due South of the Point of Beginning on the said East line of said SE1/4NE1/4; thence due West at right angles to said East line of said SE1/4NE1/4 a distance of 737 feet, more or less, to the centerline of State Highway 38, as now located; thence Northerly along the center line of State Highway 38 a distance of 200.5 feet, more or less, to a point 706 feet due West of the point of beginning; thence East a distance of 706 feet to the point of beginning. Excepting therefrom the following described parcel: Commencing at the Northeast corner of the SE1/4NE 1/4 of Section 30, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, and running thence Southerly along the Easterly line of said SE1/4NE1/4 a distance of 25 feet; thence West at right angles to said last mentioned line four hundred (400) feet to the point of beginning of this survey; thence South at right angles to said last mentioned line a distance of 100 feet; thence West parallel to the Northerly line of said SE1/4NE1/4 a distance of 321.5 feet, more or less, to the center line of State Highway 38 as now located; thence Northerly along the center line of State Highway 38 a distance of 100.25 feet, more or less, to a point 306 feet due West of the point of beginning; thence East parallel to the Northerly line of said SE1/4NE1/4 a distance of 306 feet to the point of beginning of this survey.

2. A parcel of land in Sections 29 and 30, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows: Beginning at the Northeast corner of the SE1/4NE1/4, Section 30, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho; thence South 225 feet along the East line of said SE1/4NE1/4 to the true point of beginning; thence South 28°00' East 380 feet; thence South 42°00' West 50 feet; thence North 39°00' West 218 feet, more or less, to a point which is 200 feet due South of the true point of beginning on the East line of said SE1/4NE1/4; thence parallel to the North line of said SE1/4NE1/4 of said Section, West 794 feet, more or less, to the center line of State Highway 38 as now located; thence along the center line of State Highway 38, Northerly 209.5 feet, more or less, to a point due West of the True Point of Beginning; thence parallel to the Northerly line of said SE1/4NE1/4 of said Section, East 737 feet, more or less, to the true point of beginning.

**WARRANTY DEED - 3**

SCANNED

APR 07 2023

3. Commencing at the Northeast corner of SE1/4NE1/4 of Section 30, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, and running thence South 425 feet along the East line of said SE1/4NE1/4 to the true point of beginning of this survey; thence West parallel to the North line of said SE1/4NE1/4 of Section 30 a distance of 794 feet, more or less, to the center line of State Highway 38 as now located; thence Southerly along the center line of said Highway 38 a distance of 209.5 feet, more or less, to a point on a line parallel to and 625 feet South of the North line of said SE1/4NE1/4 of said Section; thence East parallel to the North line of said SE1/4NE1/4 of said Section a distance of 861 feet, more or less, to a point on the East line of said SE1/4NE 1/4 which is 200 feet due South of the true point of beginning; thence continuing on said last mentioned line East a distance of 100 feet; thence North 42° East a distance of 50 feet; thence North 38° West 218 feet, more or less, to the true point of beginning of this survey together with Mink Creek Water Right. Except a strip of land 40 feet wide along the East side of the center line of State Highway #38.

4. A tract of land being in the SW1/NW1/4 of Section 29, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows: Beginning at the Northwest corner of said SW1/4NE1/4 of Section 29; thence running Easterly along the North line of said SW1/4NW 1/4 a distance of 391 feet to the true point of beginning; thence continuing along said North line, 50 feet, thence due South 50 feet; thence due West 50 feet; thence due North 50 feet, more or less, to the true point of beginning.

**Parcel 2:**

Commencing at the Northwest corner of the SW1/4NW1/4 Section 29, Township 7 South, Range 35 East, Boise Meridian, thence South 25.0 feet to the point of beginning; thence South 23°00' East 537.0 feet; thence East 120.0 feet; thence North 494.3 feet; thence West 329.8 feet to the point of beginning. A tract in the SW1/4NW1/4 Section 29, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho.

