

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
NOV 24 2021
DEPT OF WATER RESOURCES
SOUTHERN 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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
45-10641	Yes ☐	Yes ☐		Yes ☐	Yes ☐
45-317E	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Iona D Bailey and Robert N Bailey
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): James V. Davis and Phyllis M. Davis
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or
3015 W. 4425 S. ROY UT 84067
Mailing address City State Zip
8013908177 Jimdavis2314@comcast.net
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: 11/19/2021
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.

8. Signature: Phyllis M. Davis 11/19/2021
Signature of new owner/claimant Title, if applicable Date
James V. Davis
Print name
- Signature: _____
Signature of new owner/claimant Title, if applicable Date
Phyllis M. Davis
Print name

Received by SG Date 11/24/21 For IDWR Office Use Only: Receipt No. 5038953 Receipt Amt. \$200.00
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 JB Date 12-8-2021

SUPPORT DATA
IN FILE # 45-317E

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
417 N. Overland Ave.
Burley, ID 83318

CASSIA COUNTY
RECORDED FOR:
FIRST AMERICAN TITLE - BURLEY
10:04:20 AM 11-19-2021
2021-006027
NO. PAGES: 2 FEE: \$15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: KJ
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **1008592RU (kw)**

Date: **November 18, 2021**

For Value Received, **Kimber Lee Fries, a single woman**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **James V. Davis and Phyllis M. Davis, husband and wife as community property with right of survivorship**, hereinafter called the Grantee, whose current address is **950 South 1060 East, Albion, ID 83311**, the following described premises, situated in **Cassia County, Idaho**, to-wit:

TOWNSHIP 12 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 6: Part of Lot 7, more described as follows:

Beginning at a point on the South boundary line of said Lot 7 that is North 89°12' East 354.98 feet from the Southwest corner of said Section 6:
Thence North 89°12' East for 230.0 feet, said point being South 89°12' West for 478.0 feet from the Southeast corner of said Lot 7;
Thence North 0°35'16" East for 947.0 feet;
Thence South 89°12' West for 230.0 feet;
Thence South 0°35'16" West for 947.0 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.

Date: 11/18/2021

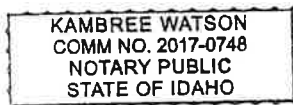
Warranty Deed
- continued

File No.: 1008592RU (kw)


Kimber Lee Fries

STATE OF Idaho)
COUNTY OF Minidoka)
SS.

On this 19th day of November, 2021, before me, a Notary Public in and for said State, personally appeared **Kimber Lee Fries**, known or identified 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.




Notary Public for the State of Idaho
Residing at: PAUL, Idaho
My Commission Expires: October 19, 2023

146536

#145726

#146536

RECORDED AT THE REGISTERED
CLERK'S OFFICE
SEP 29 3 32 PM '82
CLERK J. J. LEAHY
FEE \$2.00

GARY B PAULETTE YARBROUGH
SURVEY

LEGAL DESCRIPTION OF RECORD INSTRUMENT NO. 45232

A PARCEL OF LAND BEING IN LOT 7, SECTION 6, T-12-S, R-25-E, EAST OF THE BOISE MERIDIAN,
DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF LOT 7 OF SAID SECTION 6,
WHICH IS 102 FEET EAST OF THE SOUTHWEST CORNER OF THE S.E. 1/4 S.E. 1/4 OF
SECTION 1, T-12-S, R-24-E, EAST OF THE BOISE MERIDIAN; THENCE NORTH 84° 12' E;
THENCE WEST 230 FEET; THENCE SOUTH 84° 12' E; THENCE EAST 230 FEET TO
THE POINT OF BEGINNING.

THE ABOVE LEGAL DESCRIPTION WAS COPIED FROM THE WARRANTY DEED,
GRANTORS, RICHARD ADAMS AND MARLENE ADAMS,
GRANTEES, GARY YARBROUGH AND PAULETTE YARBROUGH.

