

MAY 20 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. OF WATER RESOURCES
EASTERN REGION

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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?
29-13836 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: East Bannock Agricultural Property Trust
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Milan Zabka
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- PO Box 7 Lava Hot Springs ID 83246
Mailing address City State Zip
801-359-9002 milanzabka58@gmail.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: 2007
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.

8. Signature: *Milan Zabka* Owner *MS 20/2024*
Signature of new owner/claimant Title, if applicable Date
MILAN ZABKA
Print name

Signature: _____
Signature of new owner/claimant Title, if applicable Date

Print name

For IDWR Office Use Only:

Received by *M. Felle* Date *5-20-24* Receipt No. *E050085* Receipt Amt. *25.00*

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 *5/21/2024*

*Paul Grandson part of East Bannock Agricultural Property Trust

20714991

WARRANTY DEED

Order No. 3010713904KF

FOR VALUE RECEIVED

Jeff Christensen & Paulette Christensen, husband and wife, and Ingeburg Murata, who acquired title as Ingeburg Murata, and Paul Frandsen, wife and husband

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Milan Zabka, an unmarried person

OFFICIAL RECORD BK# 896
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 3- DEPUTY *mls*

ALLIANCE TITLE & ESCROW

whose current address is

686 S. 500 W. Salt Lake City, UT 84101

20714991

2007 JUN 22 P 4:32

the grantee(s), the following described premises, in Bannock County, Idaho, TO WIT:

That part of the South $\frac{1}{2}$ Northeast $\frac{1}{4}$ and the North $\frac{1}{4}$ Southeast $\frac{1}{4}$ of Section 21, Township 8 South, Range 38 East, Bannock County, Idaho, being part of that tract of record in the Office of the Recorder of Bannock County as Instrument No. 90016536, described as follows:

BEGINNING at the North East corner of said North $\frac{1}{4}$ Southeast $\frac{1}{4}$;
Thence South $00^{\circ}03'34''$ East, 1090.26 feet, along the East line of said Section 21 to a point;
Thence North $84^{\circ}09'59''$ West, 1717.47 feet, to a point on a non-tangent curve to the left on the Easterly right-of-way line of Blazer Highway formerly U.S. Highway 30 North;
Thence Northerly, 594.17 feet, along said right-of-way line along an arc of said curve through a central angle of $11^{\circ}44'50''$ having a radius of 2898.00 feet, and a chord bearing North $12^{\circ}22'26''$ East, 593.13 feet, to the end point of said curve;
Thence North $06^{\circ}30'01''$ East, 512.74 feet, along said right-of-way line to a point;
Thence South $83^{\circ}30'45''$ East, 1532.11 feet to the corner of BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 6/15/2007

Jeff Christensen
Jeff Christensen

Paulette Christensen
Paulette Christensen

Paul Frandsen
Paul Frandsen

Ingeburg Murata
Ingeburg Murata

State of Hawaii

County of ss.
On this 20th day of June in the year 2007 before me, a Notary Public in and for said state, personally appeared Paul Frandsen & Ingeburg Murata, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

Wendy Alipio
Notary Public for the State of Hawaii
Residing at: AIEA, HAWAII
Commission Expires: MAR 13 2009



State of Idaho

County of ss.
On this 22 day of June in the year 2007 before me, a Notary Public in and for said state, personally appeared Jeff & Paulette Christensen, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

MELINDA A. MARINELLI
NOTARY PUBLIC
STATE OF IDAHO

Melinda A. Marinelli
Notary Public for the State of Idaho
Residing at: Pocatello
Commission Expires: 3/3/2011

QUITCLAIM DEED

FOR VALUE RECEIVED

Milan Zabka, an unmarried person whose address is 686 S. 500 W., Salt Lake City, Utah 84101 ("Grantor"), does hereby grant, bargain, sell and convey to

Jeff Christensen and Paulette Christensen, husband and wife, and Ingeburg Murata and Paul Frandsen, husband and wife (collectively "Grantees")

a 0.13 CTS and 76 AF's portion of the water rights appurtenant to the below described property:

Tract B:

That part of the South 1/2 Northeast 1/4 and the North 1/2 Southeast 1/4 of Section 21, Township 8 South, Range 18 East, Blaine County, Idaho, being part of that tract of record in the Office of the Recorder of Blaine County as Instrument No. 20016536, described as follows:

