

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 16 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?
43-300	Yes ☐	Yes ☐		Yes ☐	Yes ☐
43-2573	Yes ☒	Yes ☐		Yes ☐	Yes ☐
43-4233	Yes ☒	Yes ☐		Yes ☐	Yes ☐
43-10123	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): Matthew Gardiner and Marie Jeanne Gardiner
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- 234 S 100 W St. George UT 84770
Mailing address City State ZIP
- 435-632-7083 mattgardg@gmail.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. 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: Matthew Gardiner Title, if applicable _____ Date 2/6/2018
Signature of new owner/claimant

Signature: Marie Jeanne Gardiner Title, if applicable _____ Date 2/6/2018
Signature of new owner/claimant

For IDWR Office Use Only:

Received by TK Date 2/16/2018 Receipt No. C104670 Receipt Amt. 325.00

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 ME Date 9-24-18

RECEIVED
SEP 20 2018
DEPT OF WATER RESOURCES

QUITCLAIM DEED

QUITCLAIM DEED, made this 20th day of September, 2018

Matthew and Marie Jeanne Gardiner of 234 S. 100 W., St George, Washington County, Utah ("grantor"), for and in consideration of value received, do hereby convey, release, remise, and forever quitclaim unto

Nolan K. Branch and Luann S. Branch ("grantee"), whose mailing address is P. O. Box 24, 45 West 4th North, Malta, Idaho 83342 his/her heirs and assigns, all their right, title, and interest in and to the following water rights:

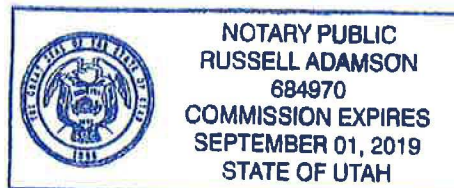
Cassia Creek Water Rights 43-301, 43-4232, and 43-4240.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Grantor *Matthew Gardiner* 9/20/18

Grantor *Marie Jeanne Gardiner* 9/20/18

The foregoing instrument was acknowledged before me, *Russell Adamson*, a notary public in and for the state of *Utah* by *Matthew Gardiner and Marie Jeanne Gardiner* on the *20* day of *September*, 20 *18*. Witness my hand and official seal *Russell Adamson* NOTARY PUBLIC My commission expires *09/01/2019* [NOTARY SEAL]



**TitleOne**

a title & escrow co.

Order Number: 18305434

CASSIA COUNTY
RECORDED FOR:
TITLEONE - BURLEY
03:31:00 PM 02-08-2018
2018-000604
NO. PAGES: 2 FEE: \$15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: CVELASQUEZ
Electronically Recorded by Simplifile

Warranty Deed

For value received,

Spence A. Gardiner, Personal Representative of the Estate of Barbara J. Gardiner, also known as Barbara E. Gardiner, deceased and, Spence A. Gardiner, Personal Representative of the Estate of Golden F. Gardiner, deceased

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

Matthew Gardiner and Marie Jeanne Gardiner, husband and wife, as community property with right of survivorship

whose current address is 234 S 100 W Saint George, UT 84770

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

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

Section 24:SW¼NW¼, SAVING AND EXCEPTING the following described tracts:

TRACT NO. 1:

Beginning at the Northeast corner of the SW¼NW¼ of Section 24, Township 13 South, Range 26 East of the Boise Meridian;

Thence Southerly on a line parallel to the West boundary line of said Section 24 a distance of 288 feet;

Thence Westerly along a line parallel to the North boundary line of said Section 24, a distance of 191 feet;

Thence Southerly along a line parallel to the West boundary line of said Section 24, a distance of 32 feet;

Thence Westerly along a line parallel to the North boundary line of said Section 24, a distance of 170 feet;

Thence Northerly along a line parallel to the West boundary line of said Section 24, a distance of 320 feet;

Thence Easterly along the North boundary line of the SW¼NW¼ of said Section 24, a distance of 361 feet to the Point of Beginning,

