

MEMORANDUM

Date: January 16, 2020

From: Denise Maline

Subj: Change in ownership explanation

Re: Ownership Change from Thurlow Smith to M Neil & Ginger L Justesen 45-584, etc.

A Change in Ownership received August 11, 2014 listed (6) water rights to be transferred from Thurlow R Smith to M Neil Justesen &/or Ginger L Justesen. During review of the paperwork, it was discovered that it was not entirely complete and accurate. The water right records reflected that Justesen's were added to 45-584, 45-585, 45-620, 45-661, & 45-7266. 45-621 was not changed and still had Thurlow R Smith as current owner. **See Attached** There was not an acknowledgement letter included with the paperwork; therefore it's assumed that the parties were not notified of the issues with processing this Notice.

The Warranty Deed submitted with the Notice is from Kevin T Smith and Trina K Smith to M Neil Justesen and Ginger L Justesen (Cassia County Recorder #2014-003317). Further review of the deed indicated that the ownership should have been updated on 45-621, but not updated or changed on 45-661. The POU for 45-661 was not covered or conveyed on the deeds submitted in 2014.

I contacted the TitleOne (formerly known as Land Title & Escrow) on August 9, 2019 to inquire if they had any additional Deeds or documentation to help resolve this matter. Denys Alonzo e-mailed me Quitclaim #296713 from Thurlow R Smith to Kevin T Smith; as well as a Deed of Personal Representative #296712 for Kevin T Smith as Personal Representative for LaRene B Smith a.k.a. Mary L Smith, *deceased*. These deeds conveyed all water rights and property from Thurlow Smith to Kevin Smith; however, Kevin had never filed an Ownership Change to put them into his name. This documentation did not resolve the issue with Justesen's 2014 ownership change.

Jim Bitzenburg assisted with this research in January, 2020 and ended up contacting Cassia County. The County sent us a Deed from 2013 (Cassia County Recorder #2013-002932), from Kevin T Smith to Michael Neil Justesen & Ginger L Justesen. This deed conveyed the POU on 45-661; therefore the ownership could now be updated on that water right.

Ownership & water right records for 45-584, 45-585, 45-620, 45-621, 45-661, & 45-7266 have been updated as necessary; removing Thurlow Smith as current owner and reflecting M Neil & Ginger L Justesen as the current owners of record.

All deeds for this transaction are now included with the ownership change and the scanned documents have been updated via PCDocs.

IDAHO DEPARTMENT OF WATER RESOURCES

8/9/2019

Proof Report

Water Right 45-584

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	M NEIL JUSTESEN 2030 S 5 E OAKLEY, ID 83346-5004 (208) 862-3336
Current Owner	GINGER L JUSTESEN 2030 S 5 E OAKLEY, ID 83346-5004 (208) 862-3336
Current Owner	THURLOW R SMITH 675 N CENTER ST OAKLEY, ID 83346-9723 (208) 862-3638
Original Owner	BELVA GOWEN OAKLEY, ID 83346
Original Owner	WALTER GOWEN OAKLEY, ID 83346

Water Right 45-585

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	M NEIL JUSTESEN 2030 S 5 E OAKLEY, ID 83346-5004 (208) 862-3336
Current Owner	GINGER L JUSTESEN 2030 S 5 E OAKLEY, ID 83346-5004 (208) 862-3336
Current Owner	THURLOW R SMITH 675 N CENTER ST OAKLEY, ID 83346-9723 (208) 862-3638
Original Owner	BELVA GOWEN OAKLEY, ID 83346
Original Owner	WALTER GOWEN OAKLEY, ID 83346

Water Right 45-620

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	M NEIL JUSTESEN 2030 S 5 E OAKLEY, ID 83346-5004 (208) 862-3336
Current Owner	GINGER L JUSTESEN 2030 S 5 E OAKLEY, ID 83346-5004 (208) 862-3336
Current Owner	THURLOW R SMITH 675 N CENTER ST OAKLEY, ID 83346-9723 (208) 862-3638
Original Owner	BELVA GOWEN OAKLEY, ID 83346
Original Owner	WALTER GOWEN OAKLEY, ID 83346

Water Right 45-621

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THURLOW R SMITH 675 N CENTER ST OAKLEY, ID 83346-9723 (208) 862-3638
Original Owner	BELVA GOWEN OAKLEY, ID 83346
Original Owner	WALTER GOWEN OAKLEY, ID 83346

Water Right 45-661

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	M NEIL JUSTESEN 2030 S 5 E OAKLEY, ID 83346-5004 (208) 862-3336
Current Owner	GINGER L JUSTESEN 2030 S 5 E OAKLEY, ID 83346-5004 (208) 862-3336
Current Owner	THURLOW R SMITH 675 N CENTER ST OAKLEY, ID 83346-9723 (208) 862-3638
Original Owner	BELVA GOWEN OAKLEY, ID 83346
Original Owner	WALTER GOWEN OAKLEY, ID 83346

Water Right 45-7266

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GINGER L JUSTESEN 2030 S 5 E OAKLEY, ID 83346-5004 (208) 862-3336
Current Owner	M NEIL JUSTESEN 2030 S 5 E OAKLEY, ID 83346-5004 (208) 862-3336
Current Owner	THURLOW R SMITH 675 N CENTER ST OAKLEY, ID 83346-9723 (208) 862-3638
Original Owner	T R SMITH PO BOX 233 OAKLEY, ID 83346