

RECEIVED

NOV 27 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 12 2020

DEPARTMENT OF
WATER RESOURCES

Notice of Change in Water Right Ownership

DEPT OF WATER RESOURCES
SOUTHERN 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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37-2055	Yes ☒	Yes ☒		Yes ☐	Yes ☐
37-2055 & 37-23253	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Sun Valley Long Term Holding, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): James T. Kilpatrick & Rosemarie P. Kilpatrick, Trustees of the James T. Kilpatrick Trust
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- 50 Addison Lane Moreland Hills OH 44022
Mailing address City State ZIP
- 971-563-7648 Jim.Kilpatrick@fortisconstruction.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: September 30, 2020
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: James T. Kilpatrick Trustee 10/24/2020
Signature of new owner/claimant Title, if applicable Date
- Signature: Rosemarie P. Kilpatrick Trustee 10/24/2020
Signature of new owner/claimant Title, if applicable Date

SUPPORT DATA

IN FILE # 37-2055

For IDWR Office Use Only:

Received by SGO Date 11/12/20 Receipt No. 5038248 Receipt Amt. \$100.00

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 Jmh Date 12-2-2020

Instrument # 673772

HAILEY, BLAINE, IDAHO

09-30-2020

8:12:20 AM

No. of Pages: 2

Recorded for: TITLEONE - TWIN FALLS

JOLYNN DRAGE

Fee: \$15.00

Ex-Officio Recorder Deputy: JB

Electronically Recorded by Simplifile

Sun Valley Title A TitleOne Company

Order Number: 20382875

Warranty Deed

For value received,

Sun Valley Long Term Holding, LLC, an Idaho limited liability company

the grantor, does hereby grant, bargain, sell, and convey unto

James T. Kilpatrick and Rosemarie P. Kilpatrick, Trustees of the James T. Kilpatrick Trust UTA Dated April 17, 2018

whose current address is 360 Berwick Rd Lake Oswego, OR 97034

the grantee, the following described premises, in Blaine County, Idaho, to wit:

Lot 12 of BOARDS UPPER RANCH, BLAINE COUNTY, IDAHO, according to the official plat thereof, recorded as Instrument No. 650003, records of Blaine County, Idaho.

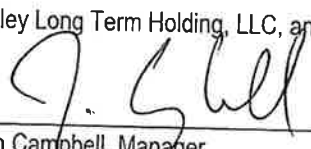
Inclusive of water rights appurtenant to property, 3 acres of Water Rights No. 2055,11445

To have and to hold the said premises, with their appurtenances unto the said Grantee, its 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 they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Order Number: 20382875

Dated: September 23, 2020

Sun Valley Long Term Holding, LLC, an Idaho limited liability company


By: John Campbell, Manager

State of Idaho, County of Blaine, ss.

On this 24th day of September, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared John Campbell, known or identified to me to be a manager of the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

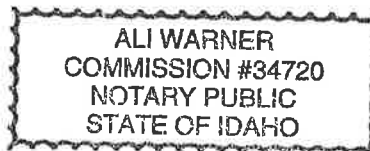
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho

Residing In:

My Commission Expires:

Ke telum'p
9/19/2021





(1 of 5)

Parcel Number: RP000660000120
Address1:
Address2: ID 80000-0000
Owner1: KILPATRICK JAMES T TRUSTEE
Owner2: KILPATRICK ROSEMARIE P TRUSTEE
Mailing Address1: 360 BERWICK RD
Mailing Address2: LAKE OSWEGO OR 97034-0000
Mailing Address3:
Mailing Address4:
Mailing Address5:
Legal Description: BOARDS UPPER RANCH LOT 12
[Assessor Information](#)
[Land Use & Building Information](#)
[Treasurer Information](#)

Zoom to

13.4A permissible
place of use - 3A
maximum irrigation

W Warm Springs Rd

Blaine County Table App Map





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

December 02, 2020

Gary Spackman
Director

JAMES T KILPATRICK TRUST
50 ADDISON LN
MORELAND HILLS OH 44022

Re: Change in Water Right Ownership: 37-2055 (Split into 37-2055 and **37-23253**)

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(s) 37-2055 (the parent of your water right, 37-23253) was leased to the Water Supply Bank (bank) in 2019. In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. The right(s) will remain in the bank until December 31, 2023. To reduce the term of the lease, the right holder must submit a written request to the department. The department will verify if the right is rented or available for release, and notify the right holder of the release date.

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: Sun Valley Long Term Holding LLC
James P Speck
Water District No. 37

Hersley, Jean

From: James Speck <jim@speckandaanestad.com>
Sent: Tuesday, December 1, 2020 9:42 AM
To: Hersley, Jean
Cc: jim.kilpatrick@fortisconstruction.com; Tom Drougas (tdrougas@gmail.com)
Subject: RE: ownership change for Kilpatrick Trust

Jean,

The combined acre limit equals the sum of the irrigated acres for the two rights and, notwithstanding the provision in the deed it was the intent of the sellers to convey 3A of 37-2055. What else do you need to confirm that?

Jim

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Tuesday, December 01, 2020 8:48 AM
To: James Speck <jim@speckandaanestad.com>
Cc: jim.kilpatrick@fortisconstruction.com
Subject: ownership change for Kilpatrick Trust

The Department of Water Resources received your request to split and update the ownership of the portion of water right 37-2055 appurtenant to property now owned by the Kilpatrick Trust. This right has a combined acre limit with water right 37-11445 and the warranty deed also conveys to the Kilpatrick Trust, 3 acres of both water rights. The Department will have to split both water rights.

The Department will need additional filing fees of \$100 to split water right 37-11445 along with 37-2055. Please provide the additional fees within 30 days or the Department will return the ownership change request unprocessed. Please let me know if you have any questions. Thank you.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
(retired)

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE NORTH
P. O. BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208)726-4421
FACSIMILE
(208)726-0752

November 9, 2020

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NOV 12 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

Denise Maline
Idaho Department of Water Resources
650 Addison Ave. W
Suite 500
Twin Falls, ID 83301

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NOV 27 2020

DEPARTMENT OF
WATER RESOURCES

**Re: Notice of Change of Water Right Ownership
No. 37-2055**

Dear Denise:

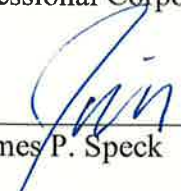
Enclosed you will find the *original* and a copy of the above-referenced Notice of Change in Water Right Ownership accompanied together with my firm's check payable to the Department for the \$100.00 filing fee. Note that this water right is presently leased to the Water Supply Bank so a Lessor Designation form and IRS form W-9 are included.

Please contact me right away if you have any questions about this Notice. If not, kindly receipt date-stamped the enclosed copy and return it to me in the postage prepaid self-addressed envelope I have included for that purpose.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosures

cc: James and Rosemarie Kilpatrick, Trustees (w/enclosure) - via email
Tom Drugas (w/enclosure) via email

✓ S.g.