

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 22 2021

DEPT OF WATER RESOURCES
SOUTHERN 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, of the instructions.

split
71-11004

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
71-33B	Yes ☒	Yes ☐		Yes ☐	Yes ☐
71-16191	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Fred Humphrey + Ernest Day
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Dan Day + John Day
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☐ or ☐ and/or
- 2433 CLARKE MONT DRIVE BOISE ID 83702
Mailing address City State ZIP
- (208) 599-2425 SALES@COOL.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: 1993
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 form 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 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):
- ☒ \$25 per undivided water right.
- ☒ \$100 per split water right.
- ☐ 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 # 71-33B

8. Signature: [Signature] 2/12/21
Signature of new owner/claimant Title, if applicable Date

Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by SG Date 2/22/21 Receipt No. 5038413 Receipt Amt. \$100.00

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 JB Date 2-23-2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED ✓

OCT 26 2020

DEPT. OF WATER RESOURCES
SOUTHERN 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?
171-0033B	Yes ☒	Yes ☐		Yes ☐	Yes ☐
(71)	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: H HOOK LLC
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): John Franklin Day + Dan Ernest Day
New owner(s) as listed on the conveyance document

Name connector ☒ and ☐ or ☐ and/or

2433 CLAREMONT DRIVE Boise ID 83702
Mailing address City State ZIP

Home (208) 424-9414 208 599-2425 SALESB@aol.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: 9-10-2020

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):
☒ \$25 per undivided water right.
☐ \$100 per split water right.
☐ 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] Title, if applicable: _____ Date: Oct 10, 2020
 Signature: [Signature] Title, if applicable: _____ Date: 10/10/20

For IDWR Office Use Only:

Received by sq Date 10-26-2020 Receipt No. 5038223 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 JB Date 2-23-2021

DEED OF GIFT

THIS INDENTURE, made the 28th day of December, 19__,
by ERNEST E. DAY and LOIS H. DAY, husband and wife, the Grantors,
and owners of an undivided two-third (2/3) interest in the
Subject Property, and JOHN FRANKLIN DAY, a single person as his
sole and separate property, as to an undivided one-third (1/3
interest), and DAN ERNEST DAY, a married person as his sole and
separate property, as to an undivided one-third (1/3 interest),
collectively the Grantees.

WITNESSETH:

That the Grantors, FOR AND IN CONSIDERATION of the love
and affection which the Grantors have and bear unto the Grantees,
do by these presents give, grant, and confirm unto the Grantees,
all of the Grantors' undivided two-thirds interest in the Subject
Property, to Grantees in the following undivided interests:

1. As to DAN ERNEST DAY, one-half (1/2) of Grantors'
undivided two-thirds (2/3) interest, as tenants in common; and
2. As to JOHN FRANKLIN DAY, one-half (1/2) of
Grantor's undivided two-thirds (2/3) interest, as tenants in
common.

The "Subject Property" is the following described real
property situated in the County of Custer, State of Idaho, to
wit:

Lot 18 of White Clouds Subdivision No. 1, in accordance with that certain plat on file in the office of the County Recorder of Custer County, Idaho.

TOGETHER with all and singular, the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and the rents and profits thereof shall be applied to Grantees for their sole and separate use.

SUBJECT TO encumbrances, covenants, conditions, restrictions, reservations, rights-of-way and easements of record.

Upon recordation of this Deed, title to the Subject Property will be held in the following undivided interests:

1. An undivided one-third (1/3) interest held by ERNEST E. DAY and LOIS H. DAY, AS TRUSTEES OF THE ERNEST E. DAY AND LOIS H. DAY LIVING TRUST, CREATED UNDER A TRUST AGREEMENT DATED FEBRUARY 1, 1991, as tenants in common;
2. An undivided one-third (1/3) interest held by JOHN FRANKLIN DAY, as his sole and separate property, as tenants in common; and
3. An undivided one-third (1/3) interest held by DAN ERNEST DAY, as his sole and separate property, as tenants in common.

The address of Grantees is: P. O. Box 8286, Boise, Idaho, 83707.

