

RECEIVED

OCT 15 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

DEPARTMENT OF
WATER RESOURCES

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.	Leased to Water Supply Bank?
65-22335	Yes ☒	Yes ☐		Yes ☐
65-22339	Yes ☒	Yes ☐	65-22335 Split into 65-22335 & 65-24079	Yes ☐
	Yes ☐	Yes ☐	65-22339 Split into 65-22339 & 65-24080	Yes ☐
	Yes ☐	Yes ☐		Yes ☐
	Yes ☐	Yes ☐		Yes ☐

2. Previous Owner's Name: K. Mark Mason
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Russ Babka
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 22640 Cherry Hill Road Barrington IL 60010
Mailing address City State Zip
- 847-814-3851 Rjbabka@yahoo.com
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. 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 # 65-22335

8. Signature: [Signature] 8/21/2021
 Signature of new owner/claimant Title, if applicable Date
Russell Babka
 Print name

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

For IDWR Office Use Only:

Received by EM Date 10-21-21 Receipt No. C111176 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 _____ Processed by [Signature] Date 11-9-21

RECEIVED

OCT 21 2021

DEPARTMENT OF
WATER RESOURCES

DE ✓

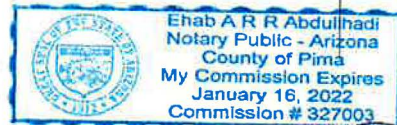
October 15, 2021

To whom it may concern:

"As part of my recent sale of land in the NESE, Section 12, T17N, R3E to Russell Babka, I agree that Babka received a 2/3 (66%) portion of the 6 acres of water right authorized in the NESE, Section 12, T17N, R3E under appurtenant water rights 65-22335 and 65-22339."

Kenneth Mark Mason
Kenneth Mark Mason

State of Arizona)
County of Pima))
This instrument was acknowledged
before me on 10-15-2021
by Kenneth Mark Mason



[Handwritten signature]

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
616 North 3rd Street Suite 101
McCall, ID 83638

Instrument # 444264
VALLEY COUNTY, CASCADE, IDAHO
09-17-2021 14:19:25 No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - MCCALL
DOUGLAS A. MILLER Fee: \$15.00
Ex-Officio Recorder Deputy: RRC
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **996229-MC (sk)**

Date: **September 14, 2021**

For Value Received, **Kenneth Mark Mason, also known as K. Mark Mason, an unmarried man and Kenneth Mark Mason, as Personal Representative of the Estate of Karen Louisa Mason, also known as Karen L. Mason, deceased**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Russell Joseph Babka, an unmarried man**, hereinafter called the Grantee, whose current address is **22640 Cherry Hill Road, Barrington, IL 60010**, the following described premises, situated in **Valley County, Idaho**, to-wit:

A PARCEL OF LAND SITUATE IN THE E½ OF THE SE¼ OF SECTION 12, T. 17 N., R. 3 E., B.M., VALLEY COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE CORNER COMMON TO SECTIONS 12 AND 13, T. 17 N., R. 3 E., AND SECTIONS 7 AND 18, T. 17 N., R. 4 E., B.M., VALLEY COUNTY, IDAHO; THENCE,
N.89°49'22"W., 1,328.51 FEET TO THE E 1/16 CORNER COMMON TO SAID SECTIONS 12 AND 13, THE REAL POINT OF BEGINNING:
THENCE, N.00°26'53"E., 2,646.76 FEET TO THE CE 1/16 CORNER OF SAID SECTION 12,
THENCE, S.89°48'54"E., 1,332.32 FEET TO A BRASS CAP MARKING THE 1/4 CORNER COMMON TO SAID SECTIONS 12 AND 7,
THENCE, S.00°31'50"W., 817.60 FEET ALONG THE LINE COMMON TO SAID SECTIONS 12 AND 7,
THENCE, N.89°48'54"W., 1,296.14 FEET,
THENCE, S. 00°26'53"W., 1,829.16 FEET TO THE SOUTHERLY BOUNDARY OF SAID SECTION 12,
THENCE, N. 89°49'22"W., 35.00 FEET TO THE POINT OF BEGINNING.
AKA TAX 139

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: 09/14/2021

Warranty Deed
- continued

File No.: 996229-MC (sk)

Kenneth Mark Mason

Kenneth Mark Mason aka K. Mark Mason

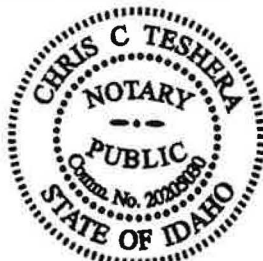
Kenneth Mark Mason, as General Personal
Representative of the Estate of Karen Louisa
Mason, deceased

Kenneth Mark Mason

Kenneth Mark Mason, Personal Representative

STATE OF Idaho)
COUNTY OF Valley) ss.

On this 9/14/21, before me, a Notary Public in and for said State, personally appeared **Kenneth Mark Mason, also known as K. Mark Mason**, 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.



[Signature]

Notary Public for the State of Idaho
Residing at: McCall, ID
My Commission Expires: 12/23/26

STATE OF Idaho)
COUNTY OF Valley) ss.

