

MEMO

From: Sandy Egbert

To: file

Water right numbers: 65-5687 and 65-10683

RE: Change of Ownership and Motion to File a Late Claim

In reviewing these water rights because of a change of ownership received 4-25-07, I found that a claim was never received for these water rights listed above. They were decreed in the Payette Adj. but a claim was never filed in the SRBA.

I sent a letter to Guy and Kayla Carlson and Kayla called me to say that they had filed a change of ownership (she sometimes called it a claim) in March 30, 2005 and gave me these receipt numbers: W032745 and W032744. These receipts were for a change of ownership of the above two water rights but I could find no other documents. She said someone told her at that time that everything was OK.

I explained to Kayla that they had to file a Motion to File a Late Notice of Claim and a claim form with the SRBA Court in Twin Falls. She was very reluctant to do this since she could see on our web site that there was a water right for those numbers. I explained to her that they were from the Payette Decree but the old owner should have filed a claim in the SRBA and he did not. She finally agreed to file a Late Claim with the court.

I also told her that 65-5687 was described in the wrong qq. Her property is very close to a qq line but it is in the SENW instead of the NESW as it was decreed. I told her she needed to get that corrected when she filed the late claim.

Her phone number is 208-870-2534.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 15, 2007

GUY AND KAYLA CARLSON
36 THUNDER ROAD
GARDEN VALLEY, ID 83622

RE: 65-5687 and 65-10683

Dear Guy and Kayla:

We have received and reviewed the Change of Ownership form you recently submitted and have found some errors that need attention. Neither water right listed above has been claimed in the SRBA Adjudication but they should have been. Since the time to file a claim has passed, you will need to file a Motion to File a Late Notice of Claim with the SRBA Court. I have included the form. You will also need to file a Notice of Claim and I have included both the form and the instructions.

Water right 65-5687 may also have an error. The legal description for this water right shows the property is in the NESW but the map submitted with the Change of Ownership may show the property in the SENW.

I have returned the Change of Ownership and the documentation you submitted since the late claim will have the new information on it.

If you have any questions, please call me at 334-2190.

Sincerely,

Sandy Egbert
GIS Specialist
Western Region

Enc.

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.

WA 104
RECEIVED
APR 25 2007
DEPARTMENT OF
WATER RESOURCES

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 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
45-5687					
65-10683					

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) is 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) DAVID LEATHAM
8445 GODDARD PL. BOISE, ID 83704
4. New Owner/Claimant(s) GUY AND KAYLA CARLSON
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 36 THUNDER ROAD
City, State and ZIP Code GARDEN VALLEY, IDAHO 83622
New Telephone Number () 830-9605
5. Date you acquired the property 3-25-2005

PAYMENT SUBMITTED IN MARCH 2005

65-5687 RECEIPT # WO 32745
65-10683 RECEIPT # WO 32744

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)

Guy J. Carlson
Kyle Carlson

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 _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

252058
TTC/JB



A Pioneer Company
PIONEER TITLE COMPANY
OF ADA COUNTY
661 S. Rivershore Lane, Suite 110 / Eagle, Idaho 83616
(208) 938-8075

Instrument # 201249
IDAHO CITY, BOISE COUNTY, IDAHO
2005-03-25 04:31:13 No. of Pages: 1
Recorded for: PIONEER TITLE
RORA A. CANODY
Ex-Officio Recorder Deputy *Rora A. Canody*
Index to: DEEDS

SEEN AND APPROVED BY

[Signature]

WARRANTY DEED

For Value Received **DALE BRAMLETTE and KELLY BRAMLETTE, Husband and Wife**
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto
GUY J. CARLSON and KAYLA J. CARLSON, Husband and Wife
hereinafter referred to as Grantee, whose current address is 12123 West Spring River Court, Boise, Idaho
83709
the following described premises, to-wit:

Lot 31 of Recorders Plat of Lightning Creek Subdivision, recorded May 23, 1988 under
Instrument No. 127581, records of Boise County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that 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: March 21, 2005

[Signature]
Dale Bramlette

[Signature]
Kelly Bramlette

STATE OF Idaho. County of Ada, ss.