TRACT NO. 2:

Beginning at the Northeast corner of the SW¼NW¼ of said Section 24; Running thence South 288 feet; Thence West along a line parallel to the North boundary line of said Section 24 a distance of 132 feet to the True Point of Beginning;

Thence Southerly 272 feet to a point 175 feet West of the West boundary line of U.S. Highway 30 South;

Thence East 175 feet to the West boundary of U.S. Highway 30 South;

Thence North along the West boundary line of U.S. Highway 30 South for 304 feet, more or less, to a point 288 feet

South of the Northeast corner of the SW¼NW¼ of said Section 24;

Thence West along a line parallel to the North boundary of said Section 24 to the True Point of Beginning.

Together with State of Idaho Department of Water Resources water right numbers 43-300 Cassia Creek and 38/396th of ground water right numbers 43-2573, 43-4233, and 43-10123.

This deed is pursuant to Letters Testamentary, recorded on September 4, 2014, as Instrument No. 2014-003610, records of Cassia County, Idaho and Letters Testamentary, recorded on January 23, 2018, as Instrument No. 2018000372, records of Cassia County, Idaho

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.

Dated: February 8, 2018

Estate of Barbara J. Gardiner

By: Spence A. Gardiner
Spence A. Gardiner, Personal Representative

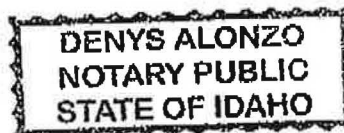
Estate of Golden F. Gardiner

By: Spence A. Gardiner
Spence A. Gardiner, Personal Representative

State of Idaho, County of Cassia, ss.

On this 8th day of February in the year of 2018, before me, the undersigned, a notary public in and for said state, personally appeared Spence A. Gardiner known or identified to me to be the person whose name is subscribed to the within instrument, as the personal representative of the estate of Barbara J. Gardiner and acknowledged to me that he executed the same as such personal representative of the estate of Barbara J. Gardiner.

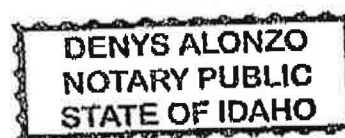
Denys Alonzo
Notary Public
Residing In: Rupert, ID
My Commission Expires: 06/08/2021 (seal)



State of Idaho, County of Cassia - ss.

On this 8th day of February in the year of 2018, before me, the undersigned, a notary public in and for said state, personally appeared Spence A. Gardiner known or identified to me to be the person whose name is subscribed to the within instrument, as the personal representative of the estate of Golden F. Gardiner and acknowledged to me that he executed the same as such personal representative of the estate of Golden F. Gardiner.

Denys Alonzo
Notary Public
Residing In: Rupert, ID
My Commission Expires: 06/08/2021 (seal)



2018-000604

Exhibit A

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

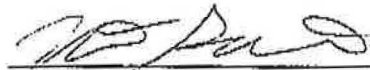
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Thence Southerly along a line parallel to the West boundary line of said Section 24, a distance of 32 feet;
Thence Westerly along a line parallel to the North boundary line of said Section 24, a distance of 170 feet;
Thence Northerly along a line parallel to the West boundary line of said Section 24, a distance of 320 feet;
Thence Easterly along the North boundary line of the SW¼NW¼ of said Section 24, a distance of 361 feet to the Point of Beginning,

TRACT NO. 2:

Beginning at the Northeast corner of the SW¼NW¼ of said Section 24; Running thence South 288 feet; Thence West along a line parallel to the North boundary line of said Section 24 a distance of 132 feet to the True Point of Beginning;
Thence Southerly 272 feet to a point 175 feet West of the West boundary line of U.S. Highway 30 South;
Thence East 175 feet to the West boundary of U.S. Highway 30 South;
Thence North along the West boundary line of U.S. Highway 30 South for 304 feet, more or less, to a point 288 feet South of the Northeast corner of the SW¼NW¼ of said Section 24;
Thence West along a line parallel to the North boundary of said Section 24 to the True Point of Beginning.

