

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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OCT 29 2018

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?
22-2033 A	Yes ☒	Yes ☒		Yes ☐	Yes ☐
22-2033 A + 22-14328	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Rayola Birch
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Celinda Lee Birch
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 395 N 2200 E St Anthony ID 83445
Mailing address City State ZIP
- 208 243 2451 Cindee.Birch@IDJC.idaho.gov
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: OCT 18, 2016
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: Celinda L. Birch Owner 10/15/18
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable Date _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by [Signature] Date 10-19-18 Receipt No. C105825 Receipt Amt. 75-
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 Celinda Lee Birch Approved by _____ Processed by [Signature] Date 11-6-18 + 12-19-18

SCANNED

NOV 06 2018

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 22-02033A

NAME AND ADDRESS: RAYOLA R BIRCH
395 N 2200 E
ST ANTHONY, ID 83445

SOURCE: UNNAMED STREAM TRIBUTARY: HENRYS FORK

QUANTITY: 0.25 CFS

PRIORITY DATE: 06/08/1908

POINT OF DIVERSION: T07N R40E S11 NWNWSW Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.25 CFS

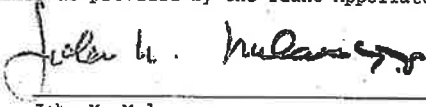
PLACE OF USE: Irrigation Within Fremont County
T07N R40E S15 NWNE 11.0 LOT 3 (NENW) 1.4
12.4 Acres Total

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 M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

Marvin M. Smith, Idaho Bar No. 2236
HAWLEY TROXELL ENNIS & HAWLEY LLP
2010 Jennie Lee Drive
Idaho Falls, ID 83404
Telephone: 208-529-3005
Facsimile: 208-529-3065
Email: mmsmith@hawleytroxell.com

Attorneys for Applicant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT**

IN THE MATTER OF THE ESTATE OF)

RAYOLA RUDD BIRCH,)

Case No.

**APPLICATION FOR INFORMAL
PROBATE OF WILL AND
INFORMAL APPOINTMENT OF
PERSONAL REPRESENTATIVE**

Applicant, Celinda Lee Birch, states and represents to the Court/Registrar that:

1. Applicant's interest in this matter is that of an heir of the Decedent, a child of the Decedent, a devisee under the Decedent's will, and as the person having priority for appointment as Personal Representative.
2. The person whose appointment as Personal Representative is sought is Applicant.
3. Applicant is qualified to act as such and has priority because there is no person with a higher or equal priority for appointment.

4. The person whose appointment as Personal Representative is sought has priority for appointment as the persona nominated in, or pursuant to the exercise of a power confirmed by, the Decedent's Will.

5. The Decedent died on October 18, 2016, at the age of ninety-two (92) years.

6. Venue is proper because at the time of death the Decedent was domiciled in this County.

7. The names and addresses of the spouse, children, heirs, and devisees of the Decedent, and the ages of those who are minors so far as known or ascertainable with reasonable diligence by applicant are:

NAME	ADDRESS	AGE	RELATIONSHIP
David Ray Birch	997 Main Street Bern, ID 83220	Adult	Son
Kenneth Lowell Birch	PO Box 301413 Escondido, CA 92030-1413	Adult	Son
Dennis Sinclair Birch	PO Box 424 Sugar City, ID 83448	Adult	Son
Celinda Lee Birch	395 N. 3300 E. St. Anthony, ID 83445	Adult	Daughter
Ronald Aaron Birch	138 West 4th North St. Anthony, ID 83445	Adult	Son
Lowell Edgar Birch		Adult	Spouse, died Sept. 13, 2004

8. No Personal Representative has been appointed in this state or elsewhere whose appointment has not been terminated.

9. Applicant has neither received nor is aware of any demand for notice of any probate or appointment proceedings concerning the Decedent that may have been filed in this State or elsewhere.

10. The time limit for informal probate or appointment has not expired because not more than three (3) years have passed since the Decedent's death.

11. The original of the Decedent's Will, dated January 20, 2015, accompanies this Application. To the best of Applicant's knowledge, neither the Will or any other Will of the Decedent has been the subject of a previous probate.

