

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 19 2019

Notice of Change in Water Right Ownership

DEPT OF WATER RESOURCES
SOUTHERN REGION

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?
71-4035	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: Fred R. Stewart
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): The Fred R. Stewart and Phyllis LaRey Stewart Family Limited Partnership
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|-----------------------|---------------|-----------|--------------|
| <u>277 S. Eden Rd</u> | <u>Jerome</u> | <u>ID</u> | <u>83338</u> |
| Mailing address | City | State | ZIP |
| <u>208-825-5104</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: 8/1/2019
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.

8. Signature: <u><i>Phyllis Stein</i></u>	Partner	<u>7/11/2019</u>
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 SG Date 11/19/19 Receipt No. 0037507 Receipt Amt. 70.00
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 BW Date 12/11/2019

Returned

WARRANTY DEED

For Value Received Fred R Stewart and Phyllis LaRey Stewart

237171

REVENUE STAMPS

the grantor_s, do hereby grant, bargain, sell and convey unto

Fred R Stewart and Phyllis LaRey Stewart Family Limited Partnership

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

A parcel of land located in the S.E. ¼ of the N.W. ¼ of Section 29, Township 9 North, Range 14 East of the Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the center ¼ corner of said Section 29, thence S 89° 52' 30" W 340.63 feet to the South boundary of said N.W. ¼ to the REAL POINT OF BEGINNING:

Thence S 89° 52' 30" W 103.24 feet along said South boundary:

Thence N 8° 10' 29" W 113.84 feet:

Thence S 86° 27' 05" E 84.12 feet:

Thence S 18° 17' 56" E 112.97 feet to the REAL POINT OF BEGINNING.

The above described parcel contains 0.235 acres more or less, all in Custer County, Idaho together with a right of ingress and egress to and from said lands and Idaho State Highway number 75 over and across the following described real property: A strip of land thirty (30) feet wide over and across a portion of the S.E. ¼, N.W. ¼ of Section 29. The center line of said strip is more particularly described as follows: Commencing at the center ¼ corner of said section 29, Thence S 89° 52' 30" W 664.21 feet along the South boundary of said N.W. ¼ to a point on the Easterly Right of Way line of Idaho State Highway number 75; Thence N 21° 11' 17" W 84.74 feet along said Right of Way to the REAL POINT OF BEGINNING of said center line of said strip of land: Thence N 66° 38' 44" E 138.85 feet: Thence S 86° 27' 02" E 186.82 feet.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that they the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated:

Fred R Stewart
Phyllis R. Stewart

STATE OF IDAHO, COUNTY OF Jerome
On this 30th day of July, 2007,
before me, a notary public in and for said State, personally
appeared Fred R. Stewart and
Phyllis LaRey Stewart

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Lori D Daniels

Notary Public

Residing at Jerome, Idaho
Comm. Expires 03-17-11

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of Fred R. & Phyllis LaRey Stewart at 50 minutes past 11:00 o'clock Am, this 3RD day of August, 2007, in my office, and duly recorded in Book of Deeds at page

Barbara C. Breedlove
Ex-Officio Recorder

[Signature]

Deputy.

Fees \$ 3.00
Mail to:

INSTRUMENT NO.

LORI D. DANIELS
NOTARY PUBLIC
STATE OF IDAHO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301-5858

Return Services Requested

BOISE ID 837

12 DEC 2019

RECEIVED

DEC 18 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

FRED R STEWART & PHYLLIS LAREY STEWART FAMILY LP
277 S EDEN RD
JEROME ID 83338-7043



T S41 NFE 1 919C0012/16/19
RETURN TO SENDER
STEWART PHYLLIS
TEMPORARILY AWAY
RETURN TO SENDER
BC: 83301585825 *1336-01299-12-43

83338-7043
83301-5858

Letter mailed 12-11-2019

Ownership Change *Returned*: 71-4035

Stewarts are Temporarily Away.

This information was also sent to Stewart's attorney of record: Williams, Meservy & Larsen in Jerome ID.



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

December 11, 2019

FRED R STEWART & PHYLLIS LAREY STEWART FAMILY LP
277 S EDEN RD
JEROME ID 83338-7043

RE: Change in Ownership No(s): 71-4035,

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on August 19, 2019 for the above referenced water right. The Water Right Ownership (Notice) could not be processed because of discrepancies with deed provided and the water right. In addition sufficient information to split the water right and additional fee to split the water right.

On October 31, 2019 the Department requested the required information and additional fees from you. As of the date of this letter, the Department has not received the required information and additional fees.

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 Williams, Meservy & Larsen LLP under separate cover from the Idaho State Controller's Office. You may re-submit your request with the appropriate documents and fees.

If you have any questions regarding this matter, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink that reads "Benny Walker". The signature is written in a cursive, flowing style.

Benny Walker
Senior Water Resource Agent,

Enclosure(s)

Cc: Williams, Meservy & Larsen LLP



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

October 31, 2019

Williams, Meservy & Larsen, LLP
P.O. Box 168
Jerome, ID 83338

Att: Rob Williams

RE: Change in Ownership: 71-4035

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:

☒ Filing Fee of \$100 per water right for changes resulting from division of a water right

☒ Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

☒ Description of Portion of Water Right resulting from division of water right

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. The deed submitted describes a 0.235 acre parcel more or less. Water right 71-4035 is for irrigation of 4.4 acres. If you wish to split this water right proportionally an additional fee of \$75.00 is required. In addition a portion of water right 71-4035 may be appurtenant to contiguous property. I have enclosed a copy of the water right for your reference.

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.

If you have any questions regarding this matter, please contact me at (208) 736-3033.

Sincerely,

Benny Walker
Senior Water Resource Agent

Enclosure(s)

Cc: Fred R. Stewart & Phyllis L. Stewart Family LP