

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 07 2022

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 #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?
✓ 11-7741 <i>OK</i>	Yes ☒	Yes ☐	11-7741	Yes ☐	Yes ☐
	Yes ☐	Yes ☐	11-7924	Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Bear River Meadows LLC
Name of current water right holder/claimant

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

PO Box 375 Soda Springs ID 83276
Mailing address City State Zip
208-317-6906
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: 11-4-2021

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):
 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.

Support Data
In File # 11-7741

8. Signature: [Signature] Title, if applicable: _____ Date: _____
 Signature: [Signature] Title, if applicable: _____ Date: 2-7-2022
 Signature: [Signature] Title, if applicable: _____ Date: _____
 Signature: [Signature] Title, if applicable: _____ Date: _____

Received by JB Date 2/7/2022 For IDWR Office Use Only: E047860 \$75.- Receipt No. E047772 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 _____ Processed by _____ Date _____

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.

5. Indicate the date the water rights and/or adjudication claims were conveyed to you. This may be the date of closing in the case of a real estate transaction, the date a contract was signed, or the date of a court order.
6. If you own the land identified as the water right place of use, mark the box "Yes". If you do not own the land identified as the water right place of use, mark the box "No". If you are filing a change in water right ownership and you do not own the land identified as the place of use for the water right, Idaho Code § 42-248(6) requires you to provide written notice of the change in water ownership to the landowner of record, as identified in the records of the county recorder. If you have provided the required written notice, attach evidence that you have done so. IDWR will return your Notice of Change in Water Right Ownership if you are required to provide written notice to the water right place of use landowner and no evidence is submitted.
7. **REQUIRED ITEMS:**

IDWR cannot process this change without **documentation of ownership**. The documentation may be in the form of a deed, court decree or other conveyance document. If you are submitting a quitclaim deed and the grantor's name does not match the water right holder of record, you will need to provide a chain of title that goes back to the water right holder/claimant of record. You may obtain this information from the assessor's office in the county where the property is located. Items that are **not** conveyance documents are deeds of trust, mortgages, purchase and sales agreements, and property tax notices.

Submit a **plat map, survey map, or aerial photograph** of the place of use for each water right or claim listed in item #1 (if necessary to clarify division of water rights or complex property descriptions). If your 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 photograph with the irrigated acres outlined and point(s) of diversion clearly marked. You also have the option of printing a map using the map tool on IDWR's website. It is not necessary to obtain a new survey for purposes of this form before contacting IDWR.

The Idaho Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication or the Northern Idaho Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the **filing fee** is \$25 per water right, except for those water rights that will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right.

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. If you are unsure about the status of your water right in the Water Supply Bank, go to the Water Supply Bank Lease Search, input your water right number, and click "Search.". Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Each of the owners must sign the Lessor Designation form. 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. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s). If your water right is in the Water Supply Bank and you want to release it so you can use it, complete and submit the Request to Release form. Your water right may not be available for immediate release if rented by another water user.

8. One of the new owner(s) must sign the form in the space(s) provided. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.

When you have completed the Notice of Change in Water Right Ownership, retain a copy and **file the original form, necessary attachments, and filing fee with the IDWR office nearest you. Ownership changes for water rights leased to the Water Supply Bank should be sent to the State Office.**

IDWR Northern Region
7600 N Mineral Dr, Ste 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR State Office
322 E Front St, Ste 648
PO Box 83720
Boise, ID 83720-0098
(208) 287-4800

IDWR Eastern Region
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858
(208) 736-3033

RECORDING REQUESTED BY

First American Title Company

AND WHEN RECORDED MAIL TO:

First American Title Company
241 S Main Street Suite 1
Soda Springs, ID 83276

Instrument # 208452

CARIBOU COUNTY, IDAHO

11-04-2021 09:31:45 No. of Pages: 6

Recorded for: FIRST AMERICAN TITLE CO, INC - SODA SPRINGS

Denise Horsley Fee: \$15.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **1007107SOD (ku)**

Date: **October 27, 2021**

For Value Received, **Bear River Meadows LLC**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **David Orchard, an unmarried man**, hereinafter called the Grantee, whose current address is **PO Box 375, Soda Springs, ID 83276**, the following described premises, situated in **Caribou County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

TOGETHER WITH the right of ingress and egress over and across Moore Lane as disclosed by Right of Way Easement recorded October 27, 1999, Instrument No. 160194.

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.

