

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 26 2019
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?
79-14256	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: Black Swan Development LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Michael Tomlinson and Cindy Tomlinson
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 251 Doumecq Road White Bird ID 83554
Mailing address City State ZIP
- 208-839-9966 silveradoinc@yahoo.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: 8-30-17
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: MICHAEL TOMLINSON Title, if applicable: _____ Date: 4-15-19
Signature: Cindy Tomlinson Title, if applicable: _____ Date: 4-15-19

For IDWR Office Use Only:

Received by PD Date 4-26-19 Receipt No. C100692 Receipt Amt. \$ 25
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 Jm Date 4-29-19

Instrument # 510413

IDAHO COUNTY, IDAHO,
8-30-2017 12:05:42 PM No. of Pages: 4
Recorded for : IDAHO COUNTY TITLE
KATHY M. ACKERMAN Fee: 15.00
Ex-Officio Recorder Deputy

WARRANTY DEED

GRANTOR, BLACK SWAN DEVELOPMENT, LLC, an Idaho limited liability company, of 171 Highway 95 N, Grangeville, ID 83530, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to MICHAEL TOMLINSON and CINDY TOMLINSON, husband and wife, of 251 Doumecq Rd., White Bird, ID 83554, and the Grantees' 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, not yet due and payable.
- 2) All matters, covenants, provisions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the recorded plat of said subdivision as recorded in the official Idaho County records, but deleting any covenant, provision or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, provisions or restrictions violate 42 USC §3604 (c).
- 3) Rights and easements in favor of the public for recreational uses of the Salmon River.
- 4) Any adverse claims based on the assertion that the location of the Salmon River has moved subsequent to its adoption as a title boundary.
- 5) Matters as shown on Survey No. S-307, recorded June 18, 1984, under Instrument No. 313655; Survey No. S-2524, recorded December 29, 2006, under Instrument No. 452694; Survey No. S-2688, recorded January 22, 2008, under Instrument No. 459192; Survey No. S-3157, recorded June 27, 2013, under Instrument No. 490432; Survey No. S-3207, recorded March 14, 2014, under Instrument No. 493878; Survey No. S-3226, recorded June 23, 2014, under Instrument No. 495127; and Survey No. S-3266, recorded November 25, 2014, under Instrument No. 497258; all records of Idaho County, Idaho.
- 6) Right of Way Easement, including the terms and provisions thereof, by and between BLACK SWAN DEVELOPMENT, LLC and IDAHO COUNTY LIGHT & POWER COOPERATIVE ASSOCIATION, INC., a corporation, recorded December 27, 2007, under Instrument No. 458869, records of Idaho County, Idaho.
- 7) Easement in Correction Warranty Deed, including the terms and provisions thereof, by and between BLACK SWAN DEVELOPMENT, LLC, an Idaho limited liability company, Grantor, and

KEVIN C. TOMLINSON and DEBRA L. TOMLINSON, husband and wife, Grantee, recorded February 19, 2014, under Instrument No. 493602, records of Idaho County, Idaho.

8) Well easement in Warranty Deed, including the terms and provisions thereof, by and between BLACK SWAN DEVELOPMENT, LLC, an Idaho limited liability company, Grantor, and JON T. ZEHNER and CHERYL L. ZEHNER, husband and wife, Grantee, recorded June 25, 2014, under Instrument No. 495199 and re-recorded July 14, 2014, under Instrument No. 495399, records of Idaho County, Idaho.

9) Well easement in Warranty Deed, including the terms and provisions thereof, by and between BLACK SWAN DEVELOPMENT, LLC, an Idaho limited liability company, Grantor, and JON T. ZEHNER and CHERYL L. ZEHNER, husband and wife, Grantee, recorded June 25, 2014, under Instrument No. 495200, records of Idaho County, Idaho.

10) Substituted Declaration of Covenants, Conditions and Restrictions, including the terms and provisions thereof, but omitting any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status, or national origin to the extent that such covenants, conditions or restrictions violate 42 USC §3604(c), by and between BLACK SWAN DEVELOPMENT, LLC, KEVIN C. TOMLINSON and DEBRA L. TOMLINSON, husband and wife, MICHAEL TOMLINSON and CINDY TOMLINSON, husband and wife, JON T. ZEHNER and CHERYL L. ZEHNER, husband and wife, recorded April 30, 2015, under Instrument No. 499280, records of Idaho County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns, forever. And the said Grantor does hereby covenant to and with the said Grantees 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 WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal.

