

## MEMORANDUM

DATE: October 2, 2020

TO: Water Right File 77-10122

FROM: Amanda Johnson-Veibell

RE: Change of Ownership pertaining to water right 77-10122

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The Department received a Notice of Change in Water Right Ownership on August 3, 2020, for water right 77-10122. The entity which filed the Ownership Change is Kimberly Lake, LLC. The previous owner is noted as Richard D French and Lynne A French on the Ownership Change form. Richard D French and Lynne A French are the current owners of record according to the Decree in the SRBA. The legal description of the property is T5096 being a fraction of H.E.S. 627, Sec22, R18N T17E.

The conveyance documents originally provided were:

- A Quick Claim Deed filed in March of 2015, granting property sold by Stoneridge Park LLC to Kimberly Lake LLC showing a brief legal description of the property in question.
- A Quick Claim Deed filed in December of 2008, granting property sold by Robert A Bonuccelli to Stoneridge Park LLC which was missing Exhibit A.
- A Warranty Deed filed in October of 2007 granting property sold by Kitty Smith to Robert A Bonuccelli.

Other documents provided were a map of the water right POU and POD as well as a map showing the Kimberly Lake Dam location, both printed off of the IDWR website from the Adjudication claim file.

After reviewing the provided documents as well as the SRBA Decree, it appears the water right was separated from the land during the SRBA in October of 2006. For the ownership change to be processed, a quick claim deed would need to be provided showing the water right ownership going from Richard D French and Lynne A French to Kimberly Lake LLC. Below outlines the communication I have had with interested parties in this Ownership Change.

On August 6 and 7, 2020, I spoke with Rachel Nafus of Kimberly Lake LLC by telephone requesting the missing Exhibit A from the Quick Claim Deed granting property sold by Robert A Bonuccelli to Stoneridge Park LLC, conveyance documents from Richard D French and Lynne A French to Kitty Smith, as well as documentation showing how Kitty Smith was authorized to sell the property to Robert A Bonuccelli.

On August 10, 2020, I spoke with John Carson of Lemhi Title Co by telephone and we discussed the need for documentation and chain of title of the property and/or water right being sold from Richard D French and Lynne A French to Kimberly Lake LLC due to the Decree being in Richard D French and Lynne A French's name.

On August 17, 2020, I reached out to the Lemhi County Clerk by email requesting any chain of title information regarding the chain of title information from Richard D French and/or Lynne A French to

Kimberly Lake LLC. I also spoke to both Mrs. Nafus and Mr. Carson by telephone at different points in the day to discuss what documentation had been provided as well as what information I was requesting.

On August 18, 2020, I communicated with Mr. Carson by phone and email which resulted in him providing me with the same deeds originally provided as well as the missing Exhibit A from the Robert A Bonuccelli to Stoneridge Park LLC Quick Claim Deed. Also included in the email attachments was the Affidavit of Heirship showing Kitty Smith as the only Heir to Donald H French. Also, I received a reply email on from Brenda Armstrong, a Clerk in Lemhi County, stating she could not provide a complete chain of title as I had requested. Ms. Armstrong then outlined the sale of the property dating back from 1962 to the current day based on deeds and personal knowledge. Ms. Armstrong also included in her email the Ramshorn Estates Subdivision map as well as the legal description of the property in question being sold via Affidavit of Heirship from Donald H French to Kitty Smith.

On August 20, 2020, I spoke with Stephen Nafus and Rachel Nafus of Kimberly Lake LLC on the phone and discussed in great detail the history of the property ownership. The property, as documented by the deeds provided, has never been owned by Richard D French and/or Lynne A French. Rather Richard D French was brothers with Kitty Smith's late father Donald H French, who sold the property (as noted in the originally supplied chain of titles). Mr. and Mr. Nafus had been working under the impression that Richard D French and Donald H French were the same person.

On August 20, 2020, Shelley Keen happened to come by my desk and I asked his opinion about this particular ownership change. Shelley agreed with my conclusion that more documentation needed to be provided to process the ownership change.

On August 24, 2020, I spoke with Cindy Yenter on the phone. The Nafus had contacted Cindy as well to discuss options for documentation for this ownership change. Cindy and I spoke at length and came to the same conclusion that a quick claim deeding the water right exclusively from Richard D and Lynne A French to Kimberly Lake LLC will be needed to change the ownership.

On August 26, 2020, John Falk sent Lynne and Richard French a letter regarding the dam construction and inspection which is on the property in question. A copy of that letter has been put in the water right file.

On September 15, 2020, Mrs. Nafus and I spoke on the phone. Mrs. Nafus informed me that in her research, she found out Lynne A French is the daughter of Richard D French. With this knowledge, it is safe to say a quick claim deed from Lynne A French to Kimberly Lake LLC will suffice as proper documentation to process the ownership change.

On September 16, 2020, I was CC'd on an email from Mrs. Nafus to Ms. French pertaining to the water right ownership on the land owned by Kimberly Lake LLC.

On September 21, 2020, the Department received a change in address from Ms. French. I updated the address for Ms. French.

On October 2, 2020, I contacted Mrs. Nafus regarding the status of the ownership change. The communications have stalled between Kimberly Lake LLC and Ms. French regarding documentation to have the ownership changed and does not like it will progress any time soon. I will be returning this ownership change today.