On this 9/14/21, before me, a Notary Public in and for said State, personally appeared **Kenneth Mark Mason**, 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 **Karen Louisa Mason also known as Karen L. Mason**, and acknowledged to me that he executed the same as such Personal Representative.



[Signature]
Notary Public of Idaho
Residing at: McCall, ID
Commission Expires: 12/23/26

Incorporated herein by the reference in Addendum #3 to Purchase & Sale Agreement ID# FINN8221

Instrument # 444265

VALLEY COUNTY, CASCADE, IDAHO
09-17-2021 14:19:25 No. of Pages: 4
Recorded for: FIRST AMERICAN TITLE - MCCALL
DOUGLAS A. MILLER Fee: \$19.00
Ex-Officio Recorder Deputy: RRC
Electronically Recorded by Simplifile

**red Driveway Use and Maintenance Agreement
between
Mark Mason and Russ Babka**

Property involved: See attached plat map. Mason property 29.7 ac.; Babka property 26.47 ac.

BABKA PROPERTY: A PARCEL OF LAND SITUATE IN THE E1/2 OF THE SE1/4 OF SECTION 12, T. 17 N., R. 3 E., B.M., VALLEY COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CORNER COMMON TO SECTIONS 12 AND 13, T. 17 N., R. 3 E., AND SECTIONS 7 AND 18, T. 17 N., R. 4 E., B.M., VALLEY COUNTY, IDAHO; THENCE, N.89°49'22"W., 1,328.56 FEET TO THE E 1/16 CORNER COMMON TO SAID SECTIONS 12 AND 13, THE REAL POINT OF BEGINNING; THENCE, N.00°26'53"E., 2,646.76 FEET TO THE CE 1/16 CORNER OF SAID SECTION 12, THENCE, S.89°48'54"E., 1,332.32 FEET TO A BRASS CAP MARKING THE 1/4 CORNER COMMON TO SAID SECTIONS 12 AND 7, THENCE, S.00°31'50"W., 817.60 FEET ALONG THE LINE COMMON TO SAID SECTIONS 12 AND 7, THENCE, N.89°48'54"W., 1,296.14 FEET, THENCE, S. 00°26'53"W., 1,829.16 FEET TO THE SOUTHERLY BOUNDARY OF SAID SECTION 12, THENCE, N. 89°49'22"W., 35.00 FEET TO THE POINT OF BEGINNING. AKA TAX 139

MASON PROPERTY: A PARCEL OF LAND SITUATE IN THE E1/2 OF THE SE1/4 OF SECTION 12, T. 17 N., R. 3 E., B.M., VALLEY COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CORNER COMMON TO SECTIONS 12 AND 13, T. 17 N., R. 3 E., AND SECTIONS 7 AND 18, T. 17 N., R. 4 E., B.M., VALLEY COUNTY, IDAHO; THENCE, N.89°49'22"W., 1,293.56 FEET TO THE REAL POINT OF BEGINNING; THENCE, N.00°26'53"E., 1,829.16 FEET, THENCE, S.89°48'54"E., 1,296.14 FEET, THENCE, S.00°31'50"W., 975.44 FEET ALONG THE LINE COMMON TO SAID SECTIONS 12 AND 7, THENCE, N.89°49'22"W., 1,259.74 FEET, THENCE, S. 00°26'53"W., 853.56 FEET TO THE SOUTHERLY BOUNDARY OF SAID SECTION 12, THENCE, N. 89°49'22"W., 35.00 FEET TO THE POINT OF BEGINNING.

Situation: Two adjacent properties, each with its own 35 ft. wide deeded access strip. These two strips are parallel and adjacent. For the purpose of having only one driveway to maintain (especially for winter snow removal), that portion of the existing driveway from Finn Church Lane northerly as far as the Mason house will be a common driveway for use by both parties, located astride the common property line between the two adjacent access strips of both Mason and Babka properties.

Mason and Babka agree: Mason will continue to maintain the existing common driveway, including snow removal in winter as long as Mason owns said property. This may have to be renegotiated with a future land owner; however the actual use of the shared driveway will not change. Babka and Mason will always have use rights for this shared driveway. This future shared use will be a condition of any future sale of either property.

Babka agrees: Babka will build and maintain a driveway extension from Mason house to future Babka house location, including winter snow removal as needed by Babka.

Both parties agree not to block the shared driveway in any way, as this could prevent snow removal to both properties.

Russell J. Babka **Date**

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

Notary Public for Idaho
My Commission Expires: _____

On this ____ day of _____, 2021, before me, _____, a Notary Public in and for said State, personally appeared **RUSSELL J. BABKA**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same.

NOTARY PUBLIC FOR IDAHO
My Commission Expires: _____

Russell J. Nabka 9/8/2017
Russell J. Nabka Date

On this 3 day of September, 2021, before me, Chris C. Teshen, a Notary Public in and for said State, personally appeared **MARK K. MASON**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same.



