

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 21 2019

DEPT OF WATER RESOURCES
SOUTHERN 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?
36-64B	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: Michael J. Fleming and Paul F. Fleming
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Robin T Hart and Robert M Hart, Trustees of the Robin T. and Robert M. Hart Revocable Tru
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 300 State Park Dr., #1 Aptos CA 95003
Mailing address City State ZIP
- (831) 818-6721
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: 10/10/2019
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: Robin T Hart Trustee Title, if applicable: Trustee Date: 10/10/19
 Signature: Robert M Hart Title, if applicable: Trustee Date: 10/10/2019

For IDWR Office Use Only:

Received by SG Date 10/21/19 Receipt No. 5037598 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 BM Date 11-19-2019

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
301 Main Street
Gooding, ID 83330

Instrument # 259532
GOODING COUNTY, GOODING, IDAHO
09-21-2017 13:40:26 No. of Pages: 6
Recorded for: FIRST AMERICAN TITLE - JEROME
DENISE GILL Fee: \$16.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **651039GO (smb)**

Date: **September 15, 2017**

For Value Received, **John B. Mason and Kathy Lynn Mason, husband and wife as joint tenants**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Robin T. Hart and Robert M. Hart Trustees of the Robin T. Hart and Robert M. Hart Revocable Trust dated March 30, 2005**, hereinafter called the Grantee, whose current address is **300 State Park Dr. #1, Aptos, CA 95007**, the following described premises, situated in **Gooding County, Idaho**, to-wit:

Parcel 1:

TOWNSHIP 7 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 23: That part of the N $\frac{1}{2}$ NW $\frac{1}{4}$, described as follows:

Commencing at the North quarter corner of said Section 23;

Thence North 89°39'30" West, along the North boundary of said Section 23, 1072.87 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 89°39'30" West along the North boundary of said Section 23, 247.13 feet, more or less, to the Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 23;

Thence South along the East boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$, 170 feet;

Thence West parallel with the North boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$, 106 feet;

Thence West 314 feet;

Thence North 170 feet to the North boundary of said Section 23;

Thence West along the North boundary of said Section 23 to the Northwest corner of said Section 23;

Thence South along the West boundary of said Section 23 to the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Thence East along the South boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ to a point that lies North 89°05'15" West, 1063.83 feet from the Southeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Thence North 01°54'45" East, 82.04 feet;

Thence North 78°23'15" East, 82.82 feet;

Thence North 49°20'15" East, 74.63 feet;

Thence North 33°15'15" East, 91.38 feet;

Thence North 30°22'3" East, 134.46 feet;

Thence North 09°18'15" East, 99.45 feet;

Thence North 10°19'15" West, 202.20 feet;

Thence North 15°57'15" East, 176.53 feet;

Thence North 17°54'45" East, 121.85 feet;

Thence North 12°40'00" West, 158.37 feet;

Thence South 03°53'30" West, 14.95 feet;

Thence North 50°40'38" West, 368.31 feet;

Thence North 25°29'38" West, 30.55 feet to the TRUE POINT OF BEGINNING.

EXCEPT the following described tracts:

Date: 09/15/2017

Warranty Deed
- continued

File No.: 651039GO (smb)

a. That portion of the above described property deeded to the Hagerman Highway District No. 3, dated October 1, 1968, recorded October 15, 1968 as Instrument Number 26582, Gooding County records.

b. TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN, GOODING COUNTY IDAHO

Section 23: Part of the N $\frac{1}{2}$ NW $\frac{1}{4}$ lying East of said County Road along the West side of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and North of the Bell ditch across said NW $\frac{1}{4}$ NW $\frac{1}{4}$, and West of the following described line:

**Beginning at the North quarter corner of Section 23;
Thence South along the East boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the Southeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence North 89°05'15" West along the South boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1063.83 feet to the Point of Beginning;
Thence North 01°54'45" East, 82.04 feet;
Thence North 78°23'15" East, 82.82 feet;
Thence North 49°20'15" East, 74.63 feet;
Thence North 33°15'15" East, 91.38 feet;
Thence North 30°22'30" East, 134.46 feet;
Thence North 09°18'15" East, 99.45 feet;
Thence North 10°19'15" West, 202.20 feet;
Thence North 15°57'15" East, 176.53 feet;
Thence North 17°54'45" East, 121.85 feet;
Thence North 12°40'00" West, 158.37 feet;
Thence North 03°53'30" East, 244.74 feet more or less to the North boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$.**

c. TOWNSHIP 7 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 23: Part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying West of the center line of County Road running North and South as now constructed.

