

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 13 2020

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. ✓ DB

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
22-12187 OK	Yes ☒	Yes ☐	22-12187 Split into 22-12187 + 22-14394		
22-12179 No Split	Yes ☒	Yes ☐			
	Yes ☐	Yes ☐			
	Yes ☐	Yes ☐			
	Yes ☐	Yes ☐			

2. Previous Owner's Name: Sandra Lundquist and Gary Lundquist
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Benjamin Arthur Kearsley and Shaylee Lafon Kearsley
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- P.O. Box 1044 Victor ID 83440
Mailing address City State ZIP
208-313-3757
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: May 15, 2019
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):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o 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 10/7/2020
 Signature: [Signature] Title, if applicable _____ Date 10/7/2020

For IDWR Office Use Only:

Received by JB Date 10/13/20 Receipt No. 5046350 Request \$75.- Refund \$200.-
 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 JC Date 1/13/2021

SUPPORT DATA

W-9 22-12179

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Instrument # 254670
TETON COUNTY, IDAHO
05-16-2019 15:54:00 No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - DRIGGS
KIM KEELEY Fee: \$15.00
Ex-Officio Recorder Deputy, Kim Keeley
Index to: DEED, WARRANTY

COPY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **720766-T (JP)**

Date: **May 14, 2019**

For Value Received, **Sandra Ann Lundquist**, as trustee and her successors in trust of the **Gary D. Lundquist Family Trust u/w/d June 29, 2009**, as to an undivided **87.57083%** interest, and **Sandra Lundquist** as her sole and separate property, as to an undivided **12.42917%** hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Benjamin Arthur Kearsley and Shaylee Lafon Kearsley, husband and wife**, hereinafter called the Grantee, whose current address is **7879 South 2750 West, Victor, ID 83455**, the following described premises, situated in **Teton County, Idaho**, to-wit:

TOWNSHIP 3 NORTH, RANGE 45 EAST OF THE BOISE MERIDIAN, TETON COUNTY, IDAHO.
SECTION 5: E $\frac{1}{2}$ SE $\frac{1}{4}$

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: 05/14/2019

Warranty Deed
- continued

File No.: 720766-T (JP)

Sandra Ann Lundquist, as trustee and her
successors in trust of the Gary D. Lundquist
Family Trust u/w/d June 29, 2009

Sandra Ann Lundquist
Sandra Ann Lundquist, Trustee

Sandra Lundquist
Sandra Lundquist, Individually

STATE OF Idaho)
COUNTY OF Jefferson)

On this 16th day of May, 2019, before me, a Notary Public in and for said State, personally
appeared **Sandra Ann Lundquist**, known or identified to me to be the person(s) whose name(s) is
subscribed to the within instrument as Trustee of the **Gary D Lundquist Family Trust**,
and acknowledged to me that she executed the same as such Trustee.



Teresa Anderson
Notary Public of Idaho
Residing at: Rigby, ID
Commission Expires: 7-1-23

Sandra Lundquist
Sandra Lundquist

STATE OF Idaho)
COUNTY OF Jefferson)

On this 16th day of May, 2019, before me, a Notary Public in and for said State, personally appeared **Sandra Lundquist**, 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.



