

RECEIVED

APR 20 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IDWR / NORTH 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?
947462	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:

Louise P. Smith

Name of current water right holder/claimant

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

Caiden W. L. Carruthers

Hannah L. Carruthers

New owner(s) as listed on the conveyance document

Name connector ☒ and ☐ or ☐ and/or

PO Box 345

Osburn

ID

83849

Mailing address

City

State

ZIP

208 2775580

Telephone

hannahcarruthers91@gmail.com

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:

4/3/2021

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:

Caiden W. L. Carruthers

Signature of new owner/claimant

Title, if applicable

Date

4/15/2021

- Signature:

Hannah L. Carruthers

Signature of new owner/claimant

Title, if applicable

Date

4/15/2021

For IDWR Office Use Only:

Received by JaDate 4-20-21Receipt No. N036908Receipt Amt. 2500Active 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 NSDate 4-20-21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**INSTRUCTIONS FOR FILING A
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at www.idwr.idaho.gov. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the department's website using the Water Right and Adjudication Search link at www.idwr.idaho.gov.

Please note:

- Unlike licensed or decreed water rights, which are real property, water right permits, applications for new water rights, and applications to transfer existing water rights are considered the personal property of the permit holders/applicants. Permit holders and applicants must assign their interest in a permit and/or application to the new owner. Assignment forms are available on the department's website at www.idwr.idaho.gov, or from any IDWR office. The fee for an assignment of permit is \$25. There is no charge for an assignment of application for permit or application for transfer.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.
4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.

5. Indicate the date the water rights and/or adjudication claims were conveyed to you. This may be the date of closing in the case of a real estate transaction, the date a contract was signed, or the date of a court order.
6. If you are unsure about the status of your water right in the Water Supply Bank, go to: www.idwr.idaho.gov/apps/ExtSearch/WSBSearch/WSBSearch.aspx, input your water right number and click "Search." If you find your water right is in the Water Supply Bank and you want to release it so you can use it, you can download the Request to Release form from the forms portion of our website: www.idwr.idaho.gov. Your water right may not be available for immediate release if rented by another water user.

7. **ATTACHMENTS:**

IDWR cannot process this change without **documentation of ownership**. The documentation may be in the form of a deed, court decree or other conveyance document. If you are submitting a quitclaim deed and the grantor's name does not match the water right holder of record, you will need to provide a chain of title that goes back to the water right holder/claimant of record. You may obtain this information from the assessor's office in the county where the property is located. **Items that are not conveyance documents are deeds of trust, mortgages, purchase and sales agreements, and property tax notices.**

Submit a **plat map, survey map, or aerial photograph** of the place of use for each water right or claim listed in item #1 (if necessary to clarify division of water rights or complex property descriptions). If your right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent aerial photograph with the irrigated acres outlined and point(s) of diversion clearly marked. You also have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov. It is not necessary to obtain a new survey for purposes of this form before contacting IDWR.

The Idaho Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication or the Northern Idaho Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the **filing fee** is \$25 per water right, except for those water rights that will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right.

If the water right is leased to the Water Supply Bank and there is more than one owner, a **Lessor Designation** form must be completed to specify who the designated lessor will be. Each of the owners must sign the Lessor Designation form.

An **IRS Form W-9** is required for all ownership changes pertaining to water rights leased to the Water Supply Bank. Refer to instructions in section 6 above to determine if the water right undergoing an ownership change is leased to the Water Supply Bank. An IRS W9 form can be downloaded from the Department's website: www.idwr.idaho.gov.

8. One of the new owner(s) must sign the form in the space(s) provided. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.

When you have completed the Notice of Change in Water Right Ownership, retain a copy and **file the original form, necessary attachments, and filing fee with the IDWR office nearest you. Ownership changes for water rights leased to the Water Supply Bank should be sent to the State Office.**

IDWR Northern Region
7600 N Mineral Dr, Ste 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858
(208) 736-3033

~ OR ~

IDWR State Office
322 East Front St, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4800

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
2 E. Mullan
Kellogg, ID 83837

Instrument # 507976
SHOSHONE COUNTY, IDAHO
04-02-2021 12:05:59 PM No. of Pages: 4
Recorded for: FIRST AMERICAN TITLE CO -KELLO
TAMIE EBERHARD Fee: \$15.00
Ex-Officio Recorder Deputy Savanna Willer
Index to: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **944702-WA (JS)**

Date: **February 22, 2021**

For Value Received, **Louise P. Smith, an unmarried person**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Caiden W.L. Carruthers and Hannah L. Carruthers, husband and wife**, hereinafter called the Grantee, whose current address is **PO Box 345, Osburn, ID 83849**, the following described premises, situated in **Shoshone County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, 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 Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, 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.

