

RECEIVED

DEC 05 2018

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 01 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

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?
43-10525	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: Golden F. Gardiner and Barbara E. Gardiner
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Spence E. Gardiner and Dara Gardiner
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- 1750 South Hwy 81 Malta Idaho 83342
Mailing address City State ZIP
- 208-431-3146
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.

8. Signature: [Signature] _____ Title, if applicable _____ Date _____
 Signature of new owner/claimant
- Signature: [Signature] _____ Title, if applicable _____ Date _____
 Signature of new owner/claimant

For IDWR Office Use Only:

Received by DM Date 11-1-2018 Receipt No. 2037023 Receipt Amt. \$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 _____ Approved by [Signature] Processed by _____ Date 12-11-18



CASSIA COUNTY
RECORDED FOR:
TITLEONE - BURLEY
02:55:38 PM 10-29-2018
2018-004242
NO. PAGES: 3 FEE: \$15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: CVELASQUEZ
Electronically Recorded by Simplifile

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

Order Number: 18320195

WARRANTY DEED

For Value Received,

Spence A. Gardiner, also known as Spence Gardiner, as Personal Representative of the Estates of Golden F. Gardiner and Barbara E. Gardiner, also known as Barbara J. Gardiner, the Grantor, does hereby grant, bargain sell and convey unto, Spence Gardiner and Dara Gardiner, husband and wife, as community property with right of survivorship, whose current address is 1750 South Hwy 81, Malta, ID 83342, the Grantee, the following described premises, in Cassia County, Idaho, To Wit:

PARCEL NO. 1:

TOWNSHIP13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Part of the SE $\frac{1}{4}$ of Section 23 AND Part of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 25 AND Part of the NE $\frac{1}{4}$ of Section 26, more particularly described as follows:

Beginning at the Southeast corner of Section 23 said corner marked by a U. S. G.L.O. iron pipe with brass cap; Thence South 89°48'06" West along the south line of Section 23 for a distance of 2118.90 feet to the Point of Beginning;

Thence South 59°13'40" East for a distance of 513.50 feet to a $\frac{1}{2}$ inch rebar;

Thence North 89°24'14" East for a distance of 605.79 feet to a $\frac{1}{2}$ inch rebar;

Thence South 05°56'07" East for a distance of 2315.57 feet to a $\frac{1}{2}$ inch rebar;

Thence North 89°52'51" East for a distance of 834.38 feet to the west line of Section 25;

Thence North 89°52'51" East for a distance of 1276.38 feet to a $\frac{1}{2}$ inch rebar on the westerly right-of-way of State Highway 81;

Thence South 00°03'57" East along said right-of-way for a distance of 66.37 feet to a $\frac{1}{2}$ inch rebar on the south line of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 25;

Thence South 89°35'22" West along said $\frac{1}{4}$ section line for a distance of 1276.43 feet to a U. S. G.L.O. iron pipe with brass cap at the East $\frac{1}{4}$ corner of Section 26;

Thence South 89°52'51" West along the south line of the NE $\frac{1}{4}$ of Section 26 for a distance of 2636.25 feet to a $\frac{5}{8}$ inch rebar at the Center $\frac{1}{4}$ Corner of Section 26;

Thence North 00°11'46" West along the west line of the NE $\frac{1}{4}$ of Section 26 for a distance of 2634.39 feet to a U. S. G.L.O. iron pipe with brass cap at the South $\frac{1}{4}$ Corner of Section 23;

Thence North 00°10'49" East along the west line of the SE $\frac{1}{4}$ of Section 23 for a distance of 238.50 feet to a $\frac{1}{2}$ inch rebar;

Thence North 89°40'35" East for a distance of 125.00 feet to a $\frac{1}{2}$ inch rebar;

Thence South 59°13'40" East for a distance of 463.98 feet to the Point of Beginning.



TitleOne
a title & escrow co.

Order Number: 18320195

WARRANTY DEED

For Value Received,

Spence A. Gardiner, also known as Spence Gardiner, as Personal Representative of the Estates of Golden F. Gardiner and Barbara E. Gardiner, also known as Barbara J. Gardiner, the Grantor, does hereby grant, bargain sell and convey unto, Spence Gardiner and Dara Gardiner, husband and wife, as community property with right of survivorship, whose current address is 1750 South Hwy 81, Malta, ID 83342, the Grantee, the following described premises, in Cassia County, Idaho, To Wit:

PARCEL NO. 1:

**TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Part of the SE $\frac{1}{4}$ of Section 23 AND Part of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 25 AND Part of the NE $\frac{1}{4}$ of Section 26, more particularly described as follows:

Beginning at the Southeast corner of Section 23 said corner marked by a U. S. G.L.O. iron pipe with brass cap; Thence South 89°48'06" West along the south line of Section 23 for a distance of 2118.90 feet to the Point of Beginning;

Thence South 59°13'40" East for a distance of 513.50 feet to a $\frac{1}{2}$ inch rebar;

Thence North 89°24'14" East for a distance of 605.79 feet to a $\frac{1}{2}$ inch rebar;

Thence South 05°56'07" East for a distance of 2315.57 feet to a $\frac{1}{2}$ inch rebar;

Thence North 89°52'51" East for a distance of 834.38 feet to the west line of Section 25;

