

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
JUL 15 2020  
Department of Water Resources  
Eastern 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?
29-13535 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	29-13550 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
29-13538 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	29-13553 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
29-13541 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
29-13544 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
29-13547 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Gene Day Amber Day  
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Bryan K Fuell Kathryn W Fuell  
New owner(s) as listed on the conveyance document Name connector  and  or  and/or

5752 E Old Oregon Trail RD Lava Hot Springs ID 83246  
Mailing address City State ZIP  
775 340-7606 kfuell@frontiernet.net  
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: 6/26/2020

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.

**SUPPORT DATA**  
**IN FILE # 29-13535**

8. Signature: Bryan K Fuell 7/12/2020  
Signature of new owner/claimant Title, if applicable Date  
Signature: Kathryn W. Fuell 7/12/2020  
Signature of new owner/claimant Title, if applicable Date

**For IDWR Office Use Only:**

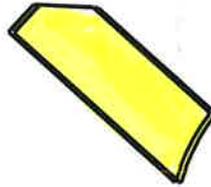
Received by JB Date 7/15/20 Receipt No. E046106 Receipt Amt. \$175.-  
Active in the Water Supply Bank? Yes  No  If yes, forward to the State Office for processing W-9 received? Yes  No   
Name on W-9 \_\_\_\_\_ Approved by JB Processed by CR Date 7/17/2020

SCANNED

JUL 17 2020



Bryan & Kathryn  
Full Property



7/15/2020

Scale: 1 inch= 800 feet

File:

Tract 1: 6.0065 Acres (261642 Sq. Feet), Closure: s50.2750e 0.01 ft. (1/305503), Perimeter=2330 ft.

Tract 2: 6.0065 Acres (261642 Sq. Feet), Closure: s50.2750e 0.01 ft. (1/305503), Perimeter=2330 ft.

01 /ne,22.9s,37e

02 /s55.4238w 1409.78

03 n47.5800w 661.84

04 n87.3427w 243.55

05 s42.0200w 157.73

06 s47.5800e 936.54

07 n20.0535e 67.38

08 n69.5425w 3.00

09 Rt, r=852.44, delta=017.2624, arc=259.47, tan=n20.0535e

10 @0

11 /ne,nw,22.9s,37e

12 /s61.2442e 1653.42

13 n47.5800w 661.84

14 n87.3427w 243.55

15 s42.0200w 157.73

16 s47.5800e 936.54

17 n20.0535e 67.38

18 n69.5425w 3.00

19 Rt, r=852.44, delta=017.2624, arc=259.47, tan=n20.0535e

SCANNED

JUL 17 2020

# Bannock County Parcel Map



T9S R37E  
sec 22

SCANNED  
JUL 17 2020

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
First American Title Company  
223 North 15th Avenue  
Pocatello, ID 83201

OFFICIAL RECORD BK# 0 FEE 16.00 DEPUTY VH  
BANNOCK COUNTY IDAHO RECORDED AT REQUEST OF

First American Title - Pocatello

22010889 2020 Jun 26 PM 01:48  
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

*B&F*  
*Kuy*

**WARRANTY DEED**

File No.: **903028-P (sw)**

Date: **June 10, 2020**

For Value Received, **Gene D. Day and Amber M. Day, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Bryan Keith Fuell and Kathryn W. Fuell, husband and wife**, hereinafter called the Grantee, whose current address is **5752 E. Old Oregon Trail Rd., Lava Hot Springs, ID 83246**, the following described premises, situated in **Bannock County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

SCANNED

JUL 17 2020

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
First American Title Company  
223 North 15th Avenue  
Pocatello, ID 83201

Recorded Electronically	
ID	22010229
County	Bannock
Date	6-10-20
Time	7:48
Simplifile.com 000.460.5657	