By

)

SS

)

KATHRINA WARFORD
NOTARY PUBLIC
STATE OF IDAHO

My commission expires 6/2/05

File No.: 28164

SCHEDULE C

Township 28 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section: 22:

A portion of Blocks 5, 6, 15 and 16 and vacated streets of Copperville Subdivision, lying in Government 3 of said Section 22, more particularly described as follows:

Commencing at the Northwest corner of said Government Lot 3, (Northwest corner of Section 22), a found brass cap monument;
thence S 89°59'47" E along the North boundary of said Government Lot 3, a distance of 88.93 feet to a point on the ordinary high water line of the West bank of the Salmon River;
thence traversing said ordinary high water line as follows:
S 16°03'05" E, a distance of 225.59 feet;
S 06°15'12" E, a distance of 130.26 feet;
S 37°38'21" E, a distance of 246.41 feet;
S 49°37'31" E, a distance of 117.92 feet;
S 37°23'20" E, a distance of 135.24 feet to the True Point of Beginning, a point witnessed by a 5/8"x30" rebar bearing S 64°44'47" W, a distance of 41.16 feet;
thence continuing along said ordinary high water line as follows:
S 37°23'20" E, a distance of 117.79 feet;
S 10°05'37" E, a distance of 45.99 feet;
S 25°56'16" E, a distance of 13.06 feet to a point witnessed by a 5/8"x30" rebar with a plastic cap stamped L.S. 3627 which bears S 71°16'07" W, a distance of 35.46 feet;
thence S 71°16'07" W, a distance of 316.52 feet to a point on the easterly right of way boundary for Doumecq Road, a 5/8"x30" rebar set with a plastic cap stamped L.S. 3627;
thence northwesterly 140.53 feet along said right of way following the arc of a curve to the right having a central angle of 08°18'03", a radius of 970.00 feet and a long chord which bears N 38°32'23" W, a distance of 140.41 feet to a 5/8"x30" rebar set with a plastic cap stamped L.S. 3627;
thence leaving said right of way bearing N 64°44'47" E, a distance of 333.84 feet to the True Point of Beginning.

(end schedule c)

4/15/07

WATER RIGHT NO. 79-14256

As Modified by Transfer No. 79284

In accordance with the approval of Transfer No. 79284, Water Right No. 79-14256 is now described as follows:

Right Holder: BLACK SWAN DEVELOPMENT LLC
171 HWY 95 N
GRANGEVILLE, ID 83530

Priority Date: 6/26/1921

Source: SALMON RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From
03/15

To
to 10/31

Diversion Rate
0.030 cfs
0.030 cfs

LOCATION OF POINT(S) OF DIVERSION

SALMON RIVER L3 (NWNW) Sec 22 Twp 28N Rge 01E IDAHO County
SALMON RIVER L3 (NWNW) Sec 22 Twp 28N Rge 01E IDAHO County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28N	01E	22						1.5											1.5
							L3												

POU Total Acres: 1.5

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. The following rights are diverted through points of diversion described above: 79-4017, 79-4055A, 79-14256, 79-14257, 79-14258.

Transfer No. 79284

WATER RIGHT NO. 79-4017

As Modified by Transfer No. 79284

In accordance with the approval of Transfer No. 79284, Water Right No. 79-4017 is now described as follows:

Right Holder:

MICHAEL TOMLINSON AND
CINDY TOMLINSON
6052 N ECHO SUMMIT *251 Downeeg Rd.*
STAR, ID 83669 *White Bird, ID 83554*

Priority Date:

6/26/1921

Source:

SALMON RIVER

Tributary:

SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From
03/15

To
to 10/31

Diversion Rate
0.030 cfs
0.030 cfs

LOCATION OF POINT(S) OF DIVERSION

SALMON RIVER
SALMON RIVER

L3 (NWNW)
L3 (NWNW)

Sec 22 Twp 28N Rge 01E IDAHO County
Sec 22 Twp 28N Rge 01E IDAHO County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28N	01E	22						1.5											1.5
POU Total Acres:									1.5										

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5. The following rights are diverted through points of diversion described above: 79-4017, 79-4055A, 79-14256, 79-14257, 79-14258.

