

MEMORANDUM

DATE: October 22, 2021

RE: Change of Ownership 1-10555 (Landmark Properties LLC)

Correction for 2006 Ownership Change

On October 14, 2021 an ownership change for water right 1-10555 was received. During the review of the ownership change an error in the previous ownership change found. Because of the error the ownership change was filed a split and a \$100.00 fee was submitted, however if the previous split would have been completed correctly a split would not have been required. Therefore the applicant will be entitled to a refund of \$75.00.

Original split proof reports and maps attached and corrected split proof reports and maps are attached.

23-11266	2006 split	
Richards (1-10554)	Watkins (1-10555)	Total
13.8 acres	6.7 acres	20.5 acres
0.32 cfs	0.16 cfs	0.48 cfs

23-11266	2021 correction	
Richards (1-10554)	Watkins (1-10555)	Total
16.5 acres	4 acres	20.5 acres
0.39 cfs	0.09 cfs	0.48 cfs

Please find attached all the Original Proof Reports, Evidence supporting the changes, updated proof reports.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/28/2021

Water Right 23-11266

Owner Type **Name and Address**
Attorney MARVIN SMITH
 490 MEMORIAL DR
 IDAHO FALLS, ID 83402
 (208) 522-3001

Current Owner THOMAS WEISS
 267 WOODSIDE DR
 SOMERSET, KY 42503
 (606) 451-9738

Current Owner KATHRYN WEISS
 267 WOODSIDE DR
 SOMERSET, KY 42503
 (606) 451-9738

Priority Date: 8/15/1893

Basis: Decreed

Status: PARENT

Source
SOUTH FORK SNAKE RIVER

Tributary
SNAKE RIVER

Beneficial Use

IRRIGATION

From

04/15

To

10/31

Diversion Rate

0.480 CFS

Volume

Total Diversion

0.480 CFS

Source and Point(s) of Diversion

SOUTH FORK SNAKE RIVER

L3(SESWSW)

Sec. 21, Twp 01N, Rge 44E, BONNEVILLE County

Place Of Use

IRRIGATION within BONNEVILLE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	21												16.0			4.5		20.5
													L2				L1		

Right Acre Limit: 20.5

POU Total Acres: 20.5

Conditions of Approval:

1. THE RATE OF FLOW DIVERTED UNDER THIS RIGHT SHALL AT NO TIME EXCEED THE RATE OF FLOW OF PALISADES CREEK WHERE IT DISCHARGES INTO SOUTH FORK SNAKE RIVER, NOR SHALL IT EXCEED THE RATE OF FLOW AVAILABLE AT THE ORIGINAL POINT OF DIVERSION IN SWSE SEC. 26 T1N, R44E.
2. E04 USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES IRRIGATION COMPANY.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

2006 Ownership Change After Split
IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/22/2021

Water Right 1-10554

Owner Type **Name and Address**
 Attorney WOOLF COMBO & THOMPSON
 408 SHOUP AVE
 PO BOX 50190
 IDAHO FALLS, ID 83405-0190

Current Owner THE DANIEL W RICHARDS & JUDY K RICHARDS FAMILY TRUST
 8311 HAVEN AVE STE 200
 RANCHO CUCAMONGA, CA 91730

Priority Date: 8/15/1893
Basis: Decreed
Status: Active

Source **Tributary**
 SOUTH FORK SNAKE RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.320 CFS	
	<u>Total Diversion</u>		0.320 CFS	

Source and Point(s) of Diversion
 SOUTH FORK SNAKE RIVER L3(SESWSW) Sec. 21, Twp 01N, Rge 44E, BONNEVILLE County

Place Of Use
 IRRIGATION within BONNEVILLE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	21												13.5			0.3		13.8

Right Acre Limit: 13.8
 POU Total Acres: 13.8

Conditions of Approval:

1. THE RATE OF FLOW DIVERTED UNDER THIS RIGHT SHALL AT NO TIME EXCEED THE RATE OF FLOW OF PALISADES CREEK WHERE IT DISCHARGES INTO SOUTH FORK SNAKE RIVER, NOR SHALL IT EXCEED THE RATE OF FLOW AVAILABLE AT THE ORIGINAL POINT OF DIVERSION IN SWSE SEC. 26 T1N, R44E.
2. E04 USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES IRRIGATION COMPANY.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

State of Idaho
Department of Water Resources
Water Right License
1-10554

44E

01N



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.0425 0.085 0.17 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

Proof Report

Owner Type

Name and Address

1640 KIMBERLY RD

Priority Date: 8/15/1893

Basis: Decreed

Status: Active

Source

Tributary

2
SNAKE RIVER

Beneficial Use

From

To

Diversion Rate

Volume

Total Diversion

0.160 CFS

Source and Point(s) of Diversion

L3(SESWSW)

