

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

JAN 24 2022

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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
31-10226	Yes ☒	Yes ☐		Yes ☐	Yes ☐
31-11773	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: FERRALD MESSERLI

(Name of current water right holder/claimant)

3. New Owner(s)/Claimant(s): DALE H. RICHMAN

(New owner(s) as listed on the conveyance document)

Name connector ☐ and ☐ or ☐ and/or

Mailing address

City

State

ZIP

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: _____

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):
- ☐ \$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: Dale H. Richman

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

1/24/2022

Receipt No.

E047735

Receipt Amt.

\$200.-

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

3/18/2022

IN FILE # 31-10226

Legal Description

5. The Land is described as follows:

PARCEL 1:

TOWNSHIP 11 NORTH, RANGE 36 EAST OF THE BOISE MERIDIAN, CLARK COUNTY, IDAHO.

SECTION 29: N2; SW1/4; W1/2 SE1/4

**LESS AND EXCEPTING THEREFROM:
ALL THAT PORTION OF SECTION 29 LYING SOUTH OF MODOC ROAD.**

PARCEL 2:

**TOWNSHIP 11 NORTH, RANGE 36 E.B.M., CLARK COUNTY, IDAHO
SECTION 20: SE1/4; S1/2 NE1/4**

PARCEL 3:

**TOWNSHIP 11 NORTH, RANGE 36 E.B.M., CLARK COUNTY, IDAHO
SECTION 30: COMMENCING AT THE NE CORNER OF SECTION 30 AND RUNNING THENCE
S00°05'14"W 1320.69 FEET ALONG THE SECTION LINE TO THE SOUTH LINE OF SAID NE¼
OF THE NE¼; THENCE N89°54'36"W 990.00 FEET ALONG SAID SOUTH LINE; THENCE
N40°05'25"E 412.50 FEET; THENCE N3°50'45"E 352.71 FEET; THENCE N37°47'29"E 825.00
FEET TO THE NORTH LINE SAID SECTION 30; THENCE S. 89°54'33"E 197.16 FEET ALONG
SAID SECTION LINE TO THE POINT OF BEGINNING.**

PARCEL 4:

TOWNSHIP 11 NORTH, RANGE 36 E.B.M., CLARK COUNTY, IDAHO

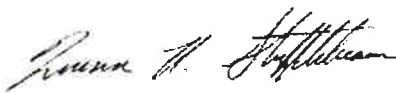
SECTION 30: SW1/4 SE1/4; SE1/4 SW1/4

PARCEL 5:

TOWNSHIP 11 NORTH, RANGE 36 E.B.M., CLARK COUNTY, IDAHO

SECTION 31: E1/2 SE1/4

**LESS AND EXCEPTING THEREFROM:
ALL THAT PORTION IN SECTION 31 LYING EAST OF LOST GOLD TRAIL'S LOOP.**

By: 
Authorized Countersignature
(This Schedule A valid only when Schedule B is attached.)

This page is only a part of a 2016 ALTA © Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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File No. 997514-RJ

Page 5 of 11

ALTA Commitment for Title Insurance (6-1-16)

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
110 N. Clark Street/PO Box 405
Rigby, ID 83442

Microfile No. 58820
06 Day Jan 22
At 03 O'Clock 24 M
Clark Co. Recorder Tyson Schwartz
Fee \$15.00
TM Deputy
Recorded at Request of
First American Title - Rigby

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **997514-RI (ss)**

Date: **December 03, 2021**

For Value Received, **Kandy Kidd, not individually, but as Personal Representative of the Estates of Gerald Allan Messerli and Heather A. Messerli, both deceased**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Dale Hyrum Richins and Carol Ann Richins, a married couple**, hereinafter called the Grantee, whose current address is **PO BOX 51, Terreton, ID, 83450**, the following described premises, situated in **Clark County, Idaho**, to-wit:

PARCEL 1:

TOWNSHIP 11 NORTH, RANGE 36 EAST OF THE BOISE MERIDIAN, CLARK COUNTY, IDAHO.

SECTION 29: N2; SW1/4; W1/2 SE1/4

LESS AND EXCEPTING THEREFROM:
ALL THAT PORTION OF SECTION 29 LYING SOUTH OF MODOC ROAD.