Parcel 2:

TOWNSHIP 7 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 23: Part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying West of the center line of County Road running North and South as now constructed.

EXCEPTING therefrom that portion lying North of the Bell Ditch as constructed March 8, 1984.

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.

Date: **09/15/2017**

Warranty Deed
- continued

File No.: **651039GO (smb)**

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.

Date: 09/15/2017

Warranty Deed
- continued

File No.: 651039GO (smb)

John B. Mason

Kathy Lynn Mason
Kathy Lynn Mason

STATE OF Ohio)
COUNTY OF _____)
SS.

On this _____ day of September, 2017, before me, a Notary Public in and for said State, personally appeared **John B. Mason**, 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.

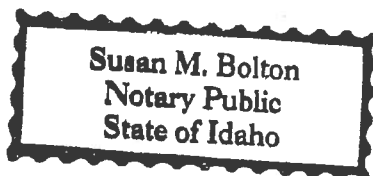
Notary Public for the State of Ohio

Residing at: _____

My Commission Expires: _____

STATE OF Idaho)
COUNTY OF Gooding)
SS.

On this 30 day of September, 2017, before me, a Notary Public in and for said State, personally appeared **Kathy Lynn Mason**, 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.

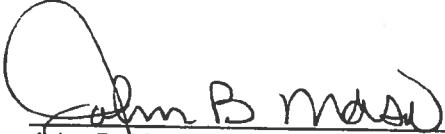


Susan M. Bolton
Notary Public for the State of Idaho
Residing at: Gooding, ID
My Commission Expires: 10/16/2022

Date: 09/15/2017

Warranty Deed
- continued

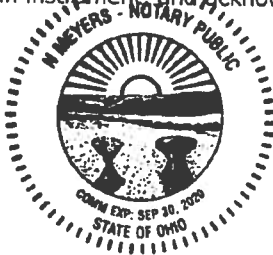
File No.: 651039GO (smb)


John B. Mason

Kathy Lynn Mason

STATE OF Ohio)
COUNTY OF Montgomery)
SS.

On this 20 day of September, 2017, before me, a Notary Public in and for said State, personally appeared **John B. Mason**, 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.



