

RECEIVED

JUN 06 2019

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

DEPT OF WATER RESOURCES
SOUTHERN REGION

JUN 03 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN 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?
47-7264	Yes ☐	Yes ☐		Yes ☐	Yes ☐
Returned	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Brent T. Alumbaugh and Steve Glatts
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Barry D. Osteen and Rebecca A. Osteen
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
1447 River Road Buhl ID 83316
Mailing address City State ZIP
208-921-4898 revbarry53@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: May 29, 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):
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: Barry D Osteen 5/28/2019
Signature of new owner/claimant Title, if applicable Date
Signature: Rebecca A Osteen 5/29/2019
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by KT Date 6/3/19 Receipt No. W047445 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 JB Date 1-24-20
RETURNED

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
1502 Locust Street North, Bldg. 300
Twin Falls, ID 83301

TWIN FALLS COUNTY
RECORDED FOR:
FIRST AMERICAN TITLE - TWIN F/
09:42:45 AM 05-30-2019
2019008183
NO. PAGES 3 FEE: \$15.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: CT
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **729644-TF (lb)**

Date: **May 10, 2019**

For Value Received, **Brent T. Alumbaugh, a single man**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Barry D. Osteen and Rebecca A. Osteen, husband and wife**, hereinafter called the Grantee, whose current address is **1447 River Road, Buhl, ID 83316**, the following described premises, situated in **Twin Falls County, Idaho**, to-wit:

PARCEL 1

BEING A PORTION OF BLOCK 4 AS SHOWN ON THAT CERTAIN MAP ENTITLED "CLEAR LAKES ESTATES", RECORDED OCTOBER 16, 1970 AS INSTRUMENT NO. 0000-613261 IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1917 GLO BRASS CAP AT THE SOUTH QUARTER CORNER SECTION 1, TOWNSHIP 9 SOUTH, RANGE 14 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY AS SHOWN ON THAT CERTAIN RECORD OF SURVEY RECORDED MAY 12, 2006 AS INSTRUMENT NO. 2006011465 IN SAID OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY, SAID CORNER LIES SOUTH 88°45'05" EAST 2310.95 FEET FROM THE MEANDER CORNER AS SHOWN ON SAID RECORD OF SURVEY;
THENCE NORTH 65°09'12" EAST 15.24 FEET TO THE LOCATION OF THE SOUTH QUARTER CORNER OF SAID SECTION 1 AS SHOWN ON SAID MAP ENTITLED "CLEAR LAKES ESTATES";
THENCE NORTH 88°55'00" WEST 1274.97 FEET TO A POINT ON THE BOUNDARY OF SAID BLOCK 4 AND BEING THE REAL POINT OF BEGINNING;
THENCE LEAVING SAID BOUNDARY NORTH 00°00'00" WEST 201.24 FEET;
THENCE SOUTH 90°00'00" WEST 33.34 FEET;
THENCE NORTH 00°00'00" WEST 76.87 FEET;
THENCE NORTH 36°57'02" EAST 43.20 FEET;
THENCE NORTH 69°59'53" EAST 142.29 FEET;
THENCE NORTH 73°49'36" EAST 132.34 FEET TO A POINT ON THE EAST BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED RECORDED OCTOBER 3, 1997 AS INSTRUMENT NO. 1997016395 IN SAID OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY;
THENCE SOUTH 00°00'00" EAST 402.96 FEET ALONG SAID EAST BOUNDARY TO A POINT ON SAID BOUNDARY OF BLOCK 4;
THENCE ALONG SAID BOUNDARY OF BLOCK 4, NORTH 88°55'00" WEST 253.49 FEET TO SAID REAL POINT OF BEGINNING.

PARCEL 2

TOGETHER THEREWITH A TWENTY-FIVE (25.00) FOOT ACCESS EASEMENT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT SAID 1917 GLO BRASS CAP AT THE SOUTH QUARTER CORNER SECTION 1, TOWNSHIP 9 SOUTH, RANGE 14 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY;
THENCE NORTH 65°09'12" EAST 15.24 FEET TO THE LOCATION OF THE SOUTH QUARTER CORNER OF SAID SECTION 1 AS SHOWN ON SAID MAP ENTITLED "CLEAR LAKES ESTATES";
THENCE NORTH 88°55'00" WEST 1021.48 FEET TO A POINT ON THE BOUNDARY OF SAID BLOCK 4, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID PARCEL OF LAND (INSTRUMENT NO. 1997016395);
THENCE NORTH 00°00'00" WEST 479.46 FEET ALONG THE EAST BOUNDARY OF SAID PARCEL OF LAND TO THE NORTHEAST CORNER THEREOF AND BEING THE REAL POINT OF BEGINNING;
THENCE SOUTH 48°16'15" WEST 170.32 FEET;
THENCE SOUTH 69°59'53" WEST 142.29 FEET;
THENCE SOUTH 36°57'02" WEST 43.20 FEET;
THENCE SOUTH 00°00'00" EAST 76.87 FEET;
THENCE SOUTH 90°00'00" WEST 25.00 FEET;
THENCE NORTH 00°00'00" WEST 85.22 FEET;
THENCE NORTH 36°57'02" EAST 58.97 FEET;
THENCE NORTH 69°59'53" EAST 144.91 FEET;
THENCE NORTH 48°16'15" EAST 139.15 FEET TO A POINT ON THE BOUNDARY OF SAID BLOCK 4;
THENCE ALONG THE ARC OF A NON-TANGENT 788.51 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 01°22'45" AN ARC DISTANCE OF 18.98 FEET AND A CHORD DISTANCE OF 18.98 FEET THAT BEARS SOUTH 88°24'01" EAST ALONG SAID BOUNDARY;
THENCE CONTINUING ALONG SAID BOUNDARY SOUTH 88°05'09" EAST 17.35 FEET TO SAID REAL POINT OF BEGINNING.**