PARCEL 2:

TOWNSHIP 11 NORTH, RANGE 36 E.B.M., CLARK COUNTY, IDAHO
SECTION 20: SE1/4; S1/2 NE1/4

PARCEL 3:

TOWNSHIP 11 NORTH, RANGE 36 E.B.M., CLARK COUNTY, IDAHO
SECTION 30: COMMENCING AT THE NE CORNER OF SECTION 30 AND RUNNING THENCE S00°05'14"W 1320.69 FEET ALONG THE SECTION LINE TO THE SOUTH LINE OF SAID NE¹/₄ OF THE NE¹/₄; THENCE N89°54'36"W 990.00 FEET ALONG SAID SOUTH LINE; THENCE N40°05'25"E 412.50 FEET; THENCE N3°50'45"E 352.71 FEET; THENCE N37°47'29"E 825.00 FEET TO THE NORTH LINE SAID SECTION 30; THENCE S. 89°54'33"E 197.16 FEET ALONG SAID SECTION LINE TO THE POINT OF BEGINNING.

PARCEL 4:

TOWNSHIP 11 NORTH, RANGE 36 E.B.M., CLARK COUNTY, IDAHO
SECTION 30: SW1/4 SE1/4; SE1/4 SW1/4

PARCEL 5:

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
110 N. Clark Street/PO Box 405
Rigby, ID 83442

E-RECORDED simplifile®

ID: 58820
County: Clark
Date: 1.6.22 Time: 3:24

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **997514-RI (ss)**

Date: **December 03, 2021**

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OF THE NE¹/₄; THENCE N89°54'36"W 990.00 FEET ALONG SAID SOUTH LINE; THENCE
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FEET TO THE NORTH LINE SAID SECTION 30; THENCE S. 89°54'33"E 197.16 FEET ALONG
SAID SECTION LINE TO THE POINT OF BEGINNING.**

PARCEL 4:

TOWNSHIP 11 NORTH, RANGE 36 E.B.M., CLARK COUNTY, IDAHO

SECTION 30: SW1/4 SE1/4; SE1/4 SW1/4

PARCEL 5:

Date: 12/03/2021

Warranty Deed
- continued

File No.: 997514-RI (ss)

TOWNSHIP 11 NORTH, RANGE 36 E.B.M., CLARK COUNTY, IDAHO

SECTION 31: E1/2 SE1/4

**LESS AND EXCEPTING THEREFROM:
ALL THAT PORTION IN SECTION 31 LYING EAST OF LOST GOLD TRAIL'S LOOP.**

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.

Date: **12/03/2021**

Warranty Deed
- continued

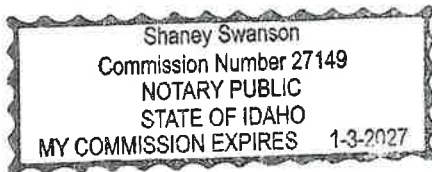
File No.: **997514-RI (ss)**

Heirs and Devisees of the Estates of Gerald A. Messerli and Heather A. Messerli, both deceased. Kandy Kidd has been appointed Personal Representative of said estates.

Kandy Kidd
Kandy Kidd, Personal Representative

STATE OF Idaho)
COUNTY OF Jefferson)
SS.

