

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 16 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. **DEV**

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-2786	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: Harriet A. Clark
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Ace Harold Clark
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- PO Box 240 Moreland ID 83256
Mailing address City State Zip
- 208-604-6681 _____
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: 01/07/2022
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: *Ace Clark* _____ 2/1/22
 Signature of new owner/claimant Title, if applicable Date
Ace Clark
 Print name

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

 Print name

For IDWR Office Use Only:
 Received by M. Paltas Date 3-16-22 Receipt No. 25.00 Receipt Amt. E047912
 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 Returned JC Date _____
*Tried to call no answer.

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

1/7/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-2786

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRIET A CLARK
Current Owner	JOHN T CLARK 645 W 150 N BLACKFOOT, ID 83221 2086844316
Original Owner	DELWYN V ELLIS 904 W 200 N BLACKFOOT, ID 83221 2086844268

Priority Date: 07/02/1965

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.74 CFS	190 AFA
Total Diversion			0.74 CFS	190 AFA

Location of Point(s) of Diversion:

GROUND WATER | NENESW | Sec. 09 | Township 02S | Range 34E | BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
02S	34E	9		SWNW 19			SENEW 23							
				NWSW 5										

Cary Act Number:

Mitigation Plan: False

RECORDING REQUESTED BY

First American Title Company

AND WHEN RECORDED MAIL TO:

First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

COPY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **1017637-B (tr)**

Date: **January 05, 2022**

For Value Received, **Janice Clark Zabriskie, Personal Representative of the Estate of Harriet Agnes Clark, deceased, Case No. CV06-20-0643**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Ace Harold Clark, a married man as his sole and separate property**, hereinafter called the Grantee, whose current address is **P.O. Box 240, Moreland, ID 83256**, the following described premises, situated in **Bingham County, Idaho**, to-wit:

Part of the West ½ Section 9 Township 2 South Range 34 East B.M. Bingham County, Idaho described as:

Commencing at the Southeast corner of Section 9; thence N 89°21'43" W 5331.92 feet along the section line to the Southwest corner of Section 9; thence N 00°30'09" E 2139.95 feet along the West line of Section 9 to the Point of Beginning. Thence N 00°30'09" E 507.95 feet to the West ¼ corner of Section 9; thence N 00°30'09" E 449.04 feet continuing along the section line to an angle point as described in instrument number 632353; thence N 10°57'42" E 766.12 feet (of record 766.19 feet); thence S 89°29'18" E 1788.97 feet along the south line of parcels described in deed instrument's 688997, 660766, 668316, 606825, 237935, 270745 and 222760 to a point on the southerly Right of Way line of Highway 26 F.A.P. AF-1381(4); thence S 49°58'18" E 497.27 feet along said southerly Right of Way line; thence S 00°14'40" W 588.15 feet to a point on a curve whose radius point bears S 00°32'18" E 1446.51 feet; thence southwesterly 1571.76 feet along a curve to the Left through a central angle of 62°15'24" having a radius of 1446.51 feet and a chord that bears S 58°20'00" W 1495.57 feet; thence N 90°00'00" W 1048.33 feet to the Point of Beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the 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.

RECEIVED

MAR 16 2022

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**Notice of Security Interest in a Water Right**
and a request to be notified of a change in ownership or any proposed
or final action to amend, transfer, or otherwise modify the water right(s)

Attach pages with additional information. Incomplete forms will be returned.

1.	Water Right/Claim No.	Water Right/Claim No.	Water Right/Claim No.	Water Right/Claim No.
	35-2786			

2. The following **REQUIRED** information must be submitted with this form:

- A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

- B) A **FEE** of **\$25.00** per water right or adjudication claim.

3. Name and Mailing Address of Person or Company Holding Security Interest

United States of America acting through

the Farm Service Agency

725 Jensen Grove Dr. Ste. 2

Blackfoot, ID 83221

Phone 208-785-2090

Email kory.murdock@usda.gov

4. Name of Water Right Owner/Claimant(s)

Ace H. Clark

5. Expiration Date of Notification Period

01/07/2052

6. Is this a Renewal of Request for Notification?

☐ YES☒ NO

7. Signature(s) of Security Interest Holder(s)



Title, if applicable

Farm Loan Officer

For Office Use Only

Received by _____ Date _____ Receipt No. _____ Fee _____

Processed by AJ _____ Date _____ WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Ownership Change

35-2786

SALT LAKE CITY UT 840

6 JUL 2022 PM 3:41

RECEIVED

JUL 13 2022

RETURN SERVICE REQUESTED

Department of Water Resources
Eastern Region

US POSTAGE TM PITNEY BOWES
ZIP 83402 \$ 000.53⁰
02 7H JUL 01 2022
0006017063

NIXIE 841 DE 1 0007/10/22

RETURN TO SENDER
NO SUCH NUMBER
UNABLE TO FORWARD

BC: 83402171499 *1136-08115-06-41

83255-02
83402>1714



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

July 1, 2022

Ace Harold Clark
PO Box 240
Moreland, ID 83256

RE: Notice of Change in Water Right Ownership for Water Right 35-2786

Dear Mr. Clark:

On March 16, 2022, you filed a Notice of Change in Water Right Ownership, seeking to update the ownership records for water right 35-2786. The ownership change notice included the first page of an unrecorded deed but did not include the signature page of the deed. You also filed a Notice of Security Interest in a Water Right for water right 35-2786. The security interest notice did not include the appropriate filing fee (\$25).

On March 17, 2022, the Department sent you a letter asking you to provide a complete, recorded copy of the Warranty Deed from the Estate of Harriet Agnes Clark and to provide the filing fee for the security interest notice. I can't find any evidence that you responded to the request. Rather than continue to hold your ownership change notice into perpetuity, I have decided to return your notice and refund your filing fee (Receipt No. E047912, \$25) to allow you time to track down a complete, recorded copy of the warranty deed. A refund check from the state should arrive in the next couple of weeks. Feel free to call if you have any questions.

Sincerely,

James Cefalo
208-525-7161



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

March 17, 2022

ACE HAROLD CLARK
PO BOX 240
MORELAND ID 83256

RE: Change in Ownership Water Right No. 35-2786

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:** Please provide a copy of the vesting deed for the property and/or water right for the water rights listed above. The department acknowledges receipt a partial copy of an unrecorded Warranty Deed dated January 5, 2022. Please supply a full copy of the recorded Warranty Deed.

**** **Evidence of Security Interest/Filing Fee:** A notice of security interest for Farm Service agency was also attached. The fee for a security interest is \$25.00. Please provide the fee for the security interest to be added as well as evidence of security interest, a full copy of the recorded Deed of Trust or Mortgage.

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)