ALSO TOGETHER THEREWITH A FIFTEEN (15.00) FOOT UTILITY EASEMENT, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT SAID 1917 GLO BRASS CAP AT THE SOUTH QUARTER CORNER SECTION 1, TOWNSHIP 9 SOUTH, RANGE 14 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY;
THENCE NORTH 65°09'12" EAST 15.24 FEET TO THE LOCATION OF THE SOUTH QUARTER CORNER OF SAID SECTION 1 AS SHOWN ON SAID MAP ENTITLED "CLEAR LAKES ESTATES";
THENCE NORTH 88°55'00" WEST 1021.48 FEET TO A POINT ON THE BOUNDARY OF SAID BLOCK 4, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID PARCEL OF LAND (INSTRUMENT NO. 1997016395);
THENCE NORTH 00°00'00" WEST 479.46 FEET ALONG THE EAST BOUNDARY OF SAID PARCEL OF LAND TO THE NORTHEAST CORNER THEREOF, SAID CORNER ALSO BEING A POINT ON THE BOUNDARY OF SAID BLOCK 4;
THENCE NORTH 88°05'09" WEST 17.35 FEET ALONG SAID BOUNDARY;
THENCE CONTINUING ALONG SAID BOUNDARY ALONG THE ARC OF A NON-TANGENT 788.51 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 16°01'40", AN ARC DISTANCE OF 220.58 FEET AND A CHORD DISTANCE OF 219.86 FEET THAT BEARS SOUTH 84°16'31" WEST;
THENCE CONTINUING ALONG SAID BOUNDARY SOUTH 76°09'29" WEST 23.84 FEET AND BEING THE REAL POINT OF BEGINNING;
THENCE LEAVING SAID BOUNDARY SOUTH 18°09'01" EAST 126.37 FEET TO THE POINT OF TERMINUS OF SAID EASEMENT.**

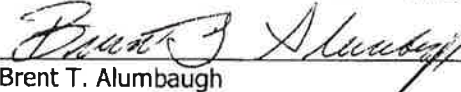
Date: **05/10/2019**

Warranty Deed
- continued

File No.: **729644-TF (lb)**

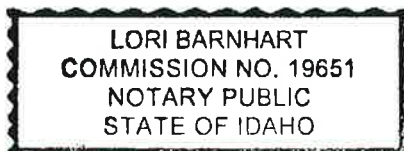
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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.


Brent T. Alumbaugh

STATE OF Idaho)
SS.
COUNTY OF Twin Falls)

On this 29th day of May, 2019, before me, a Notary Public in and for said State, personally appeared **Brent T. Alumbaugh**, 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.




Notary Public for the State of Idaho
Residing at: Twin Falls, ID
My Commission Expires: 11/06/2024

Bitzenburg, James

From: Bitzenburg, James
Sent: Friday, January 24, 2020 2:16 PM
To: Marston, Sascha
Subject: Refund of fees for returned Notice of Ownership Change

Sascha-

I am returning a Notice of Change in Water Right Ownership to Barry and Rebecca Osteen. First American Title of Twin Falls submitted the Notice on June 3, 2019, and the right (47-7264) that was placed on the Notice was not appurtenant to the property conveyed on the deed, so it could not be processed. The notice was for a non-split, so the fee was \$25.00, the IDWR receipt number is W047445, and the fee was paid by First American Title Company in Twin Falls with check #75911. The address for First American Title in Twin Falls is:

**FIRST AMERICAN TITLE CO
1502 LOCUST ST N BLDG 300
TWIN FALLS ID 83301**

Let me know if you need anything more and thank you for your assistance.