**Parcel 3:**

Section 29, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho:  
W1/2SE1/4

**Parcel 4:**

Section 32, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho:  
N1/2NW1/4

**WARRANTY DEED - 4**

SCANNED

APR 07 2023

**Parcel 5: (Access)**

Commencing at the Northeast corner of the SE1/4NE1/4 of Section 30, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, and running thence Southerly along the Easterly line of said SE1/4NE1/4 a distance of 25 feet; thence Westerly parallel to the Northerly line of said SE1/4NE1/4 a distance of 706 feet, more or less, to the center line of State Highway 38 as now located; thence Northerly along the center line of State Highway 38 a distance of 25 feet, more or less, to a point due West of the point of beginning; thence Easterly along the Northerly line of said SE1/4NE1/4 a distance of 706 feet, more or less, to the point of beginning of this survey.

**WARRANTY DEED - 5**

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APR 07 2023

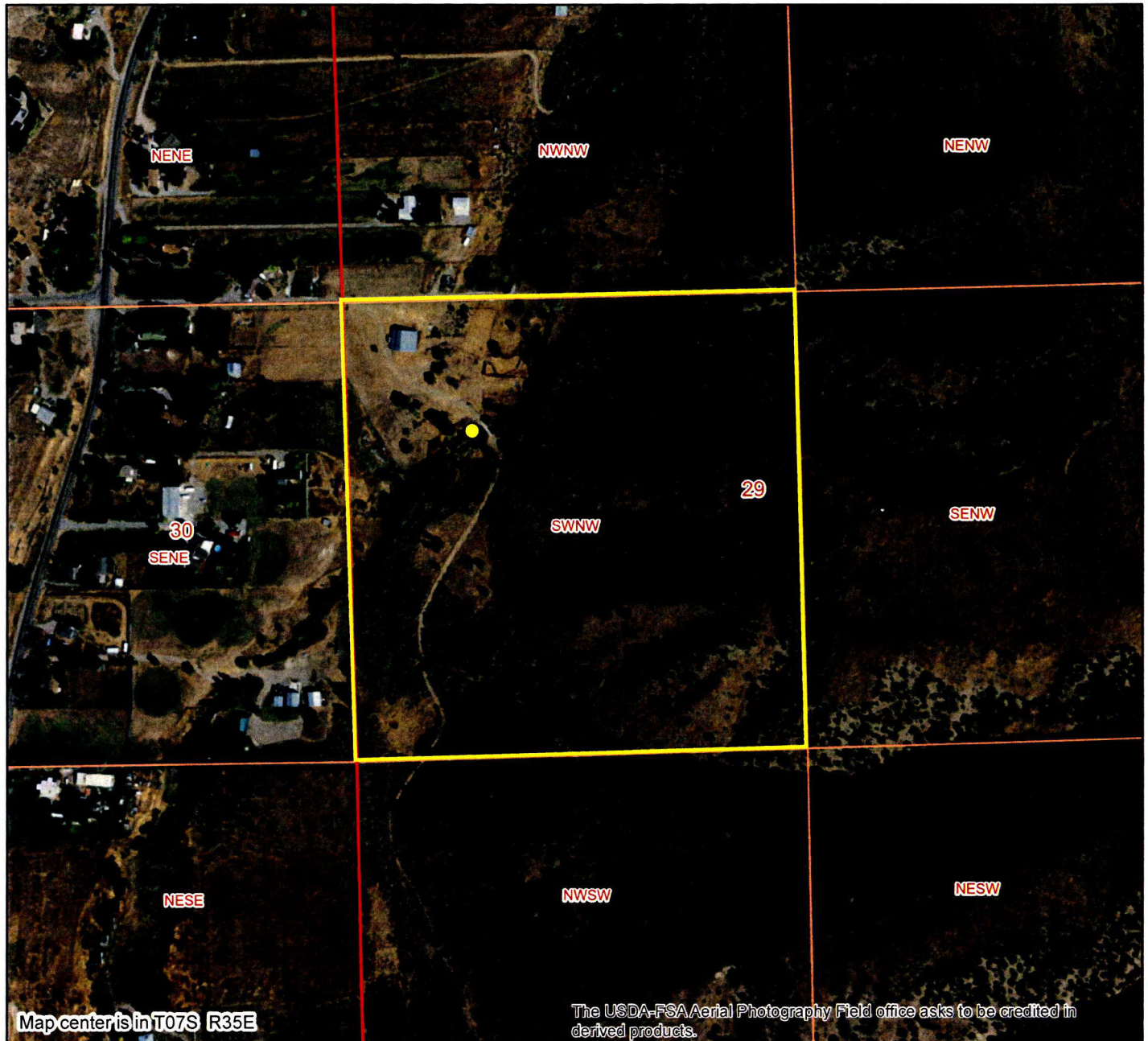
State of Idaho  
Department of Water Resources