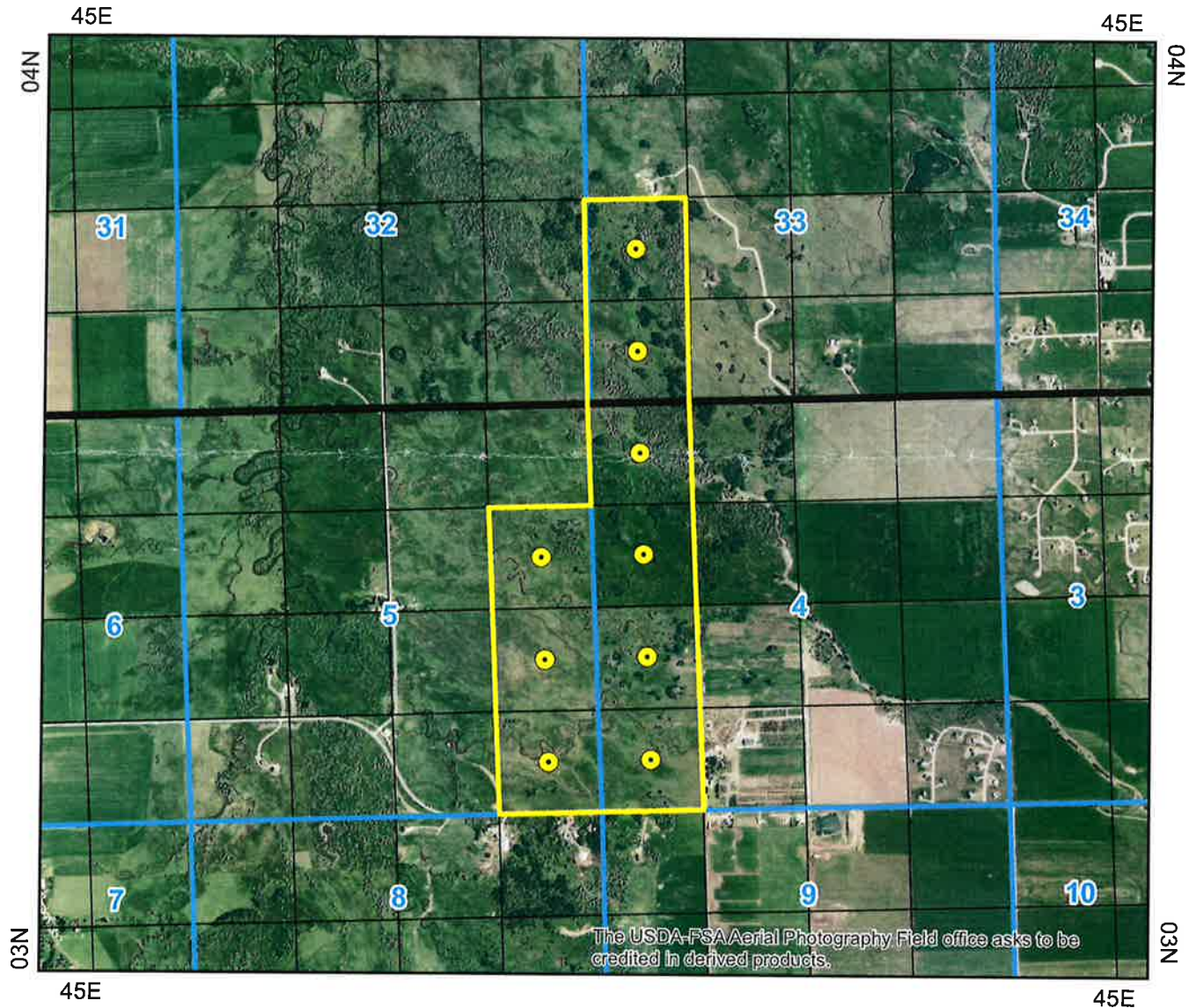
Teresa Anderson
Notary Public for the State of Idaho
Residing at: Rigby, Id
My Commission Expires: 7-1-23

