

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 26 2021
Department 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 #6 of the instructions. DE ✓

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
13-2010	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: William G. Cole and William T. Fowler
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Mathews Brothers LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 670 Mingo Road Grace Idaho 83241
Mailing address City State ZIP
- (208) 681-8008 mathews6@live.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: Yes. 50" of right 11-2-110
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
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: *Sam C. Bergh* *Attorney for Applicant per POA* *2/24/21*
Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by *JB* Date *2/26/2021* Receipt No. *E0466-76* Receipt Amt. *\$100.-*
 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 _____ Processed by _____ Date _____

Returned Unprocessed - Refund Requested

161466

STATE OF IDAHO

County of Caribou

Date: Nov 31, 2000Time: 4:45 PM

Official Records

Recorder: Edie Izatt

Deputy: Dennis JohnsonFee: 2.00

AT

3080040056

WARRANTY DEED

FOR VALUE RECEIVED

TERRY M. SMITH and CAROLANN SMITH, husband and wife, and TERRY M. SMITH, Trustee of TRG, III, a Trust, who reside at 433 River Road, Grace, Caribou County, Idaho, **Grantors**, do hereby grant, bargain, sell and convey unto Mathews Brothers LLC, whose address is 670 Mingo Road, Grace, Caribou County, Idaho; **Grantee**, the following described premises located in Caribou County, Idaho and as more fully described as follows:

The South half of the Northeast Quarter of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter of Section 11; the Northeast Quarter of the Northwest Quarter, the South half of the Northwest Quarter, and the North half of the Southwest Quarter, and that part of the South half of the Southwest Quarter lying North of the center line of Bear River, all in Section 14, Township 11 South, Range 40 East of the Boise Meridian.

TOGETHER with all oil, gas, coal, geothermal, or other mineral rights.

TOGETHER with the following water rights:

- A. 150 shares capital stock of Last Chance Canal Company
- B. 150 shares capital stock of Bench Canal Company (Carrying Right Only)
- C. 150 shares capital stock of Niter Canal Company (Carrying Right Only)
- D. 50 miner's inches (1/2 cfs) of water from Gibbs Springs, located in Caribou County, Idaho, with a priority date of March 16, 1905, and as evidenced by State Permit No. 1212, Water Right No. 13-02010.
- E. Any water to which Seller is entitled from an unnamed spring located in Section 14, Township 11 South, Range 40 East, B.M., which provides culinary water to a residence owned by Dennis Johnson.

Reserving therefrom the following tract:

A tract of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T11S, R40E, B.M., Caribou County, Idaho, more particularly described as follows:
Beginning at a point 1348.6 feet North and 1618.4 feet East of the Southwest corner of Section 14, T11S, R40E., B.M., said point being on the North right of way line of a

Caribou County road; thence N 1° 12' W
178.43 feet; thence N 76° 39' E 224.35 feet;
thence S 125 feet; thence S 89° 49' E 322.62
feet; thence S 4° 40' E 106.83 feet more or
less to said right of way; thence N 89° 49' W
556.03 feet more or less to the point of beginning.

ALSO RESERVING therefrom that part of the South
Half of the Southwest Quarter lying North of
the center line of Bear River.

SUBJECT to all easements and rights of way of record.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said Grantee, its heirs and assigns forever.
And the said Grantors do hereby covenant to and with the said
Grantee that they are the owner in fee simple of said premises;
that they are free from all encumbrances, and that they will
warrant and defend the same from all lawful claims whatsoever.

DATED: This 31st day of May, 2000.

Terry M. Smith
TERRY M. SMITH

Carolann Smith
CAROLANN SMITH

TRG, III, a Trust

By: Terry M. Smith TTE
TERRY M. SMITH, Trustee

STATE OF IDAHO)
 : ss
County of Caribou)

On this 31st day of May, 2000, before me, the undersigned
Notary Public, personally appeared Terry M. Smith and CarolAnn
Smith, known to me to be the persons whose names are subscribed to
the foregoing 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.

Keresa Rigby
NOTARY PUBLIC FOR IDAHO
Residing at Soda Springs, Idaho
Commission Expires: June 17, 2002



161466

STATE OF IDAHO)
 : ss
County of Caribou)

On this 31st day of May, 2000, before me, the undersigned Notary Public, personally appeared Terry M. Smith, Trustee, of TRG, III, Trust, known to me to be the person whose names is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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



Terisa Rigby
NOTARY PUBLIC FOR IDAHO
Residing at Soda Springs, Idaho
Commission Expires: June 17, 2002

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON, PLLP, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204 (the "Firm"), its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow the Firm to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on its behalf.

DATED this 18th day of February, 2021.

