

DEV

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

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 (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
PD ✓ 1-28D	processed separately		PD ✓ 27-2124	processed separately	
PD ✓ 27-4008	processed separately		PD ✓ 27-7494	processed separately	
ADJ ✓ 27-11314	disallowed processed separately		ADJ ✓ 1-169F	disallowed processed separately	
WR 27-7495	processed separately				
ADJ ✓ 27-4010					
ADJ ✓ 27-4009					

RECEIVED

MAR 27 2009

Department of Water Resources
Eastern Region

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **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)

Ralph O. Wheatley + Laura Wheatley

4. New Owner/Claimant(s)

Keith J. Munns + Ruth N. Munns

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

New Mailing Address

8279 S 400 W, Rexburg ID 83440

City, State and ZIP Code

New Telephone Number

(208) 354 3372 Email: _____

5. Date you acquired the property

2-1-2008

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)

Keith J. Munns

(title if applicable)

(title if applicable)

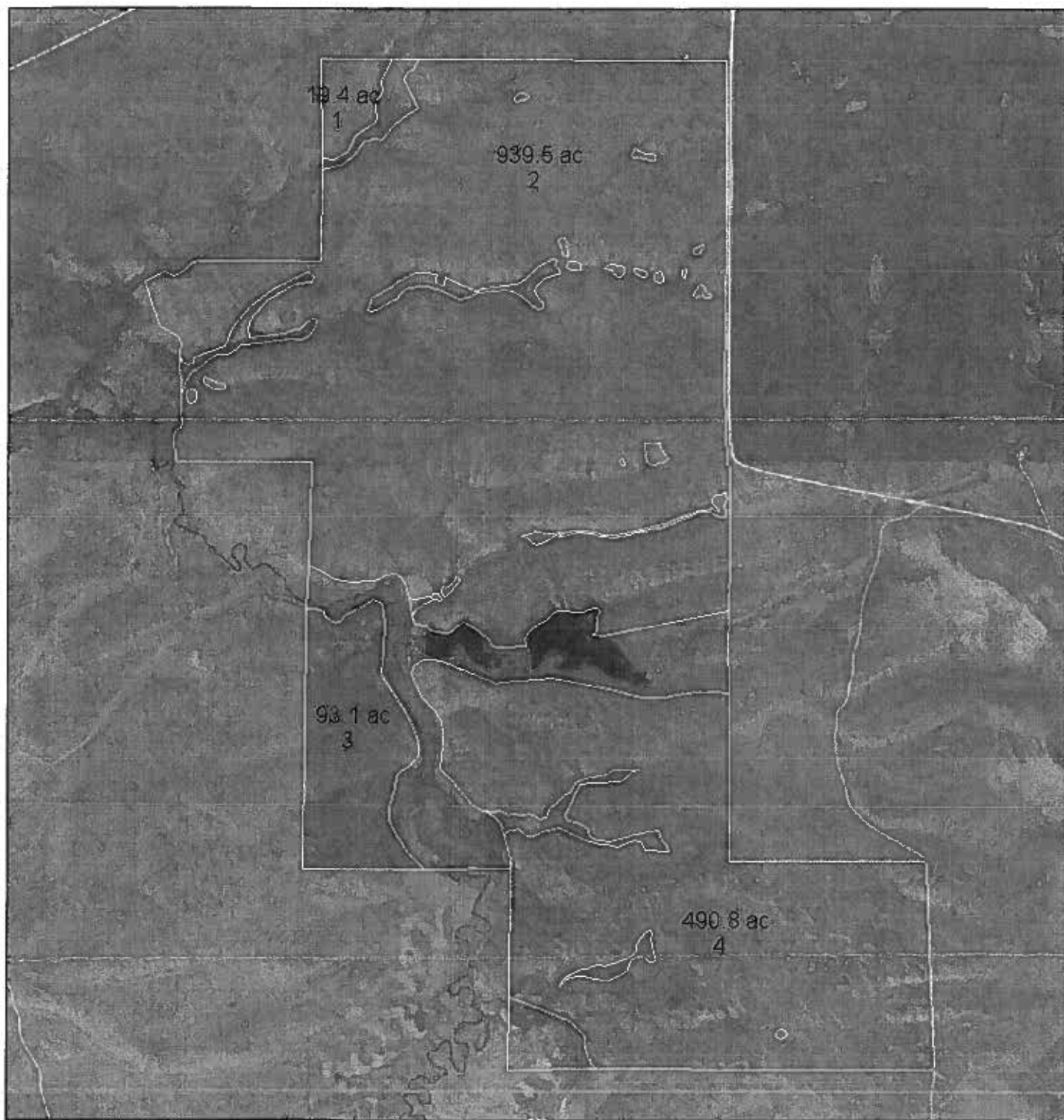
IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by BML
 Received by BML
 Processed by _____ AJ