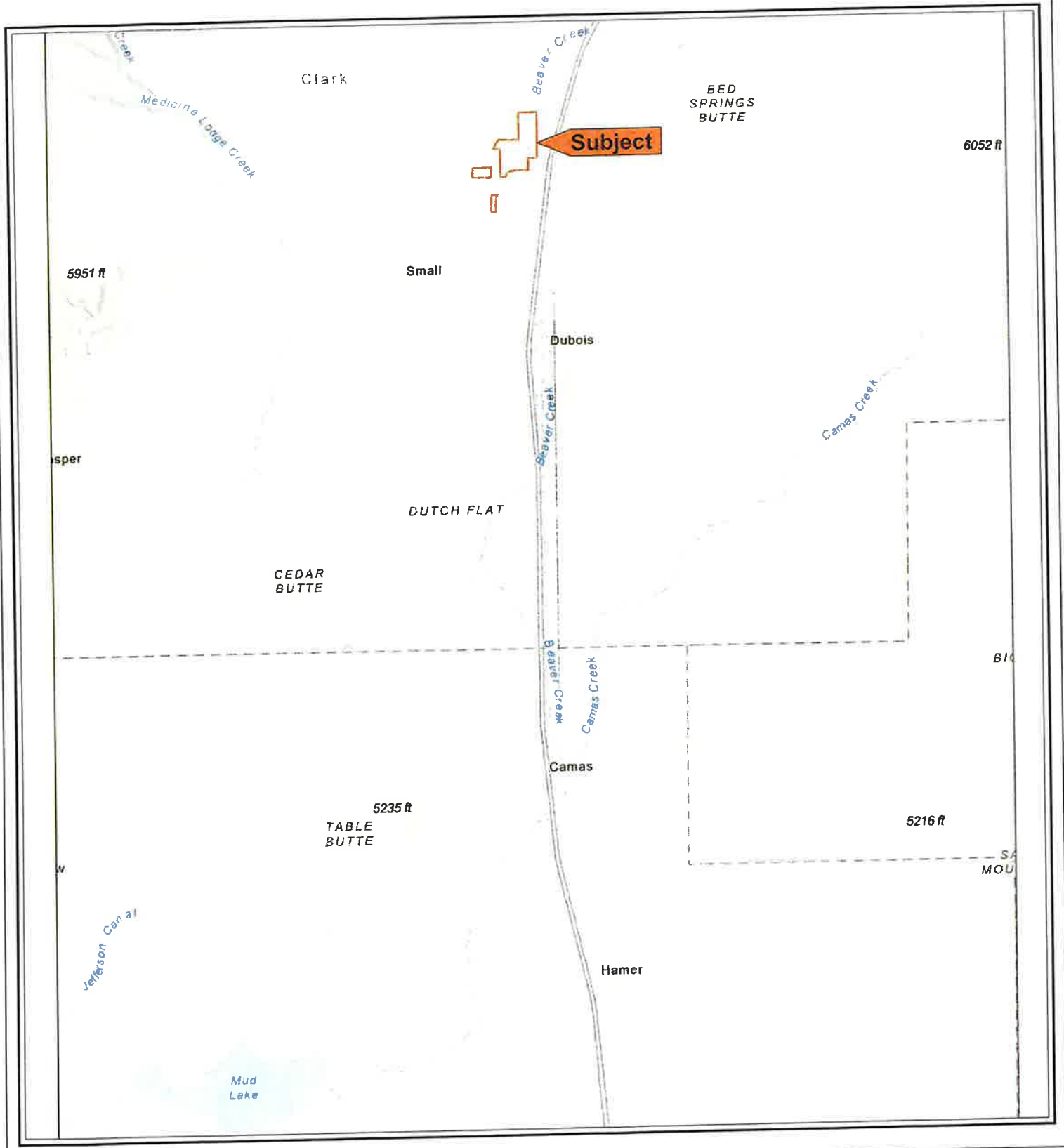
On this **3rd day of December, 2021**, before me, a Notary Public in and for said State, personally appeared **Kandy Kidd**, known or identified to me to be the person(s) whose name(s) **is** subscribed to the within instrument as Personal Representative of the Estate of **Gerald Allan Messerli and Heather A. Messerli**, and acknowledged to me that she executed the same as such Personal Representative.



Shaney Swanson
Notary Public of Idaho
Residing at: Idaho Falls, ID
Commission Expires: 1-3-27

UAAR®

Locator Map



done roll 3-28-96

WARRANTY DEED

46515

CLEO B. WILDING as Personal Representative of the Estate of Elda H. Wilding, deceased

as GRANTOR,

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto
GERALD A. MESSERLI and HEATHER A. MESSERLI, husband and wife

1499 East 1500 North Hamer, Idaho 83425

as GRANTEE,

and Grantee's successors and assigns, all of the following described real estate situated in the State of Idaho, to-wit:

Township 11 North, Range 36 East of the Boise Meridian, Clark County, Idaho.