12. Applicant believes that the Will which is the subject of this Application is validly executed.

13. Having exercised reasonable diligence, the Applicant is unaware of any instrument revoking the Will which is the subject of this Application, and believes that such Will is the Decedent's Last Will.

14. To the best of Applicant's knowledge, the Will to which this Application relates is not part of a known series of testamentary documents (other than wills or codicils), the latest of which does not expressly revoke the former.

15. Bond is not required under I.C. § 15-3-603.

16. Any required notices have been given or waived.

WHEREFORE, Applicants request that:

1. The Decedent's Will dated January 20, 2015, be informally probated.
2. That Celinda Lee Birch be informally appointed Personal Representatives of the Estate of the Decedent to act: WITHOUT BOND.

3. Upon qualification and acceptance, Letters Testamentary be issued.

DATED THIS 9 day of ~~December~~, ^{JANUARY, 2017} 2016.

By Celinda Lee Birch
Celinda Lee Birch
395 N. 3300 E.
St. Anthony, ID 83445

VERIFICATION

STATE OF IDAHO)
County of Bonneville) : ss

Applicant, being first duly sworn, deposes and says:

That the facts set forth in the foregoing Application are true, accurate and complete to the best of Applicant's knowledge and belief.

Celinda Lee Birch
CELINDA LEE BIRCH

SUBSCRIBED AND SWORN TO before me this 9 day of ~~December~~, ^{JANUARY, 2016} 2016.



M. M. Smith
NOTARY PUBLIC FOR IDAHO
Residing at: Idaho Falls, Idaho
My commission expires: May 22, 2020

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of Jan. 2017 I caused to be served a true copy of the foregoing APPLICATION FOR INFORMAL PROBATE OF WILL AND INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVES by the method indicated below, and addressed to each of the following:

David Ray Birch
997 Main Street
Bern, ID 83220

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ E-mail
☐ Fax

Kenneth Lowell Birch
PO Box 301413
Escondido, CA 92030-1413

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ E-mail
☐ Fax

Dennis Sinclair Birch
PO Box 424
Sugar City, ID 83448

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ E-mail
☐ Fax

Celinda Lee Birch
395 N. 3300 E.
St. Anthony, ID 83445

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ E-mail
☐ Fax

Ronald Aaron Birch
138 West 4th North
St. Anthony, ID 83445

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ E-mail
☐ Fax



Marvin M. Smith

LAST WILL AND TESTAMENT
of
RAYOLA RUDD BIRCH

SCANNED

NOV 06 2018

LAST WILL AND TESTAMENT
of
Rayola Rudd Birch

I, RAYOLA RUDD BIRCH, of St. Anthony, Fremont County, Idaho, hereby make my Last Will and Testament, revoking all my previous wills and codicils. I am a single woman, my husband having predeceased me. I have five (5) living adult children, namely DAVID RAY BIRCH, Bern, Idaho; KENNETH LOWELL BIRCH, Escondido, California; DENNIS SINCLAIR BIRCH, Sugar City, Idaho; CELINDA LEE BIRCH, St. Anthony, Idaho; and RONALD AARON BIRCH, St. Anthony, Idaho.

ARTICLE 1: GIFTS OF PROPERTY

1.01 Specific Gifts of Tangible Personal Property.

(a) **Gift by Written Statement.** I give my tangible personal property in accordance with a written statement signed by me or in my handwriting that I may leave at my death.

(b) I specifically give, devise and bequeath certain water rights to CELINDA LEE BIRCH. The water rights that I give, devise and bequeath to CELINDA LEE BIRCH are as follows:

1. Water Right No. 22-02033A as defined and delineated in In Re SRBA, Case No. 39576; and
2. Water Right No. 22-04148 as defined and delineated in In Re SRBA, Case No. 39576.

I further give, devise and bequeath any and all personal property items not otherwise delineated on my written statement disposing of tangible personal property and that are located or situated on, in or about the residence located and locally known as 395 North 2200 East, St. Anthony, Idaho (approximately 2.5 acres) to my daughter, CELINDA LEE BIRCH.