Date 3/27/09
 Date 3/27/09
 Date _____

Receipt Amt. 100.00
 Receipt No. E034894
 WR _____ Date _____



USDA United States Department of Agriculture
Farm Service Agency



Digital Orthophotography
Not to Scale

Tract 178
Farm 43

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Copy *only*



WARRANTY DEED

Instrument # 179957
CARIBOU COUNTY
2008-02-04 10:16:32 No. of Pages: 1
Recorded for: ALLIANCE TITLE
VEDA MASCARENAS
Ex-Officio Recorder Deputy *BA Strachman* Fee: 3.00
Index to: WARRANTY DEED

Order No.: 3080840925ER

FOR VALUE RECEIVED

Ralph O. Wheatley and Vauna Wheatley, Husband and Wife

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

Keith J. Munns and Ruth N. Munns, Husband and Wife

whose current address is 8279 S 400 W Rexburg, ID 83440

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

Township 5 South, Range 40 East, Boise Meridian, Caribou County, Idaho:

Section 22: East 1/4 of the Southeast 1/4, also, BEGINNING at a point 880 feet East of the Southwest corner of the Southeast 1/4 of said Section 22, and running

Thence North 7°58' West 444 feet;

Thence North 1°23' East 1002 feet;

Thence North 38°22' West 454 feet;

Thence North 16°29' West 541 feet;

Thence North 62°48' East 252 feet;

Thence South 86°58' East 177 feet;

Thence North 51°48' East 339 feet, more or less, to a point on the North line of the Southeast 1/4 of Section 22;

Thence along North line 272 feet, more or less, to the Northeast corner of the Northwest 1/4 of the Southeast 1/4 of Section 22;

Thence South 2640 feet to the South line of said Section 22;

Thence West 440 feet, to the POINT OF BEGINNING.

Section 23: All.

Section 26: All.

Section 35: Northeast 1/4.

Section 36: Northwest 1/4.

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: 2-1-08

Ralph O. Wheatley
Ralph O. Wheatley

Vauna Wheatley
Vauna Wheatley

State of Idaho TO

County of JEFFERSON

On this 1 day of January, in the year 2008 before me, a Notary Public in and for said state, personally appeared Ralph O. Wheatley and Vauna Wheatley 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.

Reed D. Nord
Notary Public for the State of Idaho
Residing at: Rexburg, Idaho
Commission Expires: 6-10-11

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.racinelaw.net

SENDER'S E-MAIL ADDRESS: RCB@racinelaw.net

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

BOISE OFFICE
101 SOUTH CAPITOL
BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
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) 765-6888

ALL OFFICES TOLL FREE
(877) 232-6101

LOUIS F. RACINE (1917-2008)
WILLIAM D. OLSON, OF COUNSEL

April 13, 2009

Cynthia Bridge-Clark
Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: *Application to Lease Water Right Nos. 1-28D, 1-169F, 27-2124,
27-4008, 27-4009, and 27-4010*

Dear Cynthia:

The above-referenced water rights were placed into the State Water Supply Bank by former owner Ralph O. Wheatley, dba Meadowbrook Ranch. Enclosed for your convenient reference is a copy of the Department's May 23, 2003 letter confirming the acceptance into the bank. As noted in the letter, permit number 27-7494 was not accepted into the bank as proof of beneficial use had not been submitted. That permit was reinstated by Order dated June 3, 2004, the proof was filed and a Proof Acknowledgment Letter dated June 4, 2004 issued by the Department, copies of which are also enclosed.

Pursuant to the enclosed Warranty Deed dated 2/1/08, Caribou County Instrument No. 179957, the real property and all appurtenant water rights were acquired from the Wheatleys by Keith J. And Ruth N. Munz, husband and wife, whose address is 8279 S. 400 W., Rexburg, Idaho 83440. The Munz went into the Eastern Region Office in March and had prepared, signed and filed a Notice of Change in Water Right Ownership to reflect them as the owners of these and all other appurtenant water rights. Once this has been processed, the Munz should be reflected as the owner in the Department's records.

April 13, 2009
Page 2

The Munz desire to continue to have the above-referenced water rights in the State Water Supply Bank and also to add Water Right 27-7494 which now qualifies. Please confirm that these water rights remain in the Water Supply Bank and update your records to reflect the Munz as the current owners.