# Water Right

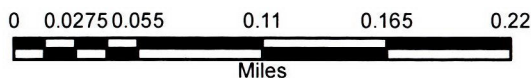
29-10362

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 3/13/2023



## Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



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APR 07 2023

Close

## Water Right Report : 29-10362( Decreed/Active)

## Water Right Owners

| Owner Type    | Name            | Address              | City      | State | Postal Code |
|---------------|-----------------|----------------------|-----------|-------|-------------|
| Current Owner | DE SANO, EDWARD | 2110 N MINK CREEK RD | POCATELLO | ID    | 83204       |
| Current Owner | DE SANO, MARSHA | 2110 N MINK CREEK RD | POCATELLO | ID    | 83204       |

## Water Right Status

Priority Date : 12/6/1960  
Basis : Decreed  
Status : Active

## Water Source

| Source       | Source Qualifier | Tributary | Tributary Qualifier |
|--------------|------------------|-----------|---------------------|
| GROUND WATER |                  |           |                     |

## Points Of Diversion (Location)

| Source       | Township | Range | Section | Govt. Lot | QQQ | QQ | Q | County        | Diversion Type |
|--------------|----------|-------|---------|-----------|-----|----|---|---------------|----------------|
| GROUND WATER | 07S      | 35E   | 29      | 0         |     |    |   | SW NW BANNOCK |                |

## Water Uses

| Beneficial Use | From | To    | Diversion Rate | Volume |
|----------------|------|-------|----------------|--------|
| STOCKWATER     | 1/01 | 12/31 | 0.03 CFS       |        |
| <b>TOTAL</b>   |      |       | 0.03 CFS       |        |

## Places of Use

[Printable View](#)

## Place of Use Legal Description : STOCKWATER (BANNOCK county)

| Township | Range | Section | Lot | QQQ | QQ | Q     | Acres |
|----------|-------|---------|-----|-----|----|-------|-------|
| 07S      | 35E   | 29      |     |     |    | SW NW |       |

## Conditions

## Code Conditions

N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

PARCEL NO. R4013046602 STOCKWATER, 100 RANGE

## Dates

Licensed Date :  
Decreed Date : 6/15/1998  
Permit Proof Due Date :  
Permit Proof Made Date :  
Permit Approved Date :  
Permit Moratorium Expiration Date :  
Enlargement Use Priority Date :  
Enlargement Statute Priority Date :  
Application Received Date :  
Protest Deadline Date :

## Other Information

State or Federal : S  
Water District Number : EXC  
Generic Max Rate Per Acre : 0  
Generic Max Volume Per Acre : 0  
Civil Case Number :  
Decree Plaintiff :  
Decree Defendant :  
Swan Falls Trust or Nontrust :  
Swan Falls Dismissed :  
DLE Act Number :  
Cary Act Number :  
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

