

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APR 08 2021

Notice of Change in Water Right Ownership 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. **DEV**

| Water Right/Claim No. | Split?                                  | Leased to Water Supply Bank?            | Water Right/Claim No. | Split?                       | Leased to Water Supply Bank? |
|-----------------------|-----------------------------------------|-----------------------------------------|-----------------------|------------------------------|------------------------------|
| 21-2129 OK            | Yes <input checked="" type="checkbox"/> | Yes <input checked="" type="checkbox"/> | 21-2129               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 21-10527 OK           | Yes <input checked="" type="checkbox"/> | Yes <input checked="" type="checkbox"/> | 21-13313              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/>            | 21-10527              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/>            | 21-13314              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/>            |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/>            |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Daniel S. Hess Family Trust & Mary B. Hess Marital Trust  
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): MARTINDALE & Son's LLC  
New owner(s) as listed on the conveyance document

Mailing address: P O Box 786 City: Ashton State: ID ZIP: 83420  
Telephone: 208-709-4860 Email: Kipmartindale@hotmail.com

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: March 2021

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: Kip O. Martindale Title, if applicable: Manager Date: April 7<sup>th</sup> 2021  
Signature of new owner/claimant

Signature: \_\_\_\_\_ Title, if applicable: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of new owner/claimant

## For IDWR Office Use Only:

Received by: JB Date: 4/14/2021 Receipt No.: E047448 Receipt Amt.: \$150.-  
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing  
Name on W-9: \_\_\_\_\_ Approved by: JB Processed by: JC Date: 10/28/2021  
W-9 received? Yes ☐ No ☐

idwr.idaho.gov/forms/water-rights.html

Water Right Forms

Ownership:

Notice of Change in Water Right Ownership - Form

(Statutory claim or adjudication claim)

\$25 per water right

\$25

\$50.

Send: Deed's Copy

Change Form

\$50.

Cooper Fritz @ idwr Idaho Falls

## WARRANTY DEED

**Joseph Arnold Hess and MaryLynn Hess Lyman, in their capacities as Co-Trustees of the Daniel S. Hess Family Trust and Co-Trustees of the Mary B. Hess Marital Trust, of 11578 Tuscan View Court, Draper, Utah 84020 (hereinafter collectively "Grantors"), for and in consideration of \$10.00 and other good and valuable consideration, hereby transfer, grant, convey, and warrant unto Martindale & Sons Limited Company, an Idaho limited liability company, of P.O. Box 786, Ashton, Idaho 83420 (hereinafter "Grantee"), all of Grantors' interest in and to the following described real property (hereinafter referred to as the "Subject Property") located in Fremont County, Idaho, to wit:**

**See attached Exhibit A, which is attached hereto and incorporated herein.**

**Together with:** Except as provided herein, all and singular the tenements, hereditaments, appurtenances, improvements, easements, rights, water rights (if any), and rights of way thereunto belonging or in anywise appertaining; the reversion and reversions, remainder and remainders, rents, issues, profits thereof; and all estate, right, title, and interest in and to the said property, as well in law as in equity.

**Also together with:** Without limiting the generality of Grantors' conveyance of all water rights appurtenant to the Subject Property, all of Grantors' right, title, and interest in and to water rights, water shares, and storage water appurtenant to the Subject Property, including five shares of the capital stock of The Farmers Own Canal Co. and water rights nos. 21-2129 and 21-1052.

**Subject to:** All easements, encumbrances, rights of way, covenants, conditions, restrictions, reservations, patent reservations, dedications, easements, applicable building and zoning ordinances and use regulations and restrictions of record, all facts and circumstances that would be revealed by inspection of the property or inquiry of persons in possession thereof, and payment of present year's property taxes, which are an accruing lien not yet due.