BEGINNING at the North East corner of said North 1/2 Southeast 1/4;

Thence South 00° 03' 34" East 1090.26 feet, along the East line of said Section 21 to a point;

Thence North 84° 09' 59" West, 1717.47 feet, to a point on a non-tangent curve to the left on the Easterly right-of-way line of Blaine Highway formerly U.S. Highway 30 North;

Thence Northerly, 594.17 feet along said right-of-way line along an arc of said curve through a central angle of 118° 44' 50" having a radius of 2898.00 feet, and a chord bearing North 12° 22' 26" East, 593.13 feet to the end point of said curve;

Thence North 06° 30' 01" East, 512.74 feet, along said right-of-way line to a point;

Thence South 83° 30' 45" East, 1532.11 feet to the corner of BEGINNING.

TO HAVE AND TO HOLD said water rights unto the said Grantees, heirs and assigns forever.

Dated: 12/16/07

Milan Zabka

2007 DEC 20 10:00 AM

RECORDED IN DEEDS 1519

2007 DEC 19

Racine Land

2007 DEC 16 AM 11:27

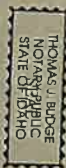
QUITCLAIM DEED - 1

2007224919

State of Utah }
County of Blaine } ss.

On this 10 day of March, in the year 2007 before me, a Notary Public in and for said state, personally appeared Milan Zabka, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREFORE I have hereunto set my hand and affixed my official seal the day and year first above written.



Notary Public for the State of Utah }
Residing at: Blaine, Blaine County, Idaho }
Commission Expires: 12-21-2012 }

QUITCLAIM DEED - 2

2-1
QUITCLAIM DEED

20724919

FOR VALUE RECEIVED

Milan Zabka, an unmarried person whose address is 686 S. 500 W., Salt Lake City, Utah 84101 ("Grantor"), does hereby grant, bargain, sell and convey to

Jeff Christensen and Paulette Christensen, husband and wife, and Ingeburg Murata and Paul Frandsen, husband and wife (collectively "Grantees")

a 0.13 CFS and 76 AFA portion of the water rights appurtenant to the below described property:

Tract B:

That part of the South $\frac{1}{2}$ Northeast $\frac{1}{4}$ and the North $\frac{1}{2}$ Southeast $\frac{1}{4}$ of Section 21, Township 8 South, Range 38 East, Bannock County, Idaho, being part of that tract of record in the Office of the Recorder of Bannock County as Instrument No. 90016536, described as follows:

BEGINNING at the North East corner of said North $\frac{1}{2}$ Southeast $\frac{1}{4}$;
Thence South $00^{\circ}03'34''$, East 1090.26 feet, along the East line of said Section 21 to a point;
Thence North $84^{\circ}09'59''$ West, 1717.47 feet, to a point on a non-tangent curve to the left on the Easterly right-of-way line of Blazer Highway formerly U.S. Highway 30 North;
Thence Northerly, 594.17 feet, along said right-of-way line along an arc of said curve through a central angle of $11^{\circ}44'50''$ having a radius of 2898.00 feet, and a chord bearing North $12^{\circ}22'26''$ East, 593.13 feet to the end point of said curve;
Thence North $06^{\circ}30'01''$ East, 512.74 feet, along said right-of-way line to a point;
Thence South $83^{\circ}30'45''$ East, 1532.11 feet to the corner of BEGINNING.

TO HAVE AND TO HOLD said water rights unto the said Grantees, heirs and assigns forever.

