

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
MAR 21 2019
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?
45-14483	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: Andy Gibson
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Angie Doyle and Ray Fenstermaker
New owner(s) as listed on the conveyance document
- PO Box 772 Paul Name connector ☐ and ☐ or ☒ and/or
Mailing address City ID 83347
State ZIP
- 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: March 6, 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: [Signature] Title, if applicable Date 3/8/19
Signature of new owner/claimant
- Signature: [Signature] Title, if applicable Date 3/8/19
Signature of new owner/claimant

For IDWR Office Use Only:

Received by AI Date 3/22/19 Receipt No. 5037227 Receipt Amt. \$50 - \$25 o/c \$25 sec int

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 DM Date 5-22-2019

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
417 N. Overland Ave.
Burley, ID 83318

CASSIA COUNTY
RECORDED FOR:
FIRST AMERICAN TITLE - BURLEY
04:21:29 PM 03-08-2019
2019-000811
NO. PAGES: 3 FEE: \$15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: JB
Electronically Recorded by Simplifile

ELECTRONICALLY RECORDED
DO NOT REMOVE THE COUNTY
STAMPED FIRST PAGE AS IT IS
NOW INCORPORATED AS PART
OF THE ORIGINAL DOCUMENT

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **714673RU (tm)**

Date: **March 01, 2019**

For Value Received, **Andy Gibson and Melissa W Gibson, husband and wife as community property with right of survivorship**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Angie Doyle, an unmarried woman and Ray Fenstermaker, an unmarried man**, hereinafter called the Grantee, whose current address is **P.O. Box 772, Paul, ID 83347**, the following described premises, situated in **Cassia 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.

RECORDING REQUESTED BY

First American Title Company

AND WHEN RECORDED MAIL TO:

First American Title Company
417 N. Overland Ave.
Burley, ID 83318

RECORDED ELECTRONICALLY	
ID <u>2019-000811</u>	County <u>CASSIA</u>
Date <u>3-08-19</u>	Time <u>4:21:29pm</u>
simplifile www.simplifile.com 800.460.5657	

Space Above This Line for Recorder's Use Only

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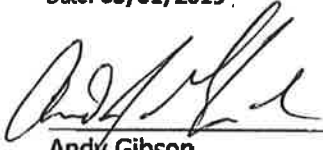
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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: 03/01/2019

Warranty Deed
- continued

File No.: 714673RU (tm)



Andy Gibson

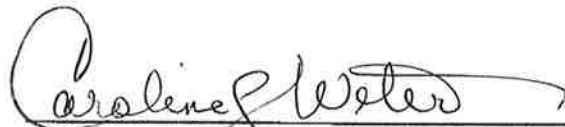


Melissa W Gibson

STATE OF Missouri)
COUNTY OF Christian) ss.

CAROLINE G. WETER
Notary Public - Notary Seal
State of Missouri
Commissioned for Christian County
My Commission Expires: November 28, 2022
Commission Number: 14117087

On this 6 day of March, 2019, before me, a Notary Public in and for said State, personally appeared **Andy Gibson and Melissa W Gibson**, 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~~ Missouri
Residing at: 1131 Blackfoot Rd Fordland MO 65652
My Commission Expires: Nov 28, 2022

EXHIBIT A

TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 33: Part of the NW¹/₄, more particularly described as follows:

Beginning at the West ¹/₄ corner of Section 33, said corner marked by a 5/8 inch rebar with a 3 inch aluminum cap on top; Thence North 00°34'00" West along the west line of Section 33 for a distance of 1832.82 feet to the Point of Beginning;

Thence North 00°34'00" West along said line for a distance of 335.19 feet;

Thence North 89°37'30" East for a distance of 25.00 feet to a 1/2 inch rebar;

Thence North 89°37'30" East for a distance of 885.09 feet to a 1/2 inch rebar;

Thence South 00°10'07" East for a distance of 230.87 feet to a 5/8 inch rebar;

Thence South 02°52'13" East for a distance of 104.43 feet to a 1/2 inch rebar;

Thence South 89°37'30" West for a distance 887.69 feet to a 1/2 inch rebar;

Thence South 89°37'30" West for a distance of 25.00 feet to the Point of Beginning.