**Grantors, for themselves and their heirs, successors, and assigns, warrant and represent as follows:**

**Grantors have the legal right to transfer the real property described herein.**

**Grantors are the owners of the real property described in this Warranty Deed and have the legal right to convey said real property to Grantee.**

## WARRANTY DEED

**Joseph Arnold Hess and MaryLynn Hess Lyman, in their capacities as Co-Trustees of the Daniel S. Hess Family Trust and Co-Trustees of the Mary B. Hess Marital Trust**, of 11578 Tuscan View Court, Draper, Utah 84020 (hereinafter collectively "Grantors"), for and in consideration of \$10.00 and other good and valuable consideration, hereby transfer, grant, convey, and warrant unto **Martindale & Sons Limited Company, an Idaho limited liability company**, of P.O. Box 786, Ashton, Idaho 83420 (hereinafter "Grantee"), all of Grantors' interest in and to the following described real property (hereinafter referred to as the "Subject Property") located in Fremont County, Idaho, to wit:

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**Also together with:** Without limiting the generality of Grantors' conveyance of all water rights appurtenant to the Subject Property, all of Grantors' right, title, and interest in and to water rights, water shares, and storage water appurtenant to the Subject Property, including five shares of the capital stock of The Farmers Own Canal Co. and water rights nos. 21-2129 and 21-1052.

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Grantors, for themselves and their heirs, successors, and assigns, warrant and represent as follows:

Grantors have the legal right to transfer the real property described herein.

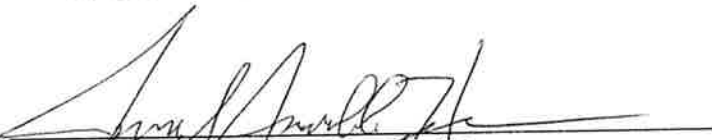
Grantors are the owners of the real property described in this Warranty Deed and have the legal right to convey said real property to Grantee.

The real property described in this deed is free from all liens, encumbrances, and defects in title, except as otherwise shown in this deed or of record.

Grantors will forever warrant and defend the title and the quiet and peaceful possession of the Subject Property granted by this Warranty Deed to Grantee, its successors in interest, heirs, and assigns against all lawful claims.

Date: 3/29, 2021.

  
Joseph Arnold Hess, Co-Trustee of the  
Dan S. Hess Family Trust

  
Joseph Arnold Hess, Co-Trustee of the  
Mary B. Hess Marital Trust

#### Acknowledgment

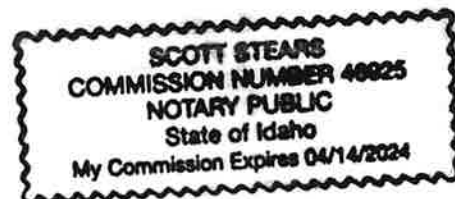
State of Idaho

ss.

County of Madison

On this 29 day of March, 2021, before me, the undersigned, a notary public, personally appeared Joseph Arnold Hess in his capacities as Co-Trustee of the Dan S. Hess Family Trust and Co-Trustee of the Mary B. Hess Marital Trust, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacities.

  
Notary Public  
Residing at: Rexburg ID  
(Seal)



MaryLynn Hess Lyman  
MaryLynn Hess Lyman, Co-Trustee of the  
Dan S. Hess Family Trust

MaryLynn Hess Lyman  
MaryLynn Hess Lyman, Co-Trustee of the  
Mary B. Hess Marital Trust

**Acknowledgment**

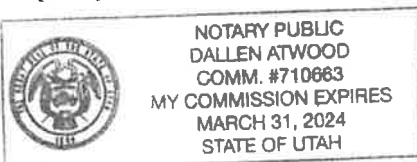
State of ~~Idaho~~ <sup>DA</sup> UTAH

County of ~~Madison~~ <sup>DA</sup> Salt Lake

SS.

On this 30<sup>th</sup> day of MARCH, 2021, before me, the undersigned, a notary public, personally appeared MaryLynn Hess Lyman in her capacities as Co-Trustee of the Dan S. Hess Family Trust and Co-Trustee of the Mary B. Hess Marital Trust, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacities.

Dallen Atwood  
Notary Public  
Residing at: DRAPER, UT  
(Seal)



## EXHIBIT A

**LEGAL DESCRIPTION:** Real property in the County of Fremont, State of Idaho, described as follows:

### PARCEL 1:

BEGINNING AT THE NORTHWEST CORNER OF THE SE $\frac{1}{4}$  OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 42 E.B.M., FREMONT COUNTY, IDAHO; THENCE S. 89°40' E. ALONG THE NORTH BOUNDARY OF SAID QUARTER SECTION 1315.11 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 20-191; THENCE S. 40°59' W. ALONG SAID RIGHT OF WAY LINE 304.86 FEET; THENCE N. 89°40' W. 1113.94 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID QUARTER SECTION; THENCE N. 0°18' W. 231.32 FEET TO THE POINT OF BEGINNING.

