



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

May 13, 2019

Gary Spackman
Director

DAVID E DONICA
6304 HIGHWAY 95 S
POLLOCK ID 83547-5002

RE: Change in Ownership Water Right No: 78-7274

Dear Interested Party:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on March 21, 2019 for the above referenced water right. The <Notice could not be processed because Schedule C, the property's legal description, of the warranty deed was not included and the fee was not received.

On April 8, 2019, the Department requested the required information and fee from you. As of the date of this letter, the Department has not received the required information and fee.

The Department is returning your Notice of Change in Water Right Ownership and the attachments. You may re-submit your request with the appropriate documents and fees.

If you have any questions regarding this matter, please contact me at (208) 287-4920.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Brad Little
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April 8, 2019

Gary Spackman
Director

DAVID E DONICA
6304 HIGHWAY 95 S
POLLOCK ID 83547-5002

RE: Change in Ownership Water Right No: 78-7274

Dear Interested Party:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

 X Filing Fee of \$25 per water right

 X Legal Description of Property – Schedule C, which is referenced in the Warranty Deed that was submitted, is missing.

Because the Department cannot process the Notice without proper documentation and fees, we will hold any action on your notice pending receipt of the necessary information and fees. If we do not receive the necessary information and fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 287-4920.

Sincerely,

Debbi Judd
Technical Records Specialist

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

MAR 21 2019

DEPARTMENT OF
WATER RESOURCES

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?
78-7274	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: DAVID L. HUBBARD
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): DAVID E. DONICA
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☐ or ☐ and/or
- Mailing address: 6304 Hwy 95 S City: Pollock State: ID ZIP:
- Telephone: 801-721-8243 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: _____
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: David Donica Title, if applicable: _____ Date: 3/18/19
- Signature: _____ Title, if applicable: _____ Date: _____
- Signature of new owner/claimant

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing

Name on W-9 _____ Approved by _____ Processed by _____ W-9 received? Yes ☐ No ☐

Date _____

Instrument # 511740

IDAHO COUNTY, IDAHO,

12-14-2017 02:57:36 PM No. of Pages: 4

Recorded for : IDAHO COUNTY TITLE

KATHY M. ACKERMAN

Ex-Officio Recorder Deputy  Fee: \$15.00

WARRANTY DEED

GRANTOR, KYLE HUBBARD, Trustee of the DAVID LEROY HUBBARD TRUST under Trust Agreement dated effective July 1, 2002, of 16845 N. Abernathy Ct., Nampa, ID 83687, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to DAVID E. DONICA, a single man, of P.O. Box 698, McCall, ID 83638, and the Grantee's heirs and assigns forever, all of the following described real estate located in the County of Idaho, State of Idaho, to wit:

See Schedule C, attached hereto and incorporated herein by this reference.

TOGETHER WITH, all improvements, water, water rights, ditches, ditch rights, easements, hereditaments, and appurtenances thereto.

SUBJECT TO:

- 1) General taxes for the year 2017, which are a lien, now due and payable, but not delinquent until December 21, 2017.
- 2) Reservations in Warranty Deed, including the terms and provisions thereof, by and between AMERICAN RAND MINES CO., a corporation, Party of the first part, and BRUCE WALTERS, Party of the second part, recorded November 15, 1943, under Instrument No. 143384, Book 73 page 402, records of Idaho County, Idaho.
- 3) Reservations in Warranty Deed, including the terms and provisions thereof, by and between C.N. HALL and ISLA B. HALL, husband and wife, Parties of the first part, and HOWARD DRYDEN, and MINNIE DRYDEN, his wife, Parties of the second part, recorded December 30, 1949, under Instrument No. 165560, Book 82 page 360, records of Idaho County, Idaho.
- 4) Easement as set forth in Warranty Deed, including the terms and provisions thereof, by and between CHARLES N. HALL, also known as CHARLES HALL, also known as CHAS. N. HALL, also known as C.N. HALL, and ISLA BUHL HALL, also known as ISLA HALL, also known as ISLA B. HALL, wife of CHARLES N. HALL, Parties of the first part, and W.F. WICKS and EVA WICKS, husband and wife, Parties of the second part, recorded October 22, 1953, under Instrument No. 178160, Book 86 page 610, records of Idaho County, Idaho.
- 5) Terms and provisions as set forth in Warranty Deed, by and between HOWARD DRYDEN, and MINNIE DRYDEN, his wife, and MARSHALL DRYDEN, and MARJORY DRYDEN, his wife, First parties, and STATE OF IDAHO, Second party, recorded February 19, 1960, under Instrument No. 200836, Book 93 page 605, records of Idaho County, Idaho.

- 6) Construction Easement, including the terms and provisions thereof, by and between HOWARD DRYDEN and MINNIE DRYDEN, husband and wife, Grantors, and MARSHALL DRYDEN and MARJORY DRYDEN, husband and wife, and STATE OF IDAHO, Grantee, recorded February 19, 1960, under Instrument No. 200837, Book 93 page 608, records of Idaho County, Idaho.
- 7) Reservations in Warranty Deed, including the terms and provisions thereof, by and between HOWARD DRYDEN and MINNIE DRYDEN, husband and wife, Parties of the first part, and JACK D. HUBBARD and ARLENE HUBBARD, husband and wife, and WILLIAM J. HUBBARD and MARGUERITE HUBBARD, husband and wife, Parties of the second part, recorded February 28, 1974, under Instrument No. 252982, records of Idaho County, Idaho.
- 8) Easement, including the terms and provisions thereof, by and between DAVID L. HUBBARD, Grantor, and IDAHO POWER COMPANY, a corporation, recorded June 17, 2004, under Instrument No. 435885, records of Idaho County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, his heirs and assigns, forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that it is free from all encumbrances, and that it will warrant and defend the same from all lawful claims whatsoever, EXCEPT General taxes, easements, reservations, restrictions, and rights of way of record or in use.

Except as otherwise expressly provided in this Instrument, Grantor hereby declares, pursuant to Title 5, Chapter 2 of the Idaho Code, that in the event Grantor shall have permitted or suffered, at any time prior to the making of this Instrument, any person or entity to possess, use, or occupy the above-described premises, or any portion thereof, for any purpose, with or without the knowledge of Grantor, it was not the intent of Grantor, by permitting or suffering such possession, use, or occupation to thereby define property boundaries or ownership thereof.

In construing this Deed, and where the context so requires, the singular includes the plural and the masculine, the feminine, and the neuter.



STATE OF Idaho)
County of Canyon)

WARRANTY DEED - 3

[Close]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/30/2016

WATER RIGHT NO. 78-7274

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID L HUBBARD PO BOX 830 POLLOCK, ID 83547 (208) 628-3427
Original Owner	MAGGIE HUBBARD
Original Owner	WILLIAM J HUBBARD 6278 HWY 95 S POLLOCK, ID 83547 (208)628-3757

Priority Date: 11/12/1986

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	HAT CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.04 CFS	1.2 AFA
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

SPRING	SWSESE	Sec. 20	Township 23N	Range 01E	IDAHO County
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Place(s) of use:

Place of Use Legal Description: DOMESTIC IDAHO County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
23N	01E	20		SESE										

Conditions of Approval:

1.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4.		PARCEL NO. 23N01E209290

Dates:

Licensed Date:

Decreed Date: 08/18/2000

Permit Proof Due Date: 2/1/1988

Permit Proof Made Date: 3/5/1987

Permit Approved Date: 1/15/1987

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 11/12/1986

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Water Right Report

Page 3 of 3

Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
[Close]