MATHEWS BROTHERS, LLC

By: [Signature]
Mark Mathews, Manager
670 Mingo Road
Grace, Idaho 83241
208-681-8008

STATE OF Idaho)
: ss.
County of Caribou)

This record was acknowledged before me on this 18th day of February, 2021, by Mark Mathews as Manager of Mathews Brothers, LLC.



[Signature]

NOTARY PUBLIC FOR
IDAHO
(SEAL)

My Commission Expires: 8/31/26

WARRANTY DEED

FOR VALUE RECEIVED

TERRY M. SMITH and CAROLANN SMITH, husband and wife, and TERRY M. SMITH, Trustee of TRG, III, a Trust, who reside at 433 River Road, Grace, Caribou County, Idaho, Grantors, do hereby grant, bargain, sell and convey unto Mathews Brothers LLC, whose address is 670 Mingo Road, Grace, Caribou County, Idaho; Grantee, the following described premises located in Caribou County, Idaho and as more fully described as follows:

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Notice of Change in Ownership



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

WATER RIGHT REPORT

2/16/2021
IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report
WATER RIGHT NO. 13-2010

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM G COLE
Current Owner	WILLIAM T FOWLER THATCHER, ID

Priority Date: 03/16/1905
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
GIBBS SPRING	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	/	/	1.8 CFS	
DOMESTIC	/	/		
Total Diversion			1.8 CFS	

Location of Point(s) of Diversion:

GIBBS SPRING|SWNW|Sec. 12|Township 11S|Range 40E|CARIBOU County
Place(s) of use:
Place of Use Legal Description: IRRIGATION CARIBOU County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
11S	40E	14		NENE	20		NWNE	20						
				SWNW	25		SENE	25						

Total Acres: 90

Dates:

