



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 13, 2021

WHISPERING PINES SUB HOA
PO BOX 448
CASCADE ID 83611-0448

RE: Change in Ownership Water Right No(s): 65-23098

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on March 11, 2021 for the above referenced water right. The Notice could not be processed because the amount to be transferred didn't match the water right.

On March 11, 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 \$25 has been requested and will be mailed to David C Dickerson/ Kristy Burnett 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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: KDB LLC

MAR 11 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPARTMENT 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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
65-23098	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: KDB LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Whispering Pines Sub HOA
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- PO Box 448 Cascade ID 83611
Mailing address City State ZIP
- Telephone Email cascadewhisperingpineshoa@gmail.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: 12/04/2008
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.
8. Signature: Whispering Pines HOA Title, if applicable Date 3-9-2021
 Signature of new owner/claimant
- Signature: _____ Title, if applicable Date _____
 Signature of new owner/claimant

For IDWR Office Use Only:

Received by AV Date 3-11-21 Receipt No. C110028 Receipt Amt. 25.
 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 _____

RECEIVED

MAR 11 2021

DEPARTMENT OF
WATER RESOURCES

KDB LLC
6916 E Brindle Point Dr
Nampa, Idaho 83687

March 9, 2021

RE: Notice of Change of Ownership for Water Rights No 65-23098

To Whom It May Concern,

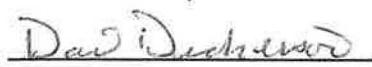
KDB, LLC is the current owner of water rights No 65-23098. KDB, LLC does hereby transfer the entire ownership of water right No 65-23098 used for Aesthetic storage to the Whispering Pines Subdivision HOA. The amount of the water right transferred with this water right is .80 cfs.

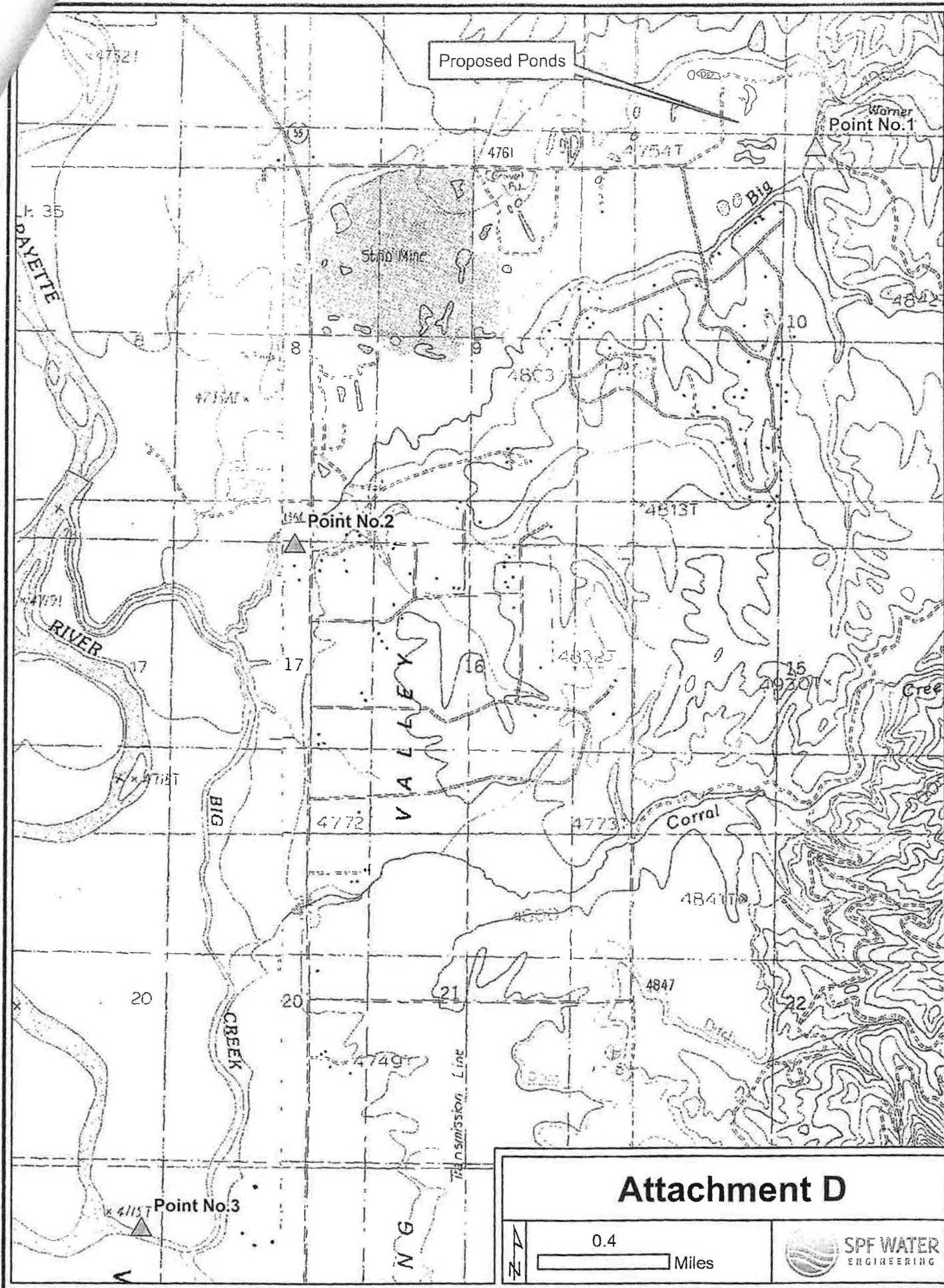
This transfer shall be limited to only .80 cfs associated with water right 65-23098 all remaining water share ownership will be retained by KDB LLC and/or their assigns.

