

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 02 2021

Notice of Change in Water Right Ownership

MAY 24 2021

1. List 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.

Department of Water Resources
Eastern Region DE

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
72-4223 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
72-10346 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Michael Tupper Frances Tupper
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Kent E Crist and/ or Stephanie Crist
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- PO Box 1218 Challis ID 83226
Mailing address City State ZIP
406-880-1836 stephaniecrist@live.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: 02/24/2021
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]

Signature of new owner/claimant

Title, if applicable

Date 4/28/21Signature: [Signature]

Signature of new owner/claimant

Title, if applicable

Date 4/28/21

For IDWR Office Use Only:

Received by JBDate 5/24/2021Receipt No. E046985Receipt Amt. \$50.-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 djDate 6/8/2021

Return To:
Joseph D. Houston
Jones & Associates, PLLC
2625 Dearborn Avenue, Ste. 102
Missoula, MT 59804

259884
Custer County Reg. of
Stephanie Crist
Time *12:55 PM* Date *2/24, 2021*
Lura H. Baker, Clerk
Tristen Walker \$ 15.00
Deputy

WARRANTY DEED

FOR VALUE RECEIVED, **Frances Tupper**, a single woman, hereinafter referred to as GRANTOR, does hereby grant, bargain, sell and convey unto **Kent E. Crist and Stephanie Crist**, husband and wife, as Joint Tenants with Right of Survivorship, of P.O. Box 1218, Challis, ID 83226, hereinafter referred to as GRANTEES, the following described premises in Custer County, Idaho:

Township 13 North, Range 19 East, Boise Meridian, Custer County, Idaho

Section 12:

Beginning at a point that is South 89°26'56" East, 580.00 feet and 25.00 feet South of the Northwest corner of Section 12, Township 13 North, Range 19 East, Boise Meridian, thence South 0°23'29" West, 349.90 feet; thence South 41°03'28" East, 230.05 feet; thence South 83°52'33" East, 600.19 feet, to the East line of said NW1/4 NW1/4, thence North 0°01'35" East, 117.15 feet; thence North 56°58'16" West 373.12 feet; thence North 0°01'35" East, 71.08 feet; thence North 26°24'39" West, 214.99 feet; thence North 89°26'56" West, 337.13 feet the Point of Beginning, as shown by the Record of Survey filed November 28, 1983, as instrument No. 169714, records of Custer County, Idaho.

SAVE AND EXCEPT THEREFROM Canal right-of-way and operating properties now belonging to Challis Irrigation Company, a Corporation, as shown in Deed from Lawrence M. McAfee, et. Al., to Water Users' Association of Challis Lateral dated March 5, 1943, recorded November 28, 1944, in Book 26, Deeds, Page 471, as instrument No. 85713, records of Custer County, Idaho.

ALSO EXCEPTING THEREFROM Easements and operating properties of Challis Irrigation Company, as shown in Deed from William B. Riggs and Amy Riggs, husband and wife to Challis Irrigation Company, dated October 4, 1943, recorded October 7, 1943, in Book 26 Deeds, Page 227, records of Custer County, Idaho.

ALSO EXCEPTING THEREFROM Road right-of-way dated February 10, 1948, from F. M. Bistine and Anne Bistine to Custer County, recorded February 17, 1948, in Book 28, Deeds, Page 222, records of Custer County, Idaho.

259884

ALSO EXCEPTING THEREFROM Ditch Easement granted in Memorandum of Understanding dated June 4, 1975, from Watson and Phyllis Perry to Frank W. and Golie M. Wagner, recorded June 5, 1975, as instrument No. 139671, records of Custer County, Idaho.

ALSO EXCEPTING THEREFROM all easements and rights of sight or record.

SUBJECT TO all easements, rights of way, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantees, and to the Grantees' heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

DATED this 24 day of Feb, 2021.

Frances Tupper
Frances Tupper

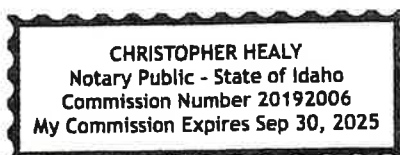
STATE OF Idaho)
) ss.
County of Lemhi)

On this 24 day of February, 2021, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared Frances Tupper, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

Christopher Healy
Print Name: Christopher Healy
Notary Public for the State of Idaho
Residing at: Lemhi
My Commission Expires: 09/30/2025

(SEAL)



CHRISTOPHER HEALY
[Idaho State Bar No. 11052]
HEALY LAW PLLC
401 Riverfront Dr.
Salmon, ID 83462
Telephone (208) 450-5788
Email: cjh@chrishealylaw.com
Attorney for Petitioner

259882
Custer County Req. of
Stephane Crist
Time 12:55M Date 2/2/21
Lura H. Baker, Clerk
Lyndee Kauffman \$ 22.00
Deputy

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CUSTER, MAGISTRATE DIVISION

In the Matter of the Estate of

Case No. CV19-21-0008

MICHAEL R. TUPPER,
Deceased.