ALSO; BEGINNING AT A POINT ON THE WEST BOUNDARY OF THE SE $\frac{1}{4}$  OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 42 E.B.M., FREMONT COUNTY, IDAHO, SAID POINT BEING 231.32 FEET S. 0°18' FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE S. 0°18' E. 231.32 FEET; THENCE S. 89°40' E. 912.77 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 20-191; THENCE N. 40°59' E. ALONG SAID RIGHT OF WAY 304.86 FEET; THENCE N. 89°40' W. 1113.94 FEET TO THE POINT OF BEGINNING.

ALSO; BEGINNING AT A POINT ON THE WEST BOUNDARY OF THE SE $\frac{1}{4}$  OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 42 E.B.M., FREMONT COUNTY, IDAHO, SAID POINT BEING 462.63 FEET S. 0°18' E. FROM THE NW CORNER OF SAID QUARTER SECTION; THENCE S. 0°18' E. 274.54 FEET; THENCE S. 89°40' E. 674.02 FEET TO A POINT ON THE WEST BOUNDARY OF U.S. HIGHWAY 20-191 RIGHT OF WAY LINE; THENCE N. 40°59' E. ALONG SAID RIGHT OF WAY LINE 361.82 FEET; THENCE N. 89°40' W. TO THE POINT OF BEGINNING.

### PARCEL 2:

TOWNSHIP 9 NORTH, RANGE 42 E.B.M., FREMONT COUNTY, IDAHO  
SECTION 35: N $\frac{1}{2}$ SW $\frac{1}{4}$  AND SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

### EXCEPTING THEREFROM:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 42 EAST, BOISE MERIDIAN, FREMONT COUNTY, IDAHO, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 1288.51 FEET ALONG THE SECTION LINE; THENCE NORTH 0°30'14" EAST, A DISTANCE OF 736.27 FEET ALONG A FENCE LINE; THENCE SOUTH 89°44'29" WEST, A DISTANCE OF 1298.06 FEET TO THE SECTION LINE; THENCE SOUTH 0°14'26" EAST, A DISTANCE OF 730.39 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: BEGINNING AT A POINT THAT IS NORTH 00°14'26" WEST 730.39 FEET ALONG THE SECTION LINE FROM THE SOUTHWEST CORNER OF SAID SECTION 35 AND RUNNING THENCE NORTH 00°14'26" WEST 9.38 FEET ALONG SAID SECTION LINE; THENCE NORTH 89°27'59" EAST 1298.28 FEET; THENCE SOUTH 00°30'14" WEST 15.61 FEET TO THE NORTHEAST CORNER OF THE PROPERTY AS DESCRIBED IN WARRANTY DEED, INSTRUMENT NO. 542438; THENCE SOUTH 89°44'29" WEST 1298.07 FEET ALONG THE NORTH LINE OF SAID PROPERTY TO THE POINT OF BEGINNING.

### PARCEL 3:

BEGINNING 15 RODS SOUTH OF THE NW CORNER OF THE NW $\frac{1}{4}$  OF SAID SECTION 35, TOWNSHIP 9 NORTH, RANGE 42 E.B.M., FREMONT COUNTY, IDAHO; THENCE EAST 23 RODS; THENCE SOUTH 60 RODS 12 FEET; THENCE EAST 137 RODS; THENCE SOUTH 35 RODS 1.7 FEET; THENCE WEST 160 RODS;

THENCE NORTH 95 RODS 13.7 FEET TO THE PLACE OF BEGINNING. EXCEPTING THEREFROM: BEGINNING 15 RODS SOUTH OF THE NW CORNER OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 42 E.B.M., FREMONT COUNTY, IDAHO; AND RUNNING THENCE EAST 23 RODS; THENCE SOUTH APPROXIMATELY 528 FEET TO THE NORTH BANK OF THE FARMERS CANAL; THENCE WEST IN A NORTHWESTERLY DIRECTION ALONG THE NORTH BANK OF SAID CANAL TO THE WEST LINE OF SAID SECTION 35; WHICH IS APPROXIMATELY 660 FEET SOUTH OF THE NW CORNER OF SAID SECTION; THENCE NORTH APPROXIMATELY 412.50 FEET TO THE POINT OF BEGINNING.