 1/31/18
Matthew Gardiner

 1/31/18
Marie Jeanne Gardiner

Golden F. Gardiner

Cassis

24

26

EBM.

 $\eta^{1/2}$

This sketch is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the Company assumes no liability for any loss resulting by reason of reliance thereon.

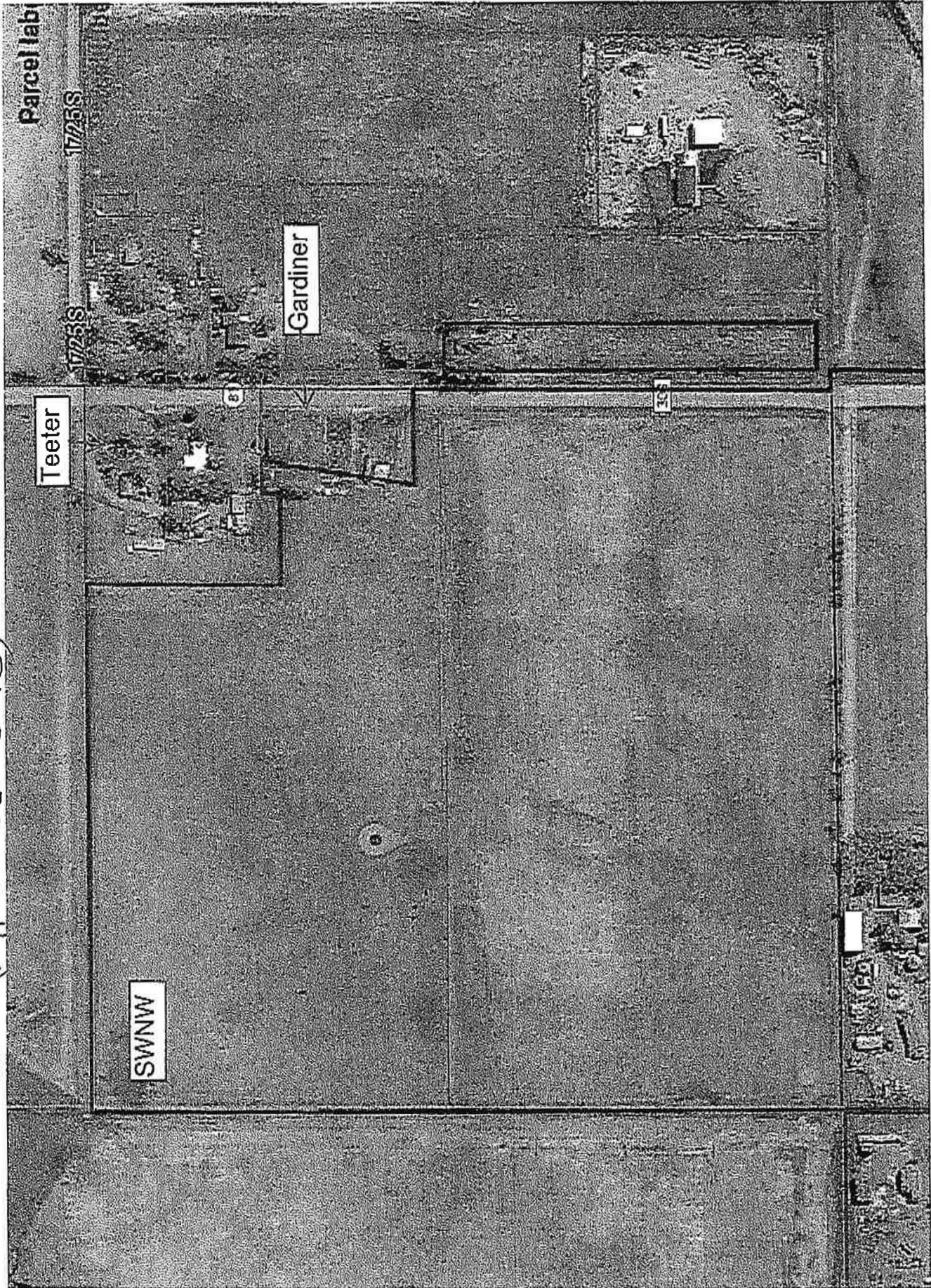
SW14
NW14

PC #4B

3000 11500.150
30.14 2005

১৫০০

(Approx - 36.70 Ac)





