

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 26 2019

WATER RESOURCES
WESTERN 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?
78-2012	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: Albert & Mariel Given
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Herbert Paul Davis
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☐ or ☐ and/or
- P.O. Box 133 New Meadows ID 83654
Mailing address City State ZIP
- 208 628-3305 paul davis pauldavis1576@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: 8/26/19
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: Herbert Paul Davis 9/26/19
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 KT Date 9/26/19 Receipt No. W047773 Receipt Amt. \$25⁰⁰

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 KT Processed by KT Date 10/23/19

WARRANTY DEED

FOR VALUE RECEIVED, ELK CREEK RIDGE, L.L.C., an Arizona limited liability company, whose address is 20 Miwok Drive, Novato, CA 94947, as to an undivided 70% interest, and JOHN D. MCDERMOTT and MONICA MCDERMOTT, husband and wife, as to an undivided 30% interest, as Grantors, do hereby grant, bargain, sell, and convey unto HERBERT PAUL DAVIS, an unmarried man, whose address is 5925 Fremont St., Oakland, CA 94608, Grantee, the following described real property situated in Idaho County, Idaho, to-wit:

SEE ATTACHED EXHIBIT A

Subject to current year's real property taxes and easements or encumbrances of record or visible on the property, including but not limited to those easements and encumbrances shown in Schedule B, Section II of that certain Preliminary Title Commitment issued on may 31, 2019 by Idaho County Title Co. (File No 29019).

To have and to hold the said premises, together with improvements and appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors hereby covenant to and with said Grantee, that Grantors are the owners in fee simple of said premises; that the said premises are free from all encumbrances except as noted above; and, that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this 25 day of June, 2019.

GRANTORS:

ELK CREEK RIDGE, L.L.C.,

By: J. Ronald Tonini
J. Ronald Tonini, Manager

John D. McDermott

Monica McDermott

STATE OF California)
(ss.
County of Marin)

On this 26th day of June, 2019, before me, Javad Forouzeh, a Notary Public in and for said State, personally appeared J. Ronald Tonini, known or identified to me to be the Manager of Elk Creek Ridge, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

J. Forouzeh
NOTARY PUBLIC FOR California
My Commission Expires: 11-02-2020



STATE OF _____)
(ss.
County of _____)

On this _____ day of _____, 2019, before me, _____ a Notary Public in and for said State, personally appeared Monica McDermott, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

NOTARY PUBLIC FOR _____
My Commission Expires: _____

WARRANTY DEED

FOR VALUE RECEIVED, ELK CREEK RIDGE, L.L.C., an Arizona limited liability company, whose address is 20 Miwok Drive, Novato, CA 94947, as to an undivided 70% interest, and JOHN D. MCDERMOTT and MONICA MCDERMOTT, husband and wife, as to an undivided 30% interest, as Grantors, do hereby grant, bargain, sell, and convey unto HERBERT PAUL DAVIS, an unmarried man, whose address is 5925 Fremont St., Oakland, CA 94608, Grantee, the following described real property situated in Idaho County, Idaho, to-wit:

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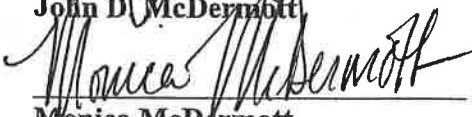
To have and to hold the said premises, together with improvements and appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors hereby covenant to and with said Grantee, that Grantors are the owners in fee simple of said premises; that the said premises are free from all encumbrances except as noted above; and, that Grantors will warrant and defend the same from all lawful claims whatsoever.

DATED this 26th day of June, 2019.

GRANTORS:

ELK CREEK RIDGE, L.L.C.

By: _____
J. Ronald Tonini, Manager


John D. McDermott

Monica McDermott

STATE OF _____)
(ss.
County of _____)

On this _____ day of _____, 20____, before me, _____, a Notary Public in and for said State, personally appeared J. Ronald Tonini, known or identified to me to be the Manager of Elk Creek Ridge, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

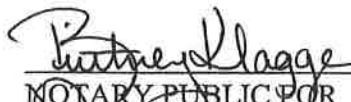
NOTARY PUBLIC FOR _____
My Commission Expires: _____

STATE OF California)
(ss.
County of Orange)

On this 20th day of June, 2019, before me, Brittney Klagge a Notary Public in and for said State, personally appeared Monica McDermott, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.