Signed,

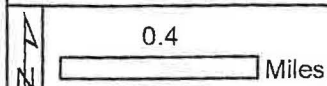

DeMar Burnett, President KDB LLC


Kristy Burnett, Secretary


David Dickerson, Member



Attachment D





IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

WATER RIGHT REPORT

3/8/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 65-23098

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KDB LLC 6916 BRINDLE POINT DR NAMPA, ID 83687-8002 2088706056

Priority Date: 09/01/2006

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	BIG CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
AESTHETIC STORAGE	01/01	12/31		30.9 AFA
Total Diversion				30.9 AFA

Location of Point(s) of Diversion:

GROUND WATER	NWSW	Sec. 03	Township 13N	Range 04E	VALLEY County
GROUND WATER	NWSW	Sec. 03	Township 13N	Range 04E	VALLEY County
GROUND WATER	SESW	Sec. 03	Township 13N	Range 04E	VALLEY County
GROUND WATER	SESW	Sec. 03	Township 13N	Range 04E	VALLEY County
GROUND WATER	SESW	Sec. 03	Township 13N	Range 04E	VALLEY County
GROUND WATER	SESW	Sec. 03	Township 13N	Range 04E	VALLEY County

Place(s) of use:

Place of Use Legal Description: AESTHETIC STORAGE VALLEY County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13N	04E	3		NESW			NWSW			SESW				

Conditions of Approval:

1. 123 Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
2. 220 The pond(s) established by the storage of water under this right shall not exceed a total capacity of 24.1 acre-feet or a total surface area of 5.3 acre(s).
3. 219 Right(s) 65-23098, 65-23373, and 65-23371 authorize total annual storage volume of 30.9 acre-feet, 24.1 acre-feet to be used for the initial filling or carryover storage of the pond(s) and 6.8 acre-feet for the replacement of losses caused by evaporation.
4. 170 To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation by non-use. The mitigating right may also include a condition stating that the mitigation by non-use is for the benefit of this right. Use Changed to Mitigation Mitigation Mitigation Right No. Mitigation by Non-Use Rate (cfs) Volume (AF) Acres 65-23373 & 65-23371 (in combination) Irrigation 0.08 6.8 4.0 The land that will no longer be irrigated under this right is located within the SENE, Section 17, Township 16N, Range 03E, B.M. If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.
5. 004 This right does not grant any right-of-way or easement across the land of another.

Dates:

Licensed Date: 05/03/2018

Decreed Date:

Permit Proof Due Date: 10/1/2011

Permit Proof Made Date: 8/25/2011

Permit Approved Date: 10/5/2009

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 09/01/2006

Protest Deadline Date: 08/20/2007

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley
DATE: July 13, 2021
RE: **Refund: ownership change returned**

Please refund \$25.

NAME: DAVID DICKERSON/KRISTY BURNETT
6916 E BRINDLE POINT DR
NAMPA ID 83687

RECEIPT #: C110028

The receipt should have been for a change in ownership for 65-23098 also.

Thank you.

Jean

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, July 13, 2021 2:39 PM
To: IdwrPayable
Subject: refund
Attachments: Dickerson-Burnett.doc

Please process the attached refund. Thank you.

Jean

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, March 11, 2021 3:38 PM
To: 'cascadewhisperingpineshoa@gmail.com'
Subject: Ownership change for 65-23098
Attachments: 65-23098 wrWaterRightProofReport.RTF

The Department received your request to update the ownership of water right 65-23098. The letter that transfers the right to Whispering Pines Sub HOA references that a diversion rate of 0.8 cfs is to be transferred. Water right 65-23098 is a storage right and does not have a diversion rate. It does have a diversion volume of 30.9 af. This error needs to be corrected before the Department can proceed. If KDB, LLC is not transferring the entire amount of 30.9 af to you, a split of the water right will need to take place and an additional fee of \$75 is needed.

Please provide the requested documentation and/or fees within 30 days or the ownership of this right will not be updated. Contact me if you have any questions. Thank you.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

RECEIVED

MAR 11 2021

DEPARTMENT OF
WATER RESOURCES

Kristy Burnett
6916 E. Brindle Point Dr
Nampa, Idaho 83687
208-870-6056

March 9, 2021

RE: Applications

To Whom It May Concern,

Enclosed, please find two applications to lease water rights to the water supply bank. Also enclosed are two change of ownership forms. The original water rights 65-23371 & 65-23373 are owned by KDB, LLC. KDB, LLC was owned by Kristy Burnett, David Dickerson and DeMar Burnett. We would like to transfer ownership of the water rights into our personal names.

Water right 65-23098 is also owned by KDB, LLC and was used for aesthetic use/surface water for ponds in the Whispering Pines Subdivision. KDB, LLC has now transferred control of the HOA over to the lot owners. We would like to transfer ownership of water right no 65-23098 to the Whispering Pines HOA.

Once the ownership names for water right numbers 65-23371 & 65-23373 are transferred into the names listed above, we would then like to place them in the water bank for lease.

We have enclosed checks in the amount of 575.00 to cover the cost of all the applications.

Please call with any questions, or concerns.

Sincerely,



Kristy Burnett