

RECEIVED

DEC 11 2019

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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?
35-144270K	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Richard & Iris Schelske Family Trust
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Jeffrey Duffin and Chana Duffin
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- PO Box 525 Aberdeen ID 83210
Mailing address City State ZIP
208-221-1115
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: November 14, 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: Robert L. Duffin Attorney December 8, 2019
Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by JB Date 12/11/2019 Receipt No. E045501 Receipt Amt. \$25. - for this app
\$50. -

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 CR Date 12/13/19

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Jeffrey T. Duffin
P.O. Box 525
Aberdeen, ID 83210

Instrument # 215169

POWER COUNTY, IDAHO

12-4-2019 12:30:14 PM No. of Pages: 4

Recorded for : ROBERT L. HARRIS

SHAREE SPRAGUE

Ex-Officio Recorder Deputy

Fee: 15.00

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHT

Richard & Iris Schelske Family Trust, whose address is P.O. Box 272, Aberdeen, Idaho 83210, (the "Grantor") does hereby grant, bargain, sell, assign, and convey unto **Jeffrey T. Duffin and Chana Duffin**, husband and wife, of P.O. Box 525, Aberdeen, Idaho 83210 (hereinafter collectively "Grantees") and to Grantees' heirs and assigns forever, Grantor's right title and interest in Water Right No. 35-14427 as described in **Exhibit A** hereto (the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right are free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

[SIGNATURE AND NOTARY BLOCK ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned authorized representative of Grantor has caused its name to be hereunto subscribed.

DATED this 14 day of November, 2019.

"Grantor"

Richard & Iris Schelske Family Trust

Richard & Iris Schelske Family Trust
By: RICHARD SCHELSKE
Its: Trustee

STATE OF IDAHO)
County of Ada)ss.

This record was acknowledged before me on the 14th day of November, 2019,
by Richard Schelske as the Trustee of the
Richard & Iris Schelske Family Trust.

Doris L. Ioane
Notary Public for Idaho
My Commission Expires: May 24, 2024

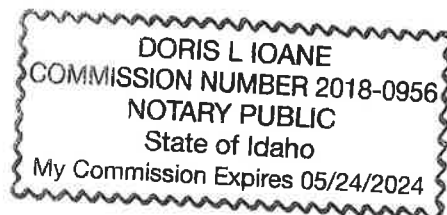


EXHIBIT A
(the "Water Right")

11/13/2019

Water Right Report

IDAHO Department of
Water Resources



WATER RIGHT REPORT

11/13/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14427

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD & IRIS SCHELSKE FAMILY TRUST PO BOX 272 ABERDEEN, ID 83210 2083974168
Original Owner	IRIS SCHELSKE
Original Owner	RICHARD W SCHELSKE PO BOX 272 ABERDEEN, ID 83210 2083974816

Priority Date: 07/01/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.19 CFS	45.6 AFA
Total Diversion			0.19 CFS	45.6 AFA

Location of Point(s) of Diversion:

GROUND WATER|SESW|Sec. 26|Township 06S|Range 30E|POWER County

IRRIGATION Use:

Acre Limit: 11.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

11/13/2019

Water Right Report

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	30E	26		NESW	4.5		NWSW	3.9		SWSW	3.3		SESW	3.5

Total Acres: 15.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 11.4 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-14427, 35-14428 and 35-14429 when combined shall not exceed the irrigation of 15.2 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. 131 Prior to the diversion and use of water under Transfer approval 80188, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 02/15/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

<https://dwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=35&SequenceNumber=14427&SplitSuffix=&TypeWaterRight=True>

2/3



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

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

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

Email: rharris@holdenlegal.com

December 9, 2019

RECEIVED
DEC 11 2019

Department of Water Resources
Eastern Region

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

Re: Notice of Change in Water Right Ownership for Water Right Nos. 35-14427 and 35-14429.

Dear Jonie:

Enclosed for processing is a *Notice of Change in Water Right Ownership* for the above-referenced water rights. We have also included a check in the amount of \$50 for the ownership change for both water rights.

Additionally, even though these water rights are not being split, we have included a map to show that these two water rights, along with Water Right No. 35-14428, are stacked water rights that cover former pivot corner areas on a field that is now being irrigated with wheel lines. Water Right No. 35-14428 is already owned by Jeffrey and Chana Duffin, and the enclosed the ownership change simply updates ownership for the other two stacked water rights so that the ownership is consistent on all three water rights. Accordingly, the *Special Warranty Deed for Water Right* deeds specifically identify these two water rights being conveyed from their prior owners to Jeffrey and Chana Duffin.

If you have any questions or concerns, please let me know.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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Established in 1896



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

December 13, 2019

JEFFREY T & CHANA DUFFIN
PO BOX 525
ABERDEEN ID 83210-0525

Re: Change in Ownership for Water Right No(s): 35-14427

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) 497-3779.

Sincerely,

Cher Ramos
Technical Records Specialist 1

Enclosure(s)

cc: Water District 120
Aberdeen-American Falls GWD