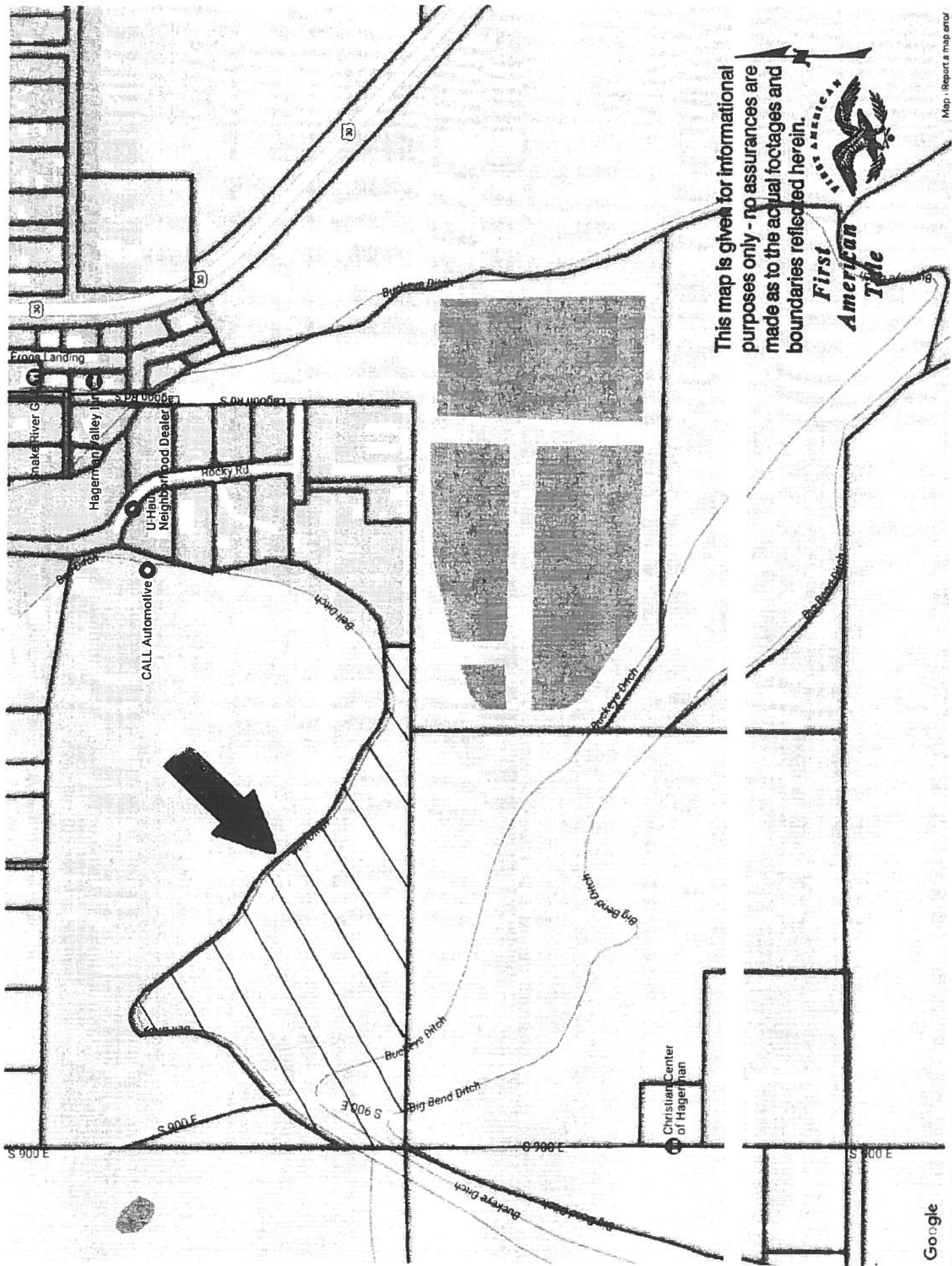


Notary Public for the State of Ohio
Residing at: 7990 Worthington Park Dr
My Commission Expires: 9/30/2020

