

FEB 22 2021

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESWATER RESOURCES  
WESTERN 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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 79-4069               | 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"/> |
| 79-4070               | 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"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name:

Michael Merkley  
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

John E. Howard  
New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

P.O. Box 362

Mailing address

Lucile

City

ID

State

83542

ZIP

(208) 628-3079

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: 12-16-2020

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.

SUPPORT DATA

IN FILE # 79-4069

8. Signature:

John E. Howard  
Signature of new owner/claimant

Title, if applicable

2-18-2021  
Date

Signature:

Signature of new owner/claimant

Title, if applicable

Date

## For IDWR Office Use Only:

Received by LE

Date 02/22/2021

Receipt No. W049120

Receipt Amt. 950.00

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 LE

Processed by LE

Date 09/15/2021

**Instrument # 527597**

IDAHO COUNTY, IDAHO,

12-16-2020 10:16:13 AM No. of Pages: 3

Recorded for : IDAHO COUNTY TITLE

KATHY M. ACKERMAN

Fee: 15.00

Ex-Officio Recorder Deputy

(Space Above For Recorder's Use)

### **SPECIAL WARRANTY DEED**

For value received, MICHAEL W. MERKLEY and LESLIE C. LEWIS, as Trustees under TRUST AGREEMENT OF MICHAEL W. MERKLEY AND LESLIE C. LEWIS, dated April 7, 2014, ("Grantors"), do hereby grant, bargain, sell and convey to JOHN E. HOWARD, a single man, ("Grantee"), whose mailing address is: 405 Whiffin Ln, Middleton, ID 83644, and Grantee's heirs, successors and assigns forever, the following described real property situate in Idaho County, State of Idaho, ("subject premises"):

**Parcel I:**

Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho  
Section 3: The East 147 feet of Government Lot 3 lying North and East of Cow Creek Road right of way.

**LESS:**

A parcel of land located in Government Lot 3, more particularly described as follows:

Beginning at a 24" dbh English Walnut tree on the northerly line of a county road, from which tree the Southeast corner of said Government Lot 3 bears S 10°45' E, 804 feet;

thence North 523 feet to a steel fence post;

thence S 86° W, 787 feet to a 3/4"x36" iron pipe;

thence South 190.5 feet to a 5/8"x30" rebar with cap marked "1976 COR NO. 6 S700" set on the northerly line of said road;

thence S 70° E, 838 feet following said northerly line to the Place of Beginning.

Sometimes known as Assessor's Tax No. 29.

**Parcel II:**

Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho  
Section 3:

A parcel of land located in Government Lot 3, more particularly described as follows:

Beginning at a 24" dbh English Walnut tree on the northerly line of a county road, from which tree the Southeast corner of said Government Lot 3 bears S 10°45' E, 804 feet;

thence North 523 feet to a steel fence post;  
thence S 86° W, 787 feet to a 3/4"x36" iron pipe;  
thence South 190.5 feet to a 5/8"x30" rebar with cap marked "1976 COR NO. 6  
S700" set on the northerly line of said road;  
thence S 70° E, 838 feet following said northerly line to the Place of Beginning.  
Sometimes known as Assessor's Tax No. 29.

SUBJECT TO taxes and assessments for the current year, and all subsequent years, together with any and all existing easements, rights-of-way, reservations, covenants, restrictions and encumbrances of record, and the following matters:

1. Right of Way Deed, including the terms and provisions thereof, by and between W. A. SEWELL and DELLA SEWELL, his wife, Grantors, and THE UNITED STATES OF AMERICA, Grantee, recorded March 4, 1939, under Instrument No. 125474, Book 68 page 167, and Assigned to THE COUNTY OF IDAHO, State of Idaho, recorded June 16, 1968, under Instrument No. 229342, Book 108 page 55, all records of Idaho County, Idaho. (As to Parcel II)
2. Reservation as set forth in Warranty Deed, including the terms and provisions thereof, by and between GARY W. SEWELL and MARILYN K. SEWELL, husband and wife, first parties, and MICHAEL W. MERKLEY and CAROLYN J. MERKLEY, husband and wife, second parties, recorded February 28, 1977, under Instrument No. 267147, records of Idaho County, Idaho. (As to Parcel II)
3. Reservations as set forth in Warranty Deed, including the terms and provisions thereof, by and between ROBERT SEWELL, also known as ROBERT W. SEWELL and KATHRYN SEWELL, also known as KATHRYN M. SEWELL, husband and wife, Grantors, and MELVIN C. GILL and MARGARET L. GILL, husband and wife, Grantees, recorded March 7, 1995, under Instrument No. 379168, records of Idaho County, Idaho. (As to Parcel I)
4. Reservation as set forth in Warranty Deed, including the terms and provisions thereof, by and between MELVIN C. GILL and MARGARET L. GILL, husband and wife, Grantors, and O. MICHELLE GILL, a single person, Grantee, recorded March 5, 1996, under Instrument No. 385471, records of Idaho County, Idaho. (As to Parcel I)
5. Matters as shown in Survey No. S-1533, recorded August 20, 1998, under Instrument No. 401567, and Survey No. S-2733, recorded July 10, 2008, under Instrument No. 462113, all records of Idaho County, Idaho.
6. Depredation Release Agreement, including the terms and provisions thereof, by and between IDAHO DEPARTMENT OF FISH AND GAME, and MIKE MERKLEY and LESLIE C. LEWIS, recorded April 30, 2009, under Instrument No. 466478, records of Idaho County, Idaho. (As to Parcel II)

TOGETHER WITH any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the real property herein described.