File No.: **1007107SOD (ku)**

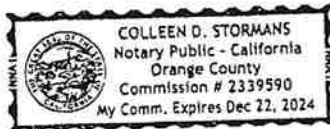
Page 2 of 4

File No.: 1007107SOD (ku)

By: _____
Name: Casey Quinn
Title: Manager

STATE OF California)
)
) SS.
COUNTY OF Orange)

On this 29th day of October, 2021, before me, a Notary Public in and for said State, personally appeared **Charles Hugh Schvaneveldt**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Bear River Meadows LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that **he** executed the same in said Limited Liability Company's name.



Concepcion D. Sormann
Notary Public of California
Residing at: San Juan Capistrano, CA 92675
Commission Expires: 12-22-2024

File No.: **1007107SOD (ku)**

Notary Public of _____
Residing at: _____
Commission Expires: _____

On this 25th day of **October, 2021**, before me, a Notary Public in and for said State, personally appeared **Casey Quinn**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Bear River Meadows LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that **he** executed the same in said Limited Liability Company's name.


Notary Public of Idaho
Residing at: Soda Springs, Idaho
Commission Expires: 09-21-2024

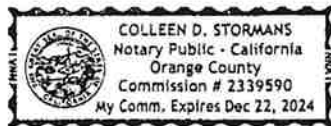
Date: 10/27/2021

Warranty Deed
- continued

File No.: 1007107SOD (ku)

STATE OF California)
)
COUNTY OF Orange)

On this 29th day of October, 2021, before me, a Notary Public in and for said State, personally appeared **Cathy Code**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Bear River Meadows LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that **she** executed the same in said Limited Liability Company's name.



Colleen D. Stormans
Notary Public of California
Residing at: San Juan Capistrano, CA 92675
Commission Expires: 12-22-2024

STATE OF Idaho)
)
COUNTY OF Caribou)

On this _____ day of **October, 2021**, before me, a Notary Public in and for said State, personally appeared **Casey Quinn**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Bear River Meadows LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that **he** executed the same in said Limited Liability Company's name.

Notary Public of Idaho
Residing at: Soda Springs, Idaho
Commission Expires: 09-21-2024

EXHIBIT A

Township 9 South, Range 42 East of the Boise Meridian, Caribou County, Idaho:

Section 32: NW $\frac{1}{4}$ NE $\frac{1}{4}$.

EXCEPT THEREFROM, the following described tracts:

**1. Beginning at the North Quarter corner of said Section 32, and running
Thence South along the meridional centerline of said Section 32, 1320 feet to the South line
of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32;
Thence East along said line 417.8 feet;
Thence North 2083.2 feet;
Thence West 1025.0 feet to the Easterly right of way line of Bailey Creek Road;
Thence North 48°04' West 452.6 feet along said right of way;
Thence North 38°50' West 356.3 feet along said right of way;
Thence North 52°31' West along said right of way 178.8 feet, more or less, to the North line
of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29;
Thence West along said North line 167.8 feet;
Thence South 1320 feet along the West line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29;
Thence East 1320 feet, more or less, to the Point of Beginning.**

**2. Beginning at a point 797.3 feet East of the Southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section
32,
and running
Thence North 903.2 feet;
Thence East 554 feet, more or less, to the East line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32;
Thence South 903.2 feet to the said South line;
Thence West along said South line 554 feet, more or less,
To the Point of Beginning.**

Along with Water Right Number 11-7741



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

June 24, 2022

DAVID ORCHARD
PO BOX 375
SODA SPRINGS ID 83276-0375

Re: Change in Water Right Ownership: 11-7741 (Split into 11-7741 and **11-7924**),

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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) 497-3793.

Sincerely,

Christina Henman
Administrative Asst. I

Enclosure(s)

c: BEAR RIVER MEADOWS LLC



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

February 9, 2022

DAVID ORCHARD
PO BOX 375
SODA SPRINGS ID 83276

RE: Change in Ownership Water Right No. 11-7741

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:

**** **Additional Filing Fee:** According the information received with your application. This ownership change will require a split. Please review the map attached, if you believe you own the entire place of use of the water right, please submit additional evidence of ownership. If a split is required, please supply the additional filing fee required for a split ownership change. An ownership resulting in a split is \$100.00, the department received \$25.00 with your application, therefore an additional \$75.00 is required.

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.