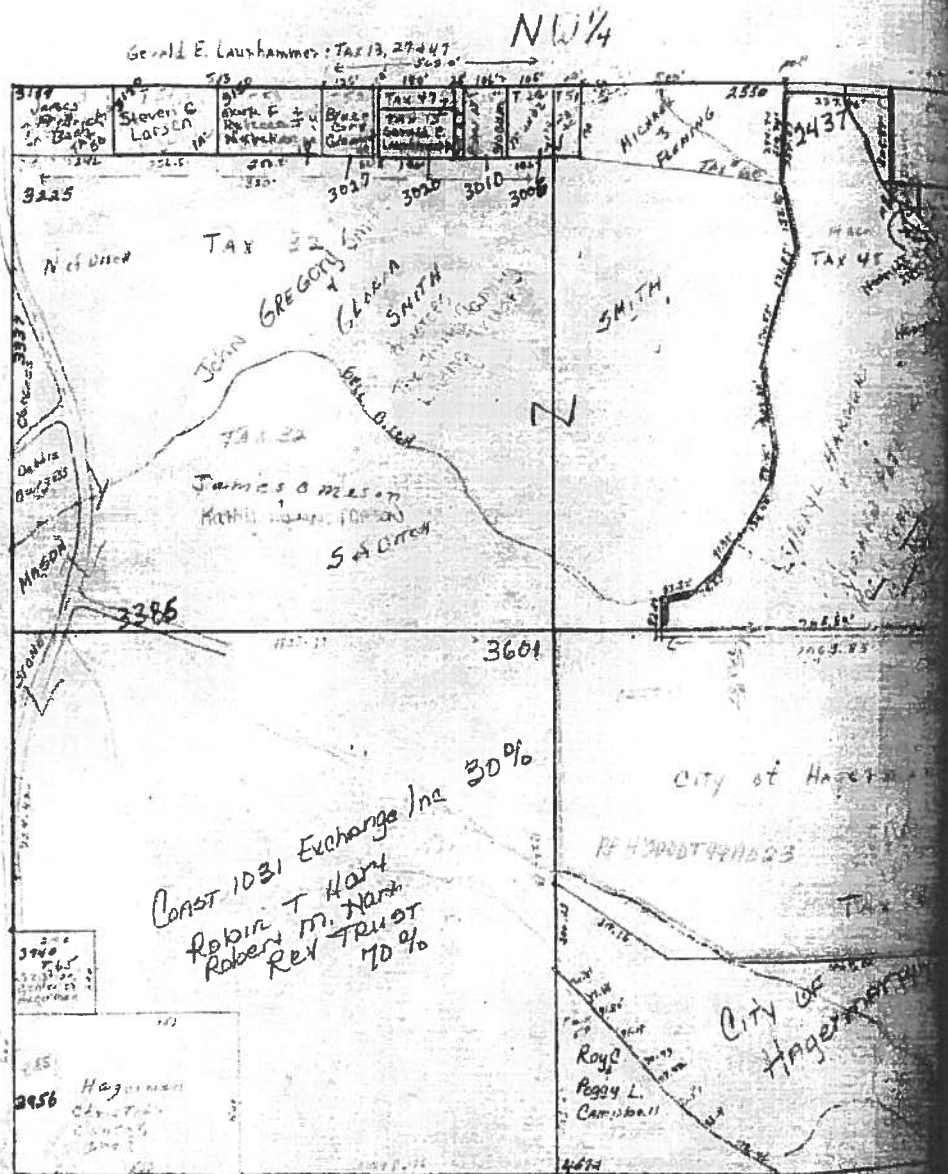
STATE OF Idaho)
COUNTY OF Gooding)
SS.

On this _____ day of September, 2017, before me, a Notary Public in and for said State, personally appeared **Kathy Lynn Mason**, 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: Gooding, ID
My Commission Expires: 10/16/2022



Cem: Hagerman Fire: Hagerman



**FOR ASSESSMENT
USE ONLY**

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
301 Main Street
Gooding, ID 83330

Instrument # 266504
GOODING COUNTY, GOODING, IDAHO
10-17-2019 12:30:36 No. of Pages: 4
Recorded for: FIRST AMERICAN TITLE - JEROME
DENISE GILL Fee: \$15.00
Ex-Officio Recorder Deputy: JM
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **736104GO (lr)**

Date: **October 09, 2019**

For Value Received, **John Gregory Smith and Gloria Pauline Smith, Trustees, or their successors in trust, under The Smith Family Living Trust UTA dated July 15, 2009 and restated January 6, 2016, who acquired title as John Gregory Smith and Gloria Smith, as Trustees, or their successors in trust, under The Smith Family Trust, dated July 15, 2009,** hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Coast 1031 Exchange, Inc.,** hereinafter called the Grantee, whose current address is **104 Whispering Pines Dr., St. 104, Scotts Valley, CA 95066,** the following described premises, situated in **Gooding County, Idaho,** to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

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.

Date: 10/09/2019

Warranty Deed
- continued

File No.: 736104GO (Ir)

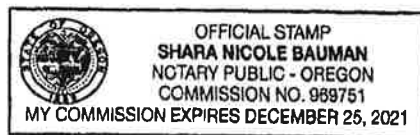
The Smith Family Living Trust UTA dated July
15, 2009 and restated January 6, 2016

By *John Gregory Smith*
John Gregory Smith, Trustee

By *Gloria Pauline Smith*
Gloria Pauline Smith, Trustee

STATE OF Oregon)
COUNTY OF Deschutes) ss.

On this 10 day of **October, 2019**, before me, a Notary Public in and for said State, personally appeared **John Gregory Smith and Gloria Pauline Smith**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustees of the **The Smith Family Living Trust UTA dated July 15, 2009 and restated January 6, 2016** Trust, and acknowledged to me that they executed the same as such Trustees.