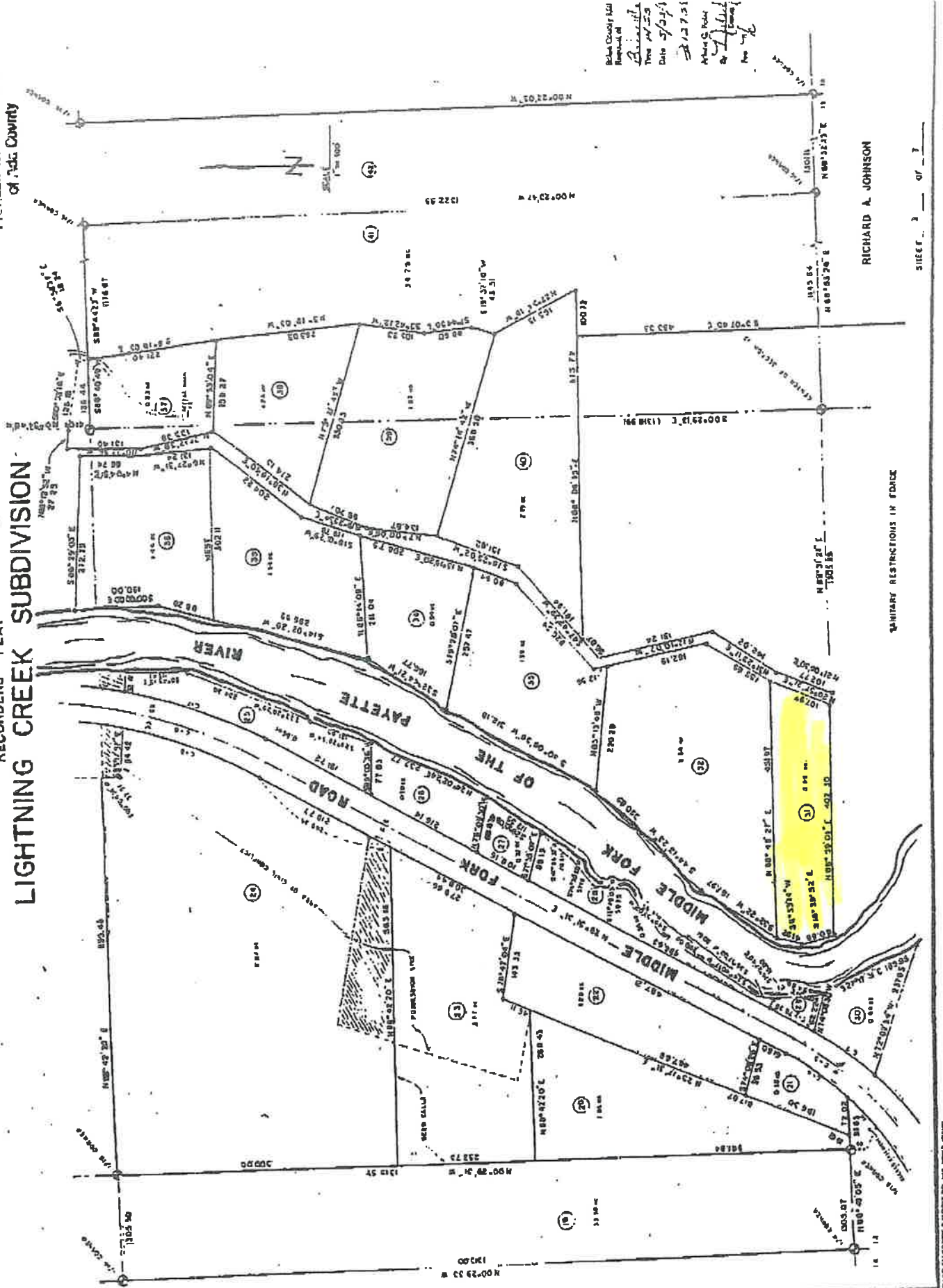
On this 24TH day of March, in the year of 2005, before me Ted W. Kirkhart, notary public
personally appeared Dale Bramlette and Kelly Bramlette known or identified to me to be the
person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that
he/she/they executed the same.