Space Above This Line for Recorder's Use Only

B&F  
Kup

**WARRANTY DEED**

File No.: **903028-P (sw)**

Date: **June 10, 2020**

For Value Received, **Gene D. Day and Amber M. Day, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Bryan Keith Fuell and Kathryn W. Fuell, husband and wife**, hereinafter called the Grantee, whose current address is **5752 E. Old Oregon Trail Rd., Lava Hot Springs, ID 83246**, the following described premises, situated in **Bannock County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

SCANNED  
JUL 17 2020



## EXHIBIT A

A PARCEL OF LAND IN THE NORTHEAST  $\frac{1}{4}$  OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY OF OLD OREGON TRAIL ROAD, WHICH BEARS SOUTH  $55^{\circ}42'38''$  WEST, 1409.78 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 22, AND SOUTH  $61^{\circ}24'42''$  EAST, 1653.42 FEET FROM THE NORTH  $\frac{1}{4}$  CORNER OF SAID SECTION 22, SAID POINT OF BEGINNING BEING MONUMENTED WITH A  $\frac{1}{2}$ " REBAR AND PLASTIC CAP PLS 8075, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF WARRANTY DEED INSTRUMENT NO. 95018967; THENCE NORTH  $47^{\circ}58'00''$  WEST, ALONG THE SOUTHWESTERLY PROPERTY LINE OF SAID WARRANTY DEED, 661.84 FEET TO A  $\frac{1}{2}$ " REBAR AND PLASTIC CAP PLS 8075; THENCE NORTH  $87^{\circ}34'27''$  WEST, 243.55 FEET TO A  $\frac{1}{2}$ " REBAR AND PLASTIC CAP PLS 843; THENCE SOUTH  $42^{\circ}02'00''$  WEST, 157.73 FEET TO A  $\frac{1}{2}$ " REBAR AND PLASTIC CAP PLS 843; THENCE SOUTH  $47^{\circ}58'00''$  EAST, 936.54 FEET TO A  $\frac{1}{2}$ " REBAR AND PLASTIC CAP PLS 843 ON THE NORTHERLY RIGHT-OF-WAY OF OLD OREGON TRAIL ROAD; THENCE NORTH  $20^{\circ}05'35''$  EAST, ALONG SAID RIGHT-OF-WAY, 67.38 FEET TO A  $\frac{1}{2}$ " REBAR AND PLASTIC CAP PLS 843; THENCE NORTH  $69^{\circ}54'25''$  WEST, 3.00 FEET TO A  $\frac{1}{2}$ " REBAR AND PLASTIC CAP PLS 843; THENCE FROM A TANGENT BEARING NORTH  $20^{\circ}05'35''$  EAST, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 852.44 FEET, THROUGH A CENTRAL ANGLE OF  $17^{\circ}26'24''$ , FOR AN ARC LENGTH OF 259.47 FEET TO THE POINT OF BEGINNING.

SCANNED

JUL 17 2020



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

July 17, 2020

BRYAN KEITH FUELL  
KATHRYN W FUELL  
5752 E OLD OREGON TRAIL RD  
LAVA HOT SPGS ID 83246-1502

Re: Change in Ownership for Water Right No(s): 29-13535, 29-13538, 29-13541, 29-13544, 29-13547, 29-13550, 29-13553

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

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) 497-3779.

Sincerely,

Cher Ramos  
Technical Records Specialist

Enclosure(s)

cc: Water District 29

RECEIVED  
JUL 15 2020  
Department of Water Resources  
Eastern Region

Bryan Fuell  
5752 E Old Oregon Trail Road  
Lava Hot Springs, ID 83246

July 12, 2020

Idaho Dept. Of Water Resources  
Eastern Region  
900 N Skyline Dr Ste A  
Idaho Falls, ID 83402

Water Resources:

Enclosed Please find my application to transfer water rights for the property we have recently purchased in Lava Hot Springs.

1. Notice of Change in Water Rights Ownership
2. Ariel Photo of property
3. Copy of Warranty Deed
4. Copy of old letter addressed to previous owner
5. Check for \$175.00

Thank You



Bryan K Fuell  
775 340-7606