

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 24 2020
Department of Water Resources
Eastern 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?
29-11643 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
update Poll	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

- | | |
|---|---|
| 2. Previous Owner's Name: <u>Todd Fitch and Juli Fitch</u> | |
| Name of current water right holder/claimant | |
| 3. New Owner(s)/Claimant(s): <u>Kendra Marie Whiteley Arkfeld</u> | |
| New owner(s) as listed on the conveyance document | Name connector ☐ and ☐ or ☐ and/or |
| <u>1462 Bethel Court</u> | <u>Castle Rock</u> |
| Mailing address | City State ZIP |
| <u>303-522-4220</u> | <u>CO 80109</u> |
| Telephone | Email <u>kmwarkfeld@gmail.com</u> |

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: May 31, 2007

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:  Attorney 12/22/20
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 JB Date 12/24/20 Receipt No. E041532 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 _____

checked fiche matches original property address.

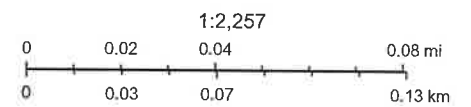
29-11643 (Arkfeld)



10/23/2020, 2:39:12 PM

Bannock County

Parcels



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, EagleView, Bannock County

OFFICIAL RECORD BK# 0
BANNOCK COUNTY IDAHO

FEE 15.00 DEPUTY JB
RECORDED AT REQUEST OF

Racine Olson, PLLP

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

22024553

2020 Dec 22 PM 02:50

Electronically Recorded by Simplifile

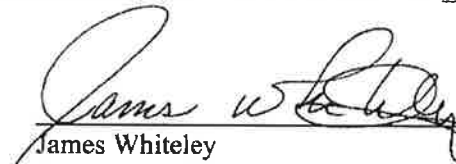
T.J. Budge, Attorney
Racine Olson PLLP
P.O. Box 1391
Pocatello, Idaho 83204-1391

(Space Above for Recorder's Use)

QUITCLAIM DEED

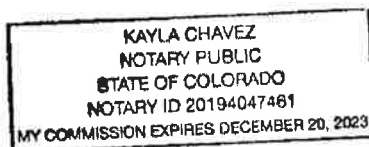
For value received, James Whiteley, a married individual dealing in his sole and separate property, as owner of the parcel of real property described in **Exhibit A** attached hereto, does hereby release and forever quitclaim unto Kendra Marie Whiteley Arkfeld, as owner of the parcel of real property described in **Exhibit B** attached hereto, all of his right, title and interest in Idaho water right no. 29-11643 as described in **Exhibit C** attached hereto.

IN WITNESS WHEREOF, Grantor has executed this instrument on November 12th, 2020.


James Whiteley

STATE OF ^{Colorado} ~~IDAHO~~ (22))
County of Summit) ss.

This record was acknowledged before me on this 12th day of November, 2020, by James Whiteley.




NOTARY PUBLIC FOR ~~IDAHO~~ Colorado
My Commission Expires: 12-20-23

EXHIBIT A

Whiteley Property

A PORTION OF THE SW1/4SW1/4 OF SECTION 34, TOWNSHIP 8 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE NORTH 00°02'06" WEST, 660.00 FEET ALONG THE SECTION LINE; THENCE NORTH 89°57'54" EAST, 699.67 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF MARSH CREEK ROAD; THENCE SOUTH 01°33'33" EAST, 368.96 FEET ALONG SAID RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF DEED INSTRUMENT NO. 20713103; THENCE ALONG SAID DEED THE FOLLOWING TWO (2) COURSES; THENCE (1) SOUTH 89°57'54" WEST, 446.36 FEET (OF RECORD 447 FEET); THENCE (2) SOUTH 00°08'49" WEST, 292.00 FEET TO A POINT ON THE SOUTH LINE OF THE SW1/4; THENCE NORTH 89°51'11" WEST, 262.20 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

Part of Section 34, Township 8 South, Range 36 East Boise Meridian, Bannock County, Idaho, described as:

Commencing at the Southwest Quarter corner of Section 34, Township 8 South, Range 36 East and running thence N 00°00'51" E 660.00 feet along the west line of said Section 34, to a point on the north line of Instr. #21207153, thence S 89°59'08" E 80.35 feet along said north line, said point being the **True Point of Beginning**;
Thence N 73°10'45" E 45.73 feet;
Thence S 80°32'47" E 80.75 feet;
Thence N 89°59'08" W 123.42 feet to the **True Point of Beginning**

