



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

October 19, 2021

LUKE D DIXON REVOCABLE TRUST
LUKE D DIXON
KASEY DIXON
PO BOX 6826
KETCHUM ID 83340-6826

RE: Change of Ownership for Water Right: 37-2168B (Split into 37-2168B & 37-23307)

Dear Water Right Holder:

The Department was notified that a warranty deed conveying a portion of water right 37-2168B was omitted from the documents submitted to the Department with a request for Notice of Change of Water Right Ownership received by the Department in July 2021. The Department has modified its records for water rights 37-2168B and 37-23307 to reflect that warranty deed and has enclosed a computer-generated report for you.

Please feel free to contact me at 208-287-4942 if you have any questions concerning the enclosed information or this letter.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure

C: Aspen Knoll LTD Partnership
Tim Tyree- Tyree Bauer Baldner PLLC

Recording Requested By and
When Recorded Return to:
Tyree Bauer Baldner, PLLC
Attn: Tim Tyree
618 W. Franklin St.
Boise, ID 83702

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

WARRANTY DEED

This Warranty Deed is made this 14 day of June, 2021, between Aspen Knoll Limited Partnership, an Idaho limited partnership, and Mary Jane Congor (together, "**Grantor**"), and Luke D. Dixon, Trustee of the Luke D. Dixon Revocable Trust Dated February 23, 2016, whose address is PO Box 6826, Ketchum, ID 83340 ("**Grantee**"), witnesseth:

That Grantor, for and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and does, by these presents, grant, bargain, sell convey, and confirm unto Grantee and its successors and assigns forever a portion of water right 37-2168B (the Partial Decree for which is attached hereto as Exhibit A) as follows: 5.46 acres and a diversion rate of 0.13 cubic feet per second (cfs) of the irrigation right and 0.01 cfs of the stockwater right. Said water right shall be appurtenant to the land identified in Exhibit B.

TO HAVE AND TO HOLD said water right, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said water right; that it is free from all encumbrances except those to which this conveyance is expressly made subject to and those made, suffered or done by the Grantee; and subject to all existing patent reservations; restrictions in railroad deeds of record; easements and rights of way established and of record; protective covenants of record; zoning ordinances and applicable building codes, use restrictions, ordinances, laws and regulations of any governmental unit; general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable; and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

IN WITNESS WHEREOF, this Warranty Deed has been duly executed on behalf of Grantor on the day and year first above written.

[Signatures appear on next page.]

ASPEN KNOLL LIMITED
PARTNERSHIP an Idaho limited
partnership

By: *Lynudee Kathryn Marin*
Lynudee Kathryn Marin
General Partner

State of IDAHO
County of ADA

This record was acknowledged before me on 14th day of June, 2021, by Lynudee Kathryn
Marin, as General Partner of Aspen Knoll Limited Partnership.

(STAMP)

Claire Edde
Notary Public *Claire Edde*
My Commission Expires: 03/01/2025



06/14/21

Mary Jane Conger
Mary Jane Conger

STATE OF IDAHO)
) ss.
County of ADA)

This record was acknowledged before me on JUNE 14, 2021 by Mary Jane Conger.



06/14/21

Claire Edde
Signature of notary public
My commission expires 03/07/2025

SEP 28 2010

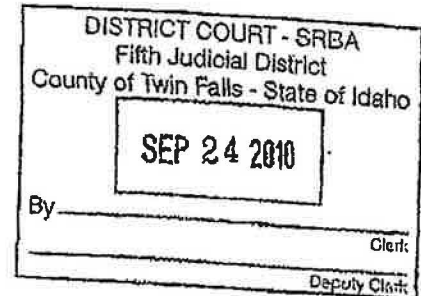
DEPARTMENT OF
WATER RESOURCES

Exhibit A to Warranty Deed

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-02168B



NAME AND ADDRESS: ASPEN KNOLL LIMITED
PARTNERSHIP
PO BOX 545
KETCHUM, ID 83340

DAVID E CONGER
MARY JANE CONGER
PO BOX 545
KETCHUM, ID 83340

SOURCE: OREGON CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.23 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands herein.

