

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 17 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.

Table with 6 columns: Water Right/Claim No., Split?, Leased to Water Supply Bank?, Water Right/Claim No., Split?, Leased to Water Supply Bank?. Rows contain handwritten numbers like 34-14232, 34-14234, 34-14236, 34-14238 with checkboxes for Split? and Leased to Water Supply Bank?.

2. Previous Owner's Name: Darrell Wilson
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Lynn Metcalf & Velma Metcalf hus & wife
New owner(s) as listed on the conveyance document Name connector [X] and [] or [] and/or
Mailing address: 3780 W 4050 N City: MOORE State: ID ZIP: 83255
Telephone: 208-588-3362 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: OCTOBER 13, 2000

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).
[X] 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.

SUPPORT DATA
TITLE: 34-14232

8. Signature: Velma Metcalf (by Anita Breeman)
Signature of new owner/claimant Title, if applicable Date: 6/17/2020

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

For IDWR Office Use Only:

Received by JB Date 6/17/20 Receipt No. E046027 Receipt Amt. \$100.-
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

Returned - Refund Request sent 6/17/20
E046026
\$300.-

5. Indicate the date the water rights and/or adjudication claims were conveyed to you. This may be the date of closing in the case of a real estate transaction, the date a contract was signed, or the date of a court order.
6. If you are unsure about the status of your water right in the Water Supply Bank, go to: www.idwr.idaho.gov/apps/ExtSearch/WSBSearch/WSBSearch.aspx, input your water right number and click "Search." If you find your water right is in the Water Supply Bank and you want to release it so you can use it, you can download the Request to Release form from the forms portion of our website: www.idwr.idaho.gov. Your water right may not be available for immediate release if rented by another water user.

7. **ATTACHMENTS:**

IDWR cannot process this change without **documentation of ownership**. The documentation may be in the form of a deed, court decree or other conveyance document. If you are submitting a quitclaim deed and the grantor's name does not match the water right holder of record, you will need to provide a chain of title that goes back to the water right holder/claimant of record. You may obtain this information from the assessor's office in the county where the property is located. Items that are **not** conveyance documents are deeds of trust, mortgages, purchase and sales agreements, and property tax notices.

Submit a **plat map, survey map, or aerial photograph** of the place of use for each water right or claim listed in item #1 (if necessary to clarify division of water rights or complex property descriptions). If your right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent aerial photograph with the irrigated acres outlined and point(s) of diversion clearly marked. You also have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov. It is not necessary to obtain a new survey for purposes of this form before contacting IDWR.

The Idaho Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication or the Northern Idaho Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the **filing fee** is \$25 per water right, except for those water rights that will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right.

If the water right is leased to the Water Supply Bank and there is more than one owner, a Lessor Designation form must be completed to specify who the designated lessor will be. Each of the owners must sign the Lessor Designation form.

An IRS Form W-9 is required for all ownership changes pertaining to water rights leased to the Water Supply Bank. Refer to instructions in section 6 above to determine if the water right undergoing an ownership change is leased to the Water Supply Bank. An IRS W9 form can be downloaded from the Department's website: www.idwr.idaho.gov.

8. One of the new owner(s) must sign the form in the space(s) provided. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.

When you have completed the Notice of Change in Water Right Ownership, retain a copy and **file the original form, necessary attachments, and filing fee with the IDWR office nearest you. Ownership changes for water rights leased to the Water Supply Bank should be sent to the State Office.**

IDWR Northern Region
7600 N Mineral Dr, Ste 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

Mail TO: IDWR Eastern Region
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858
(208) 736-3033

~ OR ~

IDWR State Office
322 East Front St, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4800

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific/P.O. Box 868
Blackfoot, ID 83221

243192
Custer County Req. of
First American Title
Time 1:54 P.M. Date 10/12/2010
Barbara C. Tierney, Clerk
Christy Pate \$13.00
Deputy

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **354637-B (Id)**

Date: **October 04, 2010**

For Value Received, **Darrell G. Wilburn and Karen L. Wilburn, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Joseph H. Davis and Sharae Davis, husband and wife**, hereinafter called the Grantee, whose current address is **9912 187th Street Court East, Puyallup, WA 98375**, the following described premises, situated in **Custer County, Idaho**, to-wit:



Lot 5, Country Club Estates Subdivision, Custer County, Idaho, as shown on the plat recorded August 10, 2005, as Instrument No. 232045.