203433

TO HAVE AND TO HOLD, all and singular, the Subject Property, together with the appurtenances, unto the Grantees, as the separate property of the Grantees, and their successors and assigns forever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hand and seal the day and year first above written.

Ernest E. Day
Ernest E. Day

Lois H. Day
Lois H. Day

STATE OF IDAHO

)
) ss.
)

County of Ada

On this 28th day of December, 1992, before me, the undersigned, a notary public in and for said state, personally appeared ERNEST E. DAY and LOIS H. DAY, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Dan Wasserman
Notary Public for Idaho
Residing at Baie, Idaho
My commission expires: 2/17/97

0203433

Stanley Tropeil Ennis
+ Hadley
11 45A

12 30 92
Jana Tyler
9⁰⁰

203434

DEED

THIS INDENTURE, made this 28th day of December, 1992, between ERNEST E. DAY and LOIS H. DAY, as Trustees of The Ernest E. Day and Lois H. Day Living Trust, created under a Trust Agreement dated February 1, 1991, the "GRANTORS," and owners of all the interest in the Subject Property, and ERNEST E. DAY and LOIS H. DAY, husband and wife, as to an undivided two-thirds (2/3) interest in the Subject Property, the "GRANTEES."

W I T N E S S E T H:

FOR VALUE RECEIVED, the GRANTORS have granted, conveyed, bargained and sold, and do hereby grant, bargain, sell, convey and confirm to the GRANTEES, their successors and assigns, an undivided two-third (2/3) interest, as a tenant in common, in that certain real property situated in the COUNTY OF CUSTER, STATE OF IDAHO (the "Subject Property") described as follows:

Lot 18 of White Clouds Subdivision
No. 1, in accordance with that
certain plat on file in the office
of the County Recorder of Custer
County, Idaho.

TOGETHER with all and singular the buildings, structures, improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

203434

SUBJECT TO THE exceptions to GRANTORS' title which are of record in the office of the Custer County Recorder on the date of this Deed, and all easements and rights-of-way that are open and obvious on inspection of the Subject Property.

TO HAVE AND TO HOLD the Subject Property, with its appurtenances, unto the GRANTEE and its successors and assigns forever.

Upon recordation of this Deed, title to the Subject Property will be held as follows:

1. An undivided 1/3 interest in the Grantors as tenants in common; and
2. An undivided 2/3 interest in the Grantees as tenants in common.

The current address of the GRANTEES is: P.O. Box 8286, Boise, Idaho 83707.

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

THE ERNEST E. DAY and LOIS H. DAY
LIVING TRUST

By: 
Ernest E. Day, Trustee

By: 
Lois H. Day, Trustee

203434

STATE OF IDAHO

County of Ada

)
) ss.
)

On this 20th day of December, 1992, before me, the undersigned, a notary public in and for said state, personally appeared ERNEST E. DAY and LOIS H. DAY, known or identified to me to be the persons whose names are subscribed to the foregoing instrument as Trustees of the Ernest E. Day and Lois H. Day Living Trust and acknowledged to me that they executed the same as such Trustee.

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

Jean Wasserman
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 2/17/97

0203434

Custer County, ID
Hailey Trefell
Ernest & Hailey
Time 11:45 AM

12-30-92
Ella Jana Lyle
9⁰⁰ Deputy

205580

Custer County Rec. of
Day Realty

(2)

10:55 A.M.

12-29-1993

DEED OF GIFT

Carby Murphy
950

THIS INDENTURE, made this 27th day of December, 1993, by
ERNEST E. DAY and LOIS H. DAY, husband and wife, the "GRANTORS", and owners of
an undivided one-third (1/3) interest in the Subject Property, and JOHN FRANKLIN DAY, a
single person as his sole and separate property, as to an undivided one-sixth (1/6) interest,
and DAN ERNEST DAY, a married person as his sole and separate property, as to an
undivided one-sixth (1/6) interest, collectively the "GRANTEES".