The Grantors covenant to the Grantee only as follows: that Grantors have not previously conveyed the same estate, or any portion thereof or interest therein, to any other person; that the real property is free from all encumbrances created by Grantors or those claiming through Grantors, excepting those as may be herein set forth, and excepting those of record; and that subject to the foregoing limitations, Grantors will warrant and defend the same from all lawful claims.

Except as otherwise expressly provided in this instrument, Grantors hereby declare pursuant to Title 5, Chapter 2 of the Idaho Code, that in the event Grantors shall have permitted or suffered at any time prior to the making of this instrument, any person or entity to possess, use or occupy the subject premises, or any portion thereof, for any purpose, with or without the knowledge of Grantors, it was not the intent of Grantors, by permitting or suffering such possession, use or occupation, to thereby define property boundaries or ownership thereof.

DATED this 1<sup>st</sup> day of December, 2020.

Michael W. Merkley  
MICHAEL W. MERKLEY  
Trustee

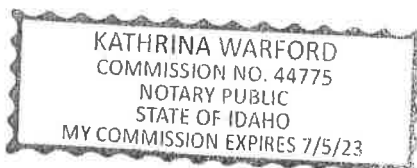
Leslie C. Lewis  
LESLIE C. LEWIS  
Trustee

State of Idaho )  
County of Idaho ) : ss.

This record was acknowledged before me on 1 Dec, 2020, by MICHAEL W. MERKLEY and LESLIE C. LEWIS, as Trustees under TRUST AGREEMENT OF MICHAEL W. MERKLEY AND LESLIE C. LEWIS, dated April 7, 2014.

Kathrina Warford  
Signature of notary public

My commission expires: 07/05/2023





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

September 15, 2021

JOHN E HOWARD  
PO BOX 362  
LUCILE ID 83542-0362

**Re: Change in Ownership for Water Right No(s): 79-4069, 79-4070**

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

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) 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynne Evans'.

Lynne Evans  
Office Specialist II

Enclosure(s)



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

February 12, 2021

JOHN E HOWARD  
275 COW CREEK RD  
PO BOX 362  
LUCILE ID 83542

**RE: Water Right Nos: 79-4069, 79-4070**

Dear John E. Howard:

On January 8, 2021 we received correspondence from Michael W. Merkley indicating that you are the new owner of the above referenced water rights through sale of the related property. In order to update the water rights to name you as the current owner, the Department will need you to submit a signed copy of our Notice of Change in Water Right Ownership form (enclosed), a copy of the deed or other conveyance document, and a \$25 processing fee per water right.

A computer-generated report describing the water rights is enclosed for your reference. If you have any questions regarding this matter, please contact our office at (208) 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynne Evans'.

Lynne Evans  
Office Specialist II

Enclosures



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

February 12, 2021

MICHAEL W MERKLEY  
28251 ROAD H 6  
CORTEZ CO 81321

**RE: Water Right Nos: 79-4069, 79-4070**

Dear Michael W. Merkley:

Thank you for your letter dated Jan 4, 2021 notifying the Department of the change in ownership for the above-referenced water rights. In order to update our records to name John E. Howard as the new owner of those water rights, we will need him to submit a signed copy of our Notice of Change in Water Right Ownership form as well as a \$25 fee per water right.

I have also sent this information and a copy of the form to Mr. Howard, and will keep your letter and copy of your Special Warranty Deed with the file as we process it for him. If you have any questions regarding this matter, please contact our office at (208) 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynne Evans'.

Lynne Evans  
Office Specialist II

State of Idaho Department of Water Resources  
Western Division  
2735 Airport Way  
Boise Idaho 83705-5082

Jan. 4, 2021

Reference Water Rights:  
79-4069 and 79-4070

RECEIVED

JAN 08 2021

WATER RESOURCES  
WESTERN REGION

Dear Sir,

On December 16, 2020 we sold our property near Lucile Idaho, of which the above referenced water rights are attached. The new owner is John E. Howard, P.O. Box 362, 275 Cow Creek Road, Lucile Idaho, 83542. I have enclosed a copy of the Special Warranty Deed, which transfers this property to Mr. Howard. Please transfer these two water rights to Mr. Howard. If you need more information, please call. My cell phone number is, 208 315 1330 and my new address is, Michael W. Merkle, 28251 Road H. 6, Cortez Colorado, 81321, Email, mwmexkley@hotmail.com.

I have enjoyed working with your Department over a 45 year period, especially during the lengthy adjudication process.

Thank you

Michael W. Merkle

Attachments:

- Idaho Dept. of Water, Proof of Report for water right 79-4069, 2 pages
- Idaho Dept. of Water, Proof of Report for water right 79-4070, 2 pages
- Special Warranty Deed, Instrument # 527597, 3 pages