



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

Brad Little  
Governor

Gary Spackman  
Director

October 23, 2020

JASON M DAVIS  
690 S 3RD W  
MOUNTAIN HOME ID 83647-3407

RE: Change in Ownership Water Right No(s): 61-12138

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on July 8, 2020 for the above referenced water rights. The Notice could not be processed because the deed provided did not match the form and the water right was not appurtenant to the land described in the deed provided.

On July 13, 2020, the Department requested the required information from you. As of the date of this letter, the Department has not received the the required information

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 Tri-County Repair LLC 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 me at (208) 287-4942.

Sincerely,

Jean Hersley  
Technical Records Specialist 2

Enclosure(s)

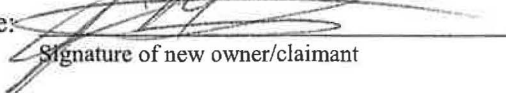
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## 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?
61-12138	Yes <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> <i>no</i>		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"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: BURNETT, CONNIE J; BURNETT, JOEL D  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Davis, Jason M  
New owner(s) as listed on the conveyance document      Name connector ☐ and ☐ or ☐ and/or
- |                     |                                  |           |              |
|---------------------|----------------------------------|-----------|--------------|
| <u>690 S 3rd W</u>  | <u>Mountain Home</u>             | <u>ID</u> | <u>83647</u> |
| Mailing address     | City                             | State     | ZIP          |
| <u>208-590-4462</u> | <u>tricityrepair76@gmail.com</u> |           |              |
| 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: 06/30/2020
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):
- ☐ \$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:       OWNER      7-6-2020  
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 KM      Date 7-8-2020      Receipt No. C109005      Receipt Amt. \$ 25.00

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 \_\_\_\_\_      Date \_\_\_\_\_

## WARRANTY DEED

## FOR VALUE RECEIVED

Michael D. Martin and Susan Lee Martin, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto  
Rood Construction, Inc.GRANTEE(S), whose current address is: 585 N. 3rd East Mountain Home, ID 83647  
the following described real property in Elmore County, State of Idaho,  
more particularly described as follows, to wit:

Township 3 South, Range 6 East, Boise Meridian, Elmore County, Idaho.

Section 1: N1/2SE1/4SE1/4SE1/4

SUBJECT TO: A 30 foot ingress/egress and utility easement running along the  
southerly boundary line.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever, except those of record.

Dated: October 20, 2006

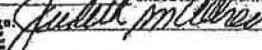
  
 Michael D. Martin

  
 Susan Lee Martin

STATE OF Idaho, County of Elmore, ss:

On this 20th day of October  
 In the year of 2006, before me, the undersigned, a Notary  
 Public in and for said State, personally appeared  
Michael D. Martin, Susan Lee Martin

known and acknowledged to me to be the person(s) whose name  
 are JUDITH M. ALLRED subscribed to the within instrument, and  
 they acknowledged to me that they executed the same.

NOTARY SIGNATURE:   
 Name: Judith M. Allred  
 (Type or Print)  
 Residing at: Mountain Home  
 My commission expires: 5-26-12

Instrument # 381378  
 Elmore County, Idaho  
 04:22pm Oct. 24, 2006  
 For: GUARANTY TITLE INC  
 No. of Pages: 1 Fee: \$3.00  
 MERRILEE HILER, Recorder  
 Deputy: DLE

State of Idaho  
Department of Water Resources

**Water Right**  
**61-12138**

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.

06E



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

0 0.035 0.07 0.14 Miles



State of Idaho  
Department of Water Resources

**Water Right**  
**61-12138**

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.

06E



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

0 0.035 0.07 0.14 Miles



## ***MEMORANDUM***

TO: Sascha Marston  
FROM: Jean Hersley  
DATE: October 23, 2020  
RE: **Refund: Ownership change returned**

Please refund \$25.

NAME: TRI-COUNTY REPAIR LLC  
690 S 3<sup>RD</sup> W  
MOUNTAIN HOME ID 83647

RECEIPT #: C109005

Thank you.

Jean

**Hersley, Jean**

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**From:** Hersley, Jean  
**Sent:** Friday, October 23, 2020 9:43 AM  
**To:** IdwrPayable  
**Subject:** Refund  
**Attachments:** Tri-county Repair.doc

Please process the attached refund as soon as possible. Thank you.

Jean



**Hersley, Jean**

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**From:** Hersley, Jean  
**Sent:** Monday, July 13, 2020 3:19 PM  
**To:** 'tricityrepair76@gmail.com'  
**Subject:** Notice of Change in Water Right Ownership 61-12138

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

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. The deed you provided was for a property conveyed to Road Construction, Inc. Water right 61-12138 is not appurtenant to the land described in this deed. The land appurtenant to water right 61-12138 is outlined in blue and the land that is described in the deed you sent is highlighted in yellow below:



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.

You also marked on the form that this water right has been placed in the Water Supply Bank. Please be aware that the water right is not in the Bank.

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) 287-4942.

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