

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 12 2022

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. **DE ✓**

changed to

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-07657	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-14131 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Carolyn Barrett
Name of current water right holder/claimant

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

P O Box 549
Mailing address
208-241-5773
Telephone

Lava Hot Springs ID 83246
City State Zip
dempseycreek@dempseycreek.com
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: 5/25/2021

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):
 • \$25 per undivided water right.
 • \$100 per split water right.
 • 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: *Sam Netuschil* President 5/9/2022
 Signature of new owner/claimant Title, if applicable Date
Sam Netuschil
 Print name

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

For IDWR Office Use Only:
 Received by JB Date 5/13/2022 Receipt No. E048138 Receipt Amt. \$25.-
 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 8/25/2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**INSTRUCTIONS FOR FILING A
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Idaho Code §§ 42-248 and 42-1409(6). All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at www.idwr.idaho.gov/forms/water-rights.html. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the IDWR's website using the [Water Right and Adjudication Search](#).

Please note:

- Unlike licensed or decreed water rights, which are real property, water right permits, applications for new water rights, and applications to transfer existing water rights are considered the personal property of the permit holders/applicants. Permit holders and applicants must assign their interest in a permit and/or application to the new owner. Assignment forms are available on the IDWR's website at www.idwr.idaho.gov/forms/water-rights.html, or from any IDWR office. The fee for an Assignment of Permit is \$25. There is no charge for an Assignment of Application for Permit or Application for Transfer.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.
- Any action by IDWR updating the ownership of a water right in IDWR's records is not a determination of water right ownership. Water right ownership disputes arising from a notice of change in water right ownership must be resolved in a water rights adjudication or in an action to quiet title.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.
4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.

Water Right
29-7657

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.

An aerial photograph of a residential area. A yellow boundary line outlines a specific region. The area is divided into sections labeled with blue numbers: 21, 22, 27, and 28. A yellow circle is located at the top left corner of the yellow boundary. The area contains houses, trees, and a road. A blue line runs vertically through the right side of the image. The text 'S60' is visible on the left side, and 'S0E' is at the top.

-
- A horizontal number line representing distance in miles. It starts at 0 on the left and ends at 0.16 Miles on the right. There are major tick marks at 0, 0.04, 0.08, and 0.16. Between each major tick mark, there are four smaller tick marks, dividing each 0.04-mile segment into five equal parts of 0.008 miles each.





135 N. Arthur Ave.
Pocatello, ID 83204

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 727749 SK/CB

WARRANTY DEED

For Value Received

Carolyn Barrett a married woman as her sole and separate property
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Sam Netuschil, a married man as his sole and separate property
hereinafter referred to as Grantee, whose current address is

SN

P.O. Box 549 Lava Hot Springs, ID 83246

The following described premises, to-wit:

Parcel 1:

Commencing at a point 130 feet North of the Southeast corner of Block 1, HALL'S FIRST ADDITION TO HALL CITY, Bannock County, Idaho, same being point of intersection of North line of alley in said block established by deed recorded in the office of the County Recorder of said Bannock County, Idaho, in Book 35 of Deeds page 422; running thence West along said North line of said alley 60 feet; thence North at right angles to said last described line, to intersection with North line of said Block; thence Southeasterly direction along North line of said Block to intersection with East line of said Block; thence South along said East line of said Block to place of beginning.

Excepting therefrom the following described parcel:

Beginning at a point 209.5 feet North of the Southeast corner of Block 1, Halls First Addition to Hall City, Village of Lava Hot Springs as the same appears on the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho, in Book 35 of Deeds, page 422; thence North 19 feet to the South bank of the Portneuf River; thence in a Westerly direction along said South bank of the Portneuf River 60 feet, more or less; thence South 19 feet; thence in an Easterly direction 60 feet, more or less, to the point of beginning

Parcel 2:

Beginning at Southeast corner of Block 1, HALL'S FIRST ADDITION TO HALL CITY, Bannock County, Idaho; thence West 60 feet along Main Street; thence North 110 feet parallel with Third Avenue East; thence East 60 feet parallel with Main Street to West line of Third Avenue East; thence South 110 feet along West line of Third Avenue East to point of beginning

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: May 25, 2021

Carolyn Barett

State of IDAHO, County of BANNOCK

This record was acknowledged before me on May 25, 2021 by Carolyn Barrett.

Signature of notary public
Commission Expires: 03/09/2027

Pioneer Title Pocatello

22111871

2021 May 25 PM 04:33

Electronically Recorded by Simplifile



Pioneer Title Co.
GOING BEYOND

135 N. Arthur Ave.
Pocatello, ID 83204

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Parcel 2:

Beginning at Southeast corner of Block 1, HALL'S FIRST ADDITION TO HALL CITY, Bannock County, Idaho; thence West 60 feet along Main Street; thence North 110 feet parallel with Third Avenue East; thence East 60 feet parallel with Main Street to West line of Third Avenue East; thence South 110 feet along West line of Third Avenue East to point of beginning

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EB



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EB

Dated: May 25, 2021



Carolyn Barrett

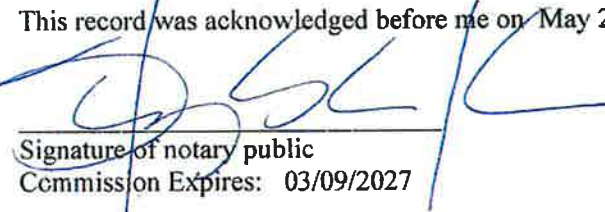


Lou Barrett

By my signature above, I am conveying my homestead rights as set forth in Section 55-1007 of the Idaho Code and for no other purpose as I have no interest in the subject property.

State of IDAHO, County of BANNOCK

This record was acknowledged before me on May 25, 2021 by Carolyn Barrett.

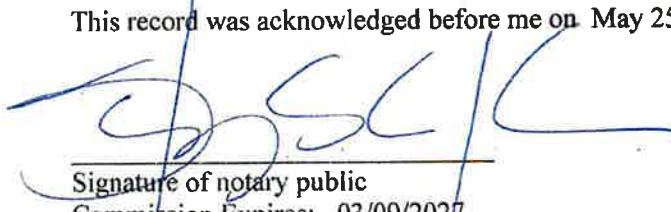


Signature of notary public
Commission Expires: 03/09/2027



State of IDAHO, County of BANNOCK

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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 Gary Spackman

August 25, 2022

SAM NETUSCHIL
PO BOX 549
LAVA HOT SPGS ID 83246-0549

Re: Change in Ownership for Water Right No(s): 29-14131

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 Barg
Technical Records Specialist 1

Enclosure(s)