Dated: 10/10/07

Milan Zabka
Milan Zabka

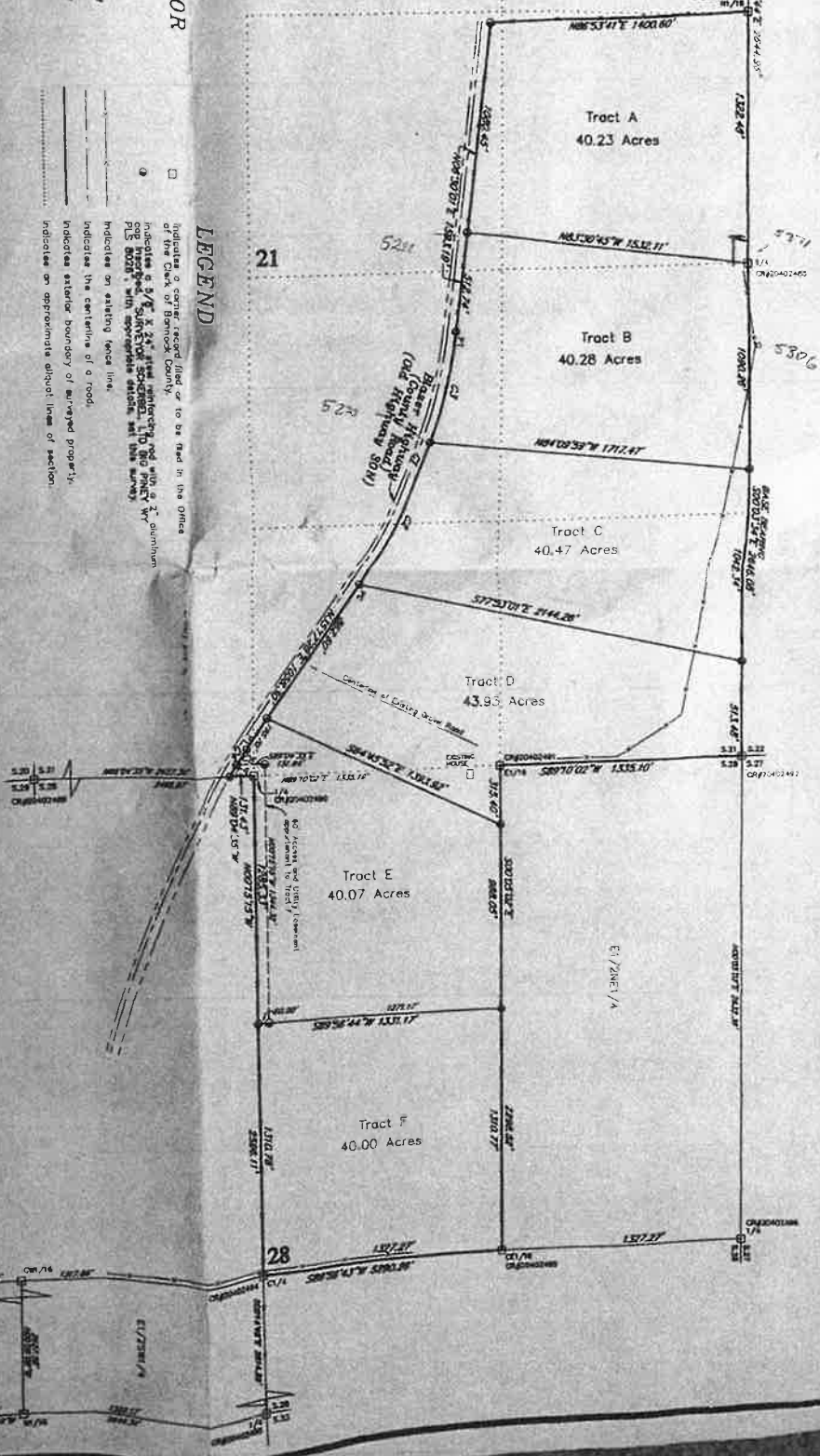
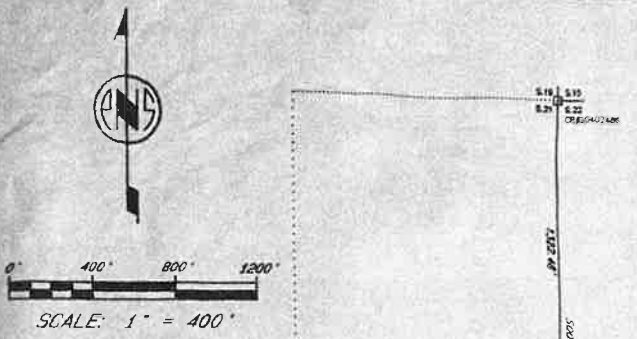
OFFICIAL RECORD BK# 900
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 6 DEPUTY BP

Racine Law

20724919

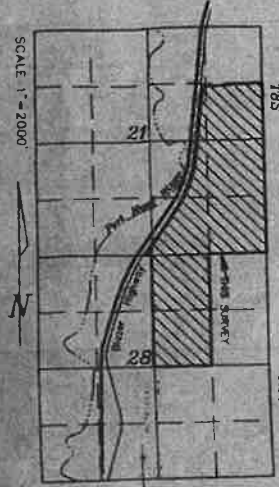
2007 OCT 16 A 11:27



LEGEND

- Indicates a corner record filed or to be filed in the office of the Clerk of Bannock County.
- Indicates a 5/8" x 3/4" steel pin set in the ground with a 1/2" diameter cap. Inscribed SURVEYOR SCHERBEL LTD. IN THE CAP. PLS. 6028" with appropriate station and the survey.
- Indicates an existing fence line.
- Indicates the centerline of a road.
- Indicates exterior boundary of surveyed property.
- Indicates an approximate adjacent lines of section.

