

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 13 2020

**Notice of Change in Water Right Ownership**

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? |
|-----------------------|-----------------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| ✓ 11-7866             | Yes <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> | 11-7866               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> | 11-7869               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: DF Kelsey Family Trust  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): RJL, LTD et al (see deed for additional owners)  
New owner(s) as listed on the conveyance document      Name connector ☒ and ☐ or ☐ and/or
- 1119 Roueche Lane      Kaysville      UT      84037  
Mailing address      City      State      ZIP
- 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 22, 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.

SUPPORT DATA

FILE # 11-7866

8. Signature: [Signature]      Attorney \_\_\_\_\_      October 1, 2020  
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 [Signature]      Date 10/13/20      Receipt No. E046351      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 [Signature]      Processed by [Signature]      Date 12/1/20

**Instrument # 232846**

BEAR LAKE COUNTY  
09-28-2020 12:18:15 No. of Pages: 3  
Recorded for: NORTHERN TITLE CO.  
Cindy Garner Fee: \$15.00  
Ex-Officio Recorder Deputy: JH  
Index to: WARRANTY DEED

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Robert L. Harris  
Holden, Kidwell, Hahn & Crapo, P.L.L.C.  
PO Box 50130  
Idaho Falls, ID 83405

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(Space Above for Recorder's Use)

### **SPECIAL WARRANTY DEED FOR WATER RIGHT**

The DF Kelsey Family Trust dated the 15<sup>th</sup> day of November, 2018, Daniel Frederick Kelsey, Trustee, whose address is 645 N Main, Paris, Idaho 83261 (the "Grantor"), does hereby grant, bargain, sell, assign, and convey unto RJL, LTD, a Utah limited partnership as to an undivided 30% interest and DMKimball, LLC, a Utah limited liability company as to an undivided 30% interest and TCJ Development, LLC, a Utah limited liability company as to an undivided 10% interest and Bear Lake Beach LLC, a Utah limited liability company as to an undivided 30% interest, whose address is 1119 Roueche Lane, Kaysville, Utah 84037 (the "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in the following described water right portion:

A 16-acre portion of Idaho Water Right No. 11-7866 appurtenant to the land within the SWNE of Section 33, Township 13S, Range 43E, Boise Meridian, identified on the map attached hereto as *Exhibit 1*.

This water right portion is hereinafter referred to as the "Water Right".

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized representative of Grantor has caused its name to be hereunto subscribed.

DATED this 22 day of SEPTEMBER, 2020.

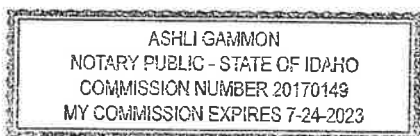
**"GRANTOR"**

The DF Kelsey Family Trust dated the 15<sup>th</sup> day of November, 2018

  
By: Daniel Frederick Kelsey  
Its: Trustee

STATE OF Idaho )  
 )ss.  
County of Bear Lake )

This record was acknowledged before me on the 22nd day of September, 2020, **Daniel Frederick Kelsey** as the trustee of **The DF Kelsey Family Trust** dated the 15<sup>th</sup> day of November, 2018.



  
Notary Public for Idaho  
My Commission Expires: July 24, 2023  
Resides at: Paris, ID



## EXHIBIT 1





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.

## WATER RIGHT REPORT

10/1/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 11-7866

| <u>Owner Type</u> | <u>Name and Address</u>                                    |
|-------------------|------------------------------------------------------------|
| Current Owner     | DF KELSEY FAMILY TRUST<br>645 N MAIN ST<br>PARIS, ID 83261 |
| Original Owner    | LARRY B KELSEY<br>BOX 186<br>PARIS, ID 83261<br>2089452133 |

Priority Date: 02/13/1991

Basis: License

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> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 0.5 CFS               | 85.8 AFA      |
| STOCKWATER            | 01/01       | 12/31     | 0.01 CFS              | 0.3 AFA       |
| Total Diversion       |             |           | 0.51 CFS              | 86.1 AFA      |

Location of Point(s) of Diversion:

GROUND WATER | NWNES | Sec. 33 | Township 13S | Range 43E | BEAR LAKE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BEAR LAKE 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> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 13S             | 43E          | 33             |            | SWNE         | 24.5         |            |              |              |            |              |              |            |              |              |

Place of Use Legal Description: STOCKWATER BEAR LAKE 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> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 13S             | 43E          | 33             |            | SWNE         |              |            |              |              |            |              |              |            |              |              |

Total Acres: 24.5

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 88.5 af at the field headgate for the lands above.
4. The annual volume of water diverted for stock watering purposes shall not exceed 0.3 af.

Dates:

Licensed Date:

Decreed Date:

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:

Owner Name Connector:

Water District Number: NWD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

December 01, 2020

RJL LTD  
DMKIMBALL LLC  
TCJ DEVELOPMENT LLC  
BEAR LAKE BEACH LLC  
1119 S ROUECHE LN  
KAYSVILLE UT 84037-9000

Re: Change in Water Right Ownership: 11-7866 (Split into 11-7866 and 11-7869)

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: HOLDEN KIDWELL HAHN & CRAPO  
DF KELSEY FAMILY TRUST  
WATER DISTRICT 11



Holden Kidwell  
Hahn & Crapo P.L.L.C.  
LAW OFFICES

1000 Riverwalk Drive, Suite 200  
PO Box 50130  
Idaho Falls, Idaho 83405

Tel: (208) 523-0620  
Fax: (208) 523-9518  
www.holdenlegal.com

Email: [rharris@holdenlegal.com](mailto:rharris@holdenlegal.com)

October 8, 2020

RECEIVED  
OCT 13 2020  
Department of Water Resources  
Eastern Region

Jonie Barg  
Idaho Department of Water Resources  
900 N. Skyline Dr., Ste. A  
Idaho Falls, ID 83402-1718

**Re: Notice of Change in Water Right Ownership for 16-Acre Portion of WR 11-7866.**

Dear Jonie:

Enclosed for processing is a *Notice of Change in Water Right Ownership* for a 16-acre portion of WR 11-7866. We have included a copy of the *Special Warranty Deed for Water Right* that specifically identifies the 16 acres that are being purchased. Because the actual deed is scanned in black and white, we have included a color copy with the map. You can see the 16 acres that we are purchasing are clearly depicted in the SWNE Section 33, Township 13S., 43E. The shapefile for the 16 acres was generated by Kristin Moore at Rocky Mountain Environmental Associates. If you would like her to email it to you, just let her know. We have also included the required \$100.00 filing fee.

For your information, the split of the water right needs to occur, but the water right will not be moved off the property. Rather, it is being utilized as part of a mitigation plan for a new water right permit in the Bear River Basin under Application for Permit No. 11-7863. The water right described in the enclosed deed will remain unused to mitigate for this new permit.

If you have any questions or concerns, please let me know.

Best regards,

Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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