Date: 02/22/2021

Warranty Deed
- continued

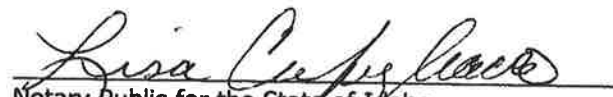
File No.: 944702-WA (JS)


Louise P. Smith

STATE OF Idaho)
COUNTY OF Shoshone)

On this **Second day of April, 2021**, before me, a Notary Public in and for said State, personally appeared **Louise P. Smith**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.




Notary Public for the State of Idaho
Residing at: Pinehurst
My Commission Expires: August 29, 2022

Date: 02/22/2021

Warranty Deed
- continued

File No.: 944702-WA (JS)

EXHIBIT A

A Portion of the Northeast Quarter of Section 18, Township 48 North, Range 4 East, B.M., Shoshone County, State of Idaho more particularly described as follows:

Beginning at a point from which Corner No. 10 H.E.S. 216 bears North 66°30'00" East, a distance of 480.20; thence

South 00°35'00" West a distance of 401.62 feet; thence

South 62°31'00" East a distance of 62.70 feet; thence

North 00°35'00" West a distance of 536.42 feet to a point on the east right of way line of the Two Mile Road; thence

North 30°21'49" East along said right of way line a distance of 49.50 feet; thence

South 67°36'59" East a distance of 358.15 feet to a point that bears South 12°00'00" West a distance of 183.30 feet from Corner No. 10, HES 216; thence

South 22°30'00" West a distance of 906.00 feet; thence

North 00°35'00" West a distance of 337.67 feet; thence

North 62°31'00" West a distance of 98.30 feet to a point on the East line of Lot 1 of Michaels Subdivision; thence

North 04°31'00" East along said East line of Lot 1 a distance of 57.55 feet to the accepted North line of said Lot 1; thence

North 62°49'20" West along said accepted North line of said Lot 1 a distance of 168.46 feet to a point on the East right of way line of the Two Mile Road (shown of record to be North 62°31'00" West, 180.76 feet); thence

North 31°13'15" East along said right of way line a distance of 68.81 feet; thence

North 27°49'11" East along said right of way line a distance of 310.74 feet; thence

South 00°35'00" West a distance of 26.15 feet to the point of beginning.

TOGETHER WITH: A Portion of the Northeast Quarter of Section 18, Township 48 North, Range 4 East, B.M., Shoshone County, State of Idaho more particularly described as follows:

Beginning at a point from which Corner No. 10 H.E.S. 216 bears North 66°30'00" East, a distance of 480.20; thence

South 00°35'00" West a distance of 401.62 feet to a point; thence

Date: 02/22/2021

Warranty Deed
- continued

File No.: 944702-WA (JS)

South 62°31'00" East a distance of 62.70 feet to a point; thence

North 00°35'00" West a distance of 536.42 feet to a point; thence

South 29°53'10" West a distance of 91.93 feet to a point; thence

South 00°35'00" West a distance of 26.15 feet to the point of beginning.

TOGETHER WITH: A Portion of the Northeast Quarter of Section 18, Township 48 North, Range 4 East, B.M., Shoshone County, State of Idaho more particularly described as follows:

Beginning at Corner No. 10 H.E.S. 216 which is an aluminum cap monument on the North line of Section 18, Township 48 North, Range 4 East, B.M.; thence

South 12°00'00" West a distance of 183.30 feet to a point; thence

North 67°36'59" West a distance of 358.15 feet to a point on the East right of way line of the Two Mile Road; thence

North 26°20'13" East along said right of way line a distance of 41.04 feet to Corner No. 11 of HES 216; thence

North 89°00'00" East along the South line of HES 216 being identical with the North line of said Section 18, a distance of 351.12 feet (also shown of record as North 88°44'51" East, 350.04 feet) to the point of beginning.

EXCEPT: An irregular tract of land located in the Northeast Quarter of Section 18, Township 48 North, Range 4 East B.M., Shoshone County, State of Idaho being more particularly described as follows:

Beginning at a point which bears South 19°53'22" West a distance of 733.38 feet from Corner #10 of HES 216 which is an aluminum cap monument of the North line of Section 18, Township 48 North, Range 4 East B.M.; Thence

South 22°30'00" West a distance of 353.61 feet to a point; thence

North 00°35'00" West a distance of 337.67 feet to a point; thence

North 62°31'00" West a distance of 98.30 feet to a point on the East line of Lot 1 of Michael's Subdivision; thence

North 04°31'00" East along said east line and extension thereof a distance of 57.55 feet; thence

South 62°49'20" East a distance of 248.92 feet to the point of beginning.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D'ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 20, 2021

CAIDEN W.L. CARRUTHERS
HANNAH L CARRUTHERS
PO BOX 345
OSBURN ID 83849-0345

Re: Change in Ownership for Water Right No(s): 94-7462

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) 762-2813.

Sincerely,

Natalie Steading
Tech Records Specialist 1

Enclosure(s)