

DEC 20 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
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?
45-7180	Yes ☒	Yes ☐		Yes ☐	Yes ☐
# 45-14515	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: James M. Smith and Sherri Smith
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Daniel Andrew and Julia Andrew
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- | | | | |
|---------------------|---------|-------|-------|
| 1154 East 500 North | Jackson | ID | 83350 |
| Mailing address | City | State | ZIP |
| 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: 12/4/2018
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.

8. Signature: <u>Julia Andrew</u>	<u></u>	<u>12-1-18</u>
Signature of new owner/claimant	Title, if applicable	Date
Signature: <u>[Signature]</u>	<u></u>	<u>12-9-18</u>
Signature of new owner/claimant	Title, if applicable	Date

For IDWR Office Use Only:

Received by Am Date 12-20-18 Receipt No. 5031019 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 _____ Processed by CB Date 1-28-2019

*Over-payment of \$25 to be applied to O/C being submitted in early February 2019.

SUPPORT DATA
IN FILE # 45-7180

Instrument # 2018004755

BURLEY, CASSIA, IDAHO

12-4-2018 10:38:37 AM No. of Pages: 2

Recorded for : JULIA ANDREW

JOSEPH LARSEN

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: DEED

CV

QUITCLAIM DEED

For Value Received

James M. Smith and Sherri Smith, husband and wife

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

Daniel Andrew and Julia Andrew, husband and wife

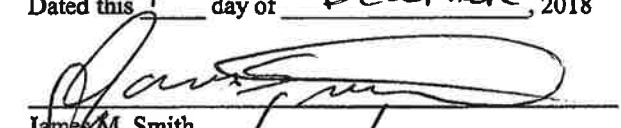
**ADDRESS: 1154 East 500 North
Jackson, ID 83350**

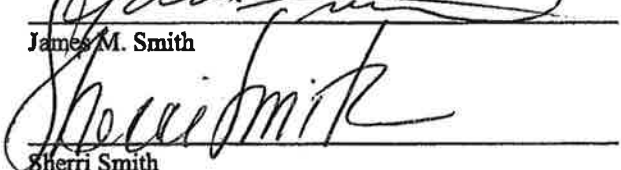
Hereinafter called the Grantee, for water rights administered by the Idaho Department of Water Resources being .023 cfs of irrigation water from Water Right No. 45-7180 for real property described in Cassia County, Idaho to-wit:

See attached Exhibit "A" for legal description

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the Grantee's heirs and assigns forever.

Dated this 1ST day of December, 2018


James M. Smith


Sherri Smith

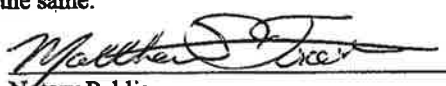
STATE OF IDAHO)

COUNTY OF Cassia)

) ss.

On this 1ST day of December, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared **James M. Smith and Sherri Smith**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.




Notary Public

Residing at: Hayden

My Commission expires: 04/16/2021

EXHIBIT "A"

January 27, 1997
JOB # 4321-97B1
JAMES & SHERRI SMITH SURVEY

PARCEL 1

L E G A L D E S C R I P T I O N

Part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 29 of Township 9 South, Range 25 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the SW corner of Section 29 of T.9 S., R.25 E., B.M. said corner marked by a U.S. BLM iron pipe with brass cap which shall be the Point of Beginning;

THENCE North 00 degrees 01 minutes 34 seconds East along the west line of Section 29 for a distance of 355.60 feet to a $\frac{1}{2}$ " rebar;

THENCE South 89 degrees 36 minutes 43 seconds East for a distance of 239.98 feet to a $\frac{1}{2}$ " rebar;

THENCE South 01 degrees 03 minutes 26 seconds East for a distance of 355.70 feet to a $\frac{1}{2}$ " rebar on the south line of Section 29;

THENCE North 89 degrees 36 minutes 43 seconds West along the south line of Section 29 for a distance of 246.70 feet to the Point of Beginning.

Said property contains 1.99 acres more or less and is subject to a 25 foot wide road right of way along the south and west side and subject to any other easements or right of ways, existing or of record.

PREPARED BY:
Desert West Land Surveys
1751 Overland Ave.
Burley, Idaho 83318



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/4/2018

WATER RIGHT NO. 45-7180

to be split to .023cfs
by QUD Smith -> And
#2018004755

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES M SMITH
Current Owner	SHERRI SMITH
	PO BOX 445
	BURLEY, ID 83318
	2086542838
Original Owner	MILTON E NIELSEN
Original Owner	VILATE NIELSEN
	RT 1 BOX 388
	RUPERT, ID 83350
	2084364086

Priority Date: 07/15/1974

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.58 CFS	152 AFA
DOMESTIC	1/01	12/31	0.04 CFS	1.2 AFA
Total Diversion			0.62 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSWSW	Sec. 29	Township 09S	Range 25E	CASSIA County
GROUND WATER	SWSWSW	Sec. 29	Township 09S	Range 25E	CASSIA County

IRRIGATION Use:

Acre Limit: 37

DOMESTIC Use:

Number of homes: 1

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09S	25E	29		NWSW	1.5		SWSW	36.5						

Place of Use Legal Description: DOMESTIC CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09S	25E	29		SWSW										

Total Acres: 38

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.

Dates:

Licensed Date:

Decreed Date: 05/13/2005

Permit Proof Due Date: 8/1/1979

Permit Proof Made Date: 1/1/1900

Permit Approved Date: 8/19/1974

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:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 140
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

January 28, 2019

DANIEL ANDREW
JULIA ANDREW
1154 E 500 N
JACKSON ID 83350-5015

Re: Change in Water Right Ownership: 45-7180 (Split into 45-7180 and 45-14515)

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) 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(s) 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) 736-3033.

Sincerely,

Jim Bitzenburg
Southern Region: Senior Water Resource Agent

Enclosure(s)

Cc: James and Sherri Smith; Kortney Ward, First American Title Company

RECEIVED

DEC 20 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

12/17/2018

Idaho Department of Water Resources, Southern Regional Office
650 Addison Ave W
Twin Falls, ID 83301

To Whom It May Concern,

Attached is a Notice of Change in Water Right Ownership for Right # 45-7180. We are needing to split this right per the recorded QuitClaim Deed attached. I have included the fees for the split and transfer. Once this split and change is processed and a new Water Right/Claim Number is assigned for the Andrew's can you please notify me, so I can follow up with another transfer using the new #? You can call or email me with the update.

Thank you,



Kortney Ward
Escrow Officer
417 N. Overland Ave, Burley, ID 83318
PH: 208.878.4772



**First American
Title Company**



KORTNEY WARD
ESCROW OFFICER

417 N. Overland Avenue
Burley, ID 83318

PHONE 208.878.4772
FAX 208.878.4780

kward@gofirstam.com
gofirstam.com