**DECREE VESTING ESTATE IN
SURVIVING SPOUSE**

This matter came before the Court by Verified Petition filed by Frances
Tupper on February 4, 2021.

Upon submission of a Petition and upon good cause showing, this Court
hereby declares pursuant to Idaho Code § 15-3-1205 that Petitioner Frances
Tupper is the surviving spouse and sole heir of Decedent's estate including his
interest is the following real property and real property legally described on the
attached **EXHIBITS A, B, C, and D**, and is hereby authorized to execute all
documents necessary to transfer decedent's interest in said property including
Personal Representative deeds.

WITNESS my signature and the seal of this Court this date 2/5/2021 2:28:00 PM.

STATE OF IDAHO COUNTY OF CUSTER } ss
I hereby certify that the foregoing is a full, true and correct copy of the original on file in this office
DATED <u>2/5/2021 03:07 PM</u>
LURA H. BAKER, Clerk of the District Court
By <i>Lyndee Kauffman</i> Deputy

By: *James Barrett*
Hon. James Barrett, Magistrate Judge



EXHIBIT C

Township 13 North, Range 19 East, Boise Meridian, Custer County, Idaho

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Watson E. Perry #1 or Phyllis Perry
(Name of Claimant)

P.O. Box 591, Challis, Idaho
(Mailing Address)

83226
(Zip Code)

Telephone No. 879-2399

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) Jan. 1 1970

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Warm Spring Creek #1 or Wastewater tributary to Salmon River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>3.00 cfs</u>		Use <u>Irrigation</u>		Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
Quantity <u>3.00 cfs</u>		Use <u>Stockwater</u>		Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity <u>3.00 cfs</u>		TOTAL QUANTITY USED.			

- (4) 3.00 cfs

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 NW 1/4, Sec. 12 Twp. 13N Rge. 19E B.M., County of Custer

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. In past water diverted by rock or canvas dam but due to channel change wooden headgate will be installed. Water delivered via gravity earthen ditches to flood irrigate.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13N	19E	12					6												6

No. of acres 6

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

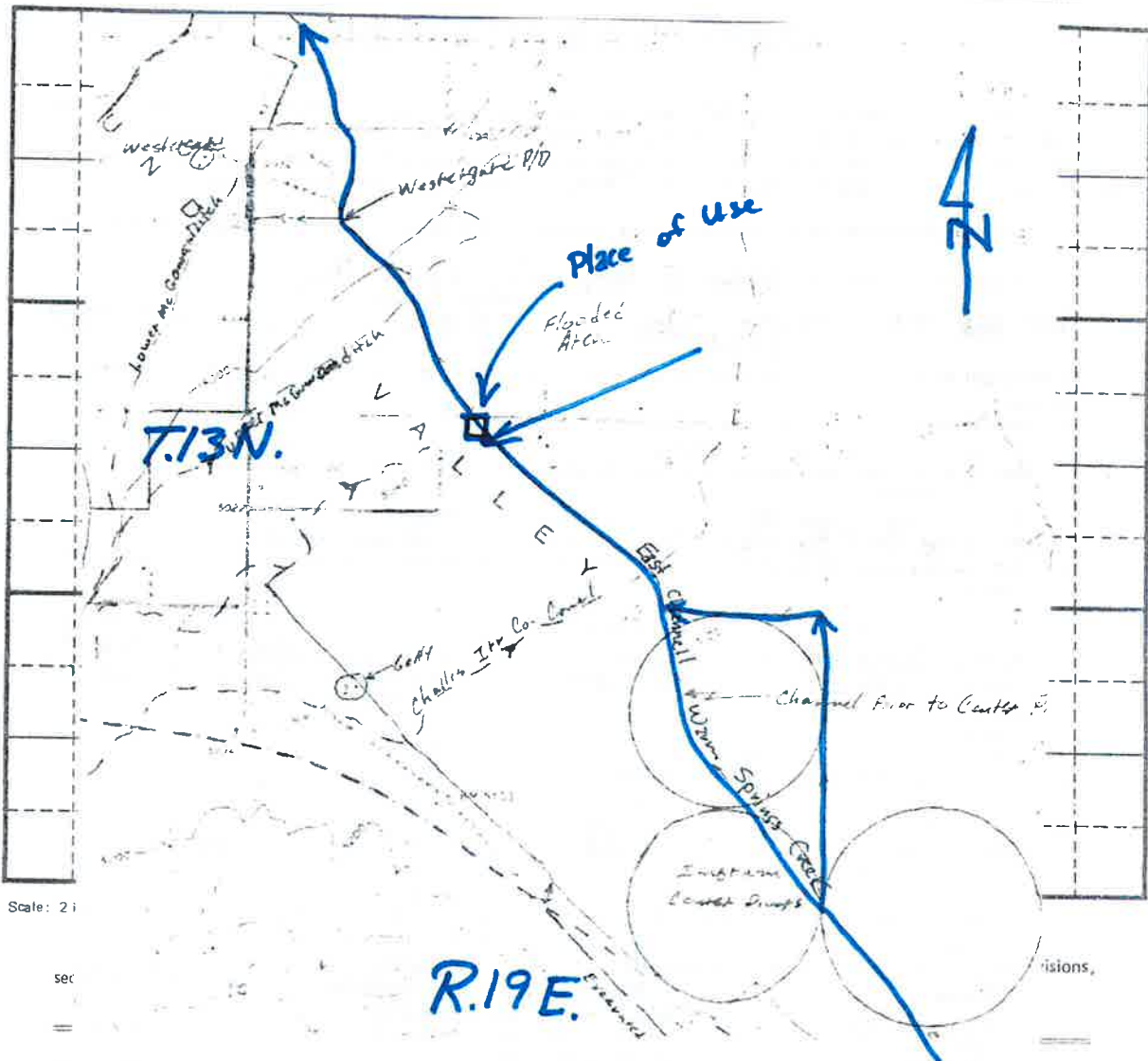
NOTE: Include here the type and number of stock watered: (Past) 75 range cattle (Now) 12 range cattle