Sec. 21, Twp 01N, Rge 44E, BONNEVILLE County

Place Of Use

IRRIGATION within BONNEVILLE County

Right Acre Limit: 6.7

POU Total Acres: 6.7

Conditions of Approval:

1. THE RATE OF FLOW DIVERTED UNDER THIS RIGHT SHALL AT NO TIME EXCEED THE RATE OF FLOW OF PALISADES CREEK WHERE IT DISCHARGES INTO SOUTH FORK SNAKE RIVER, NOR SHALL IT EXCEED THE RATE OF FLOW AVAILABLE AT THE ORIGINAL POINT OF DIVERSION IN SWSE SEC. 26 T1N, R44E.
2. E04 USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES IRRIGATION COMPANY.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

State of Idaho
Department of Water Resources
Water Right License
1-10555



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles



Correction 2021 After Split
IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/27/2021

Water Right 1-10554

Owner Type **Name and Address**
 Attorney WOOLF COMBO & THOMPSON
 408 SHOUP AVE
 PO BOX 50190
 IDAHO FALLS, ID 83405-0190

Current Owner THE DANIEL W RICHARDS & JUDY K RICHARDS FAMILY TRUST
 8311 HAVEN AVE STE 200
 RANCHO CUCAMONGA, CA 91730

Priority Date: 8/15/1893

Basis: Decreed

Status: Active

Source **Tributary**
 SOUTH FORK SNAKE RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.390 CFS	
	<u>Total Diversion</u>		0.390 CFS	

Source and Point(s) of Diversion
 SOUTH FORK SNAKE RIVER L3(SESWSW) Sec. 21, Twp 01N, Rge 44E, BONNEVILLE County

Place Of Use
 IRRIGATION within BONNEVILLE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	44E	21												14.0			2.5		16.5

Right Acre Limit: 16.5

POU Total Acres: 16.5

Conditions of Approval:

1. THE RATE OF FLOW DIVERTED UNDER THIS RIGHT SHALL AT NO TIME EXCEED THE RATE OF FLOW OF PALISADES CREEK WHERE IT DISCHARGES INTO SOUTH FORK SNAKE RIVER, NOR SHALL IT EXCEED THE RATE OF FLOW AVAILABLE AT THE ORIGINAL POINT OF DIVERSION IN SWSE SEC. 26 T1N, R44E.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E04 USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES IRRIGATION COMPANY.

State of Idaho
Department of Water Resources
Water Right License
1-10554



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles



10/27/2021

State of Idaho
Department of Water Resources
Water Right License
1-10555



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles



2006 Watkins Ownership Change &
Evidence of Ownership.

RECEIVED

DEC 19 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Form 42-248/42-1409(6) July, 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP RECEIVED

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

DEC 20 2006

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
Pd 23-11266	\$25.00	☒			
split	\$100.00	☒			
→ 1-10554	SPLIT Right				
→ 1-10555					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Daniel W Richards
8311 Haven Ave Ste 200
Rancho Cucamonga Ca. 91730

4. New Owner/Claimant(s)

Watkins Brothers LLP
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1640 Kimberly Rd

City, State and ZIP Code

Twin Falls Id 83301

New Telephone Number

(208) 733-5705 (work)

5. Date you acquired the property

June 2006

SUPPORT DATA

IN FILE # 23-11266

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	4.9 ac	Proportional split
Stock		
Domestic	(approx .4 ac is by river & not irr)	
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) Walter Wuth Partner
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>KKC</u>	Date <u>12-15-06</u>	Fee <u>25.00</u>	# <u>100</u> <u>12-19-06</u>
Received by <u>KKC</u>	Date <u>" " "</u>	Receipt No. <u>5029133</u>	<u>KKC</u>
Processed by <u>AJ</u>	Date _____	WR _____	Date _____

06069488

BONNEVILLE COUNTY RECORDER
1227273 JUN16'06 AM1113

AMENDED AND CORRECTED WARRANTY DEED

For Value Received THE DANIEL W. RICHARDS AND JUDY K. RICHARDS FAMILY TRUST (hereinafter referred to as "Grantor"), does hereby grant, bargain, sell warrant and convey unto WATKINS BROTHERS, LLP hereinafter referred to as Grantee, whose current address is, 1640 Kimberly Road, Twin Falls, Idaho 83301 the following described premises containing 4.95 acres located in Bonneville County, Idaho to-wit:

Beginning at the West 1/4 Corner of Section 21, Township 1 North, Range 44 East of the Boise Meridian; running thence S.00°05'00"E. along the Section line 1320.00 feet; thence East 462.94 feet; thence S.18°42'09"E. 63.35 feet; thence S.56°40'41"E. 515.00 feet; thence S.87°42'42"E. 1190.18 feet; thence S.01°58'33"W. 30.00 feet; thence S.87°42'42"E. 10.60 feet; thence N.52°49'05"E. 567.72 feet to the Southwesterly Right-of-Way line of U.S. Highway 26; thence S.50°12'57"E. along said Southwesterly Right-of-Way line 634.69 feet to the TRUE POINT OF BEGINNING; running thence S.50°12'57"E. along said Southwesterly Right-of-Way line 100.00 feet; thence S.49°15'11"W. 975.76 feet to the ordinary high water line of the Snake River; thence N.65°42'52"W. along said ordinary high water line 290.10 feet; thence N.42°02'27"E. 236.34 feet; thence N.62°09'03"E. 869.23 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO: existing easements of record.

