

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 02 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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
13-4148	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: Wayne Millard
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Scott Henderson
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- Box 3 Swan Lake ID 83281
Mailing address City State ZIP
- 208-897-5752 _____
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: Feb 1 1993
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: Scott Henderson owner 3-2-2021
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 m. jettis Date 3-2-21 Receipt No. E046683 Receipt Amt. 25.00

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 _____ Date _____

Returned Unprocess / Refund Request 12/16/21

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WARRANTY DEED

93001349

FOR VALUE RECEIVED CLARK MILLARD aka CLARK W. MILLARD and PEGGY MILLARD, husband and wife whose present address is 961 Sandy Glen Lane, Burley, Idaho 83318, as Grantors, do hereby grant, bargain, sell and convey unto Scott Henderson, a single man, Swan Lake, Idaho 83281, the following described premises, located in Bannock County, Idaho, to wit:

PARCEL 1

Township 13 South, Range 38 E.B.M. Bannock County, Idaho

SECTION 2: SW1/4 SE1/4, E1/2 SE1/4, E1/2 SW1/4, NW1/4 SW1/4, excepting therefrom the following described parcel: Beginning at a point 550 feet North of the Southwest corner of Section 2, Township 13 South, Range 38 E.B.M., thence North 86 degrees West 150 feet; thence North 15 degrees 30' West, 320 feet, more or less, thence Northeasterly 350 feet, more or less, to a point on the West line of Section 2, 580 feet North of the Point of Beginning; thence South 580 feet to Point of Beginning.

SECTION 3: NE1/4 SE1/4, SE1/4 SE1/4, also the following described parcel:

Beginning at the Southeast corner of the Southwest quarter of the southeast quarter of Section 3, South of Range 38 East of the Boise Meridian, running thence West 500 feet, more or less, to road; thence in a Northeasterly direction following said road to a point 300 feet North of the place of beginning, thence South 300 feet to the place of beginning.

SECTION 11: NE1/4 NE1/4

SECTION 10: NE1/4 NE1/4

Also, commencing at a point 40 rods South of the Northeast corner of the NW1/4 of Section 10, Township 13 South, Range 38 E.B.M., Idaho, and running thence South 40 rods to the South line of quarter section, thence West on said line 80 rods, thence in a diagonal direction about 83 rods to the place of beginning.

Also, beginning at the Northeast corner of the SE1/4NW1/4 of said Section 10, Township 13 South, Range 38 E.B.M., in Idaho, thence West 1320 feet, thence South 1320 feet, thence East 974.16 feet, thence North 61 degrees 28' East to the West line of the right of way of the Oregon Short Line Railroad Company, thence Northwesterly along the West line of the right of way of the Oregon Short Line Railroad Company to a point on said right of way 229 feet from the South line of the county road, which crosses the

said right of way at Swan Lake, Idaho, thence South 61 degrees 28' West to a point due North of the place of beginning; thence South to the place of beginning.

Also, beginning at a point from which the North quarter corner of Section 10, Township 13, South, Range 38 E.B.M., bears North 28 degrees West 913.5 feet, thence North 61 1/2 degrees East, 640.5 feet; thence North 31 1/2 degrees West, 468 feet; thence Northeasterly to a point 50 rods East of the North quarter corner of said Section 10; thence East 30 rods to the NE1/4 of said Section 10, thence South 1734.5 feet, thence South 61 degrees 28' West to a point on the East side of land; thence North 33 1/2 degrees West 1153.5 feet; thence North 19 1/2 degrees East 145 feet to the Point of Beginning.

Excepting therefrom the following described property, commencing at the North quarter corner of Section 10, Township 13 South, Range 38 E.B.M., thence South 67 Degrees 30' East 566.6 feet; thence South 31 degrees 30' East 469.5 feet to the South corner of Latter Day Saints Church tract, to the point of beginning; thence South 31 degrees 30' East, 312.3 feet; thence North 61 degrees 30' East, 279.0 feet; thence North 31 degrees 30' West, 312.3 feet to the East corner of Latter Day Saints Church tract, thence South 61 degrees 30' West, 279.0 feet to the Point of Beginning.

Also except: Beginning at a point whence the quarter corner on the North boundary of Section 10, Township 13 South, Range 38 E.B.M., bears North 32 degrees 22' West, 1256.10 feet; thence North 57 degrees 38' East, 25 feet; thence South 32 degrees 22' East, 354.67 feet, thence South 21 degrees 44' West, 154.00 feet; thence North 32 degrees 22' West, 61.72 feet; thence North 21 degrees 44' East, 92.28 feet; thence North 32 degrees 22' West, 329.13 feet; thence North 57 degrees 38' East, 25.00 feet to the place of beginning, to be used for the purpose of a public highway only.