[Signature]
Ted W. Kirkhart
Notary Public of Idaho
Residing at Meridian, ID
Commission expires: July 23, 2010

only. The Company assumes no
liability for statements.
PIONEER TILL COMPANY
of Rice County

RECORDERS PLAT
LIGHTNING CREEK SUBDIVISION



John C. Cady, Inc.
Surveyors
Time 1/1/05
Date 5/2/05
Richard A. Johnson
Surveyor

RICHARD A. JOHNSON

UNITARY RESTRICTIONS IN FORCE

 **Lester, Steve**

From: Peppersack, Jeff
Sent: Friday, August 10, 2007 4:24 PM
To: Lester, Steve
Subject: owner change

Hi Steve,

I received an office day call from **Kayla Carlson** about an ownership change. The database shows that the notice(s) is at Western. She said the realtor was supposed to file two years ago, but somehow it got misplaced... Anyway, they re-filed in April and she spoke with someone who told her it would be done soon. She hasn't heard anything, so is following up again. I told her I would pass on the word. **She will probably be calling in a week or so to follow up again.** The water right numbers are **65-5687** and **65-10683**.

Jeff

REFERRAL from S.O. -
ownership change



ION 4 E S13 SENW

RP 095010000310 A	CARLSON, GUY J & KAYLA J	T10N R4E RECORDERS PLAT	15	.990	AC	77,000
2005						
024-0000 RP095010000310A	12123 W SPRING RIVER CT	LIGHTNING CREEK LOT 31 SEC 13 37				54,880
2005						
	BOISE	ID 83709	(FORMERLY TAX 228)			
201249 WD						
184514						
184513						
184282						
145607						
	PROPERTY ADDR:	36	THUNDER	RD	.990 **	131,880 ***
TYPE:	LOCATION:	400	CAMA AREA #:	1		
DEED CHANGE DATE:	2005/03/25					
INSP YR:	2005				ESTIMATED TAX	1,347.46

Boise County Tax Record.
Includes full legal
Deed change DATE

Not a match

Page: 1

01/26/2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-5687

WATER RIGHT NUMBER: 65-5687

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	J D BARNES
	, ZZ
Current Owner	DAVID LEATHAM 8645 GODDARD PL BOISE, ID 83704
Current Owner	MARJORIE LEATHAM 8645 GODDARD PL BOISE, ID 83704

Priority Date: 08/01/1968

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
AUGLEBRIGHT GULCH CREEK	MIDDLE FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.020 CFS	1.20 AF
	<u>Total Diversion:</u>	0.020 CFS	1.20 AF

Location of Point(s) of Diversion

AUGLEBRIGHT GULCH CREEK NE 1/4 SW 1/4 Sec. 13, Twp 10N, Rge 04E, B.M.
BOISE County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	13									X								

Dates and Other Information:

Decreed Date: 1/21/1986
Water District Number: 65
Decree Defendant: A & C Corp, et al
Decree Plaintiff: State of Idaho
Civil Case Number: 3667
Judicial District: Third District
Swan Falls Trust or Nontrust:
Mitigation Plan: False

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WATER RESOURCES
WESTERN REGION

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01/26/2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-10683

WATER RIGHT NUMBER: 65-10683

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID LEATHAM 8645 GODDARD PL BOISE, ID 83704
Original Owner	RUTH M BARNES . ZZ
Original Owner	JESSE D BARNES . ZZ
Current Owner	MARJORIE LEATHAM 8645 GODDARD PL BOISE, ID 83704

Priority Date: 07/01/1970

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MIDDLE FORK PAYETTE RIVER	PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31		0.040 CFS	1.20 AF
	<u>Total Diversion:</u>		0.040 CFS	1.20 AF

Location of Point(s) of Diversion

MIDDLE FORK PAYETTE RIVER	SE1/4NW1/4	Sec. 13, Twp 10N, Rge 04E, B.M.
BOISE County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	13																	

Dates and Other Information:

Decreed Date: 1/21/1986
 Water District Number: 65
 Decree Defendant: A & C Corp, et al
 Decree Plaintiff: State of Idaho
 Civil Case Number: 3687
 Judicial District: Third District
 Swan Falls Trust or Nontrust:
 Mitigation Plan: False