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MAR 11 2019

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT 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?
47-17403	Yes ☒	Yes ☐		Yes ☐	Yes ☐
47-17696	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Donald F. and June B. Miller
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Robert H. Beach
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 7733 Little Fox Lane Wellington CO 80549-1651
Mailing address City State ZIP
- 970-568-7779 rhbeach9@msn.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: 6 Dec 2018
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.

SUPPORT DATA

IN FILE # 47-17403

8. Signature: Robert Beach owner 3-8-19
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 CS Date 3/11/19 Receipt No. 5037198 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 _____ Processed by dh Date 4-17-19

RIVER'S EDGE SUBDIVISION

TOTAL WETLANDS=1.941 Ac.

Snake River

BLOCK 1

BLOCK 2

SECT 9

SECT 10

TWIN FALLS COUNTY

BOISE MERIDIAN

TWIN FALLS COUNTY, IDAHO

2015

North

SCALE
1" = 100'

LOCATED IN
W² SECTION 10,
TOWNSHIP 9 SOUTH,
RANGE 15 EAST,
BOISE MERIDIAN
TWIN FALLS COUNTY, IDAHO
2015

BLOCK	LOT	BUILDABLE ACREAGE	NON-BUILDABLE ACREAGE	TOTAL ACREAGE
1	1	1.316 Ac.	1.560 Ac.	2.876 Ac.
1	2	1.800 Ac.	1.150 Ac.	3.009 Ac.
1	3	1.438 Ac.	1.212 Ac.	2.650 Ac.
2	1	7.791 Ac.	1.644 Ac.	9.435 Ac.
2	2	8.668 Ac.	1.049 Ac.	9.717 Ac.
2	3	4.618 Ac.	1.597 Ac.	6.215 Ac.

THE PRIVATE RIVER ACCESS EASEMENT & RECREATIONAL EASEMENT IS TO BE CONVEYED TO AND EQUALLY MANAGED BY ALL LOT OWNERS.
 CURVE: 1 249.38' 3020.00 149.25 149.25 74.65 N 69°12'00" E
 2 238.31' 3000.00 136.48 136.48 59.76 N 89°05'14" E
 3 228.33' 2915.00 123.71 123.71 64.87 N 89°05'14" E
 4 4622.64' 110.00 88.40 88.40 46.74 S 89°12'00" E
 5 471.47' 110.00 12.54 12.54 6.77 N 64°30'00" E
 6 5234.33' 130.00 123.88 123.88 66.82 N 87°20'00" E
 7 5234.33' 160.00 146.82 146.82 79.04 N 87°30'00" E
 8 5834.33' 220.00 201.88 201.88 104.71 N 87°30'00" E
 9 2228.20' 108.00 64.18 64.18 55.79 S 72°27'50" E
 10 7750.11' 144.00 57.61 57.61 23.20 S 72°42'00" E
 11 5874.33' 118.00 117.16 117.16 63.82 N 87°27'00" E
 12 3723.00' 144.00 64.18 64.18 63.82 S 77°05'19" E

LINE BEARING DISTANCE
 1 N 38°26'18" 34.84'
 2 N 87°14'42" 14.90'

