

RECEIVED

FEB 10 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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?
22-298A	Yes <input checked="" type="checkbox"/>	22-298 A (Split into 22-298A and 22-14370) 22-299A (Split into 22-299A and 22-14371) 22-300C (Split into 22-300C and 22-14372)		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
22-299A	Yes <input checked="" type="checkbox"/>			Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
22-300C	Yes <input checked="" 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: John A. McKellar
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Peter J. McKellar, Sarah McKellar
New owner(s) as listed on the conveyance document
- 1390 Horseshoe Lane Driggs Name connector and or and/or
Mailing address City ID 83422 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: December 20, 2019

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
FILE # 22-298A

8. Signature: [Signature] Attorney Feb 6, 2020
Signature of new owner/claimant Title, if applicable Date
- Signature: _____ Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 2/10/2020 Receipt No. E045622 Receipt Amt. \$300.
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 JB Date 3/4/2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
22-298A	Yes <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
22-299A	Yes <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
22-300C	Yes <input checked="" 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"/>

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3. New Owner(s)/Claimant(s): Peter J. McKellar, Sarah McKellar

New owner(s) as listed on the conveyance document Name connector and or and/or

Mailing address _____ City _____ State _____ ZIP _____

Telephone _____ Email _____

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8. Signature: [Signature] Attorney Feb. 6, 2020
 Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by JB Date 2/10/2020 Receipt No. E045622 Receipt Amt. \$300.-
 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 _____

GRANT DEED

THIS INDENTURE is made this 20th day of December, 2019, by John A. McKellar aka John McKellar and Julie Rose McKellar aka Julie McKellar, husband and wife, the "Grantor"; to Peter J. McKellar and Sarah McKellar, husband and wife, whose mailing address is 1390 Horseshoe Lane, Driggs, Idaho, 83422, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's successors and assigns forever, all of the following described real property in the County of Teton, State of Idaho, to-wit:

PART OF THE NORTH HALF OF SECTION 27, TOWNSHIP 5N., RANGE 44 E.B.M., TETON COUNTY, IDAHO BEING FURTHER DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 27;
THENCE S00°00'12"W, 1002.34 FEET ALONG THE EAST LINE OF SAID SECTION 27 TO A POINT;
THENCE N89°48'31"W, 2786.56 FEET TO A POINT ON THE SOUTH BOUNDARY OF OLD HORSESHOE COUNTY ROAD;
THENCE FOLLOWING THE SOUTH BOUNDARY OF OLD HORSESHOE COUNTY ROAD N47°32'31"E, 92.09 FEET TO A POINT;
THENCE 800.23 FEET ALONG A 5779.60 FOOT RADIUS CURVE TO THE LEFT, WITH A CENTRAL ANGLE OF 07°55'59" AND A CHORD BEARING N43°34'31"E, 799.59 FEET TO A POINT;
THENCE N39°36'29"E, 464.47 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 27;
THENCE S89°48'31"E, 1871.39 FEET ALONG THE NORTH LINE OF SAID SECTION 27 TO THE POINT OF BEGINNING.

TOGETHER WITH the following water rights:

- a. 0.08 cfs of Water Right No. 22-298A
- b. 0.91 cfs of Water Right No. 22-299A
- c. 0.62 cfs of Water Right No. 22-300C

AND TOGETHER WITH all other tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

SUBJECT to all real property taxes and assessments, all existing patent reservations, easements, rights of way, restrictive covenants, and matters of record; all applicable zoning ordinances, building codes, laws, and regulations; all rights of tenants and other parties in possession; and all encroachments, overlaps, boundary line disputes, claims of easements, and other matters that would be disclosed by an accurate survey or inspection of the property.

AND ALSO SUBJECT TO THE FOLLOWING:

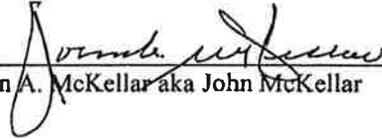
1. Right-of-way or easement of 1000 N. 7000 W.
2. Terms, conditions and provisions contained in Resolution Declaring County Highways recorded May 16, 1980, as Instrument No. 85484 and Amended Resolution Declaring County Highways recorded May 23, 1989, as Instrument No. 104309.
3. Electric line right-of-way easement granted by John A. McKellar, to Fall River Rural Electric Cooperative, Inc., recorded November 26, 1996 recorder's No. 125685, records of Teton County, ID.
4. Agreement for electrical service between John A. McKellar, and Fall River Rural Electric Cooperative, Inc., recorded November 26, 1996 recorder's No. 125747 records of Teton County, ID.
5. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by Record of Survey recorded March 3, 2014, as Instrument Number 231598.
6. Declaration of Easement upon the terms, conditions and provisions contained therein:
Parties: John A. McKellar and Julie McKellar, husband and wife
Recorded: September 19, 2014, Instrument No. 233921

TO HAVE AND TO HOLD, the property and the appurtenances unto the Grantee, and to Grantee's successors and assigns forever.

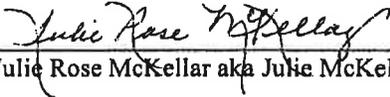
In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

GRANTOR



John A. McKellar aka John McKellar

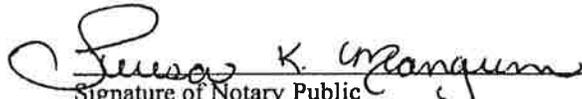


Julie Rose McKellar aka Julie McKellar

STATE OF IDAHO)
)ss.
County of Teton)

This record was acknowledged before me on the 20 day of December, 2019, by John A. McKellar and Julie Rose McKellar.