WITNESSETH:

That the GRANTORS, FOR AND IN CONSIDERATION of the love and
affection which the GRANTORS have and bear unto the GRANTEE, do by these presents
give, grant, and confirm unto the GRANTEE, all of the GRANTORS' undivided one-third
interest in the Subject Property, to GRANTEE in the following undivided interests:

1. As to DAN ERNEST DAY, one-half (1/2) of GRANTORS' undivided
one-third (1/3) interest, as tenants in common; and
2. As to JOHN FRANKLIN DAY, one-half (1/2) of GRANTORS'
undivided one-third (1/3) interest, as tenants in common.

The "Subject Property" is the following described real property situated in the
COUNTY OF CUSTER, STATE OF IDAHO, to wit:

Lot 18 of White Clouds Subdivision
No. 1, in accordance with that certain
plat on file in the office of the
County Recorder of Custer County, Idaho.

TOGETHER with all and singular, the tenements, hereditaments, and
appurtenances thereunto belonging, or in anywise appertaining, and the reversion and
reversions, remainder and remainders, rents, issues, and profits thereof, and the rents and
profits thereof shall be applied to GRANTEES for their sole and separate use.

SUBJECT TO encumbrances, covenants, conditions, restrictions, reservations,
rights-of-way and easements of record.

Upon recordation of this Deed, title to the Subject Property will be held in the
following undivided interests:

1. An undivided one-half (1/2) interest held by JOHN FRANKLIN DAY,
as his sole and separate property, as tenants in common, and
2. An undivided one-half (1/2) interest held by DAN ERNEST DAY, as
his sole and separate property, as tenants in common.

The address of Grantees is:

910 John Day
3075 Via Materas, Altadena, CA 91001

TO HAVE AND TO HOLD, all and singular, the Subject Property, together
with the appurtenances, unto the GRANTEES, as the separate property of the GRANTEES,
and their successors and assigns forever.

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hand and seal the day and year first above written.

Ernest E. Day
Ernest E. Day

Lois H. Day
Lois H. Day

STATE OF IDAHO)

ss.

County of Ada)

On this 27th day of December, 1993, before me, the undersigned, a notary public in and for said state, personally appeared ERNEST E. DAY and LOIS H. DAY, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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



Mary B. Kellner
Notary Public for Idaho
Residing at Ada, ID
My commission expires: 3-21-95

Please record and return to:

Dan Day
2433 CHAKA MONT DR
BOISE ID 83702

WATER RIGHTS QUITCLAIM DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, H Hook LLC and W. Michael Humphreys ("Grantors"), hereby quitclaim and convey unto John Franklin Day and Dan Ernest Day and/or assigns ("Grantee"), and to Grantee's heirs, successors and assigns forever, a 50% interest, (0.025 cfs) Grantor's right, title, of the following described water right:

Water Right No. 71-0033B (the "Water Right").

TO HAVE AND TO HOLD, all and singular the above-mentioned and described interest in Water Rights 71-0033B, unto the Grantee and to the successors and assigns of Grantee forever.

[signatures on following pages]

IN WITNESS WHEREOF, this Water Rights Quitclaim Deed has been duly executed by H Hook LLC and W. Michael Humphreys on this 10th day of September, 2020.

H Hook LLC

By: W. Michael Humphreys

H Hook LLC by: W. Michael Humphreys,
Its manager

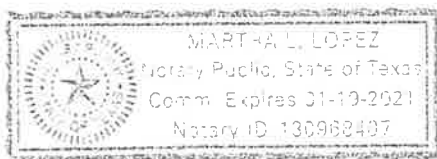
W. Michael Humphreys

W. Michael Humphreys

STATE OF TEXAS)
)ss.
County of BEXAR)

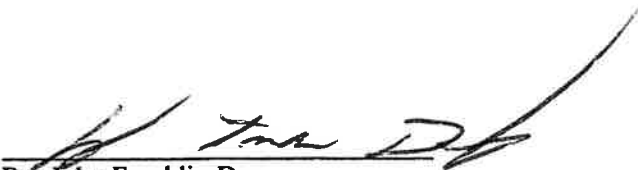
On this 10th day of September, 2020, before me, the undersigned, a Notary Public in and for said County and State, personally appeared W. Michael Humphreys, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that she executed the same both on his behalf and on behalf of H Hook, LLC.