PRIORITY DATE: 01/22/1910

POINT OF DIVERSION: T05N R17E S09 NWNESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-01	0.21 CFS
	Stockwater	05-15 TO 10-01	0.02 CFS

PLACE OF USE:	Irrigation		Within Blaine County
	T05N R17E S10	SWSE 9.1	
	9.1 Acres Total		
	Stockwater		Within Blaine County
	T05N R17E S10	SWSE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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, I.C. SECTION 42-1412(6).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

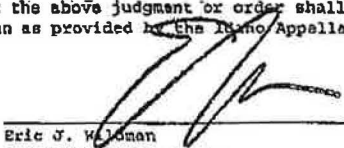

Eric J. Waldman
Presiding Judge of the
Snake River Basin Adjudication

EXHIBIT "B"
LEGAL DESCRIPTION

A parcel of land situate in HES 123, Township 5 North, Range 17 East, Boise Meridian, Blaine County, Idaho, being more particularly described as follows:

Commencing at an aluminum cap, marking HES 123, Corner No. 5 and proceeding South 74°11'59" East, 1492.71 feet to a ½" rebar marking the northeasterly corner of Tax Lot 7323 and the POINT OF BEGINNING;

Thence South 32°58'15" East, 307.26 feet to a ½" rebar, marking the southeasterly corner of Tax Lot 7323;

Thence South 42°07'34" West, 1512.21 feet to the southwesterly corner of Tax Lot 7323 and a point on the westerly line of said HES 123 from which a ½" rebar, L.S. No. 1183 bears North 42°07'34" East, 0.65 feet;

Thence North 18°15'35" West, 339.36 feet along said westerly line to the northwesterly corner of Tax Lot 7323, from which a ½" rebar bears North 42°03'01" East, 1.27 feet;

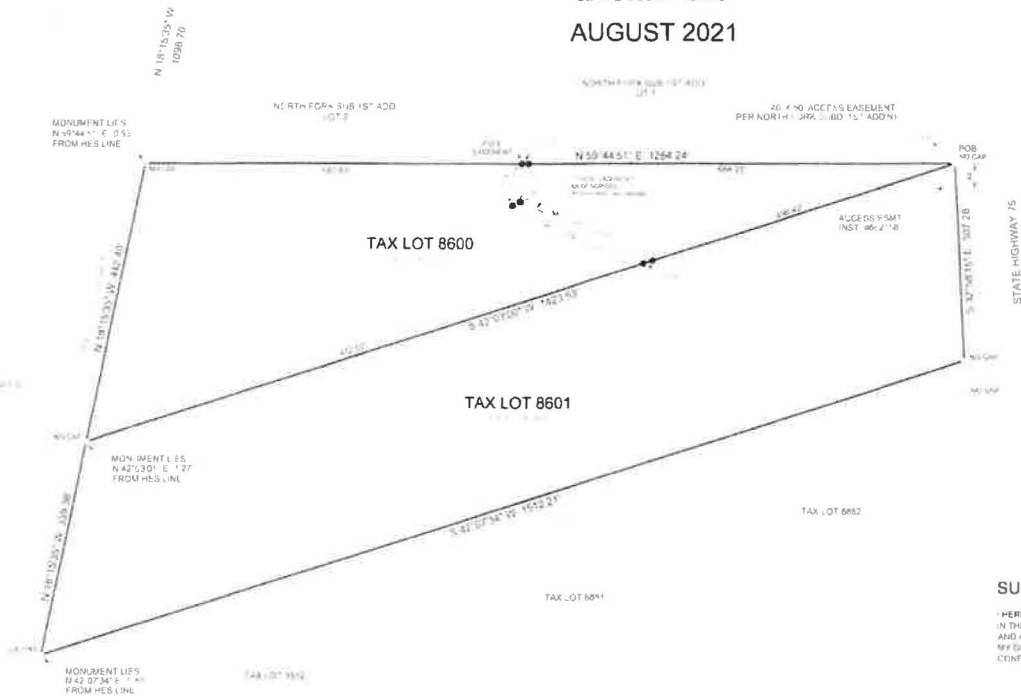
Thence North 42°03'00" East, 1423.53 feet to the POINT OF BEGINNING.