NOTES: LOCATION OF FIRE SUPPRESSION POND TO BE DETERMINED AT TIME OF CONSTRUCTION AND SHOULD BE CORRELATED WITH BLAIR RURAL FIRE DISTRICT.
 NO DRIVEWAY APPROACH SHALL EXCEED 10% SLOPE. DRIVEWAYS IN EXCESS OF 150' IN LENGTH SHALL PROVIDE A TURNAROUND AT THE END OF THE DRIVEWAY.
 FLOOD PLANE: FLOOD PLANE ELEVATION HAS BEEN DETERMINED TO BE 2.0 FEET ABOVE THE DOMINANT HIGH WATER MARK OF THE SNACK RIVER. RESIDENTIAL STRUCTURES SHALL BE CONSTRUCTED SO THAT THE FINISHED FLOOR ELEVATION OF THE LOWEST FLOOR IS A MINIMUM OF 2.0 FEET ABOVE THE FLOOD PLANE ELEVATION. NO PART OF ANY RESIDENTIAL STRUCTURE OR ANY OTHER PERMANENT STRUCTURE WITH A FOUNDATION SHALL BE ALLOWED WITHIN THE FLOOD PLANE ZONE.
 WETLANDS: THERE ARE WETLAND AREAS WITHIN THIS SUBDIVISION. NO STRUCTURES OF ANY KIND WILL BE ALLOWED WITHIN ANY WETLANDS AREA. NO ACTIVITY OF ANY KIND WILL BE ALLOWED THAT COULD DISTURB WETLANDS.
 NORTHERLY BOUNDARY / ORDINARY HIGH WATER MARK: THE NORTHERLY BOUNDARY OF THE SUBDIVISION THIS IS ADJACENT TO THE SNACK RIVER IS LOCATED ALONG THE LINE THAT WAS ADDED UPON THE DEPARTMENT OF LANDS REPRESENTATIVE THE DUTY ON 01/17/2007.
 AN ENCROACHMENT POINT FROM THE SNACK DEPARTMENT OF WATERS RESOURCES IS REQUIRED FOR ALL ENCROACHMENTS BELOW THE ORDINARY HIGH WATER MARK. CERTAIN TYPES OF ENCROACHMENTS MAY ADDITIONALLY REQUIRE AN EASEMENT FROM THE SNACK DEPARTMENT OF WATERS.

HEALTH CERTIFICATE
 SANITARY RESTROOMS AS REQUIRED BY IDAHO CODE, TITLE 20, CHAPTER 10 HAVE BEEN SATISFIED. SANITARY RESTROOMS MAY BE REMOVED IN ACCORDANCE WITH SECTION 20-1026, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF SANITATION.
 12/1/15

ALL POINTS LAND SURVEYING
 JOHN ROOT - P.L.S. #889
 SURVEYING - CONSTRUCTION MANAGEMENT

LEGEND

SUBDIVISION BOUNDARY	
STREET CENTERLINE	
COUNTY ROAD EASEMENT	
UTILITY/ACCESS/DRAINAGE EASEMENT	
I.D.L. PEDESTRIAN EASEMENT	
EDGE OF BLUFF	
WETLANDS BOUNDARY/SNAKE RIVER BEDDEN POND	
FOUND BRASS CAP	●
FOUND 5/8" STEEL PIN	•
SET 5/8" REBAR & CAP	•
SET 1/2" REBAR & CAP	•
ANGLE POINT - NOT SET	△