Also except: Beginning at a point whence the quarter corner of the North boundary of Section 10, Township 13 South, Range 38 E.B.M., bears North 33 degrees 28' West, 1256.33 feet; thence North 57 degrees 38' East, 292 feet, thence south 32 degrees 22' East, 64.3 feet; thence South 57 degrees 38' West, 292 feet; thence North 32 degrees 22' West, 64.3 feet to the Place of Beginning.

Also Except: Beginning at a point whence the quarter corner on the North boundary of Section 10, Township 13 South, Range 38 E.B.M., bears North 31 degrees 16' West,

1256.33 feet; thence South 32 degrees 22' East, 162.30 feet; thence South 57 degrees 38' West, 130.08 feet to its intersection with the East boundary of the Oregon Short Line Railroad right of way: thence North 32 degrees 22' West along the East boundary of the Oregon Short Line right of way 162.30 feet thence North 57 degrees 38' East, 130.08 feet to the Place of Beginning.

Also except: beginning at a point whence the quarter corner on the North boundary of Section 10, Township 13 South, Range 38 E.B.M., bears North 32 degrees 35' West, 1320.4 feet, thence North 57 degrees 38' East, 292 feet; thence South 32 degrees 22' West, 83 feet; thence South 57 degrees 38' West, 292 feet; thence North 32 degrees 22' West 83 feet to the Point of Beginning.

Also except: Beginning at a point whence the quarter corner on the North boundary of Section 10, Township 13 South, Range 38 E.B.M., bears North 33 degrees 23' West, 1403 feet; thence North 57 degrees 38' East, 292 feet, thence South 32 degrees 22' East, 82 feet; thence South 57 degrees 38' East, 292 feet; thence North 32 degrees 22' West, 82 feet to the Place of Beginning.

Also except: Beginning at a point whence the quarter corner on the North boundary of Section 10, Township 13 South, Range 38 E.B.M., bears North 31 degrees 46' West, 1418.40 feet, thence South 32 degrees 22' East 150 feet; thence South 57 degrees 38' West, 130.08 feet to the East boundary of the Oregon Short Line Railroad right of way thence North 32 degrees 22' West along the East boundary of the Oregon Short Line right of way 150 feet; thence North 57 degrees 38' East 130.08 feet to the Place of Beginning.

Also except: Beginning at a point whence the quarter corner on the North boundary of Section 10, Township 13 South, Range 38 E.B.M., bears North 33 degrees 20' West, 1485 feet; thence North 57 degrees 38' East 280 feet; thence South 32 degrees 22' East 83 feet; thence South 57 degrees 38' West to the Point of Beginning.

Also except: A tract of land in the NE1/4 of Section 10, Township 13 South, Range 38 E.B.M., and being described as follows, to-wit: Commencing at the North quarter corner of Section 10, same township and range as aforesaid; thence South 28 degrees East, 913.5 feet; thence North 61 degrees 31' East, 640.5 feet; thence North 31 degrees 30' West, 468 feet; thence North 57 degrees 05' East, 247.1 feet to the Point of Beginning; thence South 31 degrees 32' East, 246.3 feet; thence North 58 degrees 30' East, 78.9 feet; thence North 31

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degrees 31' West, 248.3 feet; thence South 57 degrees 05' West, 78.9 feet to the Point of Beginning.

Also except: Commencing at the North quarter corner of Section 10, Thence South 32 degrees 42' East, 581.15 feet; thence South 60 degrees 39' West, 15 feet; thence South 29 degrees 50' East, 90.1 feet, thence South 29 degrees 01' East, 83.2 feet; thence South 28 degrees 33' East, 246.6 feet to the True Point of Beginning, which point is the East boundary line of U.S. Highway No. 91, and running thence South 28 degrees 33' East along said highway 148.3 feet, thence North 62 degrees 27' East 328.2 feet; thence North 29 degrees 58' West, 148.8 feet; thence South 62 degrees 15' West, 324.7 feet to the True Point of Beginning.

Also except: A parcel of land located in the SE1/4 of Section 3, Township 13 South, Range 38 E.B.M., Bannock County, Idaho and more particularly described as follows: Beginning at the S1/4 of Section 3, a found Bannock County Monument, thence, N 89 degrees 34' 52" E along the South line of Section 3 (the SE corner of Section 3 being a 5/8"x30" steel rod with 2" aluminum cap LS-5074) 1194.43 feet; thence, North 18.09 feet to the True Point of Beginning; thence, N 31 degrees 51' 39" W 75.16 feet to the centerline of Swan Lake Road; thence, following said centerline N 58 degrees 08' 21" E 132.05 feet to the Point of Curvature of a 183.81 foot radius curve to the left having a central angle of 40 degrees 10' 45"; thence, along said curve 128.90 feet to an intersection with the centerline of Gamble Road; thence S 88 degrees 55' 28" E along the centerline of Gamble Road 190.77 feet; thence S 08 degrees 12' 28" W 156.99 feet; thence, N 85 degrees 32' 40" W 137.28 feet; thence, S 69 degrees 41' 43" W 116.03 feet; thence, S 58 degrees 39' 45" W 85.40 feet to the True Point of Beginning. Contains 1.0 acres

PARCEL 2

Township 12 South, /Range 38 East of the Boise Meridian
SECTION 26: N $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$.
SECTION 27: E $\frac{1}{2}$ SE $\frac{1}{4}$

ALL OF THE FOREGOING SUBJECT TO: All liens, easements, assessments, encumbrances, rights of way for roads, ditches, canals, pole, power and transmission lines as they exist; covenants, building codes, zoning ordinances, land use regulations, and laws; and accrued taxes of record, all as they now exist upon or relate to the subject property.