Signature of Notary Public
My Commission Expires: 07-24-21

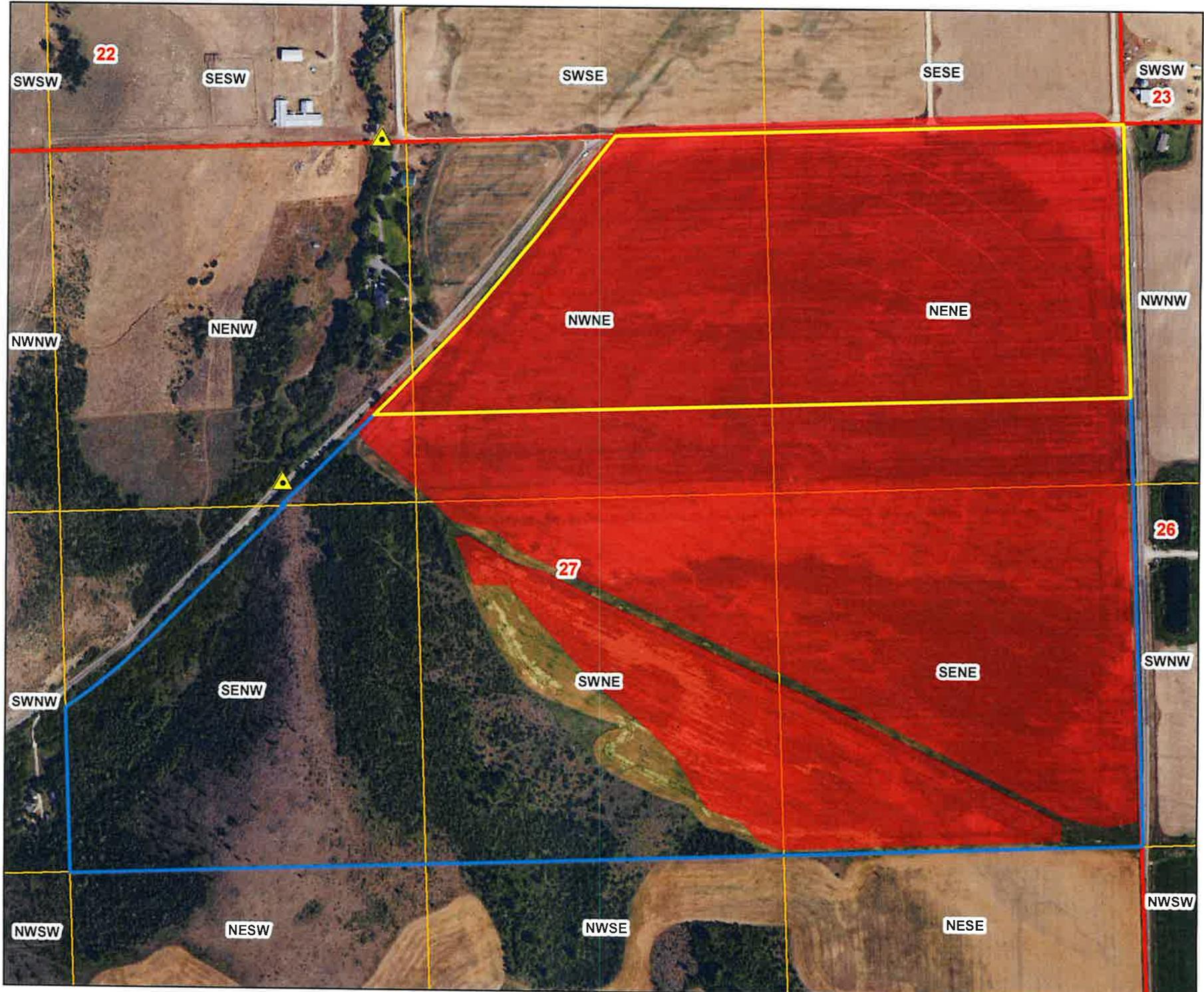
G:\WPDATA\CAH\20756\Documents\PSA\Grant Deed - McKellar v05.docx

McKELLAR WATER RIGHTS



Legend

- Irrigation PODs
- McKellar Parcel
- Kudu Parcel
- Current_POU
- Section Lines
- Quarter Quarters



ESRI Basemap



Prepared by:
Luke H. Marchant
12/18/2019



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

March 05, 2020

PETER J MC KELLAR
SARAH MC KELLAR
1390 HORSESHOE LN
DRIGGS ID 83422-5132

Re: Change in Water Right Ownership: 22-298 A (Split into 22-298 A and 22-14370), 22-299A (Split into 22-299A and 22-14371) and 22-300C (Split into 22-300C and 22-14372)

Dear Water Right Holder(s):

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

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: KUDU HC LLC
WATER DISTRICT 01



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: lmarchant@holdenlegal.com

February 6, 2020

RECEIVED
FEB 10 2020
Department of Water Resources
Eastern Region

Jonie Barg
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re: *Notice of Change in Water Right Ownership.*

Dear Jonie:

Enclosed for processing is a *Notice of Change in Water Right Ownership* for three (3) water rights currently owned by John McKeller. All three water rights will require a split. We have also enclosed the necessary filing fee of \$300.00, a copy of two (2) Grant Deeds conveying title to Peter and Sarah McKeller and Kudu HC, LLC, and a GIS map showing the water right places of use as well as the new parcels acquired by Peter and Sarah and Kudu HC, LLC.

If you have any questions regarding this matter, do not hesitate to contact me.

Best regards,

Luke H. Marchant
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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