CASSIA COUNTY
RECORDED FOR:
TITLEONE - BURLEY
10:25:56 AM 08-10-2016
2016-003303
NO. PAGES: 4 FEE: \$19.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: HYoung
Electronically Recorded by Simplifile

Order Number: 16275332

Warranty Deed

For value received,

Marsh Creek Estates, LLC an Idaho limited liability company

the grantor, does hereby grant, bargain, sell, and convey unto

Andy Gibson and Melissa W. Gibson, husband and wife as community property with right of survivorship

whose current address is 779 E 1500 N Shelley, ID 83274

the grantee, the following described premises, in Cassia County, Idaho, to wit:

TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: Part of the NW¼, more particularly described as follows:

Beginning at the West ¼ corner of Section 33, said corner marked by a 5/8 inch rebar with a 3 inch aluminum cap on top; Thence North 00°34'00" West along the west line of Section 33 for a distance of 1832.62 feet to the Point of Beginning;

Thence North 00°34'00" West along said line for a distance of 335.18 feet;
Thence North 89°37'30" East for a distance of 25.00 feet to a ½ inch rebar;
Thence North 89°37'30" East for a distance of 685.09 feet to a ½ inch rebar;
Thence South 00°10'07" East for a distance of 230.87 feet to a 5/8 inch rebar;
Thence South 02°52'13" East for a distance of 104.43 feet to a ½ inch rebar;
Thence South 89°37'30" West for a distance of 837.05 feet to a ½ inch rebar;
Thence South 89°37'30" West for a distance of 25.00 feet to the Point of Beginning.

Together with the following described easements #1 and Easement #2 (See attached Exhibit B)
TOGETHER WITH Idaho Department of Water right number 45-14108.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: August 9, 2016

Marsh Creek Estates, LLC

BY: Jay R. Mickelsen
Jay R. Mickelsen, Member

State of Idaho County of Cassia

On this 9th day of August 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Jay R. Mickelsen, known or identified to me to be a Member of the limited liability company that executed this instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that said limited liability company executed it.

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

Julia G. Coffman
Notary Public for Idaho
Residing In: Idaho
My Commission Expires: 6-20-2020

JULIA G. COFFMAN
NOTARY PUBLIC
STATE OF IDAHO

Marsh Creek Estates, LLC

BY:

Dean R. Smart, Member

State of Utah, County of Utah, ss.

On this 8th day of August 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Dean R. Smart, known or identified to me to be a Member of the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

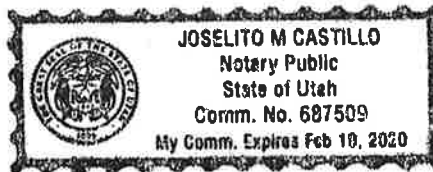
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho

Residing In:

My Commission Expires:

Feb 19 2020



July 15, 2016
 JOB # 11698-16C1
 JAY MICKELSEN SURVEY

EASEMENT NO. 1

LEGAL DESCRIPTION

Part of the NW $\frac{1}{4}$ of Section 33 in Township 11 South, Range 25 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the West $\frac{1}{4}$ Corner of Section 33 in T.11 S., R.25 E., B.M. said corner marked by a $\frac{3}{4}$ " rebar with a 3" aluminum cap on top; Thence North 00 degrees 34 minutes 00 seconds West along the west line of Section 33 for a distance of 1832.82 feet; Thence North 89 degrees 37 minutes 30 seconds East for a distance of 25.00 feet to a $\frac{1}{2}$ " rebar; Thence North 89 degrees 37 minutes 30 seconds East for a distance of 867.67 feet to the Point of Beginning;

THENCE North 89 degrees 37 minutes 30 seconds East for a distance of 20.02 feet to a $\frac{1}{2}$ " rebar;

THENCE South 02 degrees 52 minutes 13 seconds East for a distance of 200.32 feet to a $\frac{3}{4}$ " rebar;

