

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 06 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?
21-7132	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
21-7132 21-13208	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Curtis Loosli, Lynn Loosli, & Dale Buckwalter
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Clen Atchley and Emma Atchley
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 4054 E. 1300 N. Ashton ID 83420-5400
Mailing address City State ZIP
- 208 652-3560
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: May 17, 1993
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: *Robert L. Jannis* Attorney May 2, 2019
Signature of new owner/claimant Title, if applicable Date

Signature: _____ _____ _____
Signature of new owner/claimant Title, if applicable Date

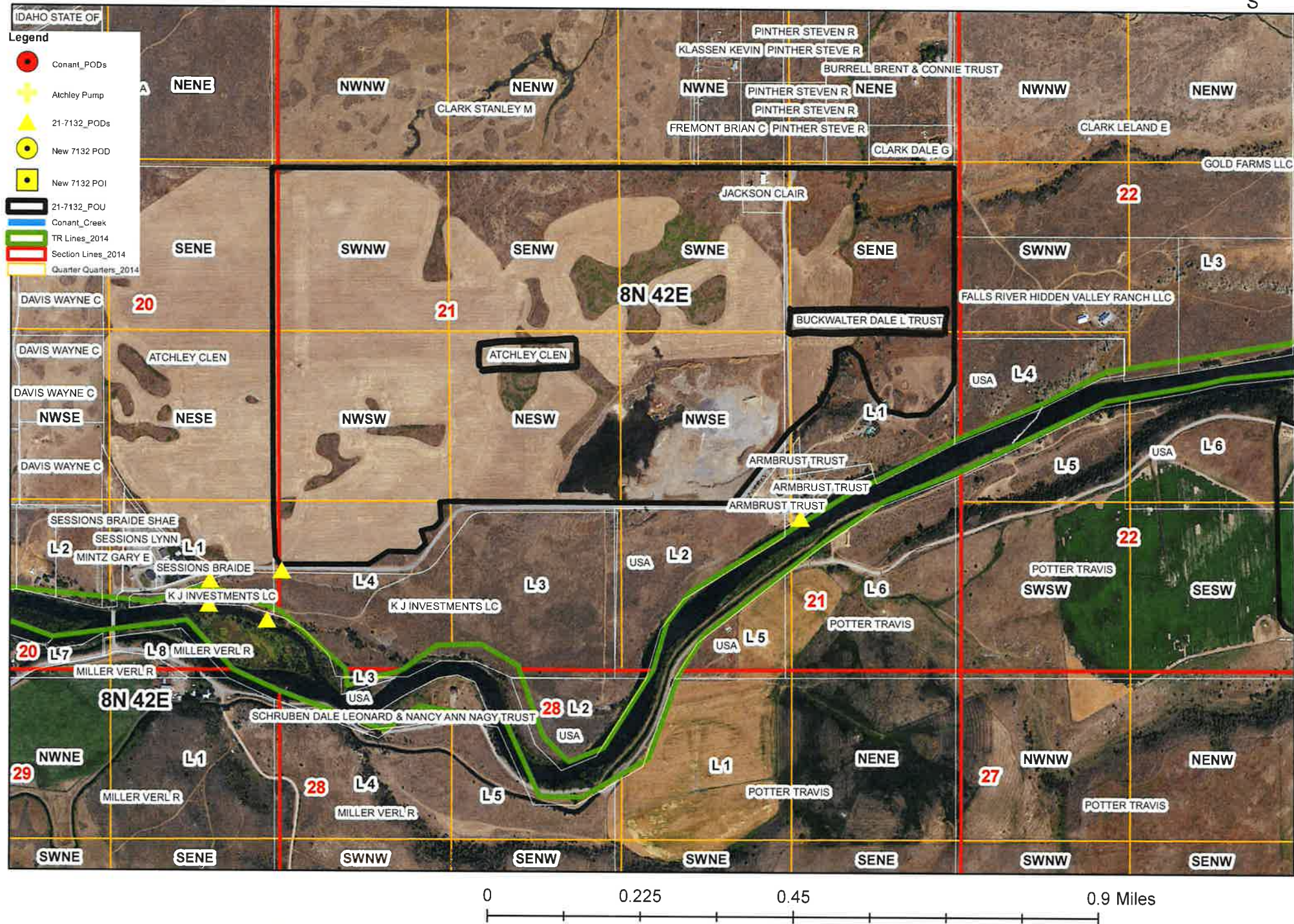
For IDWR Office Use Only:

