Form 42-248/42-1409(6) Rev. 1/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 16 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? |
|---|---|---|---|---|---|
| ~~82991~~ DO | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |
| ~~21-10687~~ MO | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |
| 21-33C OK | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |
| | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |
| | Yes ☐ | Yes ☐ | | Yes ☐ | Yes ☐ |

2. Previous Owner's Name: Dwayne Seeley
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Jamon Day
   New owner(s) as listed on the conveyance document  Name connector ☐ and ☐ or ☐ and/or

   925 n 2925 e | Chester | ID | 83421
   Mailing address | City | State | ZIP

   8013764961 | Devyn131wilson@Gmail.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: 7/31/19.

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: _____ | _____ | 6/16/2020
   Signature of new owner/claimant | Title, if applicable | Date

   Signature: _____ | _____ | _____
   Signature of new owner/claimant | Title, if applicable | Date

***For IDWR Office Use Only:*** Dwayne Seeley signed deed

Receipted by M. Pettis  Date 6-16-20  Receipt No. E0460019  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 JB  Processed by CR  Date 6/24/2020

Instrument No. 574890
05 Day Aug 2019
At 04 O'Clock 37 M
ABBIE MACE
FREMONT CO RECORDER
Fee $15.00
AS Deputy
Recorded at Request of
First American Title - Rexburg

**RECORDING REQUESTED BY**
First American Title Company

**AND WHEN RECORDED MAIL TO:**
First American Title Company
110 N. Clark Street/PO Box 405
Rigby, ID 83442

Space Above This Line for Recorder's Use Only

# WARRANTY DEED

File No.: **753506-RI (ss)** Date: **July 31, 2019**

For Value Received, **Fall River Hideaway LLC, an Idaho limited liability company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Jamon Day, a married man as his sole and separate property**, hereinafter called the Grantee, whose current address is **975 South 5500 West, Rexburg, ID 83440**, the following described premises, situated in **Fremont** County, **Idaho**, to-wit:

**TRACT 1:**
**BEGINNING AT A POINT 1289.85 FEET WEST AND 1130.00 FEET N. 0°18'06" E. OF THE S¼ CORNER OF SECTION 13, TOWNSHIP 8 NORTH, RANGE 41, E.B.M., FREMONT COUNTY, IDAHO (SAID POINT OF BEGINNING IS A HALF-INCH STEEL ROD ON THE WEST SIDE OF A COUNTY ROAD) AND RUNNING THENCE WEST 470.00 FEET; THENCE NORTH 130.00 FEET TO THE SOUTH BANK OF THE FALL RIVER; THENCE, MORE OR LESS, ALONG THE SAID SOUTH BANK N. 60°14'55" E. 547.85 FEET; THENCE S. 1°32'00" W. 210.70 FEET ALONG AN EXISTING FENCE LINE; THENCE SOUTH 191.24 FEET TO THE POINT OF BEGINNING.**

**TRACT 1A:**
**ALSO INCLUDED IS AN ACCESS ROADWAY EASEMENT 25 FEET IN WIDTH, THE CENTERLINE OF WHICH COMMENCES AT A POINT 216 FEET SOUTH OF FALL RIVER AND 378 FEET NORTH OF THE CURR DITCH ON A SURVEYED BOUNDARY LINE BETWEEN LOTS 10 AND 11 OF SECTION 13, TOWNSHIP 8 NORTH, RANGE 41 E.B.M., FREMONT COUNTY, IDAHO AND RUNNING THENCE EAST 250 FEET, MORE OR LESS, TO THE COUNTY ROADWAY.**
**MORE PRECISELY DESCRIBED AS A ROADWAY EASEMENT 25 FEET IN WIDTH, THE CENTERLINE OF WHICH IS DESCRIBED AS BEGINNING AT A POINT 1308.00 FEET N. 0°18'06" E. AND 1290.78 FEET WEST OF THE S¼ CORNER OF SECTION 13, TOWNSHIP 8 NORTH, RANGE 41 E.B.M., FREMONT COUNTY, IDAHO, AND RUNNING THENCE S. 70°48'00" E. 58.5 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF THE COUNTY ROAD.**

**Tract 2:**
**Township 8 North, Range 41 East, Section 13, Boise Meridian, Fremont County, Idaho: Described as the South 184.0 feet of Lot 10, West of the County Road, of said Section 13. Also described as follows: Beginning at the South Quarter corner of said Section 13, thence West (N90°00'00"W) 1288.34 feet; thence North 0°18'06"E 1132.30 feet to the true point of beginning, said point is the Southeast corner of Lot 10, West of the County Road, and running thence N0°05'16"E 184.36 feet along the West line of said Lot 10; thence**

**RECORDING REQUESTED BY**
First American Title Company

**AND WHEN RECORDED MAIL TO:**
First American Title Company
110 N. Clark Street/PO Box 405
Rigby, ID 83442

Recorded Electronically
ID 574890
County Fremont
Date 8.5.19 Time 9:37
Simplifile.com 800.460.5657

Space Above This Line for Recorder's Use Only

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**S70°55'40"E 56.48 feet to the County Road right-of-way; thence S17°55'26"W 174.36 feet along said right-of-way to the true point of beginning.**

**ALSO TOGETHER WITH Water Right #21-33C for irrigation use and Water Right #21-10592 for domestic use.**

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.