ALSO; BEGINNING 24  $\frac{3}{5}$  RODS NORTH OF THE SW CORNER OF THE NW  $\frac{1}{4}$  OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 42 E.B.M., FREMONT COUNTY, IDAHO; THENCE NORTH 24  $\frac{3}{5}$  RODS; THENCE EAST 160 RODS; THENCE SOUTH 24  $\frac{3}{5}$  RODS; THENCE WEST 160 RODS TO THE PLACE OF BEGINNING.

ALSO; BEGINNING AT THE SW CORNER OF THE NW  $\frac{1}{4}$  OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 42 E.B.M., FREMONT COUNTY, IDAHO; THENCE NORTH 24  $\frac{3}{5}$  RODS; THENCE EAST 160 RODS; THENCE SOUTH 24  $\frac{3}{5}$  RODS; THENCE WEST 160 RODS TO THE POINT OF BEGINNING.



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](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

October 28, 2021

MARTINDALE & SONS LLC  
PO BOX 786  
ASHTON ID 83420-0786

Re: Change in Water Right Ownership: 21-2129 (Split into 21-2129 and 21-13313), 21-10527 (Split into 21-10527 and 21-13314)

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) 497-3787.

Sincerely,

Jonie Barg  
Technical Records Specialist 1

Enclosure(s)

cc: MARY B HESS  
DANIEL S HESS



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](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Gary Spackman**

October 1, 2021

MARTINDALE & SONS LLC  
PO BOX 786  
ASHTON ID 83420

RE: Change in Ownership Water Right No. 21-2129, 29-10527  
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:

\*\*\*\* **Filing Fee:** The department acknowledges receipt of \$50.00 for your ownership change application. However after further review of your application it appear a split will be required. The fee for an ownership change resulting in a split is \$100.00 per water right, therefore an additional \$150.00 is required. Please review the map attached showing the place of use of the water right, if you believe this is an error please provide additional information for the property not covered by your Warranty Deed.

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](http://www.idwr.idaho.gov).