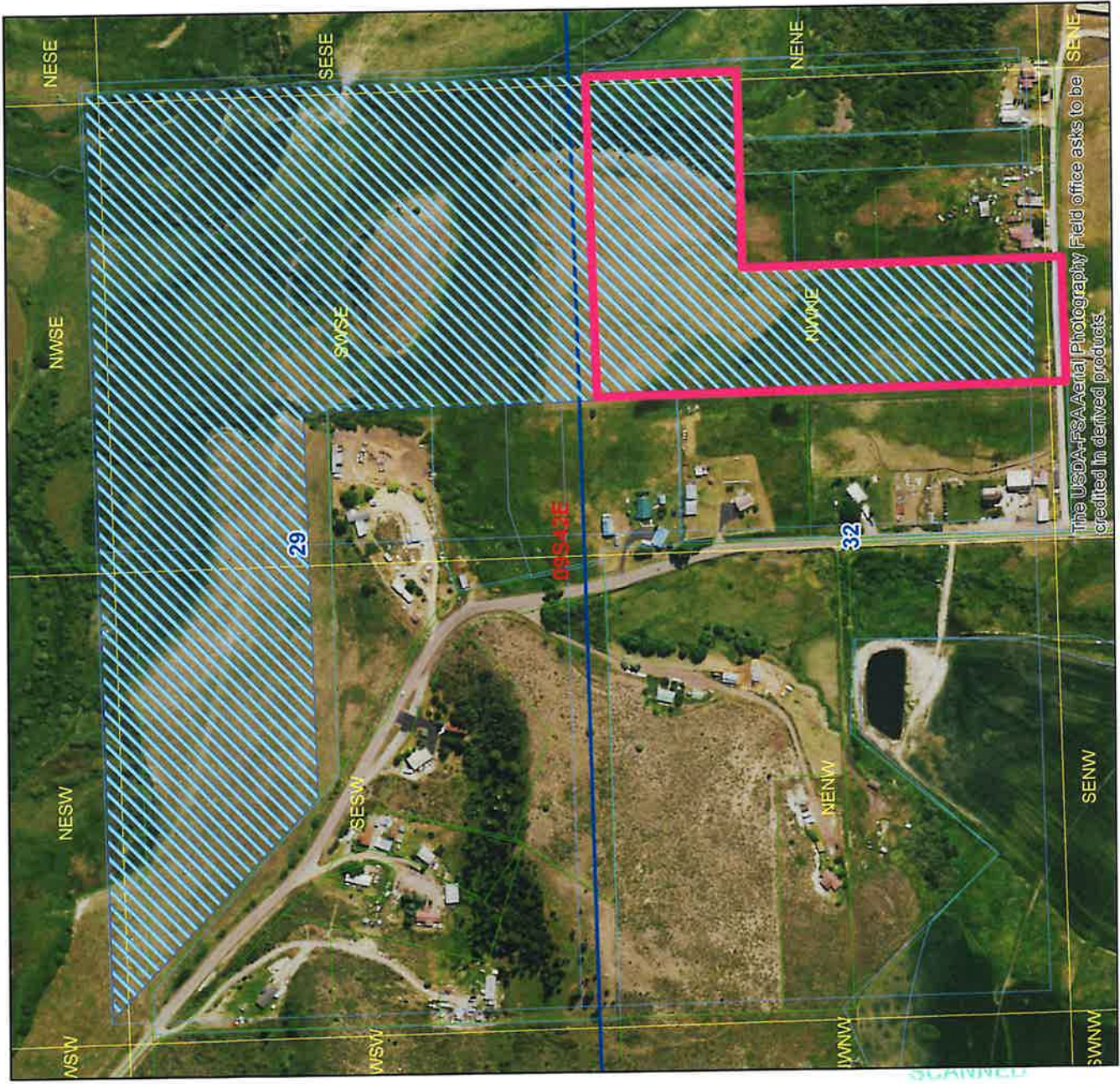
Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