Fall River Hideaway LLC, an Idaho limited liability company

By: _____
Name: G. Dwayne Seeley
Title: Manager and Member

By: _____
Name: Marie B. Seeley
Title: Manager and Member

By: _____
Name: Kera S. Day
Title: Member

By: _____
Name: Brenda S. Garner
Title: Member

By: _____
Name: Connie S. Thorkelson
Title: Member

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Fall River Hideaway LLC, an Idaho limited liability company

By:_____
Name: G. Dwayne Seeley
Title: Manager and Member

By:_____
Name: Marie B. Seeley
Title: Manager and Member

By:_____
Name: Kera S. Day
Title: Member

By:_____
Name: Brenda S. Garner
Title: Member

By: Connie S. Thorkelson
Name: Connie S. Thorkelson
Title: Member

STATE OF Idaho )
SS.
COUNTY OF Madison )

On this **Second day of August, 2019**, before me, a Notary Public in and for said State, personally appeared **G. Dwayne Seeley, Marie B. Seeley, & Kera S. Day**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Fall River Hideaway LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that they executed the same in said Limited Liability Company's name.

SCOTT STEARS
COMMISSION NUMBER 46925
NOTARY PUBLIC
State of Idaho
My Commission Expires 04/14/2024

Notary Public of Idaho
Residing at: Rexburg ID
Commission Expires: 4-14-2024

STATE OF ~~Utah~~ Idaho )
SS.
COUNTY OF Jefferson )

On this 5th **day of** August, **2019**, before me, a Notary Public in and for said State, personally appeared **Brenda S. Garner**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Fall River Hideaway LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that she executed the same in said Limited Liability Company's name.

SHANEY SWANSON
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 27149
MY COMMISSION EXPIRES 1-3-2021

Notary Public of Utah
Residing at: Idaho Falls ID
Commission Expires: 1-3-21

STATE OF Washington )
SS.
COUNTY OF _____ )

On this _____ **day of** _____, **2019**, before me, a Notary Public in and for said State, personally appeared **Connie S. Thorkelson**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Fall River Hideaway LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that she executed the same in said Limited Liability Company's name.

Notary Public of Washington
Residing at: _____
Commission Expires: _____

STATE OF Idaho )
SS.
COUNTY OF Madison )

On this **Second day of August, 2019**, before me, a Notary Public in and for said State, personally appeared **G. Dwayne Seeley, Marie B. Seeley, & Kera S. Day**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Fall River Hideaway LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that they executed the same in said Limited Liability Company's name.

Notary Public of Idaho
Residing at: _____
Commission Expires: _____

STATE OF Utah )
SS.
COUNTY OF _____)

On this _____ **day of** _____, **2019**, before me, a Notary Public in and for said State, personally appeared **Brenda S. Garner**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Fall River Hideaway** LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that she executed the same in said Limited Liability Company's name.

Notary Public of Utah
Residing at: _____
Commission Expires: _____

STATE OF Washington )
SS.
COUNTY OF Kitsap )

On this 2nd **day of** August, **2019**, before me, a Notary Public in and for said State, personally appeared **Connie S. Thorkelson**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Fall River Hideaway** LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that she executed the same in said Limited Liability Company's name.

Ruthetta McClain
Notary Public of Washington
Residing at: Kitsap County
Commission Expires: April 19, 2021

RUTHETTA MCCLARIN NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 4-19-21

# WATER RIGHT NO. 21-33C

## As Modified by Transfer No. 82991

In accordance with the approval of Transfer No. 82991, Water Right No. 21-33C is now described as follows:

**Right Holder:** DWAYNE SEELEY AND
MARIE SEELEY
33 S 5TH W
REXBURG, ID 83440

**Priority Date:** 6/1/1891

**Source:** FALL RIVER **Tributary:** HENRYS FORK

| BENEFICIAL USE | From | | To | Diversion Rate |
|---|---|---|---|---|
| IRRIGATION | 04/01 | to | 10/31 | 0.240 cfs |
| | | | | 0.240 cfs |

**LOCATION OF POINT(S) OF DIVERSION**

FALL RIVER L5 (SWNWSW) Sec 20 Twp 08N Rge 42E FREMONT County

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 08N | 41E | 13 | | | | | | | | | | 0.6 | 1.8 | 0.1 | | | | | 2.5 |
| 08N | 41E | 13 | | | | | | | | | | | 0.5 | | | | | | 0.5 |
| | | | | | | | | | | | | | L 11 | | | | | | |

POU Total Acres: 3.0

**CONDITIONS OF APPROVAL**

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. Water is delivered through Curr Ditch.
5. A portion of this right (0.15 cfs) is used to offset conveyance losses in the Curr Ditch.
6. This right does not grant any right-of-way or easement across the land of another.