93001349

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Together with all water rights, irrigation rights, and the like which belong to or appertain in any way to the real property described above.

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

DATED 1st day of February, 1993.

Clark Millard
Clark Millard aka Clark W. Millard

Peggy Millard
Peggy Millard

STATE OF IDAHO)
) ss
County of Cassia)

On this 1st day of February, 1993, before me, a Notary Public in and for said State, personally appeared Clark Millard aka Clark W. Millard and PEGGY MILLARD, husband and wife, known to me to be the persons whose names are subscribed to the within 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.

[Signature]
Notary Public for Idaho
Residing at: Burley
Commission Expires: 3-15-94

NOTARY SEAL

NO. **93001349**
RECORDED AT REQUEST OF
CLARK MILLARD
'93 FEB -1 P3:53

WARRANTY DEED - 5

OFFICIAL ** 580
RANK **
LAURENCE J. ...
EC-15.00 ps ck



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

December 16, 2021

SCOTT HENDERSON
PO BOX 3
SWAN LAKE ID 83281

RE: Notice of Change in Water Right Ownership
Water Rights: 13-4148

Dear Sir/Madam:

On March 2, 2021, you filed a Notice of Change in Water Right Ownership (ownership change) with the Idaho Department of Water Resources (IDWR), seeking to update the ownership records for the water rights listed above. After an initial review, we determined that additional information was required to resolve ambiguity about the location of the irrigated acres under the water right. On May 27, 2021, 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 for the additional information. Without the requested documents, we cannot verify ownership of the water right and cannot complete the ownership change. We are therefore returning your original ownership change and have initiated a refund of your filing fee (\$25.00). The refund from the state of Idaho will arrive at the address listed above within a couple of weeks.

Please feel free to re-file your Notice of Change in Water Right Ownership any time in the future. Because your filing fee is being refunded, you will need to determine and provide the proper filing fee at the time you re-file the Ownership Change.

If you have any questions, feel free to contact me at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

Barg, Jonie

From: Barg, Jonie
Sent: Thursday, December 16, 2021 11:14 AM
To: IdwrPayable
Subject: Refund Request
Attachments: Receipt(1).PDF

Good afternoon!

I have a refund request as follows:

Receipt number: E046683
Amount: \$25.00
Payable to: RAY SCOTT HENDERSON
PO BOX 3
SWAN LAKE ID 83281

Reason: Ownership Change submitted for 1 water right, additional information was required. Information requested but was not received therefore the ownership change is being returned unprocessed applicant is entitled to a full 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 27, 2021

Scott Henderson
PO Box 3
Swan Lake, ID 83281

RE: Ownership Change for Water Right 13-4148

Dear Mr. Henderson:

In March, you filed a Notice of Change in Water Right Ownership, seeking to update the ownership records for water right 13-4148. This letter is meant to summarize some inherent ambiguities with water right 13-4148 and to request additional information.

Enclosed is a copy of the claim filed by Wayne Millard in 1981. The claim describes the diversion of 1.00 cfs from Swan Lake Creek for the irrigation of 91 acres. Mr. Millard listed the number of irrigated acres per quarter-quarter and provided a rough, hand-drawn map. The map, however, is not detailed enough to know the exact location of the irrigated acres. For example, water right 13-4148 describes 22 irrigated acres in the SWNE of Section 10. The map, however, includes a shape that covers the entire 40 acres of the SWNE quarter-quarter. Similarly, the water right describes 2 irrigated acres in the NESW of Section 10. The map, however, depicts an area covering half of a quarter-quarter (20 acres).

Before I can complete any ownership change for water right 13-4148, I need to resolve the ambiguity about the location of the irrigated acres under the right. This is most easily accomplished by establishing the acres actually owned by Wayne Millard when the claim was filed in 1981. Please provide a copy of deeds confirming all of the property owned by Wayne Millard in Section 10, T13S, R38E in 1981. Please provide this additional information within 60 days. If the additional deeds are not provided by the end of July 2021, I will return your ownership change and refund the filing fee. Please note, ownership of water rights and location of irrigated acres are matters that can also be addressed in the upcoming Bear River Basin Adjudication.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Cefalo', is written over a light blue horizontal line.

James Cefalo
208-525-7161