THENCE South 23 degrees 43 minutes 58 seconds West for a distance of 289.65 feet to a $\frac{3}{4}$ " rebar;

THENCE South 38 degrees 36 minutes 16 seconds West for a distance of 285.99 feet to a $\frac{1}{2}$ " rebar;

THENCE South 19 degrees 56 minutes 13 seconds East for a distance of 290.84 feet to a $\frac{3}{4}$ " rebar;

THENCE South 13 degrees 38 minutes 07 seconds East for a distance of 45.88 feet;

THENCE South 89 degrees 37 minutes 30 seconds West for a distance of 20.55 feet;

THENCE North 13 degrees 38 minutes 07 seconds West for a distance of 40.07 feet;

THENCE North 19 degrees 56 minutes 13 seconds West for a distance of 300.95 feet;

THENCE North 38 degrees 36 minutes 15 seconds East for a distance of 294.59 feet;

THENCE North 23 degrees 43 minutes 58 seconds East for a distance of 282.31 feet;

THENCE North 02 degrees 52 minutes 13 seconds West for a distance of 196.47 feet to the Point Of Beginning.

Said property contains 0.51 acres more or less.

PREPARED BY:

Desert West Land Surveys 2020 Overland Ave. Burley, Idaho 83318

EXHIBIT 'B'

July 15, 2016
JOB # 11698-16C1
JAY MICKELSEN SURVEY



EASEMENT NO. 2

L E G A L D E S C R I P T I O N

Part of the NW $\frac{1}{4}$ of Section 33 in Township 11 South, Range 25 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the West $\frac{1}{4}$ Corner of Section 33 in T.11 S., R.25 E., B.M. said corner marked by a $\frac{1}{2}$ " rebar with a 3" aluminum cap on top; Thence North 00 degrees 34 minutes 00 seconds West along the west line of Section 33 for a distance of 300.00 feet; Thence North 89 degrees 54 minutes 56 seconds East for a distance of 25.16 feet to a $\frac{1}{2}$ " rebar; Thence 89 degrees 54 minutes 56 seconds East for a distance of 826.10 feet to a $\frac{1}{2}$ " rebar; Thence North 13 degrees 38 minutes 07 seconds West for a distance of 546.14 feet to the Point of Beginning;

THENCE North 13 degrees 38 minutes 07 seconds West for a distance of 30.82 feet;

THENCE North 89 degrees 37 minutes 30 seconds East for a distance of 86.00 feet;

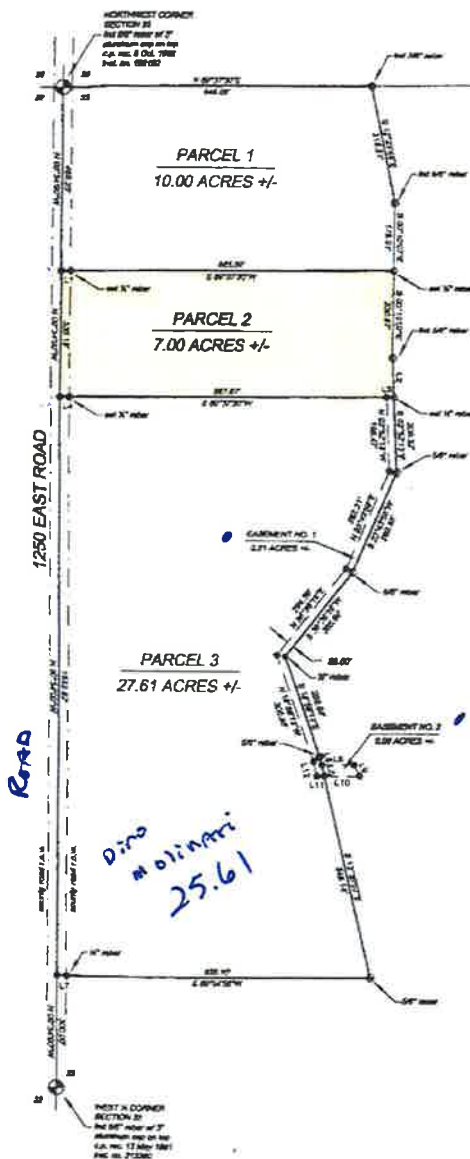
THENCE South 27 degrees 02 minutes 48 seconds East for a distance of 33.57 feet;

THENCE South 89 degrees 37 minutes 30 seconds West for a distance of 94.00 feet to the Point Of Beginning.

