

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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MAR 19 2020

WATER RESOURCES
WESTERN 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?
Cancelled 65-23196	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Lynn Gramkow
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Michael Burgess and Rebecca Burgess
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 2137 N Eagle Creek Lane Eagle ID 83616
Mailing address City State ZIP
- 509-521-3296 burgessmb@msa.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: 06/30/2017

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: Michael A. Burgess
Signature of new owner/claimant

Title, if applicable

Date

03/19/2020

- Signature: Rebecca Burgess
Signature of new owner/claimant

Title, if applicable

Date

03/19/2020

For IDWR Office Use Only:

Received by LE Date 03/19/2020Receipt No. W048122Receipt Amt. \$25Active 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

Refund requested 06/25/2020



Instrument # 255474
IDAHO CITY, BOISE COUNTY, IDAHO
06/30/2017 16:29:53 PM No. of Pages: 2
Recorded for: TITLEONE BOISE
MARY T. PRISCO Fee: \$13.00
Ex-Officio Recorder/Deputy Shirley George
Imaged 06/30/17
Electronically Recorded by Simplifile

Parcel #2

Order Number: 17293561

Warranty Deed

For value received,

Lynn L. Gramkow and Roger Gramkow, wife and husband

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

Michael A. Burgess and Rebecca A. Burgess, husband and wife

whose current address is 29606 S. 1877 PR SE Kennewick, WA 99337

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

Please see attached legal description marked as Exhibit "A", which by this reference becomes a part
Thereof and consists of one (1) page.

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.

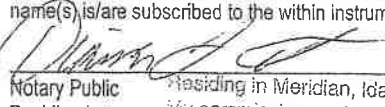
Dated: June 28, 2017

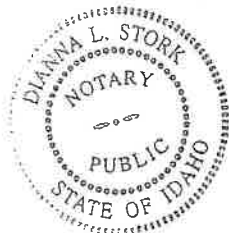

Lynn L. Gramkow


Roger Gramkow

State of Idaho, County of Ada, ss.

On this 30 day of June in the year of 2017, before me, the undersigned, a Notary Public in and for said State,
personally appeared Lynn L. Gramkow and Roger Gramkow, 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.


Notary Public Residing in Meridian, Idaho
Residing In: My commission expires: 1/23/20
My Commission Expires:
(seal)



Order Number: 17291976

Warranty Deed

For value received,

Lynn L. Gramkow and Roger Gramkow, wife and husband

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

Michael A. Burgess and Rebecca A. Burgess, husband and wife

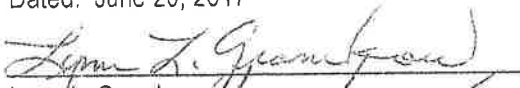
whose current address is 29606 S. 1877 PR SE, Kennewick, WA 99337

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

Please see attached legal description marked Exhibit "A", which by this reference becomes a part thereof and consists of one (1) page.

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.

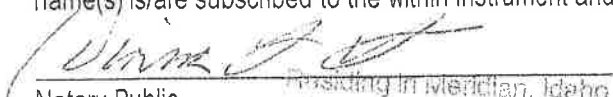
Dated: June 20, 2017


Lynn L. Gramkow


Roger Gramkow

State of Idaho, County of Ada, ss.

On this 22 day of June in the year of 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Lynn L. Gramkow and Roger Gramkow, 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.


Notary Public

Residing In:

My Commission Expires:

(seal)

Residing In Meridian, Idaho
My commission expires: 7/23/20



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APR 17 2020

WATER RESOURCES
WESTERN REGION

EXHIBIT A
Legal Description

PARCEL 3
"EXHIBIT A"

The following describes a parcel of real property lying within West Half of Section 7, Township 7 North, Range 3 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

Commencing at the West Quarter corner of said Section 7; Thence, along the west boundary line of said Section 7, South $00^{\circ}03'11''$ West, 586.30 feet; Thence, departing said west boundary line, South $89^{\circ}57'43''$ East, 609.03 feet; Thence, North $00^{\circ}03'03''$ East, 164.31 feet to the centerline of Porter Creek Road and the **POINT OF BEGINNING**;

Thence, departing said centerline of said Porter Creek Road, North $00^{\circ}03'03''$ East, 668.00 feet to the centerline of Porter Creek;

Thence along said centerline the following courses and distances:

South $48^{\circ}58'00''$ East, 53.00 feet;

North $59^{\circ}37'00''$ East, 36.00 feet;

North $15^{\circ}46'00''$ East, 37.00 feet;

North $60^{\circ}27'00''$ East, 94.00 feet;

South $67^{\circ}45'00''$ East, 85.00 feet;

North $44^{\circ}16'00''$ East, 48.00 feet;

Thence, departing said centerline of said Porter Creek, South $04^{\circ}54'56''$ East, 762.64 feet;

Thence, South $19^{\circ}21'37''$ East, 30.00 feet to the centerline of Porter Creek Road;

Thence, along said centerline of said Porter Creek Road, 210.64 feet along a tangent curve to the right, said curve having a radius of 300.00 feet, a delta angle of $40^{\circ}13'48''$, a long chord which bears North $89^{\circ}14'43''$ West, 206.34 feet;

Thence, continuing along said centerline, North $69^{\circ}07'49''$ West, 102.46 feet;

Thence, continuing along said centerline, North $74^{\circ}42'14''$ West, 50.65 feet to the **POINT OF BEGINNING**, containing 5.289 acres more or less and is subject to any easements or reservations.

Any further division of this parcel shall require a Subdivision Application and all access roads shall meet the Boise County Subdivision procedures and requirements.



