

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
DEC 21 2020
Department of Water Resources
Eastern Region

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. **✓ DB**

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
✓ 35-14614	Yes ☒	Yes ☐	35-14614 (Split into 35-14614 and 35-14723)	Yes ☐	Yes ☐
✓ 35-14616	Yes ☒	Yes ☐	35-14616 (Split into 35-14616 and 35-14726)	Yes ☐	Yes ☐
✓ 35-14618	Yes ☒	Yes ☐	35-14618 (Split into 35-14618 and 35-14729)	Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Barry South, Elinor South
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Spencer Stanger and Kara Stanger
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 792 N. 3600 E. Menan ID 83434
Mailing address City State ZIP
- (208) 490-3732 Stanger - 52msn.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: _____
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: 12/8/20
Signature of new owner/claimant
- Signature: [Signature] Title, if applicable: _____ Date: 12/8/20
Signature of new owner/claimant

For IDWR Office Use Only:

Received by JB Date 12/21/20 Receipt No. E046526 Receipt Amt. \$100.-
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 JB Processed by [Signature] Date 1/13/2021

SUPPORT DATA

35-14614

FILE

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
535 First American Circle
Rexburg, ID 83440

Microfile No. **434826**
16 DAY Oct 2020
At 03 O'Clock 24 PM
KIM H. MUIR
MADISON CO RECORDER
Fee \$15.00
Deputy
Recorded at Request of
FIRST AMERICAN TITLE - REXBURG

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **934820-RX (nm)**

Date: **October 13, 2020**

For Value Received, **South Lands, LLC, an Idaho limited liability company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Spencer Stanger and Kara Stanger, husband and wife**, hereinafter called the Grantee, whose current address is **792 N 3600 E, Menan, ID 83434**, the following described premises, situated in **Madison County, Idaho**, to-wit:

PART OF THE SW¹/₄ OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 38 EAST, OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 15, SAID POSITION BEING MONUMENTED WITH A 1949 BRASS CAP, RECORDED AS INSTRUMENT NO. 403511 IN THE MADISON COUNTY CLERK'S OFFICE;
THENCE N00°24'19"E ALONG THE WEST LINE OF SAID SECTION 15 FOR A DISTANCE OF 2636.78 FEET TO THE WEST QUARTER (W¹/₄) CORNER OF SAID SECTION 15, SAID POSITION BEING MONUMENTED WITH AN ALUMINUM CAP OVER A 5/8" IRON ROD, RECORDED AS INSTRUMENT NO. 432919 IN THE MADISON COUNTY CLERK'S OFFICE;
THENCE S89°46'00"E ALONG THE EAST-WEST CENTERLINE OF SECTION 15 FOR A DISTANCE OF 91.52 FEET;
THENCE S18°33'40"E FOR A DISTANCE OF 132.75 FEET;
THENCE S78°19'18"W FOR A DISTANCE OF 10.87 FEET;
THENCE S18°54'32"E FOR A DISTANCE OF 1263.97 FEET TO THE TRUE POINT OF BEGINNING.
THENCE N71°21'22"E FOR A DISTANCE OF 832.35 FEET TO THE INTERSECTION OF THE EAST LINE OF THE NORTHWEST QUARTER (NW¹/₄) OF THE SOUTHWEST QUARTER (SW¹/₄) OF SAID SECTION 15;
THENCE S00°37'02"W FOR A DISTANCE OF 263.00 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (NW¹/₄) OF THE SOUTHWEST QUARTER (SW¹/₄) OF SAID SECTION 15;
THENCE S89°52'59"E ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE¹/₄) OF THE SOUTHWEST QUARTER (SW¹/₄) OF SAID SECTION 15 FOR A DISTANCE OF 84.42 FEET;
THENCE S71°10'40"W FOR A DISTANCE OF 824.41 FEET;
THENCE N18°41'23"W FOR A DISTANCE OF 42.00 FEET;
THENCE N18°54'32"W FOR A DISTANCE OF 236.00 FEET TO THE TRUE POINT OF BEGINNING.

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.