Thence North 89°52'51" East for a distance of 1276.38 feet to a $\frac{1}{2}$ inch rebar on the westerly right-of-way of State Highway 81;

Thence South 00°03'57" East along said right-of-way for a distance of 66.37 feet to a $\frac{1}{2}$ inch rebar on the south line of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 25;

Thence South 89°35'22" West along said $\frac{1}{4}$ section line for a distance of 1276.43 feet to a U. S. G.L.O. iron pipe with brass cap at the East $\frac{1}{4}$ corner of Section 26;

Thence South 89°52'51" West along the south line of the NE $\frac{1}{4}$ of Section 26 for a distance of 2636.25 feet to a $\frac{5}{8}$ inch rebar at the Center $\frac{1}{4}$ Corner of Section 26;

Thence North 00°11'46" West along the west line of the NE $\frac{1}{4}$ of Section 26 for a distance of 2634.39 feet to a U. S. G.L.O. iron pipe with brass cap at the South $\frac{1}{4}$ Corner of Section 23;

Thence North 00°10'49" East along the west line of the SE $\frac{1}{4}$ of Section 23 for a distance of 238.50 feet to a $\frac{1}{2}$ inch rebar;

Thence North 89°40'35" East for a distance of 125.00 feet to a $\frac{1}{2}$ inch rebar;

Thence South 59°13'40" East for a distance of 463.98 feet to the Point of Beginning.

PARCEL NO. 2:

A non-exclusive perpetual easement for ingress and egress for the benefit of Parcel No. 1 as created by Warranty Deed by and between Spence A. Gardiner as Personal Representative of the Estate of Golden F. Gardiner and Barbara E. Gardiner, grantors unto Nolan K. Branch and LuAnn S. Branch, husband and wife, grantees, dated April 27, 2018 and recorded April 30, 2018 as Instrument No. 2018-001657, records of Cassia County, Idaho more particularly described as follows:

**TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Part of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 25 AND Part of the NE $\frac{1}{4}$ of Section 26 more particularly described as follows:

Beginning at the Northwest Corner of Section 25 said corner marked by a U. S. G.L.O. iron pipe with brass cap; Thence South 00°02'33" East along the west line of Section 25 for a distance of 134.23 feet to the Point of Beginning;

Thence North 83°06'39" East for a distance of 316.15 feet;

Thence South 87°34'56" East for a distance of 95.13 feet;

Thence South 78°18'27" East for a distance of 145.86 feet;

Thence South 74°07'52" East for a distance of 752.55 feet to the westerly right-of-way of State Highway 81;

Thence South 00°03'57" East along said right-of-way for a distance of 26.00 feet;

Thence North 74°07'52" West for a distance of 758.78 feet;

Thence North 78°18'27" West for a distance of 142.92 feet;

Thence North 87°34'56" West for a distance of 91.06 feet;

Thence South 83°06'39" West for a distance of 317.12 feet to the east line of Section 26;

Thence South 83°06'39" West for a distance of 1077.23 feet;

Thence North 05°56'07" West for a distance of 25.00 feet to a $\frac{1}{2}$ inch rebar;

Thence North 83°06'39" East for a distance of 1079.82 feet to the Point of Beginning.

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.

This Warranty Deed is Executed pursuant to Letters Testamentary dated and Recorded on September 4th, 2014, Instrument No. 2014-003610, records of Cassia County, Idaho, and Letters Testamentary dated and Recorded on January 23rd, 2018, Instrument No. 2018-000372, records of Cassia County, Idaho.

Dated: October 28, 2018

Estates of Golden F. Gardiner and Barbara E. Gardiner, also known as Barbara J. Gardiner

BY:

Spence A. Gardiner also known as Spence Gardiner

State of Idaho, County of Cassia, ss.

On this 28 day of October in the year of 2018, before me, the undersigned, a notary public in and for said state personally appeared Spence A. Gardiner, also known as Spence Gardiner, known or identified to me to be the person whose name is subscribed to the within instrument, as the Personal Representative of The Estates of Golden F. Gardiner and Barbara E. Gardiner, also known as Barbara Gardiner and acknowledged to me that he executed the same.

Annette Roth
Notary Public

Residing In: Rupert ID

My Commission Expires: 8-4-2023

(seal)





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 11, 2018

DARA GARDINER
SPENCE E GARDINER
1750 S HIGHWAY 81
MALTA ID 83342-8744

Re: Change in Ownership for Water Right No(s): 43-10525

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Water District No. 143
TitleOne



TitleOne

a title & escrow co.

October 31, 2018

ID Dept. of Water Resources
650 Addison Ave. West, Suite 500
Twin Falls, ID 83301

RE: TitleOne File No. 18320195
Spence Gardiner

Dear Clerk:

Enclosed with this letter please find the following documents:

1. The original executed Notice of Change in Water Right Ownership from Golden F. Gardiner and Barbara E. Gardiner to Spence E. Gardiner and Dara Gardiner.
2. A copy of the recorded Warranty Deed.
3. TitleOne Corporation's check no. 17620 payable to the Idaho Department of Water Resources in the amount of \$25.00 for the transfer fee.

Please make the necessary changes in the records to indicate the new owner.
Please send a receipted copy to this office.

Should you have any questions, please do not hesitate to contact this office.

Very truly yours,
TITLEONE CORPORATION

Nancy Garrett
Administrative Assistant

AR/nrg
Enc.
FedEx

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