VICINITY MAP **N.T.S.**

TWIN FALLS COUNTY

ALL POINTS LAND SURVEYING

2:12:54 PM 01-12-2015

2016-000571

No. Pages: 3 Page: 3 of 3

NORTH PLAT 44 AND 45

County Clerk

In presence: JIM DAVIS

Name: Robert Beach

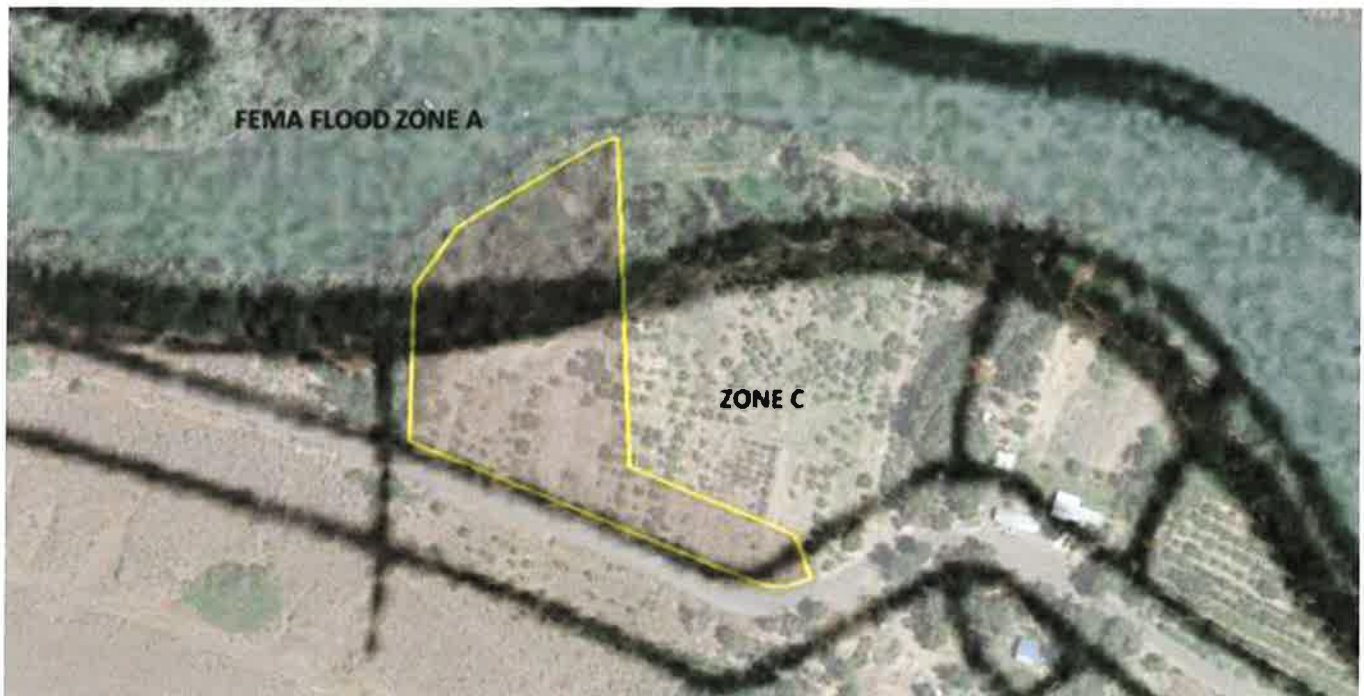
Address: 1802 River Road



Property Location



Property with FEMA Overlay Gray shaded area - Zone A (High-Risk).





TWIN FALLS COUNTY
RECORDED FOR:
TITLEONE - JEROME
12:22:02 PM 12-07-2018
2018019702
NO. PAGES 2 FEE: \$15.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: CA
Electronically Recorded by Simplifile

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT

Order Number: 18324096

Warranty Deed

For value received,

D&J Miller, L.L.C., an Idaho Limited Liability Company

the grantor, does hereby grant, bargain, sell, and convey unto

Robert Beach, a single man

whose current address is 7733 Little Fox Lane Wellington, CO 80549

the grantee, the following described premises, in Twin Falls County, Idaho, to wit:

Lot 1 in Block 1 of RIVER'S EDGE SUBDIVISION, Twin Falls County, Idaho, according to the official plat thereof recorded in Book 25 of Plats, Page 10.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.



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Dated: December 5, 2018

D&J Miller, L.L.C.

Dan Miller
By: Dan Miller, Member

State of Arizona, County of Maricopa, ss.

On this 6 day of December 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Dan Miller, known or identified to me to be a Member of the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Bob Jo Robinson
Notary Public for
Residing In: Goodyear, AZ
My Commission Expires: 6-26-2020



* See page two

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR RIVER'S EDGE
SUBDIVISION, TWIN FALLS COUNTY, IDAHO**

THIS DECLARATIONS, made this ____ day of _____, by Daniel F. Miller and June B. Miller, husband and wife, (hereinafter referred to as Developer). The governing body of RIVER'S EDGE SUBDIVISION will be the Board of Directors of River's Edge subdivision.