Parcel contains 817 sq. feet more or less

EXCEPTING THEREFROM

Part of Section 34, Township 8 South, Range 36 East Boise Meridian, Bannock County, Idaho, described as:

Commencing at the Southwest Quarter corner of Section 34, Township 8 South, Range 36 East and running thence N 00°00'51" E 660.00 feet along the west line of said Section 34, to a point on the north line of Instr. #21207153, said point being the **True Point of Beginning**;
Thence S 89°59'08" E 80.35 feet along the north line of said parcel to a fence line;
Thence S 73°10'45" W 83.94 feet along said fence line to a point on the west line of said Section 34;
Thence N 00°00'51" E 24.31 feet to the **True Point of Beginning**
Parcel contains 974 sq. feet more or less

ALSO EXCEPTING THEREFROM

Part of Section 34, Township 8 South, Range 36 East Boise Meridian, Bannock County, Idaho, described as:

Commencing at the Southwest Quarter corner of Section 34, Township 8 South, Range 36 East and running thence N 00°00'51" E 660.00 feet along the west line of said Section 34, thence S 89°59'08" E 203.77 feet along the north line of Instr. #21207153, said point being the **True Point of Beginning**;
Thence S 89°59'08" E 495.79 feet along the north line of said parcel to the Northeast corner of said parcel;
Thence S 01°31'39" E 44.83 feet along the west line of Marsh Creek Rd;
Thence S 86°35'42" W 282.77 feet;
Thence N 01°28'31" W 26.10 feet;
Thence N 80°32'47" W 217.00 feet to the **True Point of Beginning**
Parcel contains ±0.43 acres more or less

EXHIBIT B

Arkfeld Property

A portion of the SW1/4 SW1/4 of Section 34, Township 8 South, Range 36 East, Boise Meridian, Bannock County, Idaho, lying West of Marsh Creek Road more particularly described as follows:

Beginning at a point on the west line of Marsh Creek Road, where it intersects the south line of the SW1/4SW1/4 of said Section 34, and extending West 457 feet up the Section line dividing Section 34 in Township 8 South, from Section 3 in Township 9 South;

Leaving this point at a 90 degree angle, extending north 292 feet, then extending east at a 90 degree angle 447 feet to the west side of Marsh Creek Road, parallel to the section line described above; then south along the edge of Marsh Creek Road back to the section line, to the true point of beginning.

EXHIBIT C
WR#29-11643



Pioneer Title Co.

GOING BEYOND

135 N. Arthur Ave. / Pocatello, Idaho 83204
(208) 233-9595

OFFICIAL RECORD BK# 896
BANNOCK COUNTY IDAHO

20713103

RECORDED AT REQUEST OF
FEE 6 DEPUTY PR

20713103

PIONEER TITLE

2007 JUN -4 P 3:10

Order No. 20070508 SW CW

WARRANTY DEED

For Value Received
Kenneth Roberts, an unmarried man

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Kendra Whiteley a single woman

mail: 2717 Curtis St. Denver CO 80205

hereinafter referred to as Grantee, whose current address is 6021 South Marsh Creek Road, McCammon, ID 83250 the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that 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.

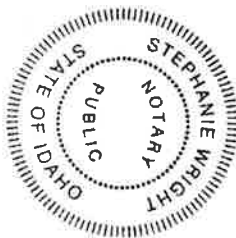
Dated: May 31, 2007

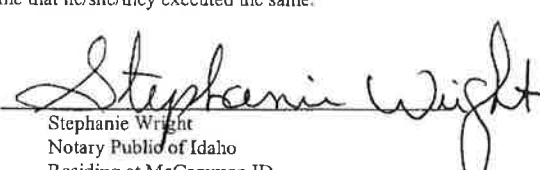

Kenneth Roberts

STATE OF IDAHO

COUNTY OF BANNOCK

On this 1 day of June, in the year of 2007, before me Stephanie Wright, notary public personally appeared Kenneth Roberts, known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.