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



Martha L. Lopez
NOTARY PUBLIC for State of Texas
Residing at: San Antonio, Texas
Commission Expires: 01-19-2021

IN WITNESS WHEREOF, this Water Rights Grant Deed has been duly executed by
Grantor on this 6 day of October, 2020

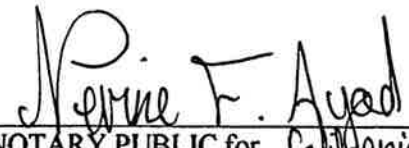

By: John Franklin Day

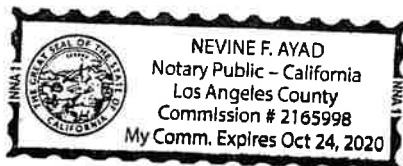
By: Dan Ernest Day

STATE OF California)
County of Los Angeles)ss.

On this 6th day of October, 2020, before me, the undersigned, a Notary Public in
and for said County and State, personally appeared John Franklin Day ~~and Dan Ernest Day~~ JFA
known to me to be the person whose name is subscribed to the within and foregoing instrument,
and who acknowledged to me that he executed the same.

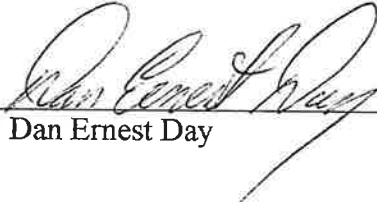
IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this
certificate first above written.


NOTARY PUBLIC for California
Residing at: Pasadena, CA
Commission Expires: Oct 24, 2020



IN WITNESS WHEREOF, this Water Rights Grant Deed has been duly executed by Grantor on this 14 day of October, 2020

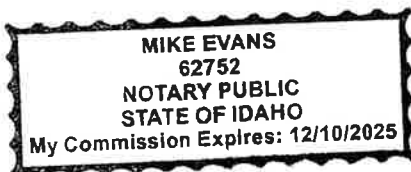
By: John Franklin Day

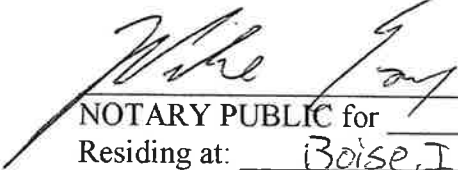

By: Dan Ernest Day

STATE OF Idaho)
)ss.
County of Ada)

On this 14 day of October, 2020, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ~~John Franklin Day~~ and Dan Ernest Day known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same.

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




NOTARY PUBLIC for Idaho
Residing at: Boise, ID
Commission Expires: 12-10-25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301-5858

Return Services Requested

RECEIVED
MAR 15 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

O/C - Day

MARK W RICHEY
207 W WASHINGTON
BOISE, ID 83702-5592

← Not @ this address

8370255941 AM
8370255943

NIXIE 841 FE 1 0003/09/21

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 83301585825 *1436-21686-24-43

BOISE ID 837

24 FEB 2021

FIRST-CLASS



02 7H
0001280685 FEB 23 2021
MAILED FROM ZIP CODE 83301

US POSTAGE
\$ 000.51⁰

Ownership change 71-33B & 71-10191

Mark Richey was an old representative on both water rights.

Nothing was re-sent to Mr. Richey .

Am



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

February 23, 2021

DAN ERNEST DAY
JOHN FRANKLIN DAY
2433 N CLAREMONT DR
BOISE ID 83702-3020

Re: Change in Water Right Ownership: 71-10191 (Non-split); 71-33B (Split into 71-33B and **71-11004**)

Dear Water Right Holder(s):

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

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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) 293-9909.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: WD-71; Ernest Day; Fred Humphreys; Mark Richey; James P. Speck

Bitzenburg, James

From: Dan Day <day_de@mtnhomesd.org>
Sent: Friday, February 05, 2021 3:05 PM
To: Bitzenburg, James
Subject: Fwd: Shaw Mesa lot water rights chain of Title

Thanks for all of your help on this Mr. Bitzenburg

Dan

----- Forwarded message -----

From: Michael Humphreys <wmh@oakcourt.net>
Date: Thu, Feb 4, 2021 at 12:17 PM
Subject: Re: Shaw Mesa lot water rights chain of Title
To: Dan Day <day_de@mtnhomesd.org>