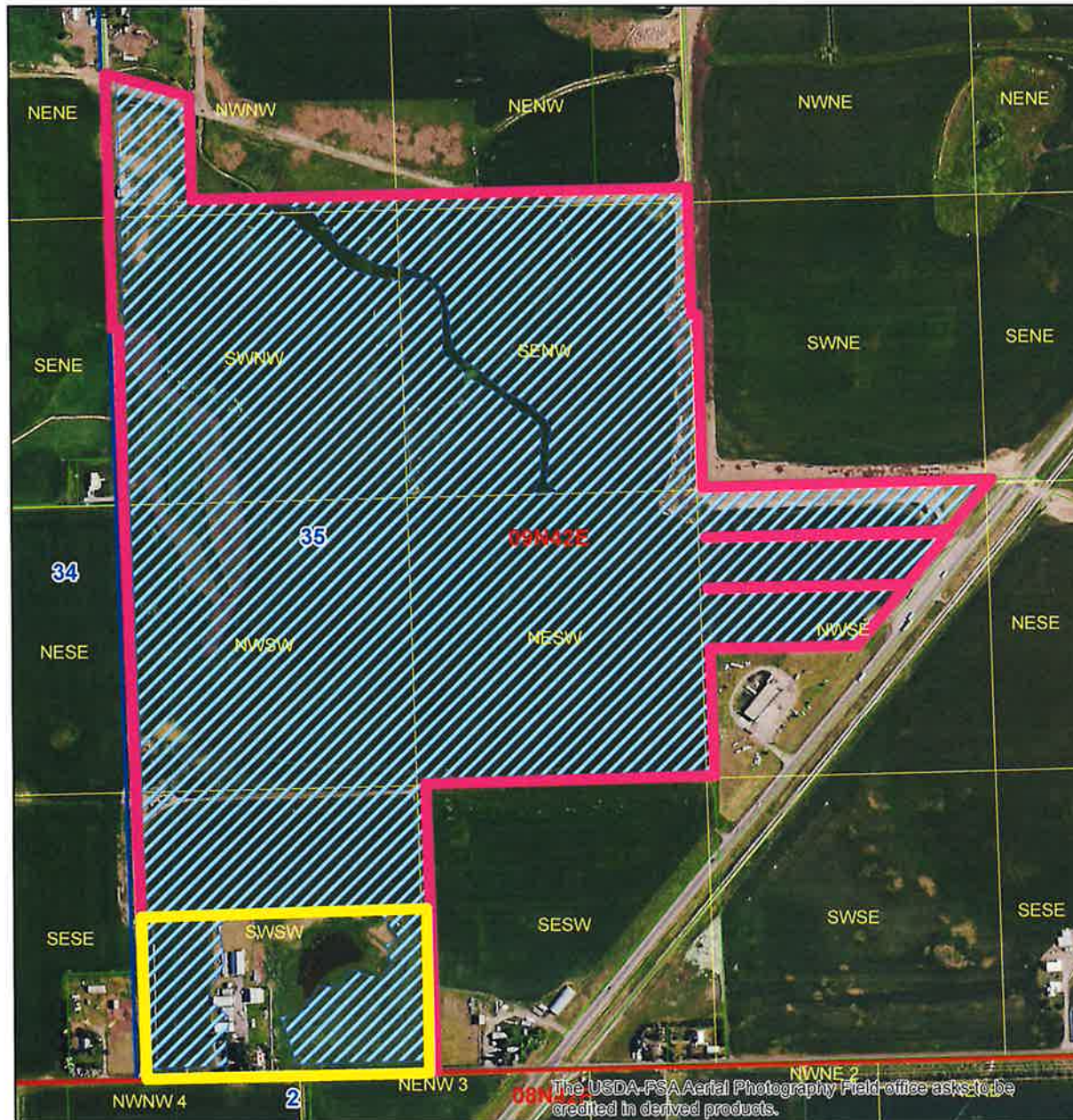
Please feel free to contact the Department if you have any questions.

Sincerely,

Jonie Barg  
Technical Records Specialist

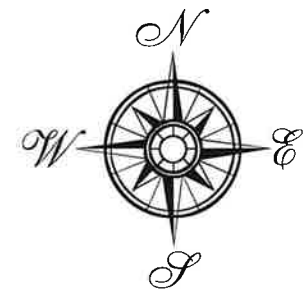
Enclosure(s)