(c) **Contingent Gift to Residuary Estate.** I give my tangible personal property not disposed of by written statement as part of my residuary estate, to be distributed pursuant to the provisions of Article 2.

1.02 **Personal Representative's Decisions Final.** All matters pertaining to identification, distribution or division of property given by this Article 1 shall be determined by my personal representative whose determinations shall be final and binding upon all persons having an interest in my estate.

1.03 **Scope of Will.**

(a) **Property; Residuary Estate.** This will shall dispose of my entire estate, including all my interest in real and personal property, whether tangible or intangible. All of my estate not otherwise disposed of by Article 1.01 shall be referred to herein as my "residuary estate" and shall be disposed of pursuant to Article 2.

(b) **Nature of Jointly Held Property.** If at my death I have any interest in assets represented by instruments and documents titled in my name and another person's name jointly, including without limitation stocks, bonds, mutual funds, deposits, accounts at financial institutions, titles to motor vehicles or similar assets, it is my stated intention that any designation of joint ownership of such assets (to the extent of my contribution thereto) is for my convenience only and that such assets shall be a part of my probate estate and subject to this will at the time of my death unless a contrary intention is clearly set forth in writing (either by me or signed by me) and clearly identifies the subject asset. If any such assets are held "as joint tenants with rights of survivorship," the assets shall pass to the surviving joint tenant(s) outside my probate estate.

(c) **Separate Property.** Pursuant to Idaho Code Section 32-906, I hereby declare that the recipient of any asset under this will shall receive such asset as his or her sole and separate property, not as community property, and that the income from such property shall remain separate property; provided, however, that any such recipient shall have the power by will or by written statement to transmute such separate property or the income therefrom to community property. I direct my fiduciaries to include such language in any documents conveying assets under this will.

ARTICLE 2: GIFT OF RESIDUARY ESTATE

2.01 **Gift to Descendants.** I give my residuary estate to CELINDA LEE BIRCH.

2.02 **Contingent Gift of Residuary Estate.** If CELINDA LEE BIRCH does not survive me, I give my residuary estate to RONALD AARON BIRCH. If he does not survive me, then to his wife, MARI ANN BIRCH. If she does not survive me, then to her children: HOUSTON SHANE BIRCH and HALIE ANN BIRCH in undivided equal shares.

ARTICLE 3: DISTRIBUTIONS TO MINORS AND DISABLED PERSONS.

3.01 **Grant of Permissive Authority.** If any property of my estate vests outright under the provisions of this will in a minor or in a person who, in the judgment of my personal representative (referred to in this Section as the "acting trustee"), is unable to effectively manage or apply his or her estate to necessary ends, then my acting trustee, in its discretion, in any jurisdiction, without giving or requiring bond, without intervention of a guardian, conservator or other representative, and without supervision of any court, may continue to hold such property (referred to in this Section as the "protected property") in accordance with Article 3.02 below.

3.02 **In Trust.** The acting trustee may hold any protected property in a separate trust for such person, exercising as trustee of such trust all the administrative powers conferred in this will upon my personal representative. The acting trustee shall pay to such person all, none or such part of the net income and principal of such trust as the acting trustee may in its discretion from time to time determine. Such trust shall terminate when such person attains majority and becomes able, in the judgment of the acting trustee, to effectively manage and apply his or her estate to necessary ends, or when such person dies, or when the trust assets are exhausted by discretionary distribution or otherwise. Upon such termination, the acting trustee shall distribute all property then belonging to such trust to such person or, if the trust terminates at such person's death, to the personal representative of such person's estate.

ARTICLE 4: PERSONAL REPRESENTATIVE

4.01 **Designation of Personal Representative.** I nominate CELINDA LEE BIRCH to serve as my personal representative. If CELINDA LEE BIRCH is unwilling or unable to serve as

personal representative, then I nominate RONALD AARON BIRCH as alternate personal representative.

4.02 **Ancillary Personal Representative.** If a representative of my estate is required to qualify as a fiduciary in any jurisdiction other than my domicile, I nominate and appoint as fiduciary in such jurisdiction such person (including my domiciliary personal representative) as may be designated by my domiciliary personal representative. Such fiduciary shall have in such other jurisdiction all the rights, powers and duties conferred or imposed on my fiduciaries under this will and under the laws of such other jurisdiction.