Thanks Dan

From: Dan Day <day_de@mtnhomesd.org>
Date: Thursday, February 4, 2021 at 1:15 PM
To: wmh <wmh@oakcourt.net>
Subject: Re: FW: Shaw Mesa lot water rights chain of Title

Hi Mike,

I forgot to hit send on an email that I had written yesterday, so I just sent it. Today I again called Jim Bitzenburg from

Water Resources who I've been working with and I told him about how you had said that the Mesa properties had been changed from Ernie Day and Fred Humphreys into our names but he stated that the change in ownership

did not occur as it is still their names. I know this doesn't apply to you anymore since you have sold your property and the

water right along with it. The warranty deed that John and I had signed was for the ranch and not the our Mesa lot, so it looks like I'll get the warranty deed from Custer County to send to Water Resources to straighten this out. So I thought I'd let you know what his perspective is on this situation.

Thanks,

Dan

On Wed, Feb 3, 2021 at 3:14 PM Michael Humphreys <wmh@oakcourt.net> wrote:

Dan:

The attorney is of the opinion that someone at IDWR is not doing their homework.

He sent along the attached document is available to IDWR since it is on their website.

The document shows the chain of title for the water rights from Ernie and Fred to H Hook LLC and the Quit Claim deed then transfers the water rights from H Hook LLC to you and John, which is how the land is held at Custer County. (see below)

I hope this helps.

Michael

Custer County Assessor Record:

Mailing Address:

DAY, JOHN FRANKLIN & DAY, DAN ERNEST
2433 CLAREMONT DRIVE
BOISE, ID 83702

Deeds (Last Deed Date: 01/30/1994)

205580
203433-34

Legal Description:

LOT 18 WHITE CLOUD SUBDIVISION #1

Tax Code Area:

470000

Classes (Last appraised in 2019)

RUR SUB RES

1.650 AC

\$ 145,100

From: Albert Barker <apb@idahowaters.com>
Date: Wednesday, February 3, 2021 at 2:28 PM
To: wmh <wmh@oakcourt.net>
Subject: Shaw Mesa lot

I don't understand IDWR.

The change of ownership from Ernie Day and Fred Humphreys to you and H Hook is already in the IDWR records.

The water right is not in the name of Ernie Day and Fred Humphreys now and the records showing the change are in the IDWR files.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

January 28, 2021

JOHN FRANKLIN DAY
DAN ERNEST DAY
2433 CLAREMONT DR
BOISE ID 83702

RE: Change in Ownership for Water Right No(s): 71-33B

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

 X Evidence of Water Right Ownership: copy of Deed or other legal document indicating your ownership of the property and/or water rights in question.

After reviewing the Notice and accompanying documentation, we cannot process it without additional documentation. You submitted a quitclaim deed conveying a portion of right 71-33B from H Hook, LLC and W. Michael Humphreys to John Franklin Day and Dan Ernest Day. We can only convey rights with quitclaim deeds if the quitclaim deeds convey the right from the last known recorded owners of the right. The last owners of record we have for right 71-33B are Ernest Day and Fred Humphreys.

I have enclosed a map of the area that right 71-33B is appurtenant to, and you can see that the right covers two tax parcels (the place of use shape for the right appears to be a little off-set; we can shift the image to fit within the tax parcels). We could process an ownership change if you could produce a warranty deed for the parcel(s) you have an interest in. If the lots are owned by separate individuals or entities, we would need to split the right between the two parcels based upon the acres in each lot. A quick measurement showed the north lot covers about 1.0 acre of the right and the south lot covers about 1.1 acre of the 2.1 acre water right place of use (POU). That would result in an approximately 48% to 52% split based on the acres in each lot. An ownership change split carries a higher fee (\$100.00) than a straight ownership change. So, to do a split, we would need a proper conveyance document and another \$75.00 in fees in addition to the \$25.00 you have already submitted.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information and/or fees. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that right holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

I have enclosed a water right report for right 71-33B for your information. If you have any questions regarding this matter, please contact me at (208) 293-9909.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Bitzenburg", with a long, sweeping horizontal line extending to the right.

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)