Date: **10/13/2020**

Warranty Deed
- continued

File No.: **934820-RX (nm)**

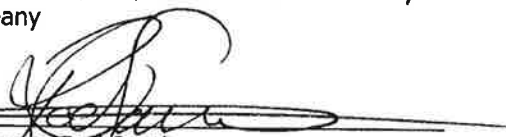
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from 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: 10/13/2020

Warranty Deed
- continued

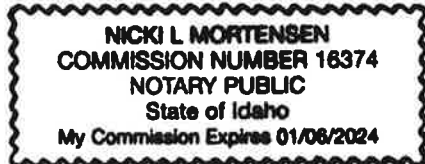
File No.: 934820-RX (nm)

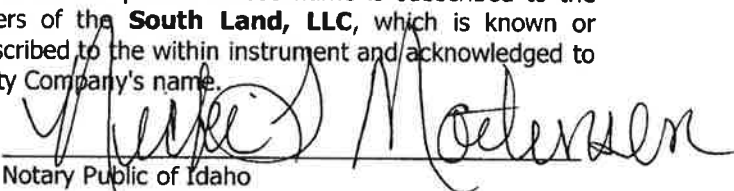
South Lands, LLC, an Idaho limited liability
company

By: 
Name: Rod South
Title: Member

STATE OF Idaho)
COUNTY OF MADISON) ss.

On this **Fourteenth day of October, 2020**, before me, a Notary Public in and for said State, personally appeared **Rod South**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **South Land, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that He executed the same in said Limited Liability Company's name.




Notary Public of Idaho
Residing at: Rexburg, ID
Commission Expires: 1-6-2024

Part of the SW1/4 of Section 15, T24S, R15E, Range 38 N, East of the Bismarckia, Madison County, Idaho, more particularly described as follows: Beginning at the Southwest Corner of said Section 15, said position being monumented with a 1949 Iron Pipe, Recorded as Instrument No. 403511 in the Public Records of the County of Madison, Idaho; thence S89°49'08" W along the West line of said Section 15 for a Distance of 263.76 Feet to the West Quarter (W1/4) Corner of said Section 15, said position being monumented with a 1949 Iron Pipe; thence S89°49'08" W along a Distance of 1332.76 Feet to the Northeast corner of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said section 15; thence True East of Bearing along the East line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 15 for a Distance of 82.36 Feet to the True Point of Beginning; thence S89°49'08" W along a Distance of 1332.76 Feet to the True Point of Beginning, Containing 8.01 Acres More or Less; S89°49'08" W for a Distance of 1337.00 Feet; Thence S89°49'13" E for a Distance of 420.00 Feet to the True Point of Beginning, Containing 8.01 Acres More or Less. An Easement for Ingress and Egress over an Appleland road referred to as Ruxler's Trail, Beginning at the Southwest Corner of said Section 15, said position being monumented with a 1949 Iron Pipe; thence S89°49'08" W along the West line of said Section 15 for a Distance of 263.76 Feet to the West Quarter (W1/4) Corner of said Section 15, said position being monumented with a 1949 Iron Pipe; Recorded as Instrument No. 421514 in the Madison County Clerk's Office; Thence S89°49'08" W along the East-West centerline of Section 15 for a Distance of 1279.00 Feet to the True Point of Beginning; thence S89°49'08" W along a Distance of 1332.76 Feet to the True Point of Beginning; Thence N78°20'00" E for a Distance of 95.75 Feet; Thence S89°50'00" E for a Distance of 1073.00 Feet to the East line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 15; Thence S89°49'08" W along said Section 15 for a Distance of 600.00 Feet to the True Point of Beginning; Thence S89°49'13" E for a Distance of 420.00 Feet to the True Point of Beginning. Subject to the Easements and Rights-of-Way for highways, roads, ditches, canals, power poles, and transmission lines as they cross.

Part of the BWMN of Section 15, Township 5 North, Range 38 East, of the Bolivar Ranges, Madison County, Idaho, more particularly described as follows: Beginning at the Southwest Corner of said Section 15, said location being monumented with a 1949 Brass Cap, Recorded in Instrument No. 405311 in the Madison County Recorder's Office; thence N60°24'19"W along the West line of said Section 15 for a Distance of 2606.73 Feet to the West Quarters (NW1/4) Corner of said Section 15, said location being monumented with a 1949 Brass Cap, Recorded in Instrument No. 405311 in the Madison County Recorder's Office; thence S89°46'00"E along the East-Eastern cornerline of Section 15 for a Distance of 91.93 Feet; thence S11°34'07"E for a Distance of 132.75 Feet; thence S79°19'18"W for a Distance of 10.87 Feet; thence S18°54'42"E for a Distance of 1263.97 Feet to the True Point of Beginning; thence N71°12'22"W for a Distance of 832.35 Feet to the Northwest Corner (NW1/4) of said Section 15; thence S89°46'00"E along the East-Eastern cornerline of said Section 15 for a Distance of 2635.00 Feet to the Southeast Corner of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 15; thence S89°46'00"E along the East-Eastern cornerline of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 15 for a Distance of 84.82 Feet; thence S71°10'49"W for a Distance of 624.14 Feet; thence S89°46'00"E along the East-Eastern cornerline of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 15 for a Distance of 236.90 Feet to the True Point of Beginning, containing 0.51 Acres More or Less; Subject to: Easements and Right-of-Ways for highways, roads, ditches, canals, and other purposes.