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
james.bitzenburg@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

January 24, 2020

BARRY D OSTEEN
REBECCA A OSTEEN
1447 RIVER RD
BUHL ID 83316-5201

RE: Water Right No: 47-7264 - Change in Ownership

Dear Mr. and Mrs. Osteen:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on June 3, 2019 for the above referenced water right. The Notice could not be processed because right 47-7264 is not appurtenant to the property described in the deed provided with the Notice. The land described in the deed is located in T09S, R14E, Section 1, while right 47-7264 is appurtenant to land in T09S, R14E, Section 24.

The Department is returning your Notice of Change in Water Right Ownership and the attachments. A refund of \$25.00 has been requested and will be mailed to First American Title Company in Twin Falls under separate cover from the Idaho State Controller's Office.

If you have any questions regarding this matter, please contact me at (208) 293-9909.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: First American Title Co., Twin Falls- File #729644-TF



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

January 14, 2020

BARRY D OSTEEN
REBECCA A OSTEEN
1447 RIVER RD
BUHL ID 83316-5201

RE: Change in Ownership for Water Right No(s): 47-7264

Dear Interested Parties:

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 is required before the Department can process the change. The information required is indicated below:

During our review of the documentation you submitted we found discrepancies between that documentation and the legal description of the place of use for the water right indicated in your notice. I have enclosed a copy of the water right for your reference. As you will note in the place of use (POU) description for water right 47-7264, it is appurtenant to land in T09S, R14E, Section 24, while the deed submitted with the Notice describes land in T09S, R14E, Section 1. The parcel described in the warranty deed is partially covered by right 47-13303, which is a domestic/stockwater right decreed for two homes, and I have enclosed a copy of the water right report for that right, also. This is likely the right you want to place on your Notice. If so, do you wish to split the existing right, 47-13303, with the current owners of record, or have the two of you (Barry and Rebecca Osteen) placed on the right as current owners along with Brent Alumbaugh and Steve Glatts? If you wish to split right 47-13303, an additional fee of \$75.00 will need to be submitted, as the fee to split a right is \$100.00. If the right is split, both split portions would be limited to a combined volume of 13,000 gallons per day, as the right has that limitation currently.

I have enclosed a map showing the parcel being conveyed in the warranty deed (lime green outline) and the place of use for right 47-13303 (gold outline). If you believe that right 47-13303 should be placed on the notice instead of right 47-7264, please submit a new Notice with right 47-13303 listed, and label the page 'Corrected Notice'. If you only want to have your names placed on the right as current owners with Alumbaugh and Glatts, that is all you need to do. If you would like to have the right split with them, please submit an additional \$75.00, and on the 'Corrected Notice' mark the 'Split?' box Yes next to the water right in item 1 on the notice.

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. If you wish to have water right 47-13303 split, you will need to submit an additional \$75.00.

Because the Department cannot process the Notice without proper documentation and/or fees, we will hold any action on your notice pending receipt of the necessary information and/or fees. If we do not receive the necessary information and/or fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that water right holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to change ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 293-9909.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Bitzenburg".

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: First American Title, Twin Falls- File No. 729644-TF



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 14, 2020

BRENT T ALUMBAUGH
STEVE GLATTS
1445 RIVER RD
BUHL ID 83316-5201

RE: Correction of Notice of Change in Water Right Ownership for right 47-7264 (May 2018)

Dear Interested Party:

Our office processed a Notice of Change in Water Right Ownership (Notice) from John David Erickson and Carolyn J. Erickson to you, which was submitted and processed in May of 2018. Right 47-7264 was one of two rights included in the notice, and it should not have had its ownership changed as a result of that Notice, because the deed supplied with the Notice did not cover any of the land appurtenant to right 47-7264. The deed covered land located in T09S, R14E, Section 1, while right 47-7264 is appurtenant to land located in T09S, R14E, Section 24. We have changed the ownership of right 47-7264 back to Carolyn J. Erickson and John David Erickson in our database to correct the mistake.

I have enclosed an updated water right report to reflect the change.

If you have any questions, don't hesitate to give me a call or email at: james.bitzenburg@idwr.idaho.gov.

Sincerely,

Jim Bitzenburg
Water Resource Agent

CC: Carolyn J. Erickson and John David Erickson; First American Title Co., Twin Falls- File #679141-TF



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DEPT. OF WATER RESOURCES
SOUTHERN REGION

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JUN 03 2019

WATER RESOURCES
WESTERN REGION

First American Title Company
1502 Locust Street North, Bldg. 300, Twin Falls, ID 83301
Phone (208)734-2905 Fax (208)734-2945

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

May 30, 2019
File No.: 729644-TF (lb)

Attn: Transfers

Re: **47-7264**

Property: **1447 River Road Buhl, ID 83316**

Buyer: **Barry D. Osteen and Rebecca A. Osteen**

Seller: **Brent T. Alumbaugh**

Sincerely,

Jeannie Harrison, Assistant for
Lori Barnhart, Escrow Officer

ja/ja