Received by *JB* Date 5/6/2019 Receipt No. ED44944 Receipt Amt. \$100. -

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 *JC* Processed by *JC* Date May 10, 2019

ATCHLEY OWNERSHIP SPLIT



F-20184

WARRANTY DEED

First American Title Company

For Value Received DALE L. BUCKWALTER, A SINGLE MAN

Hereinafter called the Grantor, hereby grants, bargains, sells & conveys to
CLEN ATCHLEY AND EMMA ATCHLEY, HUSBAND AND WIFE

whose address is: 4054 E. 1300 N., ASHTON, ID 83402

Hereinafter called the Grantee, the following described premises situated
in FREMONT County, Idaho, to-wit:

SEE ATTACHED LEGAL

THIS IS BEING RE-RECORDED TO CORRECT AND REPLACE
THE LEGAL DESCRIPTION

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 their 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.

Dated: MAY 17, 1993

DALE L. BUCKWALTER

STATE OF IDAHO)
COUNTY OF MADISON) ss

On this 17TH day of May, in the year 1993, before me, a Notary
Public in and for said State, personally appeared DALE L. BUCKWALTER, 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.

Microfilm No. **426433**
25 Day May 19 93
At 16:46 O'clock PM
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 15 Deputy
Recorded At Request of
First American Title Company

Marilyn J. Jiro
Notary Public of Idaho
Residing at Rexburg
Commission Expires: 4/4/94

Microfilm No. **426329**
17 Day May 19 93
At 16:50 O'clock PM
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 15 Deputy
Recorded At Request of
First American Title Company

EXHIBIT "A"

A parcel of land located in the East 1/2, East 1/2 of Section 20 and in Section 21, Township 8 North, Range 42 East, Boise Meridian, Fremont County, Idaho, shown as Parcel "A" on Record of Survey Plat Instrument No. 419182, recorded in Fremont County Recorder's Office and being more particularly described as follows:

Section 20: SE1/4 NE1/4; NE1/4 SE1/4 and Lot 1

Section 21: SW1/4 NE1/4; S1/2 NW1/4; N1/2 SW1/4; NW1/4 SE1/4;
and Lots 3 and 4

ALSO a parcel of land described as follows: Beginning at the Southeast 1/16 corner of Section 21, Township 8 North, Range 42 East, Boise Meridian, Fremont County, Idaho, said corner being a 5/8" rebar marked with a plastic cap stamped "PE/LS 4440", and running thence North 00°16'22" East 252.24 feet along the 1/16 line; thence North 81°14'46" East 72.96 feet; thence South 13°06'21" East 331.18 feet to the Southwest corner of Parcel C as disclosed in that certain survey recorded August 14, 1991, Instrument No. 419182, and running thence South 58°55'52" West 174.09 feet to the East 1/16 line of Section 21; thence North 0°16'22" East along said East 1/16 line 149.02 feet, more or less, to the TRUE Point of Beginning.

TOGETHER WITH two (2) irrigation pipeline easements and a roadway easement for ingress and egress across a portion of Lot 4 of Section 21 and Lot 1 of Section 20, as shown on Record of Survey Plat Instrument No. 419182.

TOGETHER WITH an access and utility easement described as follows:

A Strip of land 50 feet in width, measured at right angles, located in Government Lot 1 of Section 21, Township 8 North, Range 42 East, Boise Meridian, Fremont County, Idaho, described as follows: Beginning at the Northwest corner of Parcel C as shown on Record of Survey Plat #419182, recorded in Fremont County Recorder's Office, said corner being marked by a 1/2" diameter rebar with a yellow plastic cap stamped "PE/LS 4440"; thence North 81°14'46" East along the Northerly line of said Parcel C 50.15 feet; thence North 2°30'34" West 290.13 feet to the Southeasterly right of way County road; thence South 37°06'44" West along the Southeasterly right of way 78.17 feet; thence South 2°30'34" East 235.37 feet, more or less, to the True Point of Beginning.

ALSO TOGETHER WITH an easement to a pump location in Lot 1 described as follows: Commencing at the Southeast 1/16 corner of Section 21, Township 8 North, Range 42 East, Boise Meridian, Fremont County, Idaho, said corner being a 5/8" rebar marked with a plastic cap stamped "PE/LS 4440"; and running thence North 00°06'22" East 252.24 feet along the 1/16 line; thence North 81°14'46" East 72.96 feet to the TRUE Point of Beginning; and running thence North 77°43'14" East 1247.84 feet to a power pole on the North Bank of the Fall River.