4.03 **Bonds Waived.** Each fiduciary shall be permitted to qualify without giving a bond or other undertaking in any jurisdiction for the performance of such fiduciary's duties, or, if any bond shall be required by law, without the necessity of sureties thereon.

ARTICLE 5: ADMINISTRATION OF ESTATE

5.01 **No Supervised Estate Administration.** Supervised administration of my estate should not be ordered unless changed circumstances that I could not have anticipated justify supervised administration to protect the interests of my estate and its beneficiaries.

5.02 **Administrative Powers of Personal Representative.** In addition to the powers it would otherwise have by reason of any statute or rule of law, my personal representative shall have power, without prior authorization or approval of any court, to do everything it shall consider advisable in the management of my estate, even though it would not otherwise be authorized for fiduciaries under any statute or rule of law.

5.03 **Restraint on Alienation.** No principal or income payable under any trust may be assigned or encumbered by any beneficiary, or be attached by or subjected to the interference or control of any creditor of such beneficiary, or reached by any legal or equitable process in satisfaction of any debt or liability of such beneficiary, prior to its actual receipt by such beneficiary.

5.04 **Payment of Death Taxes.** My personal representative shall pay all estate and inheritance taxes attributable to property passing under this will out of my residuary estate. All estate and inheritance taxes attributable to property that does not pass under my will shall be apportioned against and paid out of such property in the manner provided by Idaho law. My

personal representative's determination of the portion of each tax that is to be apportioned against and paid out of any property shall be final and binding on all persons having any interest in such matter.

ARTICLE 6: DEFINITIONS AND CONSTRUCTIONAL RULES

6.01 **My Family.** All references to "my children" are only to my children named in this will. All references to "my descendants" are only to my children and their descendants.

6.02 **Tangible Personal Property.** "Tangible personal property" means household goods, furniture, furnishings, garden and lawn equipment, tools, books, china, crystal, jewelry, silverware, works of art, collections, clothing, personal effects, pets, and similar items of tangible personal property. Such term does not include tangible personal property used in trade or business or held primarily for investment.

6.03 **Descendants.** "Descendants" means all lineal descendants of the person referred to, with the relationship of parent and child at each generation being determined by the definitions of those terms applicable for purposes of intestate succession under Idaho law. However, an adopted person shall be considered a lineal descendant of the person referred to only if he has been adopted while under the age of 18.

6.04 **Distributions by Representation.** A distribution to "the descendants" of a person (other than a distribution made in the exercise of a discretionary power) shall be by representation, meaning that the distribution shall be divided into as many equal shares as there are, at the time such distribution is required to be made, then living children of such person and then deceased children of such person who have then living descendants. One share shall be distributed to each living child of such person and one share shall be divided among each deceased child's descendants in the same manner.

6.05 **Order of Deaths.** If any person dies within 30 days after my death or under such circumstances that it cannot be established by proof whether such person has died within 30 days after my death, I shall be deemed to have survived such person.

6.06 **Governing Law.** Idaho law shall govern all questions as to the validity and construction of this will.

6.07 **Other Principles of Construction.** Words in any gender include the other genders; the singular includes the plural and vice versa; "give" also means devise, but does not mean appoint; "pay" and "distribute" also mean assign, convey and deliver; "person" means a legal entity, including, without limitation, a natural person, a corporation, a partnership, a trust, a limited liability company and an association; and the section headings and paragraph titles are for guidance only and shall have no significance in the interpretation of this will.

IN WITNESS WHEREOF, I, Rayola Rudd Birch, the testatrix, sign my name to this instrument this 20th day of January, 2015, and being first duly sworn, do hereby declare to the undersigned authority that I sign this instrument as my will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Rayola Rudd Birch

Rayola Rudd Birch Testatrix

We, Marcia J. Morrissey and Amy Kelsey, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testatrix signs and executes this instrument as her last will and that she signs it willingly, and that each of us, in the presence and hearing of the testatrix, hereby signs this will as witness to the testatrix's signing, and that to the best of our knowledge the testatrix is 18 years of age or older, of sound mind, and under no constraint or undue influence.