## WATER RIGHT NO. 21-33C

## As Modified by Transfer No. 82991

**CONDITIONS OF APPROVAL**

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

# WATER RIGHT NO. 21-10587

## As Modified by Transfer No. 82991

In accordance with the approval of Transfer No. 82991, Water Right No. 21-10587 is now described as follows:

**Right Holder:** WILCOX BROTHERS LLC
1110 GOLDEN BEAUTY DR
REXBURG, ID 83440

**Priority Date:** 6/1/1888

**Source:** FALL RIVER **Tributary:** HENRYS FORK

| BENEFICIAL USE | From | | To | Diversion Rate |
|---|---|---|---|---|
| IRRIGATION | 04/01 | to | 10/31 | 4.800 cfs |
| | | | | 4.800 cfs |

**LOCATION OF POINT(S) OF DIVERSION**

FALL RIVER L5 (SWNWSW) Sec 20 Twp 08N Rge 42E FREMONT County

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 08N | 41E | 13 | | | | | | | | | | | 39.0 | | | | | | 39.0 |
| 08N | 41E | 14 | | | | | | | | | | | | | 15.0 | | 16.0 | 39.0 | 70.0 |
| | | | | | | | | | | | | | | | L 2 | | L 3 | | |
| 08N | 41E | 23 | 40.0 | 29.0 | 5.1 | 5.3 | | | | | | | | | | | | | 79.4 |
| | | | | L 1 | | | | | | | | | | | | | | | |
| 08N | 41E | 24 | | | | | 0.8 | 39.0 | | | | | | | | | | | 39.8 |

Right Acre Limit: 146.0
POU Total Acres: 228.2

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 146 acres within the authorized place of use in a single irrigation season.
2. Rights 21-10587 and 21-10588 when combined shall not exceed the irrigation of 228.2 acres.
3. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

# WATER RIGHT NO. 21-10588

## As Modified by Transfer No. 82991

In accordance with the approval of Transfer No. 82991, Water Right No. 21-10588 is now described as follows:

**Right Holder:** WILCOX BROTHERS LLC
1110 GOLDEN BEAUTY DR
REXBURG, ID 83440

**Priority Date:** 6/1/1892

**Source:** FALL RIVER **Tributary:** HENRYS FORK

| BENEFICIAL USE | From | | To | Diversion Rate |
|---|---|---|---|---|
| IRRIGATION | 04/01 | to | 10/31 | 6.400 cfs |
| | | | | 6.400 cfs |

**LOCATION OF POINT(S) OF DIVERSION**

FALL RIVER L5 (SWNWSW) Sec 20 Twp 08N Rge 42E FREMONT County

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 08N | 41E | 13 | | | | | | | | | | | 39.0 | | | | | | 39.0 |
| 08N | 41E | 14 | | | | | | | | | | | | | 15.0 | | 16.0 | 39.0 | 70.0 |
| | | | | | | | | | | | | | | | L 2 | | L 3 | | |
| 08N | 41E | 23 | 40.0 | 29.0 | 5.1 | 5.3 | | | | | | | | | | | | | 79.4 |
| | | | | L 1 | | | | | | | | | | | | | | | |
| 08N | 41E | 24 | | | | | 0.8 | 39.0 | | | | | | | | | | | 39.8 |

Right Acre Limit: 108.0
POU Total Acres: 228.2

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 108 acres within the authorized place of use in a single irrigation season.
2. Rights 21-10587 and 21-10588 when combined shall not exceed the irrigation of 228.2 acres.
3. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

# Water Right 21-33C

POU

POD

0 0.25 0.5 1 Miles

N

JADAMSON IDWR 8-5-2019

# Attachment to Transfer Approval 82991

This map depicts the IRRIGATION place of use boundary
at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.

**Legend**

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 900 1,800 3,600 Feet

1 inch = 1,512 feet

N
W E
S

Date: 4/24/2019

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

Brad Little
Governor

Gary Spackman
Director

June 24, 2020

JAMON DAY
925 N 2925 E
CHESTER ID 83421

Re: Change in Ownership for Water Right No(s): 21-33C

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 01
Water District 100
Henry's Fork Ground Water District