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WATER RESOURCES
WESTERN REGION

EXHIBIT A
LEGAL DESCRIPTION

An easement 10.00 wide in a portion of the West $\frac{1}{4}$ of Section 7, Township 7 North, Range 3 East, Boise Meridian, Boise County, Idaho affecting the Grantor's Parcel described in Warranty Deed Instrument No. 255474; said easement is more particularly described as follows:

Commencing at the West $\frac{1}{4}$ Corner of said Section 7, from which the Southwest Corner of said Section 7 bears South $00^{\circ}03'11''$ West 2617.53 feet, thence North $85^{\circ}52'25''$ East 908.12 feet to the West line of said Grantor's Parcel and the POINT OF BEGINNING, from which a $\frac{5}{8}''$ Rebar along said West line bears South $04^{\circ}54'56''$ East 514.24 feet, thence departing said West line

North $80^{\circ}06'44''$ East 32.15 feet, thence

South $09^{\circ}53'16''$ East 10.00 feet, thence

South $80^{\circ}06'44''$ West 33.02 feet to said West line, thence along said West line

North $04^{\circ}54'56''$ West 10.04 feet to the POINT OF THE BEGINNING.

Said easement contains 326 Sq. Ft. more or less.

2019 view of Parcel 2

Write a description for your map.

Legend



0.0 ft

Google Earth

© 2020 Google





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 25, 2020

MICHAEL & REBECCA BURGESS
2137 N EAGLE CREEK LN
EAGLE ID 83616-6818

RE: Change in Ownership for Water Right No: 65-23196

Dear Interested Parties:

The Idaho Department of Water Resources (Western) received a Notice of Change in Water Right Ownership from you on March 19, 2020 for the above referenced water rights. The Notice could not be processed because the provided deeds were incomplete, and did not cover the entire place of use for the above referenced water right.

On May 8, 2020, the Department requested the rest of the Parcel #2 deed, and additional documentation conveying the remainder of the water right to you or an additional fee to process the change in ownership as a split. As of the date of this letter, the Department has not received the required information or additional fees.

The Department is returning your Notice of Change in Water Right Ownership and the attachments. A refund of \$25 has been requested and will be mailed to Michael Burgess under separate cover from the Idaho State Controller's Office. You may re-submit your request with the appropriate documents and fees.

If you have any questions regarding this matter, please contact our office at (208) 334-2190.

Sincerely,

Lynne Evans
Office Specialist II

Enclosure

Evans, Lynne

From: Evans, Lynne
Sent: Thursday, June 25, 2020 3:53 PM
To: IdwrPayable
Subject: Refund Request - Burgess

TO: Sascha Marston, Treva Pline

FROM: Lynne Evans

DATE: June 25, 2020

RE: *Refund: Notice of Change in Water Right Ownership*

Please refund \$25. Michael and Rebecca Burgess submitted a notice of change in water right ownership, but the submitted deeds were incomplete.

Please issue a refund of \$25 to:

MICHAEL & REBECCA BURGESS
2137 N EAGLE CREEK LN
EAGLE ID 83616-6818

RECEIPT #

W048122



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 08, 2020

MICHAEL & REBECCA BURGESS
2137 N EAGLE CREEK LN
EAGLE ID 83616-6818

RE: Change in Ownership for Water Right No: 65-23196

Dear Interested Parties:

The Department of Water Resources (Western) acknowledges receipt of additional documentation for your Notice of Change in Water Right Ownership.

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

- ☒ Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question
- ☒ Legal Description of Property
- ☒ Filing Fee of \$100 per water right for changes resulting from division of a water right

The two warranty deeds submitted with your Notice each refer to an Exhibit A containing the legal description of the property. You submitted two Exhibit A documents, received on April 17, 2020, however only one of them seems to correspond to either of the warranty deeds (the deed marked Parcel #3). If the other warranty deed (marked Parcel #2) refers to a different property, please resubmit the entire warranty deed with its accompanying Exhibit A. If you do not have a complete copy of the necessary deeds, you may be able to obtain one from your title company or county recorder's office. A copy of the warranty deeds originally submitted with your Notice are enclosed for your reference.

Upon review of the legal description for Exhibit A – Parcel 3, we found that the parcel does not cover the entire place of use (POU) for the above referenced water right. Based on the information provided to the Department, the right may need to be split. If you do own the entirety of the water right, please submit another deed conveying ownership of the land not included in the deeds submitted with your Notice. A proof report for the water right and a map are included to illustrate where the portion of the POU lies outside the property conveyed on your provided deed.

If you do not own the entirety of the water right, an additional fee will be required to process the split change in ownership. The filing fee for a Notice of Change in Water Right Ownership is \$25 per undivided water right or a fee of **\$100 per split water right**. The \$25 fee already submitted to the Department will be applied towards the balance.

Because the Department cannot process the Notice without proper documentation and fees, we will hold any action on your notice pending receipt of the necessary information and/or fees. If we do not

receive the necessary information and/or fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact our office at (208) 334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynne Evans".

Lynne Evans
Office Specialist II

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 03, 2020

MICHAEL & REBECCA BURGESS
2137 N EAGLE CREEK LN
EAGLE ID 83616-6818

RE: Change in Ownership for Water Right No: 65-23196

Dear Interested Parties:

The Department of Water Resources (Western) acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

____ Legal Description of Property

The Warranty Deed submitted with your Notice refers to an Exhibit A containing the legal description of the property. However, the Exhibit A was not included in the submitted documents. Please submit the Warranty Deed with Exhibit A to the Department.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 334-2190.

Sincerely,


Kensie Thorne
For: Lynne Evans
Office Specialist II