- (7) If you are claiming water as a member of an organization, list name of organization: _____

MICROFILMED

(8) Remarks

In past thru summer months water thru Warm Springs Creek was mainly due to overflow from Challis Irrig. Co. Canal. This water was used to irrigate. Since earthquake in 1983 Warm Springs Creek has increased its discharge and water may be available year-round in this reach of the creek. Thru winter months water has been used for stockwater.



Scale: 2 i

sec

State of Idaho

County of _____

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Watson E. Perry
(Claimant)

Sworn to before me this 31 day of may, 1984.

Mary A. Newby
Notary Public
Residing at Shoshone, id 83352

My commission expires life

FOR DEPARTMENT USE ONLY

Received by mary (adm) Date 5/31/84 Exception filed by: _____ Forwarded to claimant by: _____ Date _____
Prelim. check by BSA Date 6/12/84
\$30.00 fee received by mary Date 7/31/84 # 33076
Published in Custer Publishing Co
Dates 4/1 + 12/8/84

#10000

AJ5809NP
No. R72-10346

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/17/97
PAGE: 38

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANCES TUPPER	03/01/1974	DOMESTIC	01-01 12-31	0.04 CFS	
C	MICHAEL TUPPER					
	HC 63 BOX 1814					
	CHALLIS ID 83226					
	(208) 879-5550					
				TOTAL DIVERSION:	0.04 CFS	

Water Source: GROUNDWATER Tributary to: Stage: BENEFICIAL USE
Point(s) of Diversion: T13N R19E S12 NWNW CUSTER County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
13N	19E	12	:																	:
			:																	:

POU County: CUSTER

Non-Irrigation Uses: 1 HOME

Other Rights: A72-04223

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP13N19E123011T

OWNERSHIP CHANGE MADE 5/17/96 BY TLB.)

→ COMM

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 12/01/1992 User-ID: CLELLAND Subject: CHANGE OF OWNERSHIP
FORM SUBMITTED BY PYLE AND SIGNED OFF BY PREVIOUS CLAIMANT
TOERPE.

Date: 01/14/1997 User-ID: DS1-PROD Subject: D&S 1 HOME UPDATE

SW
2/14/97
SW 2/25/97

FEB-25-1997
0008

1

RIGHT NUMBER: 72-10346

NAME AND ADDRESS: FRANCES TUPPER
MICHAEL ~~TUPPER~~
MICHAEL ~~TUPPER~~
HC 63 BOX 1814
NE BOX 1814
CHALLIS ID 83226

✓
See
2/25/97

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/01/1974

POINT OF DIVERSION: T13N R19E S12 NWN Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC 1 HOME		01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within CUSTER County
T13N R19E S12 NWN

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP13N19E123011T

AJ5809NP
No. R72-10346

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/17/97
PAGE: 39

=====
Comments: Date: 01/14/1997 User-ID: DS1-PROD Subject: D&S 1 HOME UPDATE
USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME".
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO AN EXP REMARK.

Audit: 12/01/92 CLELLAND 07/26/93 SMITH 03/30/95 POST-STD 05/17/96 TBACKLUN
01/14/97 DS1-PROD

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A72-10346

Date Received: 12/29/1989

Receipt No: S010790

Received By: *OJC AB*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MICHAEL TUPPER
Address: HC 63 BOX 1814
CHALLIS ID 83226
OR
Name: FRANCES TUPPER
Address: HC BOX 1814
CHALLIS ID 83226
208-879-5550
208-879-5550
2. Date of Priority: MAR 1, 1974
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	19E	12		NW	NW		CUSTER
5. Description of diverting works:
110' WELL, SUBMERSIBLE PUMP
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
D/1 HOUSE & LAWN



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

June 10, 2021

Gary Spackman
Director

KENT E CRIST
STEPHANIE CRIST
PO BOX 1218
CHALLIS ID 83226-1218

Re: Change in Ownership for Water Right Nos: 72-4223 and 72-10346

Dear Water Right Holders:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water rights 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) 287-4920 or debbi.judd@idwr.idaho.gov.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c. Water District 170 – *via email*