

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 01 2020

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?
29-2224K	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"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Rita J. Bachmann
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Rita J. Bachmann, Trustee of The Rita J. Bachmann Trust dated March 26, 2020.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 1627 E. Lorreen Court Salt Lake City UT 84121
Mailing address City State ZIP
- 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. 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: Rita J. Bachmann Trustee 3.26.2020
 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 161 Date 4-1-2020 Receipt No. C104535 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 gmh Date 6-23-2020

The McCullough Group, LLC

22004954

2020 Mar 27 AM 08:05

Electronically Recorded by Simplifile

WHEN RECORDED, MAIL TO:
SCOTT M. MCCULLOUGH, ESQ.
THE MCCULLOUGH GROUP
405 SOUTH MAIN STREET, SUITE 800
SALT LAKE CITY, UTAH 84111

GRANTEE'S ADDRESS:
1627 E. LORREEN COURT
SALT LAKE CITY, UTAH 84121

THIS SPACE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

RITA J. BACHMANN, an unmarried woman, grantor, of Salt Lake County, State of Utah, hereby CONVEYS and WARRANTS against all claiming by, through or under her to RITA J. BACHMANN, AS TRUSTEE OF THE RITA J. BACHMANN TRUST dated March 26, 2020, grantee, of Salt Lake County, for the sum of \$10.00 and for other good and valuable consideration, all of her interest in the following described tract of land in Bannock County, state of Idaho:

See attached Exhibit "A" for legal description.

WITNESS, the hand of said grantor this 26th day of March, 2020.

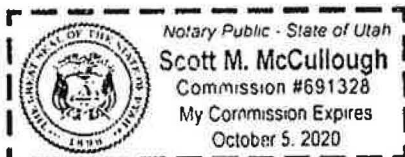
Rita J. Bachmann
RITA J. BACHMANN

STATE OF UTAH)

SS.

COUNTY OF SALT LAKE)

On the 26th day of March, 2020, personally appeared before me, RITA J. BACHMANN, the signer of the within instrument, who duly acknowledged to me that she executed the same.



[Signature]
NOTARY PUBLIC

Residing at: Salt Lake

**EXHIBIT A
TO SPECIAL WARRANTY DEED**

Real property located in Bannock County, state of Idaho, more particularly described as follows:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 1, BEING MARKED BY A 3 INCH BANNOCK COUNTY BRASS CAP PER COMER PERPETUATION AND FILING, INSTRUMENT NO. 819192; THENCE ALONG THE LATITUDINAL CENTERLINE OF SAID SECTION 1, SOUTH 89°54'04" WEST 281.94 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GRANT AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 45°57'11" WEST 163.98 FEET TO A ½ INCH REBAR WITH A CAP STAMPED "CH&A 12457," BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 45°57'11" WEST 346.15 FEET TO A ½ INCH REBAR WITH A CAP STAMPED "CH&A 12457"; THENCE NORTH 47°04'12" EAST 425.05 FEET TO A ½" REBAR WITH A CAP STAMPED "CH&A 12457" AT THE CENTERLINE OF THE PORTNEUF RIVER AS SHOWN ON THE FIRST ADDITION TO MIRABELLA TRACTS, INSTRUMENT NO. 211767; THENCE ALONG SAID CENTERLINE, SOUTH 52°15'42" EAST 35.76 FEET TO A ½ INCH REBAR WITH A CAP STAMPED "CH&A 12457"; THENCE SOUTH 00°04'54" WEST 463.36 FEET TO A ½ INCH REBAR WITH A CAP STAMPED "CH&A 12457"; THENCE NORTH 89°55'06" WEST 14.51 FEET TO A ½ INCH REBAR WITH A CAP STAMPED "CH&A 12457"; THENCE SOUTH 64°41'21" WEST 65.37 FEET TO A ½ INCH REBAR WITH A CAP STAMPED "CH&A 12457"; THENCE SOUTH 44°02'49" WEST 23.64 TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2.34 ACRES, MORE OR LESS.

SUBJECT TO: 20 FOOT WIDE SEWER EASEMENT LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER COMER OF SAID SECTION 1, BEING MARKED BY A 3 INCH BANNOCK COUNTY BRASS CAP PER CORNER PERPETUATION AND FILING, INSTRUMENT NO. 819192;

THENCE ALONG THE LATITUDINAL CENTERLINE OF SAID SECTION L, SOUTH 89°54'04" WEST 281.94 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GRANT AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 45°57'11" WEST 38.98 FEET TO A ½ INCH REBAR WITH A CAP STAMPED "CH&A 12457", BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 45°57'11" WEST 27.79 FEET; THENCE NORTH 00°04'54" EAST 591.32 FEET; THENCE SOUTH 52°15'42" EAST 25.26 FEET TO A ½ INCH REBAR WITH A CAP STAMPED "CH&A 12457"; THENCE SOUTH 00°04'54" WEST 595.18 FEET TO THE POINT OF BEGINNING.