Section 20: S1/2 NE1/4. ✓
SE1/4.

Section 29: N1/2. ✓
SW1/4.
W1/2 SE1/4.

Section 30: SE1/4 SW1/4. ✓
SW1/4 SE1/4.

Section 31: NE1/4 SE1/4. ✓
Government Lot 7.

Section 32: W1/2 NE1/4. ✓
SE1/4 NE1/4.
NW1/4.
N1/2 SW1/4.
NW1/4 SE1/4.
Government Lots 2, 3 and 4.

Microfilm No.

46515

13 Day March 19 96
At 10:17 O'Clock A.M.

JOAN S. JAVENIER
Clark Co. Recorder

Fee \$ 6.00
Erica Rugg Deputy

Recorded at Request of

Bonnevillie Land

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

- a. That certain property conveyed to the United States of America for roadway purposes by that certain Deed of Easement recorded in Book 9 at Page 206 of Deed Records on March 13, 1934, at 2:05 p.m., records of Clark County, Idaho.

(continued)

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

IN WITNESS WHEREOF, the Grantor hereunto has set his hand and seal hereto on February 23, 1996.

Cleo B. Wilding
Cleo B. Wilding, Pers. Rep. of the
Estate of Elda H. Wilding, deceased

STATE OF IDAHO

) ss

COUNTY OF

On February 23, 1996 before me, the undersigned, a Notary Public in and for said State, personally appeared

known to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/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.

Notary Public for the State of Idaho
Commission Expiration Date:

STATE OF IDAHO)
County of Bonneville) ss

On this 23rd day of February, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared CLEO B. WILDING known or identified to me to be Personal Representative of ELDA H. WILDING deceased, and acknowledged to me that he subscribed the same on behalf of said Estate.

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

Lenore J. Katri
Notary Public for Idaho

My Commission Expires: 1/28/97

NOTARY PUBLIC
LENORE J. KATRI
STATE OF IDAHO

Bonneville Land & Title Co.

497 N. Capital Ave. * P.O. Box 51690 * Idaho Falls, ID 83403-1690 * (208) 324-6600

Residing at Idaho Falls, Idaho
My Commission Expires Jan. 28, 1997



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 18, 2022

DALE H RICHINS
PO BOX 51
TERRETON ID 83450-0051

Re: Change in Water Right Ownership: 31-10226 (Split into 31-10226 and 31-12528), 31-11773 (Not Complete)

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.

Please note, after an initial review, we determined that you needed to provide additional evidence of ownership for water right number 31-11773. On January 27, 2022, we sent a letter requesting the additional information. The additional information was to be provided within **30** days.

IDWR has never received a response to the request. Without the requested documents, we cannot verify ownership of the water right and cannot complete the ownership change. Because we cannot verify ownership for one of the water rights you are entitled to a partial refund. The department has initiated a partial refund of your filing fee (\$100.00). The refund from the state of Idaho will arrive at the address listed above within a couple of weeks.

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) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: GERALD MESSERLI
HEATHER MESSERLI
WATER DISTRICT 31

Barg, Jonie

From: Barg, Jonie
Sent: Friday, March 18, 2022 10:14 AM
To: IdwrPayable
Subject: Refund Request
Attachments: Receipt

Good morning!

I have a refund request as follows:

Receipt number: E047735
Amount: \$100.00
Payable to Dale Richin
PO Box 51
Terreton ID 83450

Reason: Ownership Change submitted for 2 water rights \$200.00 (split fee). Additional information requested to complete one of the water rights, info was not received, one water right complete, one returned unprocessed. Therefore the applicant is entitled to a partial refund.

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

January 27, 2022

DALE RICHINS
PO BOX 51
TERRETON ID 83450

RE: Change in Ownership Water Right No. 31-10226, 31-11773

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:** The department has sufficient evidence to update 31-10226. However additional information is required to update 31-11773. It appears the current owner of that water right is L & M Cattle Co, to update the ownership a full chain of title back to the current owner is required. It is possible that L & M Cattle never owned the property, if that is the case a deed from L & M Cattle for a portion of the water right would be 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)