

RECEIVED

MAR 04 2020

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

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?
73-182	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
73-12264	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
73-12265	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: James and Karen Posada
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Bryan Randolph Funsten
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|---------------------|-----------------------------|-----------|--------------|
| <u>PO Box 6236</u> | <u>Ketchum</u> | <u>ID</u> | <u>83340</u> |
| Mailing address | City | State | ZIP |
| <u>208-720-2200</u> | <u>bfunsten7177@msn.com</u> | | |
| 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.

SUPPORT DATA

IN FILE # 73-182

8. Signature: [Signature] 2.24.20
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 KU Date 3-4-2020 Receipt No. C108388 Receipt Amt. \$75

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 [Signature] Date 5-18-2020

Instrument # 257742

CHALLIS, CUSTER, IDAHO

03-02-2020 11:33:19

No. of Pages: 2

Recorded for: BLAINE COUNTY TITLE

Lura H. Baker

Fee: \$15.00

Ex-Officio Recorder Deputy: TV

BCT

BLAINE COUNTY TITLE

472519 Alliance

QUITCLAIM DEED

THIS INDENTURE, made this 26, day of February, 2020, between

James Posada, an unmarried man and Karen Posada, a unmarried woman, who acquired title as husband and wife, as **GRANTOR** and

Bryan Randolph Fundsten, an unmarried man, as **GRANTEE(S)**

whose current address is: PO Box 6236, Ketchum, Idaho 83340

WITNESS, that said Grantor(s), for and in consideration given by Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee (s) the following described premises in Blaine County, State of Idaho, particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD, the same, unto the Grantee and to is heirs and assigns forever.

IN WITNESS WHEREOF, the grantor(s) has executed this deed on the date set forth above.

James Posada

Karen Posada

State of
County of

FLORIDA
PINELLAS

This record was acknowledged before me on 26th day of February, 2020, by James Posada and Karen Posada.

Notary Public

My Commission Expires: _____

(STAMP)



Jennifer Ann Brown
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG285875
Expires 12/19/2022

File No. 472519

Exhibit 'A'

Parcel I

The Northeast Quarter Northeast Quarter, Section 28, Township 14 North, Range 22 East, Boise Meridian, Custer County, Idaho

Parcel II:

A parcel of land located in the Southeast Quarter Southeast Quarter of Section 21, Township 14 North, Range 22 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of said Section 21, from which the South Quarter corner of said section bears South $89^{\circ}48'51''$ West a distance of 2650.26 feet the basis of bearing of this description, run thence South $89^{\circ}48'51''$ West along the Southerly boundary of said Southeast Quarter Southeast Quarter a distance of 1325.13 feet to the Southwest corner of said Southeast Quarter Southeast Quarter; thence North $00^{\circ}12'35''$ East along the Westerly boundary of said Southeast Quarter Southeast Quarter to the Northwest corner of said Southeast Quarter Southeast Quarter; thence North $89^{\circ}49'30''$ East along the Northerly boundary of said Southeast Quarter Southeast Quarter a distance of 996.54 feet; thence South $00^{\circ}16'35''$ West a distance of 330.09 feet; thence North $89^{\circ}49'30''$ East a distance of 330.08 feet to a point on the Easterly boundary of said Southeast Quarter Southeast Quarter; thence South $00^{\circ}16'26''$ West along said boundary of said Southeast Quarter Southeast Quarter a distance of 992.67 feet to the Point of Beginning.

Parcel III:

The Northwest Quarter Northeast Quarter of Section 28, Township 14 North, Range 22 East, Boise Meridian, Custer County, Idaho.

Parcel IV:

The Southwest Quarter Southeast Quarter of Section 21, Township 14 North, Range 22 East, Boise Meridian, Custer County, Idaho.

Together with all Water Rights appurtenant to the above described property including, but not limited to Water Rights 73-182, 73-12264 and 73-12265.



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

May 18, 2020

BRYAN R FUNDSTEN
PO BOX 6236
KETCHUM ID 83340-6236

Re: Change in Ownership for Water Right No(s): 73-182, 73-12264 & 73-12265

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: James Posada
Karen Posada
Blaine County Title

Memo

To: 73-182, 73-12264 & 73-12265
From: Jean Hersley
Date: 5/18/2020
Re: OC change on permits without assignment

The Department received a Notice of Change in Water Right Ownership for water right 73-182 and water right permits 73-12264 & 73-12265. The quitclaim deed conveyed the land and water rights from the current permit holder, James Posada and Karen Posada to Bryan Randolph Funsten. The quitclaim deed had the current water permit holders conveying the land and water rights to Mr. Funsten and the deed was notarized, we will accept this in lieu of an assignment.

Veibell, Amanda

From: Veibell, Amanda
Sent: Thursday, March 5, 2020 1:54 PM
To: 'bfunsten7177@msn.com'
Cc: 'daryl@blainecountytitle.com'
Subject: Notice of Change in Water Right Ownership 73-182, 73-12264, 73-12265

Mr. Funsten,

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

Our review of your Notice indicates that additional information may be required before the Department could process the change.

73-12264 and 73-12265 were in the Water Permit stage, which regularly requires an Assignment of Permit. Notice of Statement of Completion Due, the process in which to prove the use of the water permit, was sent to James and Karen Posada on October 31st, 2019. The Statement of Completion was due to the Department on January 1st, 2020. On January 6th, 2020 a Lapse Notice was sent to James and Karen Posada due to no written response received by the Department. As of the date of the Lapse Notice, Water Permit 73-12264 and 73-12265 are considered Lapsed and no longer valid under the provisions of Idaho Code [§ 42-218A](#).

At this time, you have options:

- With the documentation provided in the Quick Claim Deed specifying Water Rights 73-182, 73-12264 and 73-12265 to be included in the sale of the property the Department may move forward in the processing of the Notice, rather than requiring an Assignment of Permit. By completing the Ownership Change on 73-182, 73-12264, and 73-12265, you could move forward and being the process to reinstate the lapsed water permits as outlined in Idaho Code [§ 42-218A](#).
- The Department only process the Ownership Change of Water Right 73-182, and issue Blaine County Title a refund of \$50.00.

If you have any questions, I can help put you in contact with one of our Water Right Agents who can help explain this in more detail.

Thank you.

Amanda Veibell

Technical Records Specialist I
Idaho Dept Water Resources
PO Box 83720 Boise ID 83720-0098
208-287-4945