If you have any questions, please contact me. Thanks for your cooperation and assistance.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Keith J. Munz
IDWR/Eastern Region

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

201 EAST CENTER STREET
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LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON, OF COUNSEL

W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODSELL
JOHN B. INGELSTROM
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THOMAS J. BUDGE
CANDICE M. MCHUGH
JONATHAN M. VOLYN
MARK A. SHAFFER

April 13, 2009

IDWR/Eastern Region
Attn: Sharla Cox, Adm. Asst.
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Re: *1-28D* Water Right Nos. ~~01-29X~~, 01-169F, 27-7495, 27-4009, ~~27-4010~~,
27-11314, 27-4008, 27-2124, 27-7494 *PD* *PD* *PD*

Dear Sharla:

Enclosed please find a copy of the Warranty Deed dated 2/1/08, Caribou Country Instrument No. 179957 pursuant to which the described property was acquired by Keith R. And Ruth N. Munz from Ralph O. And Vauna Wheatley. Also enclosed is a summary of the water rights appurtenant to the property acquired by the Munz.

I met with Mr. Munz last week and will continue to represent him with respect to the pending SRBA claims on these rights, as we are familiar with the same, having represented the Wheatleys previously. Mr. Munz indicates that he was in to your office in mid-March and had prepared, signed and filed a Notice in Change of Water Right Ownership in order to have these water rights placed into his name. However, he did not keep a copy of the Notice as filed and therefore is unsure whether or not all of these water rights were included in the Notice of Change as they should have been. Can you please confirm this and also provide me with a copy of the Notice of Change of Water Right Ownership as filed.

Also enclosed for your information and file is a copy of the letter we have sent to the Boise Office to confirm the status of those rights that were previously placed into the Water Supply Bank.

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APR 1 2009

Department of Culture & Heritage
Eastern Region

April 13, 2009

Page 2

Thank you for your cooperation and assistance. If you have any questions, don't hesitate to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Randall C. Budge". The signature is stylized with a large, looping "R" and a cursive "Budge".

RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Keith Munz
IDWR/Boise

**WATER RIGHT SUMMARY
KEITH J. AND RUTH N. MUNNS
8279 S. 400 W.
Rexburg, Idaho 83440**

<u>Water Right No.</u>	<u>Priority</u>	<u>CFS</u>	<u>AF</u>	<u>Source</u>	<u>Use</u>
1. 01-0028D* (Transfer No. 2433, Approved 4/20/81)	2/21/1890	1.82		Corral Creek	Irrigation 4/01-11/01
2. 01-169F*	02/21/1890	1.54		Corral Creek	Irrigation 4/01-11/01
3. 27-7495	2/25/1990	49AF		Chicken Creek	Recreation/Storage 1/01 - 12/31 (Reservoir)
4. 27-4009*	5/01/1959	1.82		Corral Creek	Irrigation 4/01-11/01 (440 ac)
5. 27-4010*	5/01/1959	1.20		Chicken Creek	Irrigation 4/01-11/01 (300 ac)
6. 27-11314	7/28/1961	2.4		Groundwater	Irrigation 4/01-11/01 (120 ac)
7. 27-4008* (Partial Decree issued 8/13/2007)	4/01/1961	3.2		Groundwater	Irrigation 4/01-11/01 (320 ac)
8. 27-2124* (Partial Decree issued 8/13/2007)	7/28/1961	4.38		Groundwater	Irrigation 4/01-11/01 (318 ac)
9. 27-7494 (Proof due)	2/18/1990	6.67		Groundwater	Irrigation 4/01-11/01 (480 ac)

P/D-P/U: Sections 22, 23, 26, 35, 36
Township 5 South, Range 40 East, Caribou County

*Accepted into State Water Supply Bank 5-23-03.



WARRANTY DEED

Instrument # 179957

CARIBOU COUNTY

2008-02-04

10:16:32 No. of Pages: 1

Recorded for : ALLIANCE TITLE

VEDA MASCARENAS

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 3.00

Order No.: 3080840925ER

FOR VALUE RECEIVED

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Keith J. Munns and Ruth N. Munns, Husband and Wife

whose current address is 8279 S 400 W Rexburg, ID 83440

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Section 22: East ½ of the Southeast ¼, also, BEGINNING at a point 880 feet East of the Southwest corner of the Southeast ¼ of said Section 22, and running

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Thence North 1°23' East 1002 feet;

Thence North 38°22' West 454 feet;

Thence North 16°29' West 541 feet;

Thence North 62°48' East 252 feet;

Thence South 86°58' East 177 feet;

Thence North 51°48' East 339 feet, more or less, to a point on the North line of the Southeast ¼ of Section 22;

Thence along North line 272 feet, more or less, to the Northeast corner of the Northwest ¼ of the Southeast ¼ of Section 22;

Thence South 2640 feet to the South line of said Section 22;

Thence West 440 feet, to the POINT OF BEGINNING.

Section 23: All.

Section 26: All.

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

Dated: 2-1-08

Ralph O. Wheatley

Vauna Wheatley