NOTARY PUBLIC FOR IDAHO
My Commission Expires:

On this 8th day of September, 2021, before me, Eric R. Katselson, a Notary Public in and for said State, personally appeared RUSSELL J. BABKA, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same.

Eric Raymond Kottler
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 11-14-22



9-8-2
 9-8-2



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 09, 2021

RUSS BABKA
22640 N CHERRY HILL RD
N BARRINGTON IL 60010-1915

Re: Change in Water Right Ownership: 65-22335 (Split into 65-22335 and **65-24079**),
65-22339 (Split into 65-22339 and **65-24080**)

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: K MARK MASON

Hersley, Jean

From: Terry Scanlan <TScanlan@spfwater.com>
Sent: Friday, October 15, 2021 2:17 PM
To: Mark Mason; Lori Graves; Lori MacNichol; skriz@gofirstam.com; Russ Babka; Hersley, Jean
Subject: RE: 65-22335 and 65-22339 Change of Ownership
Attachments: Ownership Change Notice.pdf; Deed.pdf

Jean,

Here are the documents. Will scans suffice?

Terry

From: Mark Mason <tmkmason@msn.com>
Sent: Friday, October 15, 2021 2:09 PM
To: Lori Graves <LGraves@spfwater.com>; Lori MacNichol <lori@mountaincanyonflying.com>; skriz@gofirstam.com; Terry Scanlan <TScanlan@spfwater.com>; Russ Babka <rjbabka@yahoo.com>; Jean.Hersley@idwr.idaho.gov
Subject: Fwd: 65-22335 and 65-22339 Change of Ownership

Please see Jean's note below. I need someone else to send her the notice of change in water right ownership. I don't have it with me and won't until January sometime. Can someone else send her a copy of this document please?
Mark

Sent from my iPhone

Begin forwarded message:

From: "Hersley, Jean" <Jean.Hersley@idwr.idaho.gov>
Date: October 15, 2021 at 12:33:24 PM MST
To: Mark Mason <tmkmason@msn.com>
Subject: RE: 65-22335 and 65-22339 Change of Ownership

Yes, I did. I do need you to return the Notice of Change in Water Right Ownership and the documents with the filing fee.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

From: Mark Mason <tmkmason@msn.com>
Sent: Friday, October 15, 2021 1:25 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Re: 65-22335 and 65-22339 Change of Ownership

Jean,

Did you receive my motorized statement yet regarding my water rights transfer near McCall?
If not, I'll try again. Having a bit of trouble with internet here in AZ. Thanks.

Mark Mason

Sent from my iPhone

On Oct 15, 2021, at 12:10 PM, Mark Mason <tmkmason@msn.com> wrote:

On Oct 15, 2021, at 11:43 AM, Hersley, Jean
<Jean.Hersley@idwr.idaho.gov> wrote:

Refund was processed on the 7th of October. Please send the \$200 filing fee with the Notice of Change in Water Right Ownership documents to my attention at the State Office. Thank you.

*Jean Hersley
Technical Records Specialist II
Idaho Dept. Water Resources
208-287-4942*

From: Terry Scanlan <TScanlan@spfwater.com>
Sent: Thursday, October 14, 2021 9:47 AM
To: Mark Mason <tmkmason@msn.com>; Hersley, Jean
<Jean.Hersley@idwr.idaho.gov>
Cc: R B <rjbabka@yahoo.com>; Lori Graves <LGraves@spfwater.com>;
Stacy Kriz <skriz@gofirstam.com>; Lori Mountain Canyon Flying
<lori@mountaincanyonflying.com>
Subject: 65-22335 and 65-22339 Change of Ownership

Mark,

Please prepare a statement (it can be handwritten) that says "As part of my recent sale of land in the NESE, Section 12, T17N, R3E to Russell Babka, I agree that Babka received a 2/3 (66%) portion of the 6 acres of water right authorized in the NESE, Section 12, T17N, R3E under appurtenant water rights 65-22335 and 65-22339." The statement should be signed and notarized, then scanned and emailed back to Jean.Hersley@idwr.idaho.gov . Please cc all of us on this email thread also.

Jean,

Let us know if the refund of \$200 has already been sent to First American Title Company. If so, Stacy Kriz will resubmit the \$200 to your attention with the water right numbers noted on the check.

Thanks.

Terry M. Scanlan, P.E., P.G. | Principal Engineer/Hydrogeologist
SPF Water Engineering, LLC
o. 208.383.4140 | d. 208.489.2121
| w. www.spfwater.com

***SPF utilizes a robust email filter. If you do not
receive a timely response to an email, please
call 208.383.4140 to ensure it was received.***

<WATER RIGHT.pdf>

Idaho Department of Water Resources Receipt

Receipt ID: C111176

Payment Amount	\$200.00	Date Received	10/21/2021	Region	STATE
Payment Type	Check	Check Number	25699		
Payer	FIRST AMERICAN TITLE COMPANY				
Comments	CHANGE OF OWNERSHIP FOR WR # 65-22335 & 65-22339 FOR RUSSELL BABKA				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$200.00	OWNERSHIP CHANGES/SECURITY INTERESTS	56140	0229	21		1155



Signature Line (Department Representative)