3/13/2023

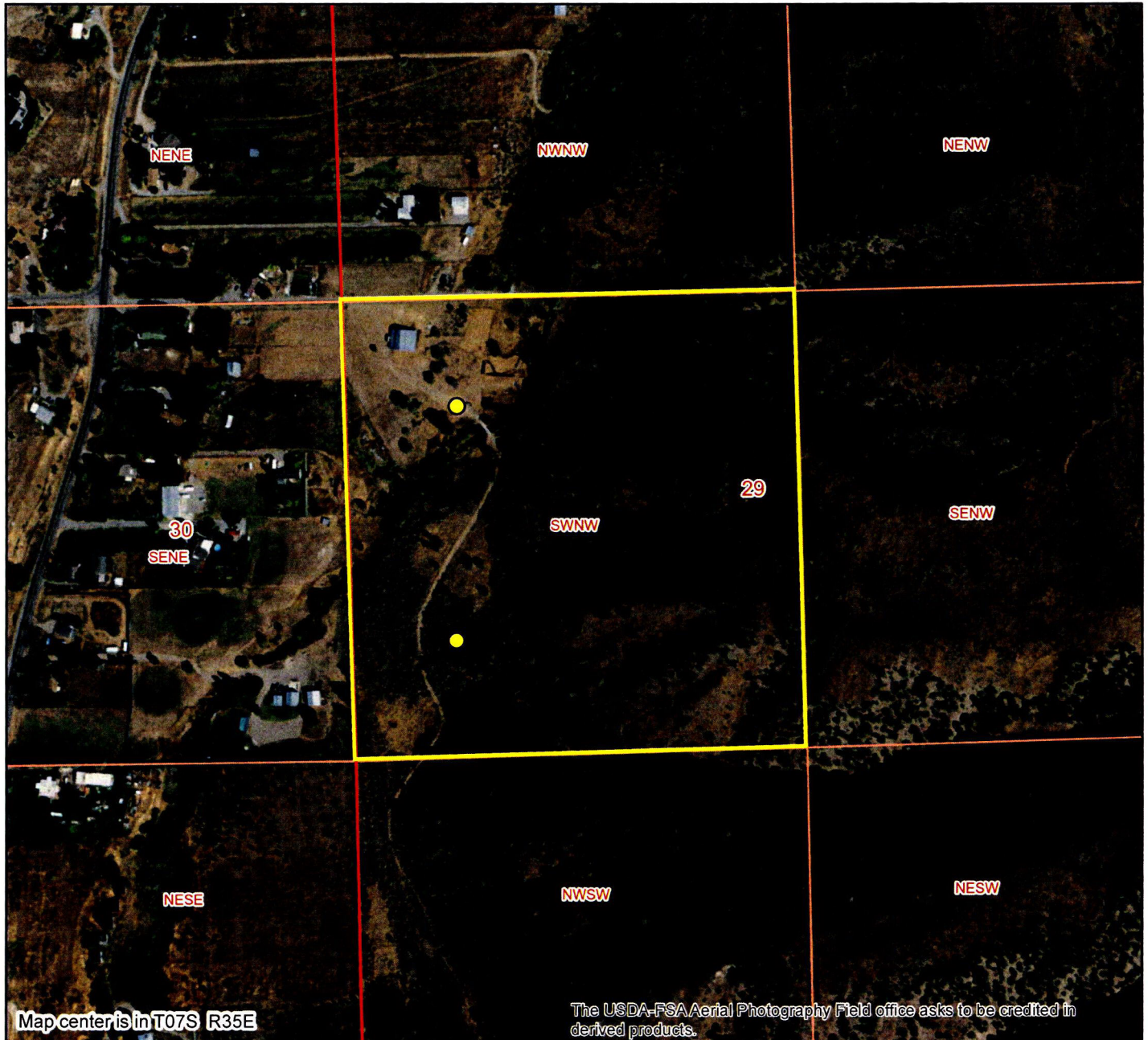
State of Idaho  
Department of Water Resources