BLAINE COUNTY GIS
POINT HES 123-4
ALUM CAP ON 2" GALVANIZED PIPE
HES 123 CORNER 4
EASEMENT POINT OF COMMENCEMENT

RECORD OF SURVEY TAX LOTS 8600 & 8601

SHOWING AN EASEMENT WITHIN TAX LOT 8600
LOCATED WITHIN HES 123 TOWNSHIP 5 NORTH RANGE 17 EAST B M
BLAINE COUNTY IDAHO

AUGUST 2021



NOTES/SURVEY NARRATIVE

1. THE PURPOSE OF THIS RECORD OF SURVEY IS TO SHOW THE LOCATION OF THE MONUMENTS SET AT THE CORNERS OF THE EASEMENT REQUIRED IN THE INSTRUMENT 8602-18 LOCATED IN BLAINE COUNTY IDAHO.
2. SEE INSTRUMENT NO. 8602-18 FOR THE LOCATION OF THE MONUMENTS SET AT THE CORNERS OF THE EASEMENT REQUIRED IN THE INSTRUMENT 8602-18.
3. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS MAP, THIS SURVEY DOES NOT REPRESENT THE LOCATION OF THE FOLLOWING: (A) EASEMENTS OTHER THAN THOSE SHOWN ON THE MAP; (B) COVENANTS SUBORDINATE TO THE COVENANTS SHOWN ON THE MAP; (C) COVENANTS SUPERIOR TO THE COVENANTS SHOWN ON THE MAP; (D) COVENANTS SHOWN ON THE MAP; (E) COVENANTS SHOWN ON THE MAP; (F) COVENANTS SHOWN ON THE MAP; (G) COVENANTS SHOWN ON THE MAP; (H) COVENANTS SHOWN ON THE MAP; (I) COVENANTS SHOWN ON THE MAP; (J) COVENANTS SHOWN ON THE MAP; (K) COVENANTS SHOWN ON THE MAP; (L) COVENANTS SHOWN ON THE MAP; (M) COVENANTS SHOWN ON THE MAP; (N) COVENANTS SHOWN ON THE MAP; (O) COVENANTS SHOWN ON THE MAP; (P) COVENANTS SHOWN ON THE MAP; (Q) COVENANTS SHOWN ON THE MAP; (R) COVENANTS SHOWN ON THE MAP; (S) COVENANTS SHOWN ON THE MAP; (T) COVENANTS SHOWN ON THE MAP; (U) COVENANTS SHOWN ON THE MAP; (V) COVENANTS SHOWN ON THE MAP; (W) COVENANTS SHOWN ON THE MAP; (X) COVENANTS SHOWN ON THE MAP; (Y) COVENANTS SHOWN ON THE MAP; (Z) COVENANTS SHOWN ON THE MAP.
4. BENCHMARK ASSOCIATES P.A. HAS NOT BEEN REQUESTED TO OBTAIN OR PROVIDE RELEVANT INFORMATION THAT MAY BE CONTAINED IN THE STATE POLICY MAP. THE POLICY MAP MAY BE OBTAINED FROM THE IDAHO STATE POLICY MAP AND MAY AFFECT THE SURVEY.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF IDAHO THAT THIS MAP IS A TRUE AND ACCURATE MAP OF THE LAND SURVEYED UNDER MY DIRECT SUPERVISION AND THAT IT IS IN CONFORMANCE WITH THE IDAHO STATE CODE.



PREPARED BY: BENCHMARK ASSOCIATES P.A.
P.O. BOX 733, KETCHUM, IDAHO 83340
IDPH-25-1012



RECORD OF SURVEY TAX LOTS 8600 & 8601

LOCATED WITHIN
HES 123 TOWNSHIP 5 NORTH RANGE 17 EAST B M
BLAINE COUNTY IDAHO

PREPARED FOR: LYNLEE MARIN

PROJECT NO. 21000 DWS BY: DWS-P-F
IN COMPLY WITH: DATE: AUGUST 2021 SHEET 1 OF 1

LEGEND

- BOUNDARY LINE
- ADJOINING LOT LINES
- INDICATED MONUMENT TYPE
- EASEMENT LINE
- FOUND BEARING AND DISTANCE
- FOUND 1/2" REBAR (MARKED AS NOTED)
- FOUND ALUM CAP
- SET 1/2" REBAR WITH PLASTIC CAP PLS. 4561

N 88°00'26" E 161.91'

Instrument # 885545
BLAINE COUNTY GIS
POINT HES 123-4
ALUM CAP ON IRON PIPE
HES 123 CORNER 4

BLAINE COUNTY GIS
POINT HES 123-4
ALUM CAP ON IRON PIPE
HES 123 CORNER 4

Hersley, Jean

From: Tim Tyree <tim@tyreebauer.com>
Sent: Monday, October 18, 2021 11:34 AM
To: Hersley, Jean
Subject: Dixon Trust Water Right Revision
Attachments: bct warranty deed 6.14,21.pdf; 685545.pdf

Jean,

I have attached the water right deed and a record of survey showing my client's property (tax lot 8601).

The water is currently leased to the supply bank. My client will be building a home on tax lot 8601 and will be ready to install landscaping about the time the lease expires. My thinking is I need to file for a change in the place of use for 37-23307 to allow for up to 5.46 acres within the 9.97 acres that is tax lot 8601. Please let me know if/how I go about obtaining approval for the additional water on tax lot 8601.

Thank you.

TIM TYREE
Attorney at Law

TYREE BAUER BALDNER, PLLC

O: 208.918.8118
C: 208.345.5885
F: 208.918.8114

tyreebauer.com

618 W. Franklin St.
Boise, Idaho 83702

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