



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 12, 2021

JODY BURNSIDE
NICHOLE BURNSIDE
PO BOX 1449
MESQUITE NV 89024-1449

RE: Change in Ownership Water Right Nos: 22-568B, 22-10329, and 22-13722

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on May 28, 2021 for the above referenced water rights. The Notice could not be processed because requested information was not received.

On June 7, 2021, the Department requested the required information from you. As of the date of this letter, the Department has not received the required information.

The Department is returning your Notice of Change in Water Right Ownership and the attachments. A refund of \$75 has been requested and will be mailed to Nichole Burnside under separate cover from the Idaho State Controller's Office. You may re-submit your request with the appropriate documents and fees.

If you have any questions regarding this matter, please contact me at (208) 287-4920 or debbi.judd@idwr.idaho.gov.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

From: Judd, Debbi
To: [IdwrPayable](#)
Subject: Refund request
Date: Thursday, July 8, 2021 4:31:00 PM

TO: Fiscal
FROM: Debbi Judd
DATE: July 8, 2021
RE: **Refund: Returned Ownership Changes**

Please refund \$75. Three ownership changes were not processed and returned.

NAME: NICHOLE BURNSIDE

ADDRESS: PO BOX 1449
MESQUITE NV 89024

RECEIPT #: C110450

-
Thank you.
Debbi

Debbi Judd
Technical Records Specialist
debbi.judd@idwr.idaho.gov

Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise, ID 83720-0098
208-287-4920
www.idwr.idaho.gov

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 28 2021
DEPARTMENT OF
WATER RESOURCES

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. BE

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
22-10329 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
22-13722 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
22-5688 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
568B	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Kerry Gee
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Jody Burnside Nichole Burnside
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- P.O. Box 1449 Mesquite NV 89024
Mailing address City State ZIP
- 435-703-1452 jodyburnside@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. 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. \$75.00
 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.
8. Signature: [Signature] owner 5-20-2021
Signature of new owner/claimant Title, if applicable Date
- Signature: [Signature] wife 5-20-2021
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by Ku Date 5-28-21 Receipt No. C110450 Receipt Amt. \$75.00

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 _____ Processed by _____ Date _____

DEED TO A WATER RIGHT

THIS INDENTURE, Made this 28th day of March, 2020, between Kerry Gee and Kathleen Gee, as Trustees of the Kerry & Kathleen Gee Living Trust, of 2364 E. Highway 33, Sugar City, in Madison County, Idaho 83448, the parties of the first part, and Silver Dollar Ranch Owners Association, Inc., an Idaho non-profit corporation with its principal place of business located at P.O. Box 245, Teton, ID 83452, the party of the second part,

WITNESSETH, that the said parties of the first part, consistent with the Water Right Settlement Agreement recorded in Teton County as Instrument No. 221561, has granted, bargained, sold and by these presents, does grant, bargain, sell, convey, and confirm unto the said party of the second part, and its assigns forever, that certain water right, more particularly described as follows:

<u>Right No.</u>	<u>Priority</u>	<u>Quantity (cfs/ac-ft)</u>	<u>Purpose of use</u>	<u>Period of Use</u>
22-13723A	10/10/1974	.18 CFS/60 AFY	Irrigation	4/15 to 10/15

SOURCE: Ground water

POINT OF DIVERSION: NESESE/Sec. 05/Township 05N/Range 45E/TETON County

PLACE OF USE: Sec. 05/Township 05N/Range 45E/TETON County SESE - 34 acres

ACREAGE LIMIT: This right will be limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.

TOGETHER WITH all rights appertaining thereto,

TO HAVE AND TO HOLD, all and singular, the said water right, unto the said

party of the second part, and to its assigns forever.

IN WITNESS WHEREOF, The said parties of the first part, have, as aforesaid,
hereunto set their hands and seals the day and year first above written.

Kerry Gee
Kerry Gee, Trustee

Kathleen Gee
Kathleen Gee, Trustee

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 28th day of March, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Kerry Gee and Kathleen Gee, known to me to be the person whose name is subscribed to the within instrument as trustees of the Kerry & Kathleen Gee Living Trust and acknowledged to me that they executed the same as such trustees.

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



Hyrum Erickson
Notary Public for Idaho
Residing at: Rehoboth, ID
My Commission Expires: 8/8/2020

Instrument # 259437

TETON COUNTY, IDAHO
04-07-2020 11:59:00 No. of Pages: 9
Recorded for: ALLIANCE TITLE - DRIGGS OFFICE
KIM KEELEY Fee: \$45.00
Ex-Officio Recorder Deputy, Kim Keeley
Index to: DEED OF TRUST

RECORDATION REQUESTED BY:

Nevada Bank & Trust Company
Loan Center
976 Idaho Street
Elko, NV 89801

WHEN RECORDED MAIL TO:

Nevada Bank & Trust Company
Loan Center
976 Idaho Street
Elko, NV 89801

SEND TAX NOTICES TO:

Jody V. Burnside
Nichole Burnside
PO Box 1449
Mesquite, NV 89024

Alliance Title & Escrow
File No. 467136

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

DEED OF TRUST

THIS DEED OF TRUST is dated April 3, 2020, among Jody V. Burnside and Nichole Burnside, husband and wife ("Grantor"); Nevada Bank & Trust Company, whose address is Loan Center, 976 Idaho Street, Elko, NV 89801 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and Alliance Title & Escrow Corp., whose address is 78 N Main St., Driggs, ID 83422 (referred to below as "Trustee").

CONVEYANCE AND GRANT. For valuable consideration, Grantor does hereby irrevocably grant, bargain, sell and convey in trust, with power of sale, to Trustee for the benefit of Lender as Beneficiary, all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in Teton County, State of Idaho:

Parcel I:

Open Space for Agricultural Use and Drainage Easement, of Gee Subdivision, records of Teton County, Idaho, according to the plat filed October 30, 2008 as Instrument No. 201008.

Parcel II:

The North Half of the Southeast Quarter in Section 5 of Township 5 North, range 45 East, Boise Meridian, Teton County, Idaho.

Parcel III:

The South Half of the Southeast Quarter in Section 5 of Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

EXCEPTING THEREFROM, any portion of the South Half of the Southeast Quarter lying within Gee Subdivision..

Parcel IV:

The Southeast Quarter of the Southwest Quarter in Section 5 of Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

WATER RIGHTS INCLUDED:

Certificate#	Use	Source	Location
22-568B	Irrigation-	South Leigh Creek-	Township 05N Range 05N Section 5 SESW 37 and NESE 32, Tract NWSE 40 acres, Tract SWSE 36 acres, Tract SESE 34 acres TETON COUNTY
22-10329	Domestic	Ground Water	Township 05N Range 45E Section 5 SESW, TETON COUNTY

The Real Property or its address is commonly known as 3498 W 4000 N, Tetonia, ID 83452.

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY,