Stephanie Wright
Notary Public of Idaho
Residing at McCammon ID
Commission expires: April 11, 2012

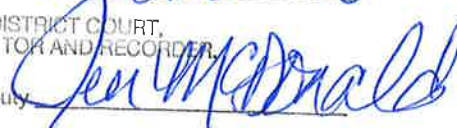
STATE OF IDAHO
County of Bannock }

I hereby certify that the foregoing is a full, true and correct copy of an instrument as the same now remains on file and of record in my office.
WITNESS my hand and official seal hereto affixed

this 20th day of October, 2007

CLERK OF THE DISTRICT COURT,
EX OFFICIO AUDITOR AND RECORDER

By Deputy



2-2

EXHIBIT A

20713103

A portion of the SW1/4 SW1/4 of Section 34, Township 8 South, Range 36 East, Boise Meridian, Bannock County, Idaho, lying West of Marsh Creek Road more particularly described as follows:

Beginning at a point on the west line of Marsh Creek Road, where it intersects the south line of the SW1/4SW1/4 of said Section 34, and extending West 457 feet up the Section line dividing Section 34 in Township 8 South, from Section 3 in Township 9 South;

Leaving this point at a 90 degree angle, extending north 292 feet, then extending east at a 90 degree angle 447 feet to the west side of Marsh Creek Road, parallel to the section line described above; then south along the edge of Marsh Creek Road back to the section line, to the true point of beginning.

Together with a perpetual easement and right of way for ingress and egress described as follows:

Township 9 South, Range 36 East Boise Meridian, Bannock County, Idaho, Section 3: A portion lying West of Marsh Creek Road in the NW 1/4 NW 1/4 beginning at a point in the center of Marsh Creek Road and extending South 90 feet from the line dividing Section 34 in Township 8 South from Section 3 in Township 9 South; from this point extending West 457 feet, parallel to the Section line described above; then North 90 feet and then back down the Section line 457 feet to the point of beginning.

IDAHO Department of Water Resources



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.

[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

WATER RIGHT REPORT

10/28/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 29-11643

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JULI FITCH
Current Owner	TODD FITCH
	6021 S MARSH CREEK RD
	MCCAMMON, ID 83250
	2082543825

Priority Date: 05/15/1938

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.03 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.07 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWSW|Sec. 34|Township 08S|Range 36E|BANNOCK County

Place(s) of use:

Place of Use Legal Description: STOCKWATER BANNOCK 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>
08S	36E	34		SWSW										

Place of Use Legal Description: DOMESTIC BANNOCK 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>
08S	36E	34		SWSW										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. R4057027802 STOCKWATER, 50 CATTLE, 3 HORSES

Dates:

Licensed Date:

Decreed Date: 06/18/1998

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

January 27, 2021

KENDRA MARIE WHITELEY ARKFELD
1462 BETHEL CT
CASTLE ROCK CO 80109-7783

Re: Change in Ownership for Water Right No(s): 29-11643

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) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: Racine Olson

ec: tessa@racineolson.com



December 22, 2020

Idaho Department of Water Resources
900 N Skyline Drive, Ste A
Idaho Falls, Idaho 83402-1718

Re: Notice of Change in Water Right Ownership 29-11643

To whom it may concern:

Enclosed is the original and one copy of a Notice of Change in Water Right Ownership filed on behalf of Kendra Marie Whiteley Arkfeld, together with a check in the amount of \$25.00 for the filing fee.

Water Right 29-11643 is currently in the name of Todd and Juli Fitch. The water right decreed to the SWSW of Section 34. It has always been associated with the Arkfeld property which occupies a portion of the SWSW of Section 34. The SRBA claim described the use as "Domestic, 1 home, 50 cattle, 3 horses." The home, barn, corrals, and all livestock watering facilities are located on the Arkfeld property. The owners of the adjoining property, Jim and Karen Whiteley, have executed a quitclaim deed to confirm that they do not claim any interest in water right 29-11643.

Also enclosed is a map identifying the current place of use and the actual location of the point of diversion. Please update the Department's GIS shape files accordingly.

Should you have any questions, please give me a call.

Sincerely,

A handwritten signature in black ink that reads 'T. J. Budge'.

T. J. BUDGE

c: Kendra Arkfeld
Jim and Karen Whiteley