State of Idaho
Department of Water Resources

Water Right 22-12187

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.275 0.55 1.1 Miles

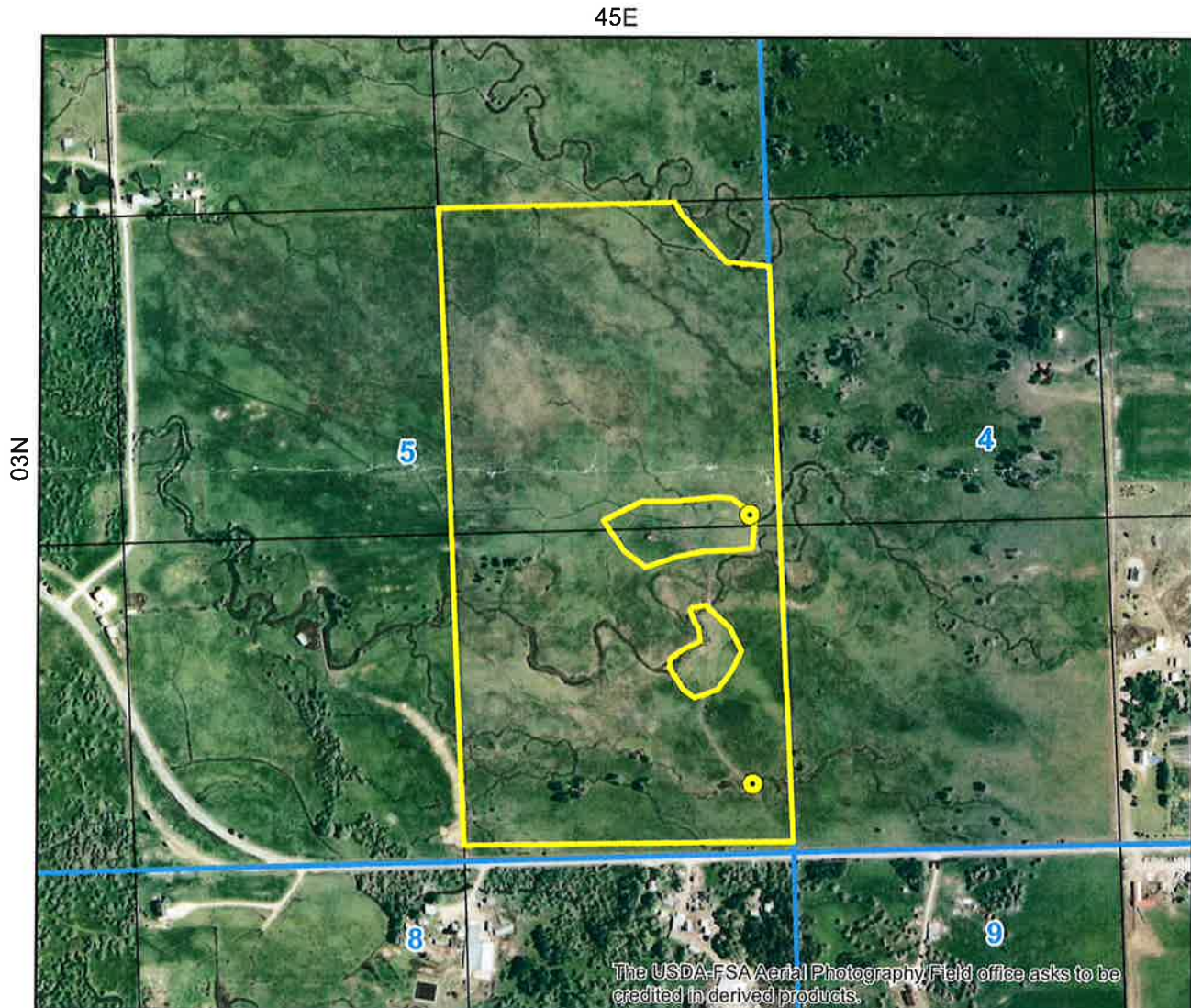


State of Idaho
Department of Water Resources

Water Right 22-12179

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles





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

BENJAMIN KEARSLEY
SHAYLEE KEARSLEY
PO BOX 1044
VICTOR ID 83455-1031

Re: Change in Water Right Ownership: 22-12179 (No Split Required), 22-12187 (Split into 22-12187 and 22-14394)

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.

During our review the department determined that water right number 22-12179 would not require a division of the water right. When you filed your application you filed for a split of both water rights and paid the fee for both to be split. Because water right number 22-12179 does not require a split you are entitled to a partial refund of \$75.00. The department has initiated the refund and it should arrive at the address listed above from the state office within a couple of weeks.

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: WATER DISTRICT 01

Barg, Jonie

From: Barg, Jonie
Sent: Wednesday, January 13, 2021 8:09 AM
To: Pline, Treva; Marston, Sascha
Subject: Refund Request
Attachments: Receipt

Treva & Sascha,

Good morning!!

I have a refund request as follows:

Receipt number: E046350
Amount: \$75.00
Payable to: Ben Kearsley
PO Box 1044
Victor ID 83455-1031

Reason: Ownership Change application filed for 2 water rights, both split. During our review the department determined one of the water right would not require a split, therefore the applicant is entitled to a partial refund of \$75.00.

Let me know if you need additional information.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

Jonie Barg

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177
email: jonie.barg@idwr.idaho.gov