Part of the SW1/4 of said Section 15, Township 38N, Range 38E, of the Heale Meridian, Madison County, Idaho, more particularly described as follows: Beginning at the Southwest Corner of said Section 15, said position being monumented with a 1949 Brass Cap, Recorded as Instrument No. 403511 in the Madison County Clerk's Office; Thence S09°24'19" E along the West line of said Section 15 for a Distance of 2636.78 Feet to the West Quarter (W1/4) Corner of said Section 15, said position being monumented with an 1899 Brass Cap, Recorded as Instrument No. 435919 in the Madison County Clerk's Office; Thence S89°46'08" E along the East-West centerline of said Section 15 for a Distance of 91.17 Feet to the Point of Beginning; Thence N71°19'18" E for a Distance of 201.43 Feet to the Northwest Corner of said Section 15, said position being monumented with an 1899 Brass Cap, Recorded as Instrument No. 435919 in the Madison County Clerk's Office; Thence S89°59'19" E for a Distance of 365.81 Feet; Thence S12°00'00" E for a Distance of 233.37 Feet; Thence S89°59'19" E for a Distance of 601.00 Feet; Thence S89°52'26" E for a Distance of 413.57 Feet to the Intersection of the East line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 15; Thence S08°37'00" W along said East line for a Distance of 132.86 Feet; Thence S71°12'22" W for a Distance of 832.35 Feet; Thence N18°52'42" E for a Distance of 1263.97 Feet to the Point of Beginning, Comencing 17.02 Acres More or Less. Subject to Easements and Right-of-Ways for highways, roads, rights, canal, power lines, and transmission lines. T1/2 S1/4 S1/4

This Survey and Section Commission are hereby on a Record of Survey by Dale Ashford of Barton Engineering for Randy and Karen South recorded as Instrument No. 3752319 on March 3rd, 2006. A later survey was performed by Kevin L. Thompson of Thompson Engineering, Inc. for Barry South and Joak South and recorded as Instrument No. 399700 on January 5th, 2016. Said Survey created multiple parcels, of which Parcel F77 was recorded as Warranty Deed Instrument No. 400013. Quaintlain Instrument Numbers 418944 and 418945 were then recorded as deed the west boundary of Instrument No. 400013 to match the existing fence of the lot. I set the corner between said parcels at the intersection of the south line of Parcel F77 and the north line of Parcel F78. The corner between Parcel F78 and Parcel Dooda, Rod South asked that I create Parcel 12 as shown on this survey. Parcel F78, S 10, E 1/4, of Record of Survey Instrument No. 399700 were never recorded as a separate instrument. I set the corner between Parcel F78 and Parcel Dooda, Rod South asked that I create Parcel 12 as shown on this survey. Parcel F78, S 10, E 1/4, of Record of Survey Instrument No. 399700 were never recorded as a separate instrument. Rod asked that Parcel 12 be 3 acres in size, the South side falling Property Two feet (425' North) of the South Boundary of Quaintlain Deed Instrument No. 377545. Rod also noted that I create a Sixty Six (66') square U.S. Survey Area centered over an existing private road known as Hunter's Trail, which will provide access to the land owned by the South family. This area does not constitute a Title Search by Thompson Engineering, Inc., nor is this a Title Report provided by the Client. Only a Title Search mentioned in a contract can do this.

I, Kevin L. Thompson, do hereby certify that I am a Licensed Professional Land Surveyor in the State of Idaho, and that the attached plat was drawn from an actual survey made on the ground under my direct supervision, and that this map is an accurate representation of said Survey.