Marcia J. Morrissey

Witness

Address 1597 Stanger Dr, Idaho Falls, ID

Amy Kelsey

Witness

Address 3142 N Olsen Iona, ID

STATE OF IDAHO)
) ss.
County of Bonneville)

SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED before me by
Rayola Rudd Birch, the testatrix, and subscribed and sworn to before me by
Marcia J. Morrissey and Amy Kelsey, witnesses, this 20th
day of January, 2015.

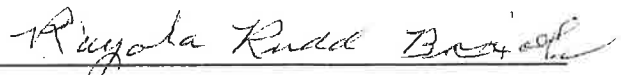


[Signature]
Notary Public
Residing At: Idaho Falls, Idaho
My Commission Expires: May 22, 2020

Article one of my will executed on the ____ day of _____, 2015 refers to devise or gift by written statement. I make this separate written disposition pursuant to such article and in compliance with the provisions of Idaho Code §15-2-513, as amended.

**WRITTEN STATEMENT DISPOSING OF TANGIBLE PERSONAL PROPERTY OF
RAYOLA RUDD BIRCH**

Description and Location of Item of Tangible Personal Property	Devise (including Address)
Piano – in front foyer of house	Celinda Birch – 395 North 2200 East St. Anthony, Idaho 83445
Grandma Rudd's car – 1957 – 4-door Belair Chevy parked behind house	Ronald Birch – 138 West Fourth North Sugar City, ID 83448
Wall mirror & shelf – Front foyer of house Touch lamp – in Mother's bedroom	Dennis Birch – 19 Jaxon Drive Sugar City, ID 83448
Honda Gold Wing – at Dennis' house	Dennis Birch – 19 Jaxon Drive Sugar City, ID 83448
All other items in the house	Celinda Birch – 395 North 2200 East St. Anthony, ID 83445
Butterfly tray – On shelf above TV in house	David Birch – 997 Main Street Bern, ID 83220


RAYOLA RUDD BIRCH

Dated: Jan 20, 2015

SCANNED
NOV 06 2018



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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

December 19, 2018

CELINDA LEE BIRCH
395 N 2200 E
SAINT ANTHONY ID 83445-5613

Re: Change in Water Right Ownership: 22-2033 A (Split into 22-2033 A and **22-14328**)

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Rayola R Birch

RECEIVED

OCT 29 2018

DEPARTMENT OF
WATER RESOURCES

October 15, 2018

State of Idaho
Department of Water Resources
322 East Front Street/P.O. Box 83720
Boise, ID 83720-0098

To whom it may concern:

I am writing to the Department of Water Resources for two reasons. I am asking that the ownership of water right #22-2033A be changed from Rayola Birch to Celinda Lee Birch due to the passing of Rayola Birch, my mother. I have attached her will that went through the Courts showing that my mother willed the water right to me. I have also attached the paper work that Ms. Condon sent me. I would like her to know that I appreciate all the help she has given to me in getting this matter straightened out.

I am also writing to the Department to either put the water right #22-2033A in the water bank or sell it. Many years ago my father was able to use the water that came from the river, through a ditch system, on a portion of the land it was meant for. Since that time different individuals have purchased the land, and needless to say a subdivision was put in the path of the ditch. Another individual has built a home in the area where the water comes out of the Henry's Fork, and from my understanding has blocked off the water so that it cannot flow down the ditch system. I am sure that if I had the money and time I could fight this in Court, but this is not a battle I wish to pursue.

So at this time I feel that it is in my best interest to sell/lease the water right #22-2033A to the Water Department so that it is not lost entirely. I have no idea on what the worth of the water right is, but I am willing to discuss a cost. I have attached several maps showing the change in the land and where the water leaves the river. If I cannot sell the water right then I would like to put it back into the storage bank and hopefully in time I will be able to sell it.

Thank you for your time and help with this matter.

Celinda Lee Birch
395 N 2200 E
St. Anthony, ID 83445
(208) 243-2451