Said property contains 0.06 acres more or less.

PREPARED BY:
Desert West Land Surveys
2020 Overland Ave.
Burley, Idaho 83318

Accepted & Approved



NORTH 1/4 CORNER
SECTION 22
U.S. ROAD RISE PILE
W. BOUNDARY SET BY
S. & J. 10 JUN. 2007
BAC. NO. 312108



BASES OF MEASUREMENT = LINE ORIENTATION TO NORTH

LEGEND

- - FOUND ON SET 1/4 x 3/4" REBAR W/ L.S. NO. ATTACHED AS NOTED.
 - - FOUND ON SET 1/4 x 3/4" REBAR W/ L.S. NO. ATTACHED AS NOTED.
 - - NO MONUMENT FOUND ON SET.
- OTHER SURVEY CONTROL FOUND OR SET AS NOTED.

PREVIOUS RECORDS OF SURVEY

CHILD'S F. BROWDER
REC. 9 FEB. 2006, INST. NO. 2010-00000
PRELIMINARY PLAT OF MARSH CREEK SECTATES
(UNRECORDED) DATED 16 JULY 2003
CHILD'S F. BROWDER
REC. 14 SEP. 2011, INST. NO. 2011-00000

CERTIFICATE OF SURVEY

I, TREVOR REED, A LICENSED PROFESSIONAL LAND SURVEYOR, EXAMINE LICENSE NO. 10881, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY HAS BEEN PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.

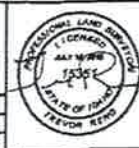
CASSIA COUNTY
Recorded for:
DESERT WEST LAND SURVEYS
11:24:29 am 08-02-2016
2016-003163
No. Pages: 1 Fee: \$5.00
JOSEPH W. LARSEN
County Clerk
Deputy: CVELASQUEZ

SECTION 22
T. 11 S., R. 25 E., B.M.
CASSIA COUNTY, IDAHO

Course	Bearing	Distance
1-1	S. 88°17'30" W.	25.00'
1-2	S. 02°52'12" E.	139.43'
1-3	S. 88°17'30" W.	30.00'
1-4	S. 88°17'30" W.	30.00'
1-5	S. 12°34'07" E.	12.00'
1-6	S. 11°14'44" E.	76.42'
1-7	S. 88°14'45" W.	25.14'
1-8	S. 88°17'30" W.	25.00'
1-9	S. 12°34'07" E.	25.00'
1-10	S. 88°17'30" W.	82.00'
1-11	S. 88°17'30" W.	82.00'
1-12	S. 12°34'07" E.	40.00'

RECORD OF SURVEY
for
JAY MICKELSEN

DESERT WEST LAND SURVEYS, P.C.
2000 OVERLAND AVENUE SULLY, IDAHO 83870 208-476-7172
JOB NO. 11886-1601 DRAWN BY T. REED
DATE JUL 7 16, 2016 © Desert West Land Surveys, P.C.





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

May 23, 2019

RAY FENSTERMAKER
ANGIE DOYLE
PO BOX 772
PAUL ID 83347-0772

Re: Change in Ownership and Notice of Security Interest for Water Right No(s): 45-14483

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.

The Department also acknowledges receipt of correspondence adding security interest of the above referenced water right(s) to D L Evans Bank. The Department has modified its records to reflect the change in security interest 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) 736-3033.

Sincerely,

Denise Maline
Administrative Assistant 1

Enclosure(s)

c: D L EVANS BANK
TITLEONE, BURLEY (File # 18325909)
WATER DISTRICT 45F