NOTARY PUBLIC FOR Orange, CA
My Commission Expires: 05/29/2023

STATE OF California)
(ss.
County of Orange)

On this 26th day of June, 2019, before me, Brittney Klagge, a Notary Public in and for said State, personally appeared John D. McDermott, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Brittney Klagge
NOTARY PUBLIC FOR Orange, CA
My Commission Expires: 05/29/2023



EXHIBIT "A" FOR WARRANTY DEED

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho

A parcel of land located in the NW¼ of Section 25 and portions of the NE¼ and the SE¼ of Section 26, more particularly described as follows:

Commencing at the Northwest corner of said Section 25, a found brass cap monument, C.P.F. Instrument No. 323800, corner records of said Idaho County;
thence a bearing of S 89°50'39" E, a distance of 1320.76 feet, on the North boundary line of said Section 25, to a point being the W1/16 corner of said Section 25;
thence a bearing of S 00°04'40" E, a distance of 843.78 feet, on the East boundary line of the NW¼NW¼ of said Section 25, to a set 5/8" rebar being the True Point of Beginning;
thence a bearing of S 00°04'40" E, a distance of 482.24 feet, on said East boundary line of the NW¼NW¼ of Section 25, to the NW 1/16 corner of said Section 25, a set 5/8" rebar with aluminum cap, C.P.F. Instrument No. 473384, corner records of said Idaho County;
thence a bearing of S 00°04'40" E, a distance of 1326.01 feet, on the East boundary line of the SW¼NW¼ of said Section 25, to the CW 1/16 corner of said Section 25, a calculated point (said point witnessed by a set 5/8" rebar which bears N 00°04'40" W, 20.00 feet from said point);
thence a bearing of N 89°52'44" W, a distance of 1315.68 feet, on the South boundary line of said SW¼NW¼ of Section 25, to the W1/4 corner of said Section 25, a found brass cap monument, C.P.F. Instrument No. 375100, corner records of said Idaho County;
thence a bearing of S 00°07'20" W, a distance of 1318.51 feet, on the East boundary line of Section 26, to the South 1/16 corner common to said Section 25 and 26, a set 5/8" rebar;
thence a bearing of N 89°35'52" W, a distance of 2642.78 feet, on the South boundary line of the N½SE¼ of said Section 26, to the CS 1/16 corner of said Section 26, a found aluminum pipe monument, C.P.F. Instrument No. 470123, corner records of said Idaho County;
thence a bearing of N 09°58'14" E, a distance of 2005.03 feet to a found iron pipe being the Southwest corner of Assessors's Tax No. 48;
thence a bearing of S 89°08'35" E, a distance of 949.04 feet, on the South boundary line of said Assessor's Tax No. 48, to a set 5/8" rebar being the Southeast corner of said Assessor's Tax No. 48;
thence a bearing of N 30°27'19" E, a distance of 188.37 feet, on the easterly boundary line of said Assessor's Tax No. 48, to a point;
thence a bearing of N 33°03'19" E, a distance of 532.84 feet, on said easterly boundary line of Assessor's Tax No. 48, to a point;
thence a bearing of N 01°11'38" W, a distance of 434.01 feet, on said easterly boundary line of Assessors No. 48, to a found iron pipe;
thence a bearing of N 03°14'03" W, a distance of 102.13 feet, on the East boundary line of Assessor's Tax No. 48, to a set 5/8" rebar;
thence a bearing of N 90°00'00" E, a distance of 972.22 feet to a point;
thence a bearing of N 90°00'00" E, a distance of 1319.13 feet to the Point of Beginning.

(end)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

October 23, 2019

HERBERT P DAVIS
PO BOX 133
NEW MEADOWS ID 83654-0133

Re: Change in Ownership for Water Right No(s): 78-2072

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) 334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft'.

Kensie Thorneycroft
Office Specialist 2

Enclosure(s)