LOCATION MAP



CURVE TABLE

CURVE	LENGTH	DELTA	RADIUS	CHORD BEARING	CHORD	TANGENT
C1	1453.72	78° 17' 37"	2593.00	S 69° 53' 45" W	1440.00	743.13
C2	862.05	110° 2' 37"	1702.37	N 78° 52' 35" E	848.86	434.13
C3	594.17	111° 54' 07"	1194.00	N 78° 52' 35" E	581.15	298.13
C4	105.06	20° 28' 35"	454.00	S 53° 14' 50" W	103.00	62.57
C5	71.33	0° 54' 09"	454.00	N 83° 5' 50" E	71.33	35.27
C6	93.72	170° 28'	454.00	N 84° 1' 20" E	93.72	46.27

RECORD OF SURVEY FOR
PAUL FRANDSEN
OF TRACTS WITHIN
B1/2 AND SE1/4SW1/4 SECTION 21
W1/2NE1/4 SECTION 28
T8S
BANNOCK COUNTY, IDAHO
R38E

CERTIFICATE OF SURVEYOR

STATE OF WYOMING }
 COUNTY OF SUBLETTE }
 35th



I, **Paul A. Scherbel**, a duly Licensed Professional Land Surveyor of the State of Wyoming, do hereby certify that the foregoing plat was prepared by me, by Paul A. Scherbel, and that the same is a true and correct copy of the original as shown to me by Paul A. Scherbel, and that the same is a true and correct copy of the original as shown to me by Paul A. Scherbel.

SURVEYOR SCHERBEL LTD.
 PROFESSIONAL LAND SURVEYORS
 801 4380 8th Street - Bannock County, Idaho 83401
 208-799-4400

§

208-799-4400

1

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

www.radnelaw.net

SENDER'S E-MAIL ADDRESS: tjb@radnelaw.net

W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODSELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
CONRAD J. AIKEN
RICHARD A. HEARN, M.D.
DAVID E. ALEXANDER
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
STEPHEN J. MUHONEN
BRENT L. WHITING
JUSTIN R. ELLIS
JOSHUA D. JOHNSON
JONATHAN S. STYINGTON
DAVE BAGLEY
CAROL TIPPI VOLYN
THOMAS J. BUDGE
CANDICE M. MCHUGH

BOISE OFFICE
101 SOUTH CAPITOL
BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 295-0011
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE
477 SHOUP AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

COEUR D'ALENE OFFICE
250 NORTHWEST
BOULEVARD, SUITE 106A
COEUR D'ALENE, ID 83814
TELEPHONE: (208) 763-8838

ALL OFFICES TOLL FREE
(877) 232-6101

LOUIS F. RACINE (1917-2009)
WILLIAM D. OLSON, OF COUNSEL

September 17, 2007

Milan Zabka
686 S. 500 W.
Salt Lake City, UT 84101

Re: Division of Water Rights Pertinent to Tract B

Dear Milan:

Please find enclosed herewith the following documents relating to your transfer to Paul Frandsen of a portion of the water rights appurtenant to the property you purchased from him:

1. Quitclaim Deed, to a 0.13 CFS and 76 AFA portion of the water rights pertinent to the property you purchased from Frandsen;
2. Water Right Report for Water Right 29-2422; and
3. Map entitled "Hansen Water Rights Transfer Application # 72950."

You will note that Paul Frandsen's Water Right 29-2422 authorizes the irrigation of 85 total irrigable acres. The enclosed map from the Idaho Department of Water Resources ("Hansen Water Rights Transfer Application # 72950") identifies those 85 acres. Of those 35 irrigable acres, 26.7 are located on the property you purchased from Paul Frandsen as shown on the map. You agreed to keep 19 irrigable acres and return to Paul 7.7 irrigable acres.