SUBJECT TO an easement for the purpose of an existing private domestic well and waterline to Parcel C as shown on Record of Survey Plat #419182: A strip of land located in Government Lot 1 of Section 21, Township and Range aforesaid; being 40 feet in width, 20 feet on each side (measured at right angles) of the following described centerline: Commencing at the Northeast corner of Government Lot 2 shown on Record of Survey Plat #419182, said corner being marked by a 5/8" diameter rebar with a yellow plastic cap stamped "PE/LS 4440"; thence North 0°16'22" East along the East 1/16 line of said Section 21 57.89 feet to the beginning of said centerline; thence North 52° 34'29" East 129.19 feet to the Westerly line of said Parcel C and the terminus of this centerline, said terminus bears South 13°06'21" East 130.36 feet from the Northwest corner of said Parcel C.

The sidelines of the above described easement shall be shortened or lengthened, as circumstances may require, to conform to the West property line of Parcel C and to conform to the East 1/16 line of Section 21.

SUBJECT TO a temporary easement for the purpose of an existing private sanitary sewer drainfield to Parcel C as shown on Record of Survey Plat #419182, recorded in Fremont County Recorder's Office, a parcel of land located in the Southeast 1/4 of Section 21, Township and Range aforesaid, being more particularly described as follows:

Beginning at the Northeast corner of Government Lot 2 shown on Record of Survey Plat #419182, said corner being marked by a 5/8" diameter rebar with a yellow plastic cap stamped "PE/LS 4440"; thence North 0°16'22" East along the East 1/16 line of Said Section 21, 252.27 feet; thence North 81°14'46" East 72.96 feet to the Northwest corner of Parcel C; thence South 13°06'21" East along the West line of Parcel C 331.18 feet to the Southwest corner of Parcel C; thence South 58°55'52" West 174.09 feet to the East 1/16 line of said Section 21; thence North 0°16'22" East along said East 1/16 line 149.02 feet, more or less, to the TRUE Point of Beginning.

EXCEPTING THEREFROM:

Parcel B, shown on Record of Survey Plat #419182, (said parcel consisting of all the lands between the South right-of-way of the County road and the Northerly bank of the Fall River), more particularly described as follows:

A Parcel of land located in Government Lot 3 and 4 of Section 21 and in Government Lot 1 of Section 20, Township 8 North, Range 42 East, Boise Meridian, Fremont County, Idaho, shown as "Parcel B" on Record of Survey Plat #419182, Records of Fremont County, Idaho, and being more particularly described as follows:

Beginning at the South 1/4 corner of said Section 21, said corner being marked by the original stone monument with an aluminum cap monument stamped "PE/LS 4440" set along the North side; thence North 0°41'50" East along the meridional centerline of said Section 21 1293.16 feet to a point on the Southerly right-of-way of the County Road, said point being marked by a 1/2" diameter rebar with a yellow plastic cap stamped "PE/LS 4440"; thence South 89°42'17" West along said Southerly right-of-way 1050.78 feet to a point of tangency with a 147.22 foot

radius curve, (all points of tangency being marked by a 1/2" diameter rebar with a yellow plastic cap stamped "PE/LS 4440"); thence along a curve to the left, said curve having a central angle of 53°47'52", a radius of 147.22 feet and a chord bearing of South 62°48'21" West, for an arc length of 138.23 feet to a point of tangency; thence South 35°54'25" West 387.96 feet to a point of tangency with a 264.75 foot radius curve; thence along a curve to the right, said curve having a central angle of 54°29'44", a radius of 264.75 feet and a chord bearing of South 63°09'17" West, for an arc length of 251.81 feet to a point of tangency; thence North 89°35'50" West 1253.73 feet to a point of tangency with a 795.53 feet radius curve; thence along a curve to the left, said curve having a central angle of 21°06'13", a radius of 795.53 feet and a chord bearing of South 79°51'02" West, for an arc length of 293.02 feet to a point of tangency; thence South 69°17'57" West 198.65 feet to a point of tangency with a 832.96 foot radius curve; thence along a curve to the right, said curve having a central angle of 20°28'57", a radius of 832.96 feet and chord bearing of South 79°32'24" West, for an arc length of 297.77 feet to a point of tangency; thence South 89°46'52" West 119.45 feet to a point of tangency with a 45.15 foot radius curve; thence along a curve to the left, said curve having a central angle of 90°11'06", a radius of 45.15 feet and a chord bearing of South 44°41'21" West, for an arc length of 71.07 feet to a point of tangency; thence South 0°24'12" East 61.59 feet to a point on the Northerly bank of the Fall River, said point being marked by a 1/2" rebar with a yellow plastic cap stamped "PE/LS 4440"; thence running along said Northerly bank of the Fall River the following courses and distances;