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

September 25, 2018

MATTHEW C GARDINER
MARIE JEANNE GARDINER
234 S 100 W
ST GEORGE UT 84770-3409

Re: Change in Water Right Ownership: 43-300, 43-2573 (Split into 43-2573 and **43-13799**), 43-4233
(Split into 43-4233 and **43-13800**), 43-10123 (Split into 43-10123 and **43-13801**)

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)

Edl, Michele

From: matt g <mattgardg@gmail.com>
Sent: Thursday, September 20, 2018 2:58 PM
To: Edl, Michele
Subject: Re: example quit claim deed
Attachments: Quit Claim CCreek wr.pdf

Attached is the quit claim deed.

Let me know if you need anything else.

Thanks

Matt Gardiner

On Thu, Sep 20, 2018 at 9:41 AM Edl, Michele <Michele.Edl@idwr.idaho.gov> wrote:

Matt Gardiner,

Thank you for responding so promptly to my email.

Because I am not an attorney, I need to be very cautious about advising you in legal matters. However, I have attached an example of a quit claim deed that served the need for IDWR in another circumstance.

You do not need to specify the rate and volume, just the water rights.

I understand that the important language is "all their right title and interest in".

Sincerely,

Michele Edl

Edl, Michele

From: matt g <mattgardg@gmail.com>
Sent: Thursday, September 20, 2018 8:59 AM
To: Edl, Michele
Cc: Erickson, Nathan; Bitzenburg, James; Hersley, Jean; Skaggs, Pam
Subject: Re: ownership change and splits of Golden Gardiner water rights

Michele,

Thanks for helping with this.

I believe that rights 43-301, 43-4232, and 43-4240 are Cassia Creek rights.

It was our intention to leave those with the new owner of the 358 acres, because I have Cassia Creek right 43-300 from Cassia Creek for the 38 acres.

I will be submitting a quit claim deed to rights 43-301, 43-4232, and 43-4240 as in option 2) above.

It was also our intention to convey 38 acres of water rights, as it says in the deed, and as soon as this ownership change is done, we were planning to complete a transfer to adjoining land.

Is there any particular language needed on the quit claim deed, or can I just list those water right numbers and put the new owners name on the deed?

Thanks

Matt Gardiner

On Wed, Sep 19, 2018 at 4:49 PM Edl, Michele <Michele.Edl@idwr.idaho.gov> wrote:

Matthew Gardiner and Marie Jeanne Gardiner,

I have been assigned to assist IDWR's Southern Region with the ownership change and splits of Golden and Barbara Gardiner's water rights. I have found that splitting the rights and processing the ownership change notice has been complicated by the deed that you supplied.

IDWR personnel have plotted the metes and bounds description provided on the deed and found that only 35 acres, not 38 acres were conveyed. This discrepancy doesn't stop the ownership change process but it does complicate it. Another process called a transfer may be used to move those three acres-worth of water to another property. If they are not used the extra three acres of the rights may be subject to forfeiture in the future.

A second complication arises from the language that the deed uses to convey the property. On page 3, in the second to last paragraph, the deed states "Together with State of Idaho Department of Water Resources water

Idaho Department of Water Resources

322 East Front St

Boise ID 83720-0098



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

February 21, 2018

MATTHEW C GARDINER
234 S 100 W
ST GEORGE UT 84770-3409

RE: Water Right No(s): 43-300, 43-2573, 43-4233 and 43-10123

Dear Interested Parties:

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:

- ☒ Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question
- ☒ Plat of Property or Survey Map usually on file with the county

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.

Please note that water right owners are required to report any change in water right 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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)