Transfer No. 79284

State of Idaho
Department of Water Resources

Water Right
79-14256

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles

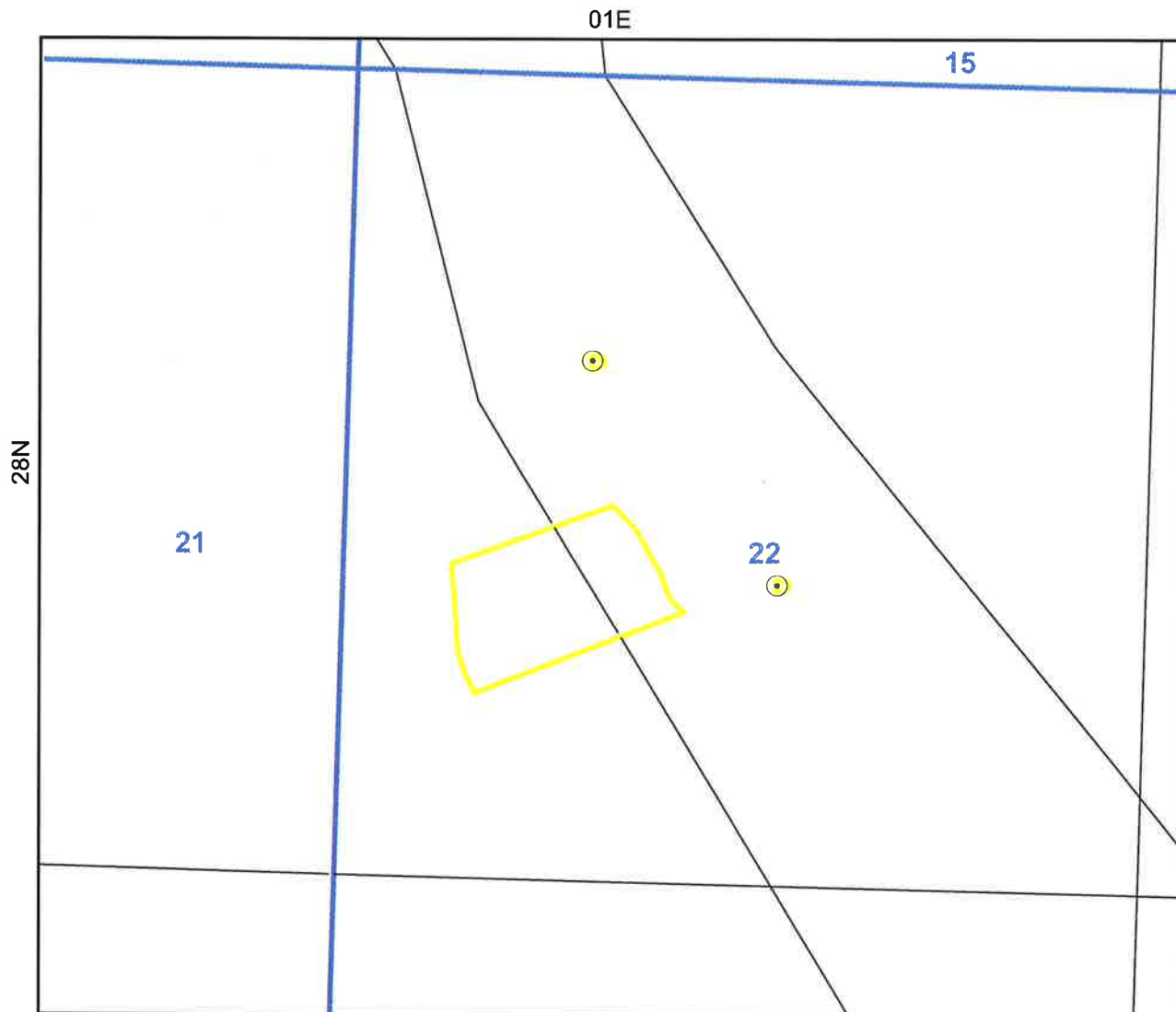


State of Idaho
Department of Water Resources

Water Right 79-14256

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles





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

Gary Spackman
Director

April 29, 2019

MICHAEL TOMLINSON
CINDY TOMLINSON
251 DOUMECQ RD
WHITE BIRD ID 83554-5018

Re: Change in Ownership for Water Right No(s): 79-14256

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)