Licensed Date: 03/22/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 11

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

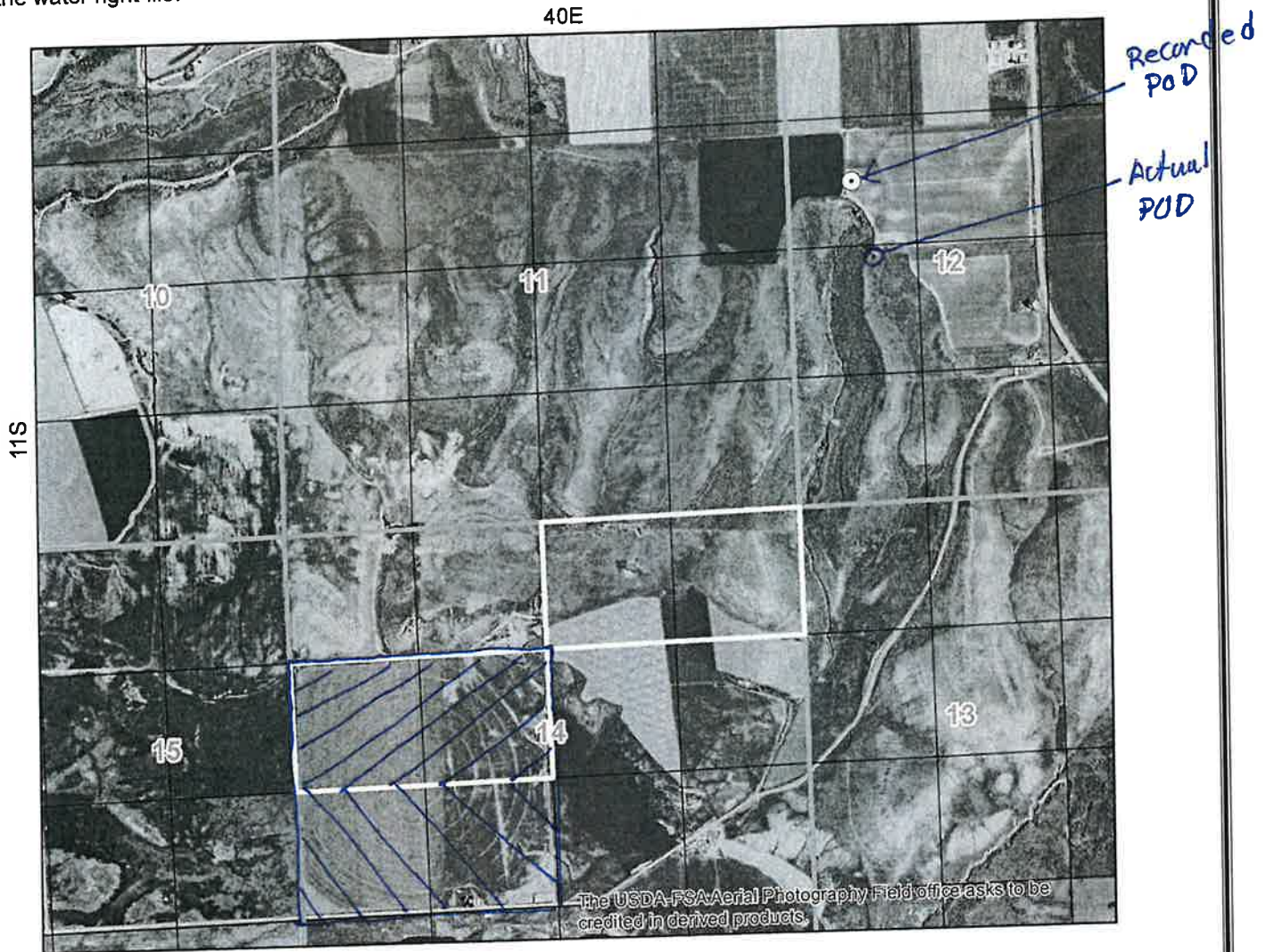
Mitigation Plan: False

State of Idaho
Department of Water Resources

Water Right
13-2010

IRRIGATION

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.





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

MATTHEW BROTHERS LLC
670 MINGO RD
GRACE ID 83241

RE: Change in Ownership Water Right No. 13-2010

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership on February 26, 2021, for the above-mentioned water rights. During our review of the ownership change the department determined that a full copy of the recorded deed, full chain of title and transfer application is required. The copy of the full recorded deed was received; however, the other information has not been submitted. Therefore, the notice is being returned unprocessed.

Because the department is returning your application you are entitled to a full refund. The department has initiated the refund and it should arrive from the state office in couple of weeks.

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,

Jonie Barg
Technical Records Specialist

cc: Racine Olson

Barg, Jonie

From: Barg, Jonie
Sent: Tuesday, August 30, 2022 9:06 AM
To: IdwrPayable
Subject: Refund Request
Attachments: Receipt(1).PDF

Good morning!

I have a refund request as follows:

Receipt number: E046676
Amount: \$100.00
Payable to RACINE OLSON
PO BOX 1391
POCATELLO ID 83204

Reason: Ownership Change filed; additional information requested. Information was not received; therefore, the application is being retuned unprocessed. The applicant is entitled to a full refund of this receipt.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!



IDAHO DEPARTMENT OF
WATER RESOURCES

Jonie Barg | 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.barg@idwr.idaho.gov
Website: www.idwr.idaho.gov



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

April 5, 2022

MATTHEW BROTHERS LLC
670 MINGO RD
GRACE ID 83241

RE: Change in Ownership Water Right No. 13-2010

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/Application:** The department acknowledges receipt of your ownership change for Mathews Brothers LLC. The department received a copy of a Warranty Deed from Terry M and Carolann Smith and TRG III to Mathews Brothers LLC, however it is not recorded nor is it a full copy. Please supply a full copy of that deed. Also, the current owner of the water right is William Cole and William Fowler, please supply a full chain of title going back to the current owner on file according to the records filed with the department. Also, your letter requests the department update the POD, changing the POD will require a transfer application. Please supply a transfer application for the department to complete that request.

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,

Jonie Barg
Technical Records Specialist

Enclosure(s)

cc: RACINE OLSON

SCANNED

APR 05 2022

February 24, 2021

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

Re: Application for Transfer – Mathews Brothers LLC

To whom it may concern:

Enclosed please find the following:

1. Original and two extra copies of a Notice of Change in Water Right Ownership with attached Warranty Deed, Water Right Report, Map, and Power of Attorney.
2. Check in the amount of \$100 for the filing fee.
3. Stamped and addressed return envelopes, one to me and one to the Applicant.

Please file and process the original and conform stamp and return to the extra copies in the enclosed envelopes.

The Applicant, Mathews Brothers LLC, owns the identified place of use under pivot sprinkler irrigation. This consists of the S1/2NW1/4 of Section 14, T11S, R40E, which is part of the authorized place of use under right 13-2010, and the N1/2SW1/4 of Section 14 which is within the authorized place of use of Last Chance Canal Company.

Note also on the map the point of diversion is actually slightly south from the point indicated on the Department's shape file for this right being just across the section line in the NW1/4NW1/4 of Section 12. At the point of diversion water is captured from the spring and diverted into a pipeline. At that location Last Chance Canal water at the end of the Vandernacker Lateral is also piped to the point of diversion. From the point of diversion water from both sources is piped in a southwesterly direction to the center pivot located in the SW1/4NW1/4 of Section 14. Water available under Last Chance shares supplements the natural flow available from the spring.

If you have any questions, please contact me.

Sincerely,



RANDALL C. BUDGE

RCB:ts
Enclosures

c: Mark Mathews, Manager of Mathews Brothers LLC