# Idaho Department of Water Resources

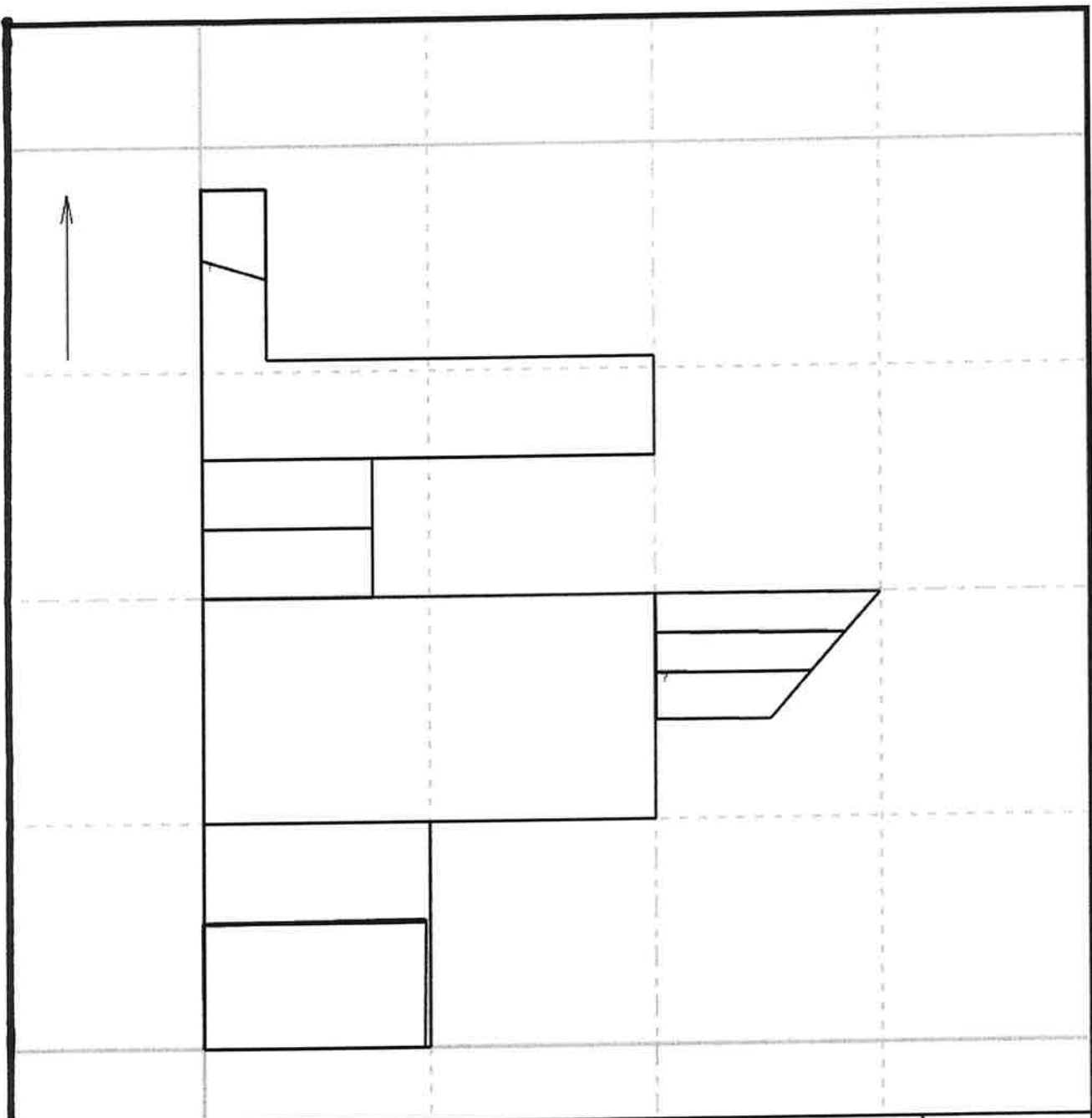


## Legend

-  Parcel in question
-  Martindale & Sons LLC Property
-  Place of Use 21-2129 and 21-10527
-  Township/Range
-  Sections
-  QQ
-  Parcels



Layout Created By:  
Jonie Barg  
Date:  
September 30, 2021



9/29/2021

Scale: 1 inch= 800 feet

File:

Act 1: 6.4491 Acres (280922 Sq. Feet), Closure: s65.0115w 0.02 ft. (1/165979), Perimeter=2965 ft.  
 Act 2: 5.3809 Acres (234391 Sq. Feet), Closure: n65.0115e 0.02 ft. (1/143458), Perimeter=2563 ft.  
 Act 3: 5.0000 Acres (217801 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/847369), Perimeter=2223 ft.  
 Act 4: 80.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=7920 ft.  
 Act 5: 40.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5280 ft.  
 Act 6: 21.7716 Acres, Closure: n00.0000e 0.00 ft. (1/827240), Perimeter=4053 ft.  
 Act 7: 8.9035 Acres (387835 Sq. Feet), Closure: s00.1429e 730.29 ft. (1/5), Perimeter=3352 ft.  
 Act 8: 44.0423 Acres, Closure: s00.0000e 9.20 ft. (1/919), Perimeter=8451 ft.  
 Act 9: 4.0969 Acres (178461 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/554115), Perimeter=1717 ft.  
 Act 10: 9.2250 Acres (401841 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=2792 ft.  
 Act 11: 9.2250 Acres (401841 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=2792 ft.



## State of 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

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

April 9, 2021

MARTINDALE & SONS LLC  
PO BOX 786  
ASHTON ID 83240

RE: Change in Ownership Water Right No. 21-2129 & 21-1052

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:

\*\*\*\* **Filing Fee:** Filing fee for an ownership change is \$25.00 per water right for an ownership change not resulting in a division of the water right or \$100.00 per water right if a split 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](http://www.idwr.idaho.gov).

Please feel free to contact the Department if you have any questions.

Sincerely,

Jonie Barg  
Technical Records Specialist

Enclosure(s)