

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**RECEIVED**  
**OCT 29 2019**  
Department of Water Resources  
Eastern 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? |
|-----------------------|-----------------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 22-14347 <i>OK</i>    | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Gary and Shannon Summers  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): The Spetzler Family Trust  
New owner(s) as listed on the conveyance document      Name connector ☐ and ☐ or ☐ and/or
- 6107 N Palo Cristi Road 2 Biltmore Estate Unit Paradise Valley Phoenix AZ 85253 85016 2855  
Mailing address      City      State      ZIP
- 602-549-4780      nspezler@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: September 25 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: [Signature]      Trustee      10/2/19  
Signature of new owner/claimant      Title, if applicable      Date

Signature: [Signature]      Trustee      10/2/19  
Signature of new owner/claimant      Title, if applicable      Date

**For IDWR Office Use Only:**

Received by JB      Date 10/29/2019      Receipt No. E045420      Receipt Amt. \$25. - for this app  
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 11/1/2019

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Rocky Mountain Environmental Assoc. Inc  
482 Constitution Way Ste 303  
Idaho Falls, ID 83402

(Space Above for Recorder's Use)

### SPECIAL WARRANTY DEED FOR WATER RIGHTS

**Gary Summers and Shannon Summers**, husband and wife, whose address is 1177 E 9<sup>th</sup> N, Rexburg, Idaho 83440 (hereinafter "Grantor") does hereby grant, bargain, sell, assign, and convey unto **The Spetzler Family Trust**, whose address is 6107 N Palo Cristi Rd, Paradise Valley, AZ 85253 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in water right described on Exhibit A attached hereto (hereinafter 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 is 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.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 25 day of September, 2019.

**"GRANTOR"**

Gary Summers  
Gary Summers

Shannon Summers  
Shannon Summers

STATE OF IDAHO                    )  
                                          )ss.  
County of Jefferson            )

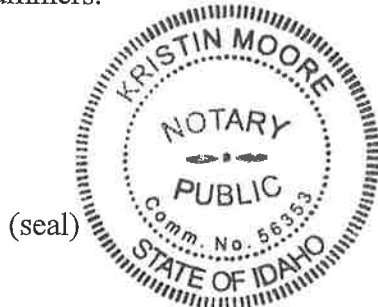
This record was acknowledged before me on the 25 day of September, 2019, by Gary Summers.



Kristin Moore  
Notary Public for Idaho  
Commission Expires: June 29, 2022

STATE OF IDAHO                    )  
                                          )ss.  
County of Jefferson            )

This record was acknowledged before me on the 25 day of September, 2019, by Shannon Summers.



Kristin Moore  
Notary Public for Idaho  
Commission Expires: June 29, 2022

**EXHIBIT A**  
**WATER RIGHT DESCRIPTION**



**WATER RIGHT REPORT**

9/23/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 22-14347

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | GARY SUMMERS            |
| Current Owner     | SHANNON SUMMERS         |
|                   | 1177 E 9TH N            |
|                   | REXBURG, ID 83440       |
|                   | 2083510077              |

Priority Date: 06/19/1961

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            | 04/15       | 10/15     | 0.03 CFS              | 8.7 AFA       |
| WILDLIFE STORAGE      | 1 /1        | 12/31     |                       | 4.3 AFA       |
| DIVERSION TO STORAGE  | 4 /15       | 10/15     | 0.03 CFS              |               |
| Total Diversion       |             |           | 0.06 CFS              | 13 AFA        |

Location of Point(s) of Diversion:

GROUND WATER|NWNW|Sec. 22|Township 04N|Range 45E|TETON County

IRRIGATION Use:

Acre Limit: 2.9

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 04N             | 45E          | 21             |            | NENE         | 40           |            |              |              |            |              |              |            |              |              |
|                 |              | 22             |            | NWNW         | 37           |            | SWNW         | 37           |            |              |              |            |              |              |

Place of Use Legal Description: WILDLIFE STORAGE TETON County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 04N      | 45E   | 22      |     | NWNW  |       |     |       |       |     |       |       |     |       |       |

Total Acres: 114

Conditions of Approval:

1. 206 This right is limited to the irrigation of a specific 2.9 acres within the 114-acre place of use authorized by this right in a single irrigation season. The specific 2.9 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2.9 acres to be irrigated within the 114-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. X61 The period of use for the irrigation described in this approval may be extended to ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than November 24, 2008.
4. 220 The ponds established by the storage of water under rights 22-4157, 22-14346, and 22-14347 shall not exceed a total capacity of 7.0 acre-feet or a total surface area of 2.7 acres.
5. 219 Rights 22-4157, 22-14346, and 22-14347 authorize total annual storage volume of 11.3 acre-feet, 7.0 acre-feet to be used for the initial filling or carryover storage of the ponds and 4.3 acre-feet for the replacement of losses caused by evaporation.
6. 046 Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. 004 This right does not grant any right-of-way or easement across the land of another.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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.
10. T19 Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

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: AND  
Water District Number: EXC  
Generic Max Rate per Acre: 0.02  
Generic Max Volume per Acre: 3.5  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:  
Decree Defendant:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False



**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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

November 01, 2019

THE SPETZLER FAMILY TRUST  
2 BILTMORE EST UNIT 312  
PHOENIX AZ 85016-2855

Re: Change in Ownership for Water Right No(s): 22-14347

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

Enclosure(s)

cc: Water District 01