

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
APR 01 2019
Department of Water Resources
Eastern 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?
29-134380	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 CHARLES MUNN
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): MAC McCLELLAN
New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

Mailing address: 7953 W PORTNEUF RD City: POCATELLO State: ID ZIP: 83204

Telephone: 801-783-1885 Email: SQUOOGLE @ GMAIL.COM

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 28 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: N/A Date: 3/28/19

Signature of new owner/claimant

Signature: _____ Title, if applicable: _____ Date: _____

Signature of new owner/claimant

For IDWR Office Use Only:

Received by: JB Date: 4/1/2019 Receipt No.: E044814 Receipt Amt.: \$25.-

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

Name on W-9: _____ Approved by: JB Processed by: CR Date: 4/24/2019

W-9 received? Yes ☐ No ☐



PioneerTitleCo.
GOING BEYOND

135 N. Arthur Ave.
Pocatello, ID 83204

OFFICIAL RECORD BK# 0
BANNOCK COUNTY IDAHO

FEE 15.00 DEPUTY JM
RECORDED AT REQUEST OF

Pioneer Title Pocatello

21812980

2018 Sep 04 PM 04:51

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**

File No. 659373 LP/CB

PERSONAL REPRESENTATIVE'S DEED

This Personal Representative's Deed is made September 4, 2018 by Grantor, Michelle Cloward, Personal Representative for the Estate of David Charles Munn Estate, deceased, being the duly qualified personal representative of such Estate filed in Bannock County, State of Idaho Probate No. CV-2018-846-IE, and does for valuable consideration, hereby sell and convey to Mac McClellan, ~~an~~ unmarried man, Grantee, whose address is the following described real property situated in Bannock County, Idaho: 7953 WEST PORTNEUF RD, ^{Mac}POCATELLO, ID 83204

See Exhibit A attached hereto and made a part hereof.

together with all appurtenances pertaining thereto.

Estate of David Charles Munn Estate

Michelle Cloward
Michelle Cloward, Personal Representative

State of Idaho, County of Bannock

This record was acknowledged before me on 9/4/2018_ by Michelle Cloward, as Personal Representative of Estate of David Charles Munn.

[Signature]

Signature of notary public
Commission Expires: 4/18/2024



EXHIBIT A

A parcel of land situated in the northwest quarter, southwest quarter, Section 21, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, being a portion of the lands of Calvin A. Munn, and Wilma Munn, described as instrument number 250036, further described as follows:

Commencing at the West quarter corner of Section 21, Township 7 South, Range 35 East, B.M., thence South 00°03'00" East, a distance of 25.00 feet in the Southerly right of way of Portneuf Road, adn point marked with a 1/2 x 24 inch iron pin with a plastic cap inscribed "jacobson LS 4430" set this survey, said point being the Point of Beginning;

thence continuing South 00°03'00" East, a distance of 304.53 feet to a 1/2 x 24 inch iron pin with a plastic cap inscribed "Jacobson LS 4430" set this survey; thence South 71°32'27" East a distance of 404.18 feet to a 1/2 x 24 inch iron pin witha plastic cap inscribed "Jacobson LS 4430" set this survey; thence South 46°32'40" East a distance of 214.80 feet to a 1/2 x 24 inch iron pin with a plastic cap inscribed "Jacobson LS 4430" set this survey; thence North 00°03'00" West a distance of 584.76 feet to an intersection with teh southerly right of way of Portneuf Road, said point being marked with a 1/2 x 24 inch iron pin with a plastic cap inscribed "Jacobson LS 4430" set this survey; thence South 89°31'11" West, parallel with the latitudinal centerline of said Section 21, a distance of 539.09 feet to the point of beginning.

mc

mc



Pioneer Title Co.
GOING BEYOND

135 N. Arthur Ave.
Pocatello, ID 83204

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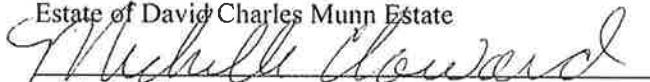
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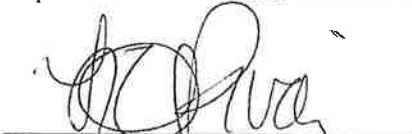
together with all appurtenances pertaining thereto.

Estate of David Charles Munn Estate


Michelle Cloward, Personal Representative

State of Idaho, County of Bannock

This record was acknowledged before me on 9/4/2018_ by Michelle Cloward, as Personal Representative of Estate of David Charles Munn.


Signature of notary public
Commission Expires: 4/18/2024

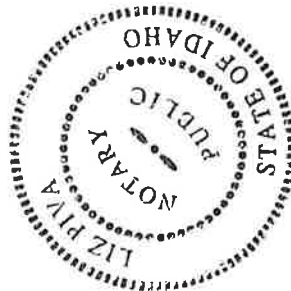


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mc

axe

PURCHASE AND SALE AGREEMENT - IDAHO WATER RIGHT

COME NOW, Michelle Cloward, Personal Representative of the Estate of David Charles Munn, Bannock County Case No. CV-2018-846-IE, (hereinafter "Seller"), and Mac McClellan of 7953 W. Portneuf Road, Pocatello, Idaho 83204 (hereinafter "Buyer") and hereby agree as follows:

1. Seller holds the Idaho water right identified as water right number 29-13438 as the Personal Representative of the Estate of David Munn. The water right is currently in the name of David C. Munn. Suzanne Munn, the ex-wife of David C. Munn, has reportedly been taken off of the water right. A copy of the partial decree on the water right is attached hereto as Addendum A for informational purposes.