AMENDED LEGAL DESCRIPTION

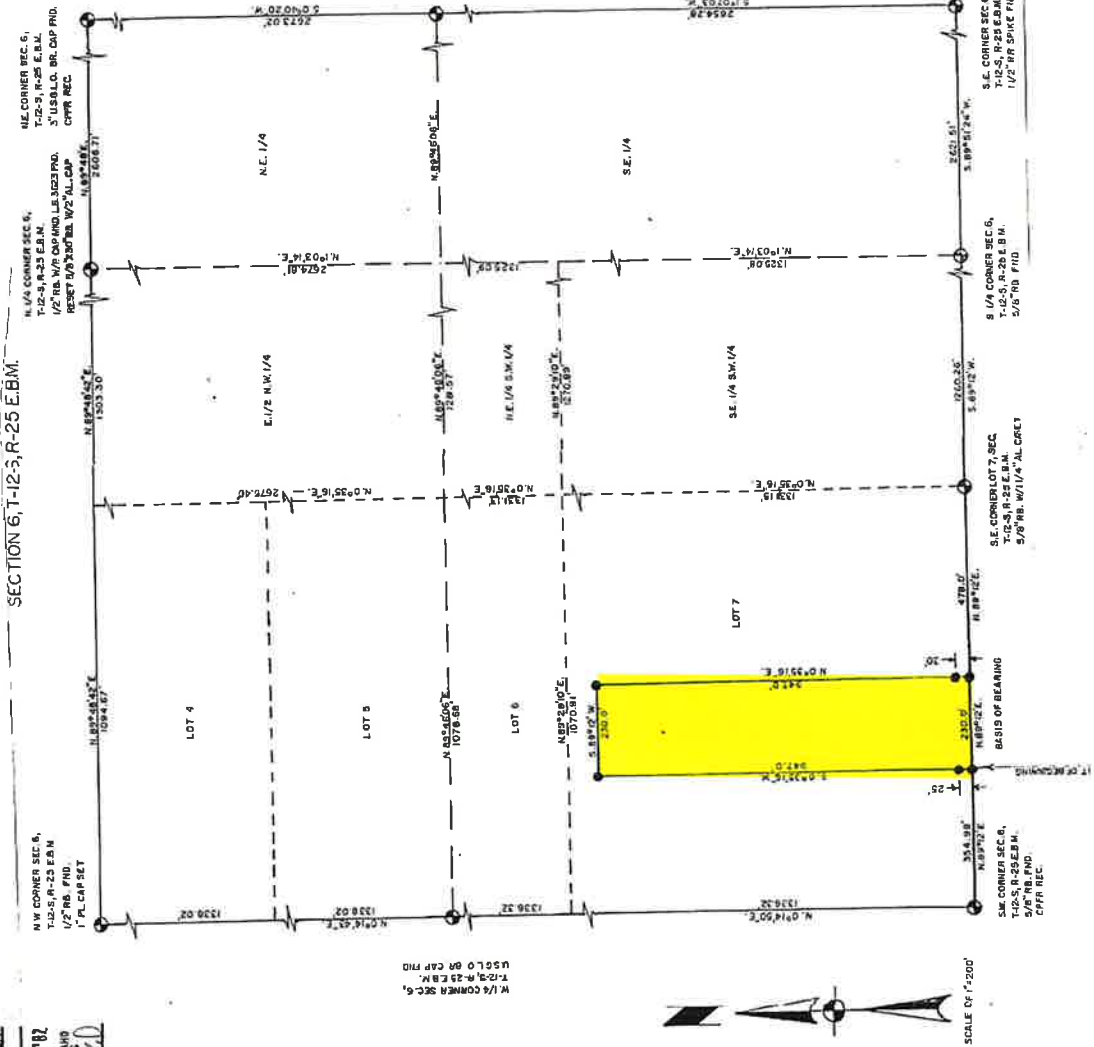
A TRACT OF LAND LOCATED IN LOT 7 OF SECTION 6, T-12-S, R-25-E, EAST OF THE BOISE
MERIDIAN, CLARK COUNTY, IDAHO, SPECIFICALLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF LOT 7 OF SECTION 6,
T-12-S, R-24-E, EAST OF THE BOISE MERIDIAN; THENCE NORTH 84° 12' E;
THENCE WEST 230 FEET; THENCE SOUTH 84° 12' E; THENCE EAST 230 FEET TO
THE SOUTHWEST CORNER OF THE S.E. 1/4 S.E. 1/4 OF SECTION 1, T-12-S, R-24-E,
EAST OF THE BOISE MERIDIAN; THENCE NORTH 84° 12' E; THENCE EAST 230 FEET TO
THE POINT OF BEGINNING.