Sheet Of



THOMPSON
ENGINEERING, INC.
Consulting Engineers and Professional Land Surveyors

Sheet	Of
1	1

Set 5/8" Iron Rod with Cap Marked K.L.T. 10563
Found and Set 1/2" Iron Rod with Cap Marked K.L.T. 10563
Found 1/2" Iron Rod with Cap Marked L.S. 10307
Calculated Corner (No Monument Found or Set)

1949 Brass Cap
Inst. No. 403511

10/16/2020

<u>Owner Type</u>	<u>Name</u>
Current Owner	BARRY SOUTH
Current Owner	ELINOR SOUTH
Priority Date: 3/5/1948	
Basis: Deceased	
Status: Active	

Tributary

Source and Point(s) of Diversion

Place Of Use

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	38E	15										24.0	4.0	0.1					28.1

POU Total Acres: 28.1

1.	E17	Use of this right is combined with water from Palisades Water Users Association.
2.	E03	Use of this right is combined with water from Butte & Market Lake Canal Co.
3.	X27	This right is limited to the irrigation of 10.2 acres within the authorized place of use in a single irrigation season.
4.	F06	The following rights are diverted through point(s) of diversion described above: 35-14174, 35-14176, 35-14178, 35-14613, 35-14614, 35-14615, 35-14616, 35-14617 and 35-14618.
5.	X35	Rights 35-14614, 35-14616 and 35-14618 when combined shall not exceed the irrigation of 28.1 acres.
6.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
7.	U45	The place of use does not include federal land.

Decreed Date: 8/29/2002
Civil Case Number: 39576

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/16/2020

Water Right 35-14616

Owner Type **Name**
Current Owner BARRY SOUTH
Current Owner ELINOR SOUTH
Priority Date: 12/31/1940
Basis: Decreed
Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.300 CFS	67.7 AF
	<u>Total Diversion</u>		0.300 CFS	67.7 AF

Source and Point(s) of Diversion

GROUND WATER	NWNENW	Sec. 22, Twp 05N, Rge 38E, MADISON County
GROUND WATER	SWSWSW	Sec. 15, Twp 05N, Rge 38E, MADISON County

Place Of Use

IRRIGATION within MADISON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	38E	15										24.0	4.0	0.1					28.1

Right Acre Limit: 16.9

POU Total Acres: 28.1

Conditions of Approval:

1. E17 Use of this right is combined with water from Palisades Water Users Association.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
3. X35 Rights 35-14614, 35-14616 and 35-14618 when combined shall not exceed the irrigation of 28.1 acres.
4. U45 The place of use does not include federal land.
5. E03 Use of this right is combined with water from Butte & Market Lake Canal Co.
6. X27 This right is limited to the irrigation of 16.9 acres within the authorized place of use in a single irrigation season.
7. F06 The following rights are diverted through point(s) of diversion described above:
35-14174, 35-14176, 35-14178, 35-14613, 35-14614, 35-14615, 35-14616, 35-14617
and 35-14618.

Dates and Other Information

Decreed Date: 8/29/2002

Civil Case Number: 39576

10/16/2020

<u>Owner Type</u>	<u>Name</u>
Current Owner	BARRY SOUTH
Current Owner	ELINOR SOUTH
<u>Priority Date:</u>	9/28/1981
<u>Basis:</u>	Decreed
<u>Status:</u>	Active

Tributary

Volume

4.0 AF

4.0 AF

Sec. 15, Twp 05N, Rge 38E, MADISON County

POU Total Acres: 28.1

1.	X27	This right is limited to the irrigation of 1.0 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 35-14614, 35-14616 and 35-14618 when combined shall not exceed the irrigation of 28.1 acres.
3.	U45	The place of use does not include federal land.
4.	F06	The following rights are diverted through point(s) of diversion described above: 35-14174, 35-14176, 35-14178, 35-14613, 35-14614, 35-14615, 35-14616, 35-14617 and 35-14618.
5.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
6.	E03	Use of this right is combined with water from Butte & Market Lake Canal Co.
7.	E17	Use of this right is combined with water from Palisades Water Users Association.

Civil Case Number: 39576



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 13, 2021

SPENCER STANGER
KARA STANGER
792 N 3600 E
MENAN ID 83434-5206

Re: Change in Water Right Ownership: 35-14614 (Split into 35-14614 and 35-14723), 35-14616 (Split into 35-14616 and 35-14726) and 35-14618 (Split into 35-14618 and 35-14729)

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) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: BARRY & ELINOR SOUTH
DAVID & HEATHER HARPER
MATTHEW & ALEISHA KRUCKEBERG
WATER DISTRICT 120