INSTRUMENT NO.	1227273
DATE	6-16-06
INST. CODE	265
IMAGED PGS	5
FEE	15.00
STATE OF IDAHO	) ss
COUNTY OF BONNEVILLE	)
I hereby certify that the within instrument was recorded.	
Ronald Longmore County Recorder	
By	<i>R. Longmore</i>
Deputy Request of	ITT

SUBJECT TO THE FOLLOWING RESTRICTIONS, each of which is a restriction on use running with the land:

1. Use and Size of Dwelling Structure. The Property shall be used exclusively for single-family residential purposes. The Property may be improved with no more than one (1) single-family dwelling unit or structure and accessory structures as identified herein. The minimum residence size shall be Three Thousand Five Hundred (3,500) square feet exclusive of garage, with a minimum of Two Thousand (2000) square feet on the main floor (not a basement or partially below grade but 100% above grade) in the event of a multi-story structure.
2. No Temporary Structures. No house trailer, mobile home, tent (other than for short term individual use which shall not exceed one (1) week), shack or other temporary building, improvement, or structure shall be placed upon any portion of the Property, except temporarily as may be required by construction activity undertaken on the Property for a period not to exceed a total of six (6) months.
3. Accessory Structures. Detached garages, storage sheds and garages attached to the residential structure, patio covers, and detached patio covers, shall

IDAHO TITLE & TRUST
P.O. BOX 50367
IDAHO FALLS, ID 83405

be constructed of, and roofed with similar colors and design, as the residential structure on the applicable Building Lot. Other than the primary dwelling, no structure can be used as living quarters or for residential purposes.

4. Setbacks and Height. No residential or other structure (including, without limitation, porches or decks attached to the house but exclusive of fences and similar structures) shall be placed nearer than seventy five feet (75') to the Property lines or within one hundred feet (100') of the ordinary high water line of the Snake River. No structure shall be built higher than permitted by any applicable zoning restriction, by any conditional use permit, whichever is more restrictive.

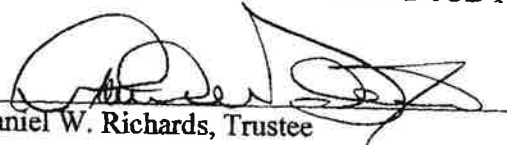
5. No Further Subdivision. The Property may not be further subdivided or otherwise split into additional parcels. Buyer represents and agrees that he, his successors and assigns will not subdivide, split or transfer any portion less than the whole of the Property, which Buyer understands is a material consideration for Seller to agree to sell the Property to Buyer.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs, successors and assigns forever. Grantor does hereby covenant to and with Grantee, that Grantor is the owner in fee simple of said premises described above; 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, Grantor will warrant and defend the same from all claims whatsoever.

Dated this 11th day of April, 2006.

GRANTOR:

THE DANIEL W. RICHARDS AND JUDY K. RICHARDS FAMILY TRUST


Daniel W. Richards, Trustee

GRANTEE:

WATKINS BROTHERS, LLP

By: 
MITCHELL D. WATKINS

Title: Partner

Address: 1640 Kimberly Road,
Twin Falls, Idaho 83301

WATKINS BROTHERS, LLP

By: Anthony D. Watkins

ANTHONY D. WATKINS

Title: Partner

Address: 1640 Kimberly Road,
Twin Falls, Idaho 83301

STATE OF California)
) ss.
County of San Bernardino)

On the 12th day of April, 2006, before me, the undersigned, a notary public in and for said State, personally appeared **DANIEL W. RICHARDS**, known or identified to me to be the Trustee of **THE DANIEL W. RICHARDS AND JUDY K. RICHARDS FAMILY TRUST**, and acknowledged to me that he executed the same as Trustee for **THE DANIEL W. RICHARDS AND JUDY K. RICHARDS FAMILY TRUST**.

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

(seal)

Notary Public for Idaho

Residing at:

My Commission Expires:

see attached

FROM : WATKINS DIST

FAX NO. : 12085240704

Feb. 24 2006 02:07PM P2

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 08-27-2019 BY 60322 UCBAW

