

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
APR 05 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?
34-320B <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-428D <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-894C <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-2447C <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-10930C <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Damon and Adelaide Burke
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Marcus Kelly and Jamie Kelly
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 3536 North 3400 West Moore ID 83255
Mailing address City State ZIP
- (209) 541-8958 Carson.Kelly@live
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: _____
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):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o 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.

SUPPORT DATA

IN FILE # 34-320B

8. Signature: *Marcus Kelly* Title, if applicable _____ Date 4/5/19
Signature of new owner/claimant
- Signature: *Jamie Kelly* Title, if applicable _____ Date 4/5/19
Signature of new owner/claimant

For IDWR Office Use Only:

Received by *JB* Date 4/5/2019 Receipt No. E044842 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 *JB* Processed by *CR* Date 4/24/2019

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

BUTTE COUNTY
Recorded for:
First American Title - Blackfo
03:24:13 PM 02-01-2019
0000-056898
No. Pages: 3 Fee: \$15.00
SHELLY SHAFFER
County Clerk
Deputy: KG

Space Above This Line for Recorder's Use Only

WARRANTY DEED

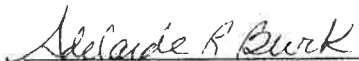
File No.: **710885-B (vb)**

Date: **January 31, 2019**

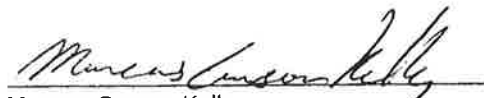
For Value Received, **Damon J. Burk and Adelaide R. Burk, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Marcus Carson Kelly and Jamie McKenzie Kelly, husband and wife**, hereinafter called the Grantee, whose current address is **3536 North 3400 West, Moore, ID 83255**, the following described premises, situated in **Butte County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

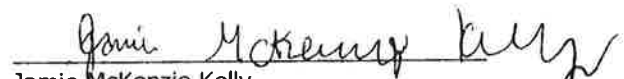
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its 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.


Adelaide R. Burk


Damon J. Burk


Marcus Carson Kelly


Jamie McKenzie Kelly

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

E-RECORDED

simplifile®

ID: 56898
County: Butte
Date: 2-1-19 Time: 3:24pm

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **710885-B (vb)**

Date: **January 31, 2019**

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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 its 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.

Adelaide R Burk
Adelaide R. Burk

Damon J. Burk
Damon J. Burk

Marcus Carson Kelly
Marcus Carson Kelly

Jamie McKenzie Kelly
Jamie McKenzie Kelly

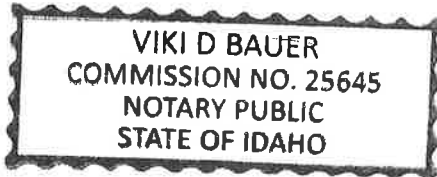
Date: **01/31/2019**

Warranty Deed
- continued

File No.: **710885-B (vb)**

STATE OF Idaho)
COUNTY OF Bingham)
SS.

On this **First day of February, 2019**, before me, a Notary Public in and for said State, personally appeared **Damon J. Burk and Adelaide R. Burk**, 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.

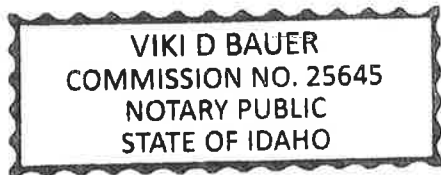




Notary Public for the State of Idaho
Residing at: Blackfoot, Idaho
My Commission Expires: 03/29/2020

STATE OF Idaho)
COUNTY OF Bingham)
SS.

On this **First day of February, 2019**, before me, a Notary Public in and for said State, personally appeared **Marcus Carson Kelly and Jamie McKenzie Kelly**, 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.





Notary Public for the State of Idaho
Residing at: Blackfoot, Idaho
My Commission Expires: 03/29/2020

EXHIBIT A

Parcel 1:

Part of the South 1/2 of the North 1/2 of the Southwest 1/4 of Section 4, Township 5 North, Range 26 East of the Boise Meridian, Butte County, Idaho, more particularly described as:

Commencing at the Southwest corner of Section 4 from which the West 1/4 corner of said section bears N 00°19'07" E 2,762.82 feet, the basis of bearing for this description; thence N 00°19'07" E 1,381.41 feet along the West line of Section 4 from the Southwest corner of said section to the Southwest corner of the North 1/2 of the Southwest 1/4, the point of beginning; thence N 00°19'06" E a distance of 613.25 feet along the west line of said section to the Southwest corner of Deed Instrument No. 51618; thence N 88°26'08" E a distance of 1,178.71 feet along the South line of said deed instrument number; thence S 00°36'50" W a distance of 646.17 feet to the South line of the North 1/2 of said Southwest 1/4 of said section; thence S 89°57'54" W 1,174.75 feet along said south line to the Point of Beginning.

Parcel 2:

Part of the South 1/2 of the North 1/2 of the Southwest 1/4 of Section 4, Township 5 North, Range 26 East of the Boise Meridian, Butte County, Idaho, more particularly described as:

Commencing at the Southwest corner of section 4 from which the West 1/4 corner of said section bears N. 00°19'07" E. 2762.82 feet, the basis of bearings for this description; Thence N. 00°19'07" E. 1381.41 feet along the West line of section 4 from the Southwest corner of said section to the Southwest corner of the North 1/2 of the Southwest 1/4; Thence S. 89°57'54" E. 1174.75 feet along the South line of said North 1/2 of the Southwest 1/4 to the POINT OF BEGINNING; Thence N. 00°36'50" E. a distance of 646.17 feet to the South line of Deed Instrument No. 51618; Thence N. 88°26'08" E. 1479.32 feet along the South line of said deed to the Northeast corner of the South 1/2 of the North 1/2 of the Southwest 1/4 of said section; Thence S. 00°54'38" W. 687.50 feet along the East line of said South 1/2 of the North 1/2 of the Southwest 1/4 to the Southeast corner of the North 1/2 of the Southwest 1/4 of said section; Thence N. 89°57'54" W. 1474.77 feet along the South line of said South 1/2 of the North 1/2 of the Southwest 1/4 to the POINT OF BEGINNING.

TOGETHER WITH WATER RIGHTS:

-Water Right 34-320B, Decreed, 09/26/1894 priority date, Big Lost River, 0.676 CFS, 40 acres, 7.61 GPM

- Water Right 34-428D, Decreed, 06/01/1894 priority date, Big Lost River, 0.24 CFS, 12 acres, 9.00 GPM

- Water Right 34-894C, Decreed, 06/01/1895 priority date, Big Lost River, 0.24 CFS, 40 acres, 2.70 GPM

-Water Right 34-2447C, Decreed, 07/16/1963 priority date, Ground Water, 0.50 CFS, 87.5 AFA, 25 acres, 9.00 GPM

-Water Right 34-10930C, Decreed, 08/06/1987 priority date, Ground Water, 0.28 CFS, 52.5 AFA, 15 acres, 8.40 GPM



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

MARCUS & JAMIE KELLY
3536 N 3400 W
MOORE ID 83255-8706

Re: Change in Ownership for Water Right No(s): 34-320B, 34-428D, 34-894C, 34-2447C, 34-10930C

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 34
Big Lost River Ground Water District