WITNESSETH:

WHEREAS, the Developer is establishing a subdivision on the lands described on Exhibit A attached hereto and by this reference made a part hereof as if set forth in full, (hereinafter referred to as Development or Subdivision). Subdivision is to consist of residential lots, road access points, and the river access easement trail as shown and described on the plat of the Subdivision to be recorded by the Developer upon the approval of Twin Falls County Planning and Zoning commission and the Twin Falls County commissioners; and,

Whereas, the Developer shall see and convey lots situated within part of the Development, but before doing so desires to subject and impose upon the lands within the development, and the residential lots and parcels located therein, certain mutual and beneficial restrictions, covenants and conditions, easements, liens and charges (hereafter referred to as Restrictions) for the mutual benefit and complement of the various lots and parcels in the Development and the future owners thereof;

NOW, THEREFORE, the Developer hereby declares that all lots located on the lands described on Exhibit A attached hereto, within the Development, that are designated by the Developer, either on the record or plats of said Development or otherwise, are subject to the following restrictions, all of which are declared and agreed to be in furtherance of a plan for the development, improvement and sale of said lots and are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness of the Development as a whole and each said lot situated therein. All of the Restrictions shall run with the land and shall be binding upon the Developer and upon all parties having or acquiring any right, title or interest in and to the real property or any part or parts thereof.

ARTICLE I

The right is hereby expressly reserved to amend, annul, waive, change or modify any of the restrictions herein contained by the owners with a 2/3 majority of the lots in the River's Edge Subdivision. All amendments shall be executed in writing and recorded in the records of Twin Falls County, Idaho.

ARTICLE II

APPROVAL OF CONSTRUCTION PLANS

The Developer or Board of Directors shall have the right to approve all plans for the construction on any lot. During that time, no construction shall take place on any lot prior to approval of the plans for the construction by the Developer or Board of Directors.

The Board of Directors shall consist of the lot owners. Each lot owner shall have one vote.

An owner seeking approval of construction on a lot shall submit to Developer or Board of directors a set of plans and specifications. Plans will be required for, but not limited to all structure, detached structures, fencing and other amenities the individual would likely incorporate in the development of the site. It is expressly acknowledged that if construction does not commence within (12) months following the committees approval of the plan, then the approval automatically lapses and the owner must resubmit plans. The work of construction of all buildings and structures shall be pursued diligently and continuously from the breaking of ground until exterior of such buildings and structures are completed or suitably finished within 12 months of commencement, and initial landscaping within 24 months. Extension of the one year limit may be granted by the Board of Directors provided a written request is received prior to the expiration of the one year limit. All buildings shall be of new construction, conform to the uniform building code, and other County regulations.

ARTICLE III

MAINTENANCE ASSESSEMENTS

Each lot owner shall be responsible for maintenance assessments for the repair, maintenance and upkeep of all River Road access points, the river access trail and any docks or future community facilities. See document attached known as the "Road Maintenance Agreement".

All lot owners will be charged maintenance assessments for maintenance of the irrigations system. See document attached know as the "Irrigation Maintenance Agreement". Each lot owner is entitled on one sixth of Water Right 47-17403 dated 7/09/15. The water right is for 0.24 CFS.

All lot owners shall be responsible for the maintenance of the fire hydrant.

Each lot owner will be assessed a pro rata share of the annual expense plus 15% annually until all lots are sold. At that time the lot owners will establish a Homeowners Association which will determine the annual reserve.

ARTICLE IV

ARCHITECTURAL

1. **BUILDING SIZE:** No dwelling shall be permitted on any lot wherein the floor area of the structure shall be less than 1,500 square feet of enclosed living area not counting garage areas, or out buildings.
2. **BUILDING TYPE:** No dwelling house shall be constructed upon said premises of cinder or pumice blocks unless such blocks are face on the outside with wood, stone, clay bricks or other material of like kind and character as the other dwelling houses in the said subdivision. No prefab, or existing homes or buildings shall be moved upon said subdivision. During the construction period a temporary dwelling can be used to protect the building site and materials but only for the construction phase.
3. No temporary buildings, RV, Mobile Home, trailer, tent, shack, shall be used as a permanent residence.

4. All utilities shall be underground including power, telephone and cable from the main power source located along River Road.
5. All fencing must be approved by the Board of Directors. No fence, hedge, or tree shall be permitted which dangerously obstructs the vision of users of any road or street.