SUBJECTS NOTE

HAVING REVIEWED THE LEGAL DESCRIPTIONS OF THE PROPERTIES OF RECORD IN
SAID LOT 7, SECTION 6, T-12-S, R-25-E, EAST OF THE BOISE MERIDIAN, THE COMPLEXITY OF THE BOUNDARY
LINES OF SAID SECTION 6 AND THE ADJACENT SECTIONS THAT THEY HAVE MADE
DESCRIPTIONS FROM MEASUREMENTS FROM A FENCE CORNER AND NOT A LEGAL
SURVEY CORNER AS WAS STATED. THIS SURVEY AND AMENDATORY LEGAL
DESCRIPTION WAS AGREED UPON BY THE GRANTORS AND THE GRANTEES
TO INSURE SAID PROPERTY AGAINST DEFEASANCE.

CERTIFICATION

I, JOHN J. WILLIAMS, L.S. 781, STATE OF IDAHO, DO HEREBY CERTIFY THAT THE
SURVEY REPRESENTED ON THIS PLAT WAS PERFORMED BY ME OR UNDER MY SUPERVISION
IN ACCORDANCE WITH THE LAWS OF THE STATE OF IDAHO IN JULY 1982.



Bitzenburg, James

From: Bitzenburg, James
Sent: Thursday, December 9, 2021 9:30 AM
To: IdwrPayable
Subject: Request for Refund

IDWR Payable-

On November 24, 2021, the Department received companion *Notice of Change in Water Right Ownership* forms from James and Phyllis Davis, and Kimber Lee Fries. The Notices were accompanied with \$200.00 in fees. After review, it was determined that only \$150.00 in fees was required. Could you issue a refund for the extra \$50.00 in fees? The fee was paid by First American Title Company. Their address is:

**First American Title Company
417 N Overland Ave.
Burley, ID 83318**

They paid for the notice with check #14544 for \$200.00, IDWR receipt #S038953. Thank you and let me know if you need any more information.

Jim

**Jim Bitzenburg
Senior Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov**



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 08, 2021

JAMES V DAVIS
PHYLLIS M DAVIS
3015 W 4425 S
ROY UT 84067-9557

Re: Change in Water Right Ownership: 45-317 E (Split into 45-317 E and 45-14545) and 45-10641 (not split)

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.

The fee submitted by First American Title Company for this Change in Water Right Ownership and the companion Change in Water Right Ownership for Kimber Lee Fries was \$200.00. Only one split was necessary (with each ownership change split, one ownership change is allowed), along with two changes of ownership, for a total fee of \$150.00. I will initiate a refund of the extra \$50.00 from our State office to First American Title.

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.

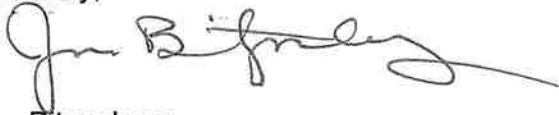
The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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) 293-9909.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Bitzenburg", with a long horizontal flourish extending to the right.

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: WD-45F; Kimber Lee Fries; First American Title Company, Burley- File #1008592RU