

IDWR
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RECEIVED
MAY 28 2019
Department of Water Resources

STATE 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?
23-11449 ^{ok}	Yes ☐	Yes ☐		Yes ☐	Yes ☐
23-11450 ^{ok}	Yes ☐	Yes ☐		Yes ☐	Yes ☐
23-11451 ^{ok}	Yes ☐	Yes ☐		Yes ☐	Yes ☐
23-11452 ^{ok}	Yes ☐	Yes ☐		Yes ☐	Yes ☐
23-11453 ^{ok}	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: WHISKY RUN LLC 40 RICHARD CLAYTON JR
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): James & Barbara Gerard
New owner(s) as listed on the conveyance document
- Mailing address: PO Box 203 City: Swan Valley State: ID ZIP: 83449
- 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: 11-9-2015
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: James R Gerard Title, if applicable: _____ Date: 5/22/19
Signature of new owner/claimant
- Signature: Barbara Gerard Title, if applicable: _____ Date: 5/22/19
Signature of new owner/claimant

For IDWR Office Use Only:

Received by: JB Date: May 28, 2019 Receipt No.: E045022 Receipt Amt.: \$125.-

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: CR Processed by: CR Date: 5/29/2019

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:291389

FOR VALUE RECEIVED

Whiskey Run LLC , an Idaho Limited Liability Company

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

**James R Gerard and Barbara J Gerard, Husband and wife as community property
with right of survivorship**

whose current address is

**5300 West Kittle Lane
Flagstaff, AZ 86005**

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

Beginning at the East Quarter corner of Section 5, Township 1 North, Range 44 East of the Boise Meridian, Bonneville County, Idaho; thence North 00°46'37" West along the Section line 1324.75 feet to the South boundary line of Swan Valley Meadows, Division No. 1, an Addition to the City of Swan Valley, Bonneville County, Idaho; thence along said boundary of Swan Valley Meadows, Division No. 1 the following (11) courses: South 89°22'46" West 30.00 feet; thence North 00°46'37" West 39.13 feet; thence North 85°17'38" West 39.05 feet; thence South 55°44'30" West 109.94 feet; thence South 11°42'23" East 22.78 feet; thence South 58°23'12" West 167.66 feet; thence South 53°13'00" West 107.14 feet; thence South 31°02'22" West 122.00 feet; thence South 40°54'13" West 73.45 feet; thence South 50°43'19" West 61.80 feet; thence South 05°10'04" West 66.19 feet; thence South 14°05'29" East 896.01 feet to the East-West Center Section Line of said Section 5; thence North 89°23'09" East along said East-West Center Section Line 348.90 feet to the true point of beginning.

Together with all water rights:

1. X35 Rights 23-11449, 23-11450, 23-11451, 23-11452, 23-11453 when combined shall not exceed a total diversion rate of 0.29 cfs, and the irrigation of 12.5 acres
2. X27 This right is limited to the irrigation of 6.8 acres within the authorized place of use in a single irrigation season.
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. 01
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 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.
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.

Alliance Title & Escrow Corp.

Subject to: all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

Subject to:

1. Rights or claims of parties in possession not shown by the public records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the public records.
4. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights or easements appurtenant to water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
6. Taxes, including any assessments collected therewith, for the year 2015 which are a lien not yet due and payable.
7. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.

Recorded: March 16, 1912.

Book: 1 of Deeds at Page: 329

Official Records: Bonneville County.

8. An easement for the purpose shown below and rights incidental thereto as set forth in document:

Granted To: Lower Valley Power and Light, Inc.

Purpose: Public Utilities

Recorded: December 15, 1980

Instrument No.: 598246

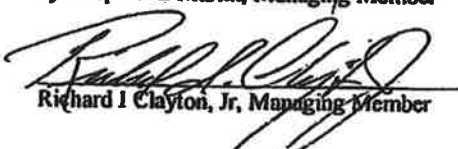
9. Ditch, road and public utility easements as the same may exist over said premises.
 10. Rights of the public in and to that portion of the premises lying within Rainey Creek Road.
 11. Any question of location, boundary or area related to the Rainey Creek, including, but not limited to, any past or future changes in it.
- Right-of-way for Rainey Creek and the rights of access thereto for maintenance of said creek.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 11/5/15


Swan-Valley, LLC, Manager
by: Stephen E Martin, Managing Member


Richard I Clayton, Jr, Managing Member

State of Idaho) ss
County of Bonneville)

On this 5th day of November, 2015, before me, Milli F Gabettas, a Notary Public in and for said state, personally appeared Stephen Martin known or identified to me to be the Managing Member in the Limited Liability Company known as Swan Valley, LLC, Manager of the Whiskey Run LLC, an Idaho Limited Liability Company who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

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

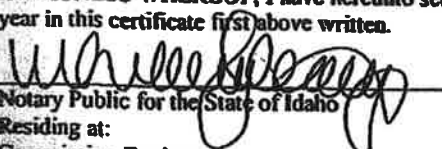

Milli F Gabettas
Notary Public for the State of Idaho
Residing at:
Commission Expires: Residing in Idaho Falls, Idaho
Commission Expires 3/19/2016



State of Idaho) ss
County of Bonneville)

On this 4th day of November in the year 2015, before me, Milli F Gabettas, a Notary Public in and for said state, personally appeared Richard I Clayton, Jr known or identified to me to be the Managing Member in the Limited Liability Company known as Whiskey Run LLC, an Idaho Limited Liability Company who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

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 the State of Idaho
Residing at:
Commission Expires:

Residing in Idaho Falls, Idaho
Commission Expires 03-20-2021





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

May 28, 2019

JAMES & BARBARA GERARD
PO BOX 203
SWAN VALLEY ID 83449-0203

Re: Change in Ownership for Water Right No(s): 23-11449, 23-11450, 23-11451, 23-11452, 23-11453

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) 525-7161.

Sincerely,

Cher Ramos
Technical Records Specialist 1

Enclosure(s)

cc: Water District 01