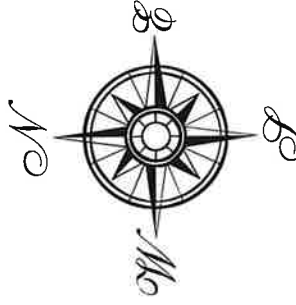
SCANNED
FEB 10 2022

Idaho Department of Water Resources



Legend

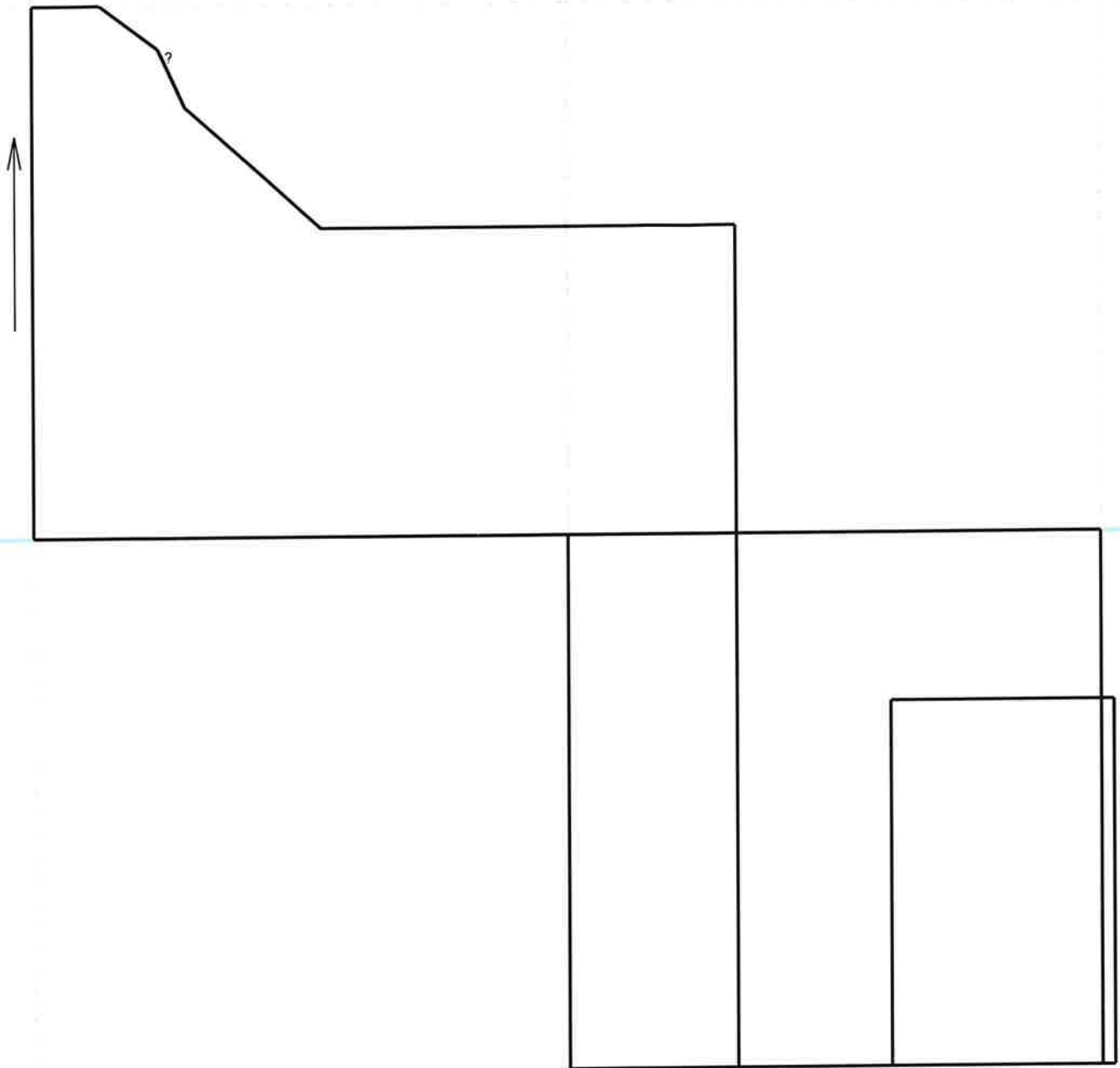
- David Orchard Property
- POU 11-7741
- Township/Range
- Sections
- QQ
- Water Right POU
- Parcels



Layout Created By:
Jonie Barg

SCANNED
FEB 10 2022

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



2/9/2022

Scale: 1 inch= 400 feet

File:

Tract 1: 40.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5280 ft.
 Tract 2: 48.6239 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=8445 ft.
 Tract 3: 11.4870 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=2914 ft.

01 /ne,nw,ne,32,9s,42e
 02 s0w 1320.00
 03 s90w 1320.00
 04 n0e 1320.00
 05 n90e 1320.00
 06 @0
 07 /ne,nw,32,9s,42e
 08 s00e 1320
 09 n90e 417.8
 10 n00e 2083
 11 n90w 1025.0
 12 n48.04w 452.6
 13 n24.3001w 160.16
 14 n52.31w 178.8
 15 n90w 167.8

16 s00e 1320
 17 n90e 1320
 18 @0
 19 /sw,nw,ne,32,9s,42e
 20 /n90e 797.3
 21 n00e 903.2
 22 n90e 554
 23 s00e 903.2
 24 n90w 554