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.

243192

Date: 10/04/2010

Warranty Deed
- continued

File No.: 354637-B (Id)

Darrell G. Wilburn
Darrell G. Wilburn

Karen L. Wilburn
Karen L. Wilburn

STATE OF Idaho)
)
 ss.
COUNTY OF Bingham)

On this 3rd day of **October, 2010**, before me, a Notary Public in and for said State, personally appeared **Darrell G. Wilburn and Karen L. Wilburn**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Lori Day
Notary Public for the State of Idaho
Residing at: Blackfoot, Idaho
My Commission Expires: 10/21/2015



246981

Custer County Rec. of
Title One Corp Alliance Title
Time *2:59 P* M Date *2-22* 2013
Barbara C. Tierney, Clerk
Bonnie Crisp \$10.00
Deputy

Warranty Deed

For value received,

Joseph Davis and Sharae Davis, husband and wife, who acquired title as **Joseph H. Davis and Sharae Davis**, the grantor, does hereby grant, bargain, sell, and convey unto

Lynn Metcalf and Velma Metcalf, husband and wife,

whose current address is **3780 W. 4050 N., Moore, ID 83255**

the grantee, the following described premises, in Custer County, Idaho, to wit:

Lot 5, Country Club Subdivision, Custer County, Idaho, as shown on the plat recorded August 10, 2005, as Instrument No. 232045

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

[Signature]
Joseph Davis

2-20-13

Date

[Signature]
Sharae Davis

2-20-13

Date

State of Idaho

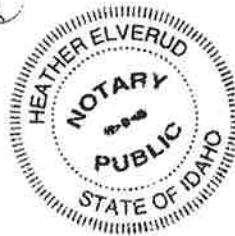
ss.

County of Bonneville

On this 20th day of February in the year of 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Joseph Davis and Sharae Davis, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

[Signature]

Notary Public
My Commission Expires: 1/7/17
(seal)





- 1 Parcel(s) [Zoom to parcel\(s\)](#)
- Pidn: RP000190000050 [Property Detail](#)
 - Owner: METCALF, LYNN & VELMA TRUST & METCALF, LYNN
 - Mail Addr: 3780 W 4050 N
 - Mail Addr: MOORE, ID 83255
 - St Addr: 3775 W 4050 N
 - Location: LOT 5 COUNTRY CLUB ESTATE SUBDIVISION
 - Tax Roll Acreage: 2.2000
 - Tax Code Area: 90000

100 ft

Lon: -113° 27' 11.8" Lat: 43° 51' 53.4"
Lon: -113.45328° Lat: 43.86484°

NAD83 UTM Zone 11
X: 785007 Y: 4862978

Scale 1 : 1268
Greenwood Mapping, Inc.

Copy

DURABLE POWER OF ATTORNEY

Until I am certified as incapacitated as provided hereunder, this Power of Attorney shall have no force or effect. All authority granted in this Power of Attorney shall be subject to establishment of incapacity as provided hereunder. After this Power of Attorney becomes effective, it shall not be affected by any subsequent incapacity which I may hereafter suffer or the passage of time. For purposes of establishing incapacity, whenever two licensed, practicing medical doctors who are not related to me or to any beneficiary or heir at law by blood or marriage certify in writing that I am unable to manage my financial affairs because of mental or physical infirmity and the certificates are personally served upon me, then the agent named herein shall assume all powers granted in this Power of Attorney. However, even after receipt of the doctors' certificates, I retain the right to revoke this Power of Attorney at any time. Anyone dealing with the agent may rely upon written medical certificates or a photocopy of them presented to them along with the original or a certified copy of the Power of Attorney document and shall incur no liability for any dealings with any designated agent in good faith reliance on said certificates and the original or a certified copy of the Power of Attorney document. This provision is inserted in this document to encourage third parties to deal with my agent without the need for court proceedings. My agent shall not be entitled to compensation for serving in such capacity.

DESIGNATION OF AGENT

I, **VELMA L. METCALF**, of 3816 W 4050 N, Moore, Idaho 83255, (208) 588-3362, (referred to as "principal" or "my"), appoint **LYNN J. METCALF**, of 3816 W 4050 N, Moore, Idaho 83255, (208) 588-3362, my true and lawful attorney-in-fact, (hereinafter referred to as "agent") for me and in my name, to do any and all acts which I could do if personally present.