ARTICLE V

GENERAL PROHIBITIONS

1. No noxious or offensive activity shall be conducted on any lot in the development nor shall anything be done on said lots that shall become or be an unreasonable annoyance or nuisance to any owner of another lot in the Development.
2. No commercial signs, except for real estate sale signs shall be erected or maintained on any lot.
3. There shall be no animals grazed or housed on said premises for commercial purposes.
4. No more than two (2) horses and/or cows, (4) sheep or combination thereof shall be maintained per fenced acre of land owned. These include 4H or FFA animals.
5. All noxious weeds shall be kept under control.
6. No acreages shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. All waste and garbage shall be kept in sanitary containers.
7. All recreational vehicles, boats, mobile homes, trailers, campers, snowmobiles, etc. shall be screened from the street and from view of other property owners.
8. No commercial business or trade of any kind with the exception of the orchard, or consulting services conducted from home, (that do not involve excessive traffic) shall be conducted on any lot.
9. All animals and household pets should be kept and maintained so as not to become a nuisance to other lot owners.

ARTICLE VI

COMMON AREAS

Besides the access points, the subdivision will have an easement over lot 3, Block 1 for the pedestrian access trail available to lot owners only.

ARTICLE VII

ENFORCEMENT

If persons now claiming any interest in any said property, or their heirs, successors, grantees or assignee, shall violate or attempt to violate any of the covenants and instructions herein contained, it shall be lawful for any other person owning a lot or lots in said subdivision to prosecute any proceedings at law or in equity against the person or persons so violating or attempting to violate any of these covenants and restrictions and to obtain such relief as may be available at law or equity.

ARTICLE VIII

LOCAL GOVERNMENT REQUIREMENTS

Construction for any occupancy or a new or existing building, including remodels shall meet the access requirements of the local fire department (Buhl Fire District).

DATED THIS ____ day of _____, _____.

By: _____
Daniel F. Miller

By: _____
June B. Miller

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF Twin Falls

On this ____ day of _____, _____, before me, the undersigned a Notary Public in and for said State, personally appeared DANIEL F. MILLER and JUNE B. MILLER, known to me, or proved to me by oath, to be the persons whose names are subscribed to be within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this instrument just above written.

NOTARY PUBLIC FOR IDAHO
Residing at: _____
Commission Expires: _____

RIVER'S EDGE CCR



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

April 17, 2019

Gary Spackman
Director

ROBERT H BEACH
7733 LITTLE FOX LN
WELLINGTON CO 80549-1651

Re: Change in Water Right Ownership: 47-17403 (Split into 47-17403 and **47-17696**)

Dear Water Right Holder:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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) 287-4920.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c: Daniel F & June B Miller
Water District 02



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

April 5, 2019

Gary Spackman
Director

ROBERT H BEACH
7733 LITTLE FOX LN
WELLINGTON CO 80549-1651

RE: Change in Ownership Water Right Nos: 47-17403

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 **Description of Portion of Water Right resulting from division of water right** – A document titled "Declaration of Covenants, Conditions and Restrictions for River's Edge Subdivision, Twin Falls County, Idaho was submitted that states "Each lot owner is entitled on one sixth of Water Right 47-17403..." This document is not completed, signed, or notarized. Please provide a complete, signed and notarized copy of this document.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information 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

IDWR Southern Region
650 Addison Ave. W, Ste 500
Twin Falls, ID 83301-5858

RECEIVED

MAR 11 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

Subject: Change in Water Right Ownership

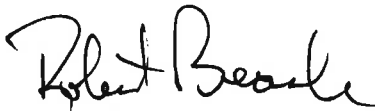
Dear IDWR:

As the new owner of the property identified as Lot 1 of Block 1, River Edge Subdivision, and whose given address is 1802 River Road, Buhl, ID, I am requesting that the water rights for this property be changed from the previous owners, Donald F & June B. Miller, over to me, Robert H. Beach. It was explained to me that my property is entitled to one sixth of Water Right 47-17403 (dated 7/09/15). The water right is for 0.24 DFS.

I have enclosed a completed "Notice of Change in Water Right Ownership" as well as the required items. I have also enclosed a check for \$100, the stated split water right fee.

Thank you for considering my paperwork and request.

Sincerely,



Robert Beach
7733 Little Fox Lane
Wellington, CO 80549