# Water Right

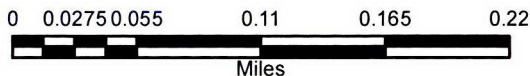
29-10368

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 3/13/2023



## Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



Close

## Water Right Report : 29-10368( Decreed/Active)

## Water Right Owners

| Owner Type    | Name            | Address              | City      | State | Postal Code |
|---------------|-----------------|----------------------|-----------|-------|-------------|
| Current Owner | DE SANO, EDWARD | 2110 N MINK CREEK RD | POCATELLO | ID    | 83204       |
| Current Owner | DE SANO, MARSHA | 2110 N MINK CREEK RD | POCATELLO | ID    | 83204       |

## Water Right Status

Priority Date : 8/7/1918  
Basis : Decreed  
Status : Active

## Water Source

| Source     | Source Qualifier | Tributary      | Tributary Qualifier |
|------------|------------------|----------------|---------------------|
| MINK CREEK |                  | PORTNEUF RIVER |                     |

## Points Of Diversion (Location)

| Source     |                          | Township | Range | Section | Govt. Lot | QQQ | QQ | Q  | County  | Diversion Type |
|------------|--------------------------|----------|-------|---------|-----------|-----|----|----|---------|----------------|
| MINK CREEK | Ending of Stream Flow    | 07S      | 35E   | 29      | 0         | NW  | SW | NW | BANNOCK |                |
| MINK CREEK | Beginning of Stream Flow | 07S      | 35E   | 29      | 0         | SW  | SW | NW | BANNOCK |                |

## Water Uses

| Beneficial Use | From | To    | Diversion Rate | Volume |
|----------------|------|-------|----------------|--------|
| STOCKWATER     | 1/01 | 12/31 | 0.03 CFS       |        |
| <b>TOTAL</b>   |      |       | 0.03 CFS       |        |

## Places of Use

[Printable View](#)

Place of Use Legal Description : STOCKWATER (BANNOCK county)

| Township | Range | Section | Lot | QQQ | QQ | Q     | Acres |
|----------|-------|---------|-----|-----|----|-------|-------|
| 07S      | 35E   | 29      |     |     |    | SW NW |       |

## Conditions

## Code Conditions

N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

PARCEL NO. R4013046602 STOCKWATER, 100 CATTLE

## Dates

Licensed Date :  
Decreed Date : 6/15/1998  
Permit Proof Due Date :  
Permit Proof Made Date :  
Permit Approved Date :  
Permit Moratorium Expiration Date :  
Enlargement Use Priority Date :  
Enlargement Statute Priority Date :  
Application Received Date:  
Protest Deadline Date:

## Other Information

State or Federal : S  
Water District Number : 29D  
Generic Max Rate Per Acre : 0  
Generic Max Volume Per Acre : 0  
Civil Case Number :  
Decree Plaintiff :  
Decree Defendant :  
Swan Falls Trust or Nontrust :  
Swan Falls Dismissed :  
DLE Act Number :  
Cary Act Number :  
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

3/13/2023

SCANNED

APR 07 2023



Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

April 07, 2023

JEFFERY L MATKIN  
PO BOX 4885  
POCATELLO ID 83205-4885

Re: Change in Ownership for Water Right No(s): 29-10362, 29-10368

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Baily  
Technical Records Specialist 1

Enclosure(s)

cc: WATER DISTRICT 29D  
RACINE OLSON

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APR 07 2023



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APR 06 2023

Department of Water Resources  
Eastern Region

April 4, 2023

Idaho Department of Water Resources  
900 North Skyline Drive, Suite A  
Idaho Falls, Idaho 83402-1718

**Re: Notice of Change in Water Right Ownership of Water Right Nos. 29-10362 and 29-10368**

To whom it may concern:

Enclosed please find for filing the original and extra copy of a Notice of Change in Water Right Ownership for water right nos. 29-10362 and 29-10368, together with a check in the amount of \$50.00 for the filing fee. Please file the original and conform stamp and return the extra copy to me in the enclosed stamped and returned envelope.

Thank you for your assistance. Should you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'T. J. Budge'.

T. J. BUDGE

SCANNED

APR 07 2023