Shara Nicole Bauman
Notary Public of Oregon
Residing at: *Sunriver*
Commission Expires: *12/25/21*

EXHIBIT A

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 23: Part of the N $\frac{1}{2}$ NW $\frac{1}{4}$ lying East of said County Road along the West side of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ and North of the Bell ditch across said NW $\frac{1}{4}$ NW $\frac{1}{4}$, and West of the following described line:

Beginning at the North Quarter corner of Section 23;

Thence South along the East boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the Southeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Thence N 89° 05' 15" W, along the South boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1063.83 feet to the Point of Beginning;

Thence N 01° 54' 45" E, 82.04 feet;

Thence N 78° 23' 15" E, 82.82 feet;

Thence N 49° 20' 15" E, 74.63 feet;

Thence N 33° 15' 15" E, 91.38 feet;

Thence N 30° 22' 30" E, 134.46 feet;

Thence N 09° 18' 15" E, 99.45 feet;

Thence N 10° 19' 15" W, 202.20 feet;

Thence N 15° 57' 15" E, 176.53 feet;

Thence N 17° 54' 45" E, 121.85 feet;

Thence N 12° 40' 00" W, 158.37 feet;

Thence N 03° 53' 30" E, 244.74 feet more or less, to the North boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$;

EXCEPT the following:

Beginning at the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Thence East along the North boundary of Section 23, 60.0 feet;

Thence South parallel with the West boundary of NE $\frac{1}{4}$ NW $\frac{1}{4}$, 170.0 feet;

Thence West parallel with the North boundary of Section 23, 1380.0 feet more or less to the West boundary of Section 23;

Thence North along the West boundary of said Section 23, 170.0 feet to the Northwest corner of Section 23;

Thence East along the North boundary of Section 23, 1320.0 feet more or less the True Point of Beginning.

ALSO EXCEPTING THEREFROM that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ deeded to Michael J. Fleming by Quitclaim deed recorded October 24, 1995 as Instrument No. 163104 being more particularly described as follows;

That portion of the Northeast Quarter of the Northwest Quarter of Section 23, Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho, described as follows:

Beginning at the North Quarter corner of said Section 23:

Thence North 89°39'30" West along the North line of said Section 23, 759.06 feet to the True Point of Beginning;

Thence continuing along said North line of Section 23, North 89°39'30" West, 500.94 feet more or less to the Northeast corner of the parcel of land as conveyed in Deed, recorded January 19, 1993 as Instrument No. 151328;

Date: 10/09/2019

Warranty Deed
- continued

File No.: 73610460 (lr)

Thence South along the East line of said parcel 170 feet to the Southeast corner of said parcel;

Thence Easterly to a point that bears South 03°28'35" West, 259.57 feet from the True Point of Beginning;

Thence North 03°28'35" East, 259.57 feet to the True Point of Beginning.



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

November 19, 2019

ROBIN T HART & ROBERT M HART REVOCABLE TRUST
ROBIN T HART, TRUSTEE
ROBERT M HART, TRUSTEE
300 STATE PARK DR STE 1
APTOS CA 95003-4474

Re: Change in Ownership for Water Right No(s): 36-64B

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) 293-9908.

Sincerely,

Denise Maline
Administrative Assistant 1

Enclosure(s)

c: First American Title Co, Gooding (File #736104GO)
Water District 36A



First American Title Company
301 Main Street, Gooding, ID 83330
Phone (208)934-4427 Fax (208)934-4741

RECEIVED

OCT 21 2019

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Idaho Department of Water Resources
650 Addison Ave W. Ste 500
Twin Falls, ID 83301

October 17, 2019
File No.: 736104GO (Ir)

Attn: Accounts Receivable

Re: **36-64B**

Property: **933 East 2700 South Hagerman, ID 83332**

Buyer: **Robin T. Hart and Robert M. Hart Revocable Trust dated March 30, 2005**

Seller: **John Gregory Smith and Gloria Smith, Trustees and The Smith Family Living Trust**

Our Check No. **10826** in the amount of **\$25.00**, representing **Water Transfer Fee.**

Sincerely,

Jessica Carmichael, Assistant for
Lisa Ritter, Escrow Officer

jc/jc