North 83°09'58" East 275.16 feet;

South 89°56'03" East 356.63 feet;

South 87°47'58" East 282.05 feet;

South 72°09'36" East 309.84 feet;

South 58°39'07" East 184.12 feet;

South 44°51'21" East 269.31 feet;

South 18°38'22" East 176.11 feet to the intersection of said Northerly bank with the South line of Section 21, said point being marked by a 1/2" diameter rebar with a yellow plastic cap stamped "PE/LS 4440"; thence South 89°56'47" East along said South Section line 556.24 feet to a point on the Northerly bank of the Fall River, said point being marked by a 1/2" diameter rebar with a yellow plastic cap stamped "PE/LS 4440"; thence running along said Northerly bank of the Fall river the following courses and distances;

North 63°41'14" East 286.80 feet;

South 88°51'11" East 272.87 feet;

South 66°11'34" East 303.29 feet to the intersection of said Northerly bank with the South line of Section 21, said point being marked by a 1/2" diameter rebar with a yellow plastic cap stamped "PE/LS 4440"; thence South 89°56'47" East along said South Section line 805.20 feet to the True Point of Beginning.

Said parcel being subject to two irrigation pipeline easements as shown on Record of Survey Plat #419182.

Subject to an existing roadway easement for ingress and egress across a portion of Lot 4 of Section 21 & Lot 1 of Section 20, Township 8 North, Range 42 East, Boise Meridian, Fremont County, Idaho.

ALSO LESS County Road Right-of-Way.

TOGETHER WITH 300 Shares in the Marysville Canal Company



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 10, 2019

Holden Kidwell Hahn & Crapo
PO Box 50130
Idaho Falls ID 83405

Clen Atchley
Emma Atchley
4054 E 1300 N
Ashton ID 83420

RE: Change of Ownership for Water Rights: 21-7132 (Split into 21-7132 & 21-13268)

Dear Water Right Holder:

The department acknowledges receipt of correspondence changing ownership and splitting the above referenced water right. The department has modified its records to reflect the changes and has enclosed computer-generated reports for your records.

Your portion of the water right has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on your water right, then no further action is required at this time.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosures

cc: Curtis Loosli
Lynn Loosli
Dale Buckwater
ec: Rob Harris Holden Kidwell Hahn & Crapo



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

RECEIVED

MAY 06 2019

Department of Water Resources
Eastern Region

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

May 2, 2019

VIA EMAIL & REGULAR MAIL

James Cefalo
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402
James.Cefalo@idwr.idaho.gov

Re: Notice of Change in Water Right Ownership for Water Right No. 21-7132.

Dear James:

Enclosed is a *Notice of Change in Water Right Ownership* for Water Right No. 21-7132. We request that the water right be split to show that Clen and Emma Atchley own a 246.5-acre portion of Water Right No. 21-7132. We have enclosed a deed evidencing the transaction where they obtained title to the property. We have also included the \$100 filing fee as the water right will be split.

Based upon our calculations, this will leave a 54-acre portion of 21-7132 in the name of Dale Buckwalter. At this point, it is the Atchleys' position that they obtained all of the water right from Buckwalter, but any dispute over ownership of Buckwalter's portion will be addressed in a separate proceeding. Additionally, there is a 2.5-acre parcel located in the SWNE Section 21, Township 08N., 42E., owned by Clair Jackson. Based on the legal description in the enclosed deed, this property was included when Atchley purchased the property from Buckwalter, and therefore the sale to Jackson came afterwards. It is again Atchley's position that he did not intend to convey ownership of any water rights to Jackson, and therefore the 2.5-acre portion of 21-7132 should be included in the portion split out to Atchley.

We appreciate your prompt attention to this matter. Processing of this ownership change will allow for further discussions for resolution on a currently protested transfer application.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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Established in 1896