The Quitclaim Deed reflects a transfer of 0.13 cubic feet per second (CFS) and 76 acre feet (AFA) annually which is the amount of water appurtenant to 7.7 acres. Let me explain those calculations. Water Right No. 29-2422 provides a diversion rate of 1.48 CFS and volume of 840

water right for Milan Rac
29-13836
for 19.1 ac
permit for well
\$75

September 17, 2007

Page 2

AFA for the entire 85 acres. On a per acre basis, that is 0.0174 CFS per acre and 9.882 AFA. Those per acre figures multiplied by 7.7 acres result in 0.13CFS and 76 AFA transferred back to Paul Frandsen as shown in the Quitclaim Deed. These figures can be verified by personnel at IDWR's Eastern Region office if desired (525-7161).

Please sign the Quitclaim Deed, have your signature notarized, and return it to me in the enclosed envelope, after which, I will have the Deed recorded. Your prompt response would be very much appreciated as my clients are anxious to complete their transfer of these water rights from Paul Frandsen. Please let me know if you have any questions regarding these matters.

Sincerely,

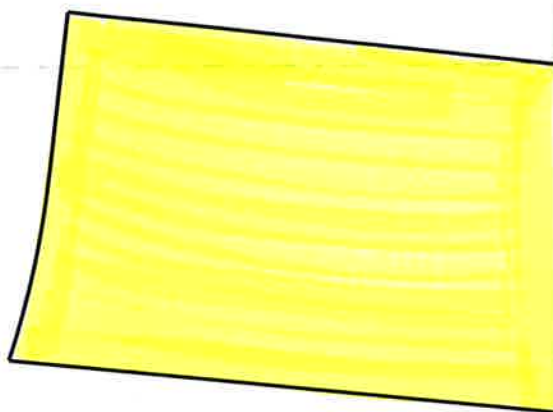


THOMAS J. BUDGE

TJB/ltz

Enclosures

11/20/2024 Sent email to request evidence of ownership.



20724919 Milan Zabka to Jeff & Paulette Christensen
for .13 cfs and 76 AFA (portion of water right)

Need deed to Milan Zabka. from East Bannock
Agricultural Property Trust

5/20/2024

Scale: 1 inch = 600 feet

File:

Tract 1: 40.2773 Acres, Closure: n19.5354w 0.01 ft. (1/632424), Perimeter=5447 ft.

01 /ne,ne,se,21.8s,38e

02 s00.0334e 1090.26

03 n84.0959w 1717.47

04 Lt, r=2898.00, delta=011.4450, arc=594.17, chord=n12.2226e 593.13

05 n06.3001e 512.74

06 s83.3045e 1532.11



IDAHO DEPARTMENT OF
WATER RESOURCES

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 • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

May 21, 2024

MILAN ZABKA
PO BOX 7
LAVA HOT SPGS ID 83246-0007

Re: Change in Ownership for Water Right No(s): 29-13836

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 129

Baily, Jonie

From: Baily, Jonie
Sent: Monday, May 20, 2024 12:26 PM
To: milanzabka58@gmail.com
Subject: Ownership Change Additional Information Required

RE: Change in Ownership Water Right No. 29-13836

Dear Sir/Madam:

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 Ownership:** In order for the department to update ownership of a water right a copy of the 'recorded' Warranty Deed or other legal document indicating your ownership in the water right and/or property is required. Please provide evidence of ownership. The department received a copy of a Quit Claim Deed from you Milan Zabka to Jeff Christensen and Paulette Christensen, Ingeburg Murata and Paul Frandsen for a portion of the water right on the property owned by Milan Zabka, however the application is to update ownership of water right number 29-13836 from East Bannock Agricultural Property Trust to Milan Zabka. Please provide evidence of ownership for the water right or the property the water right is appurtenant to from the current owner of the water right (East Bannock Agricultural Property Trust) to Milan Zabka. If it is also the intent to split the water right giving Christensen, Murata, Frandsen a portion an application signed by them will be required and that will also require a split fee. You can supply evidence of ownership via email, however if you have any questions, please contact me and we can discuss this further.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

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

Sincerely,



IDAHO DEPARTMENT OF
WATER RESOURCES

Jonie Baily | Technical Records Specialist

900 N Skyline Drive Ste. A, Idaho Falls, ID 83402

Phone number: (208) 525-7161

Fax number: (208) 525-7177

Email: jonie.baily@idwr.idaho.gov

Website: www.idwr.idaho.gov