2. Seller agrees to sell and Buyer agrees to purchase the water right number 29-13438 pursuant to the terms herein.

3. Buyer shall pay Seller the sum of \$800.00 for the water right. Buyer has made a \$100.00 earnest money payment to Seller and will pay the balance of the purchase price of \$700.00 on or before March 29, 2019. Upon receiving the full purchase price of \$800.00, Seller will execute a Notice of Change in Water Right Ownership form from the State of Idaho, Department of Water Resources, a copy of which is attached as Addendum B. Buyer may prepay the purchase price at any time and if prepayment is received, the Notice of Change in Water Right Ownership will be executed contemporaneously with the payment.

4. The parties acknowledge that the Buyer also purchased the real property to which the water right was previously used and diverted on, so the parties do not anticipate that they will be required to execute any change in place of diversion or place of use in regard to the water right.

5. The parties agree to execute any other documents deemed necessary to make the transfer once the purchase price is made.

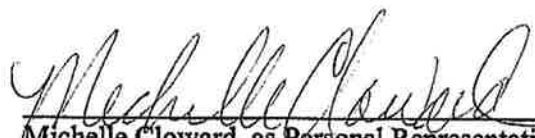
6. The Buyer understands and acknowledges that he purchases the water right "as is, where is" without warranty of whatsoever nature and will be responsible for any assessments on the water right as part of any water district assessment or charge, as well as any other assessments or charges against the water right. The Seller agrees to pay the \$25.00 transfer fee to the IDWR once the full purchase price is paid and the Notice of Change in Water Right Ownership is sent in to the IDWR.

7. The parties agree that they have had an opportunity to review this agreement with their own counsel and enter into the same as their free and voluntary act without undue coercion or influence by any party.

DATED this 26 day of NOV, 2018.

DATED this 27 day of Nov, 2018.


Mac McClellan, Buyer


Michelle Cloward, as Personal Representative
of the Estate of David C. Munn, Seller

Jim Spinner, Esquire
SERVICE & SPINNER
1335 East Center - P.O. Box 6009
Pocatello, Idaho 83205-6009
Telephone: (208) 232-4471
FAX: (208) 232-1808
Idaho State Bar No. 3417

Attorneys for Personal Representative

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF BANNOCK

In the Matter of the Estate of:

DAVID CHARLES MUNN,
DOD: February 11, 2018,

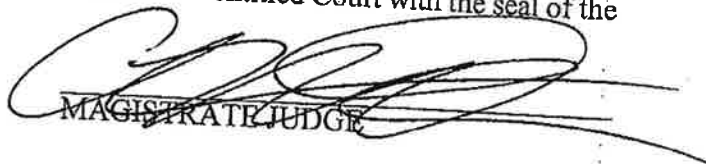
Deceased.

Case No. CV-2018- 346-1E

LETTERS TESTAMENTARY

The Will of the above named decedent having been admitted to Probate in the above entitled Court in informal proceedings, Michelle Cloward, the person who is named Personal Representative therein, is hereby appointed as Personal Representative.

WITNESS: The below signed Magistrate of the above entitled Court with the seal of the Court affixed this 8 day of March, 2018.


MAGISTRATE JUDGE

STATE OF IDAHO)

County of Bannock)

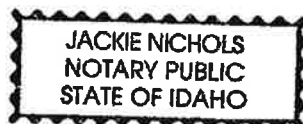
ss

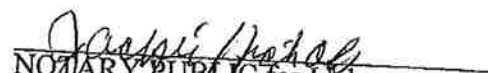
I accept the duties of the Personal Representative of the above entitled estate, and do solemnly swear that I will perform, according to law, the duties of Personal Representative, and hereby submit to the jurisdiction of this court in any proceeding relating to the estate instituted by any interested person.


Michelle Cloward
Personal Representative

SUBSCRIBED AND SWORN TO Before me this 28 day of February, 2018.

(SEAL)




NOTARY PUBLIC for Idaho
Residing at: Pocatello
Commission Expires: 12/20/2022

LETTERS TESTAMENTARY

ADDENDUM A

2004 MAR 22 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 29-13438

NAME AND ADDRESS: DAVID C. MUNN
SUZANNE MUNN
7953 N. PORTNEUF RD
POCATELLO, ID 83204

SOURCE: MINK CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.07 CFS

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION: T07S R35E S20 SENSE Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	Irrigation	04-01 TO 10-31	0.07 CFS

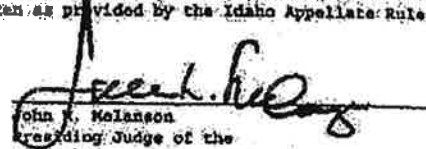
PLACE OF USE: Irrigation
T07S R35E S21 Within Bannock County
2.2 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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, I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John A. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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

April 24, 2019

MAC MC CLELLAN
7953 W PORTNEUF RD
POCATELLO ID 83204-7338

Re: Change in Ownership for Water Right No(s): 29-13438

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 29D



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

April 2, 2019

GARY SPACKMAN

Director

Mac McClellan
7953 W Portneuf Rd
Pocatello ID 83204

RE: Change in Ownership Water Right No. 29-13438

Dear Sir/Madam:

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

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

**** **Evidence of Water Right Ownership:** copy of Deed, or other legal document indicating your ownership of the property and/or water rights in question. We received a contract of sale for the water right, the contract indicates the property was purchased please supply a copy of the recorded Deed.

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

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 the Department if you have any questions.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)