SUBJECT TO: EASEMENT GRANTED TO HATTON A. ARMSTRONG BY THE INSTRUMENT RECORDED OCTOBER 3, 1962, IN BOOK 171, AS FILING NO. 384617, RECORDS OF BANNOCK COUNTY, IDAHO.

SUBJECT TO: A PERPETUAL EASEMENT OVER A PORTION OF SAID LAND FOR LEVEES, EMBANKMENTS, REVETMENTS, CHANNELS AND INCIDENTAL PURPOSES, AS GRANTED TO BANNOCK COUNTY BY THE DEED RECORDED MARCH 3, 1966, IN BOOK 202, AS FILING NO. 425294, RECORDS OF BANNOCK COUNTY, IDAHO.



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

Brad Little
Governor

Gary Spackman
Director

June 23, 2020

ROGER ARMSTRONG
1638 E WYETH
POCATELLO ID 83201

HAROLD A ARMSTRONG
2771 BANNOCK HWY
POCATELLO ID 83204

CAROL WINTERSTEEN
5325 N SUNRISE VIEW LN
STAR ID 83669

A GORDON ARMSTRONG
1083 PLAIN VIEW DR
TWIN FALLS ID 83301-8141

RITA J. BACHMANN TRUST
1627 E LORREEN CT
SALT LAKE CTY UT 84121-2025

Re: Change in Ownership for Water Right No(s): 29-2224K

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: The McCullough Group

Hersley, Jean

From: Scott M. McCullough <scottm@tmglaw.com>
Sent: Wednesday, April 8, 2020 6:28 PM
To: Hersley, Jean
Cc: Melisa Omer
Subject: RE: Notice of Change in Water Right Ownership for Rita Bachmann Trust

Jean,

I am unsure. We intended to transfer her entire interest to the Trust and didn't know about this other piece. I appreciate your help and information. I will reach out to our client and let you know.

Scott M. McCullough | The McCullough Group

Fellow, The American College of Trust and Estate Counsel (ACTEC)
Suite 800 | [405](#) South Main | Salt Lake City, Utah 84111
Phone: 801-530-7308 | Fax: [801-364-9127](#) | scott@tmglaw.com



This email message is for the sole use of the intended recipient(s) and may contain privileged or confidential information. Unauthorized use, distribution, review or disclosure is prohibited. If you are not the intended recipient, please contact scottm@tmglaw.com by reply email and destroy all copies of the original message.

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Tuesday, April 7, 2020 3:08 PM
To: Scott M. McCullough <scottm@tmglaw.com>
Subject: Notice of Change in Water Right Ownership for Rita Bachmann Trust

The Department of Water Resources is in the process of reviewing a Notice of Change in Water right Ownership you filed on behalf of The Rita J. Bachmann Trust. The Department will need additional information before we can proceed with the processing of your request.

The picture below shows the water right place of use outlined in blue and the Bachmann Trust property in white. Are there additional deeds that show that the Bachmann Trust owns the entire place of use? If not, the Department will need to split this water right. The filing fee for splitting a water right is \$100. An additional \$75 will be required to process this request.

Also, this water right was decreed in the names of A. Gordon Armstrong, Rita Bachmann, Roger Armstrong, Carol Wintersteen & Harold A Armstrong. The Department will also need copies of the conveyance documents that conveyed the property or portions of the water right to Rita Bachmann.

If you have any questions, please contact me at the number below or by responding to this email. Thank you.



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

Disclaimer

ATTORNEY/CLIENT RELATIONSHIP. No attorney client relationship with The McCullough Group exists unless the client receives an engagement letter or email that describes the nature and scope of the client's representation. This firm's client is the person or entity identified in the engagement letter and, unless otherwise stated in the engagement letter, does not include any affiliate, owner or constituent of such person or entity. Unless this firm agrees otherwise in writing, all work that this law firm does for a client is for the benefit of the client only, is not for the benefit of any third party and creates no third party beneficiary status for any person or entity except the client identified in the engagement letter.



405 SOUTH MAIN STREET, SUITE 800
SALT LAKE CITY, UTAH 84111
TELEPHONE (801) 530-7359
FAX (801) 364-9127

RECEIVED

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DEPARTMENT OF
WATER RESOURCES

TO CONTACT WRITER DIRECTLY

Scott M. McCullough

(801) 530-7308
scottm@tmglaw.com

March 27, 2020

IDWR State Office
322 East Front Street, 6th Floor
P. O. Box 83720
Boise, ID 83720-0098

To Whom It May Concern:

Enclosed please find a Notice of Change in Water Right Ownership, along with a copy of the recorded Special Warranty Deed for the property and a check for \$25 to cover the processing fee. Once the change has been made, please send notification directly to:

Rita J. Bachmann, Trustee of The Rita J. Bachmann Trust dated March 26, 2020.
1627 E. Loreen Court
Salt Lake City, Utah 84121

Thank you.

Sincerely,

THE McCULLOUGH GROUP

Melisa Omer
Legal Assistant to Scott M. McCullough

mlo