DESIGNATION OF SUCCESSOR AGENT(S)

If **LYNN J. METCALF** is unable or unwilling to act as agent then **ANITA FREEMAN**, of 3238 W 2600 N, Arco, Idaho 83201, (208) 527-3672, shall act with all rights and responsibilities given to the original agent. If **ANITA FREEMAN**, is unable or unwilling to act as agent then **THEODORE J. CHRISTENSEN**, of 37 Dortha, Blackfoot, Idaho 83221, (208) 785-2956, shall act with all rights and responsibilities given to the original agent. My agent(s) shall act without bond.

GRANT OF AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Uniform Power of Attorney Act, Chapter 12, Title 15, Idaho Code and as illustrated below:

- A. **REAL PROPERTY.** With regards to real property, the agent may: (1) Demand, buy, lease, receive, accept as a gift or as security for an extension of credit or otherwise acquire or reject an interest in real property or a right incident to real property; (2) Sell; exchange; convey with or without covenants, representations or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant; subdivide; apply for zoning, rezoning or other



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 18, 2020

Lynn Metcalf
Velma Metcalf
3780 W 4050 N
Moore ID 83255

The "Notice of Change in Water Right Ownership" for 34-14232, 34-14234, 34-14236, 34-14238 has been returned for the following reason(s):

**** Application already complete: Water right numbers 34-14232, 34-14234, 34-14236 and 34-14238 were originally water right numbers 34-538B, 34-2495, 34-750, 34-12035. In 2011 Joseph and Sharae Davis filed an ownership change for Lot 5 Country Club Estates Subdivision splitting those into 34-14232 (remaining portion), 34-14233 (Davis), 34-14234 (remaining), 34-14235 (Davis), 34-14236 (remaining), 34-14237 (Davis), 34-14238 (remaining), 34-14239 (Davis). In 2013 Lynn and Velma Metcalf filed an ownership change for Lot 5 Country Club Estates Subdivision updating water right numbers 34-14233, 34-14235, 34-14237 and 34-14239. On June 17, 2020 we received an ownership change for water right numbers 34-14232, 34-14234, 34-14236, 34-14238 and the evidence of ownership submitted were deeds for Lot 5 Country Club Estates which is not appurtenant to these water rights. Because the ownership change for Lot 5 Country Club Estates was already complete for Lynn and Velma Metcalf, the department is returning your application. A copy of the proof reports for water right numbers 34-14233, 34-14235, 34-14237, 34-14239 showing Lynn and Velma Metcalf as the current owner is also being provided for your convenience.

Because the ownership change was previously complete you are entitled to full refund, the department has initiated the refund and it should arrive from the state office in a couple of weeks.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department within 120 days of the change. Failure to do so could result in a \$100 late filing fee. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

If you have any questions please contact Jonie Barg at (208)525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Barg, Jonie

From: Barg, Jonie
Sent: Wednesday, June 17, 2020 2:46 PM
To: Pline, Treva; Marston, Sascha
Subject: Refund Request
Attachments: Receipt

****Please note this receipt will not be deposited until later today May 17, 2020.****

Treva & Sascha,

Good afternoon!!

I have a refund request as follows:

Receipt number: E046026
Amount: \$300.00
Payable to: Velma Metcalf Trust
3780 W 4050 N
Moore ID 83255

Reason: Ownership change previously submitted an complete. Therefore the ownership change will be returned unprocessed and the applicant is entitle to a full refund.

Let me know if you need additional information.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

Jonie Barg

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177
email: jonie.barg@idwr.idaho.gov

Barg, Jonie

From: Barg, Jonie
Sent: Wednesday, June 17, 2020 2:45 PM
To: Pline, Treva; Marston, Sascha
Subject: Refund Request
Attachments: Receipt(1)

****Please note this receipt will not be deposited until later today May 17, 2020.****

Treva & Sascha,

Good afternoon!!

I have a refund request as follows:

Receipt number: E046027
Amount: \$100.00
Payable to: Velma Metcalf Trust
3780 W 4050 N
Moore ID 83255

Reason: Ownership change previously submitted an complete. Therefore the ownership change will be returned unprocessed and the applicant is entitle to a full refund.

Let me know if you need additional information.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

Jonie Barg

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177
email: jonie.barg@idwr.idaho.gov