

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING A
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the department's website using the Water Right and Adjudication Search link at www.idwr.idaho.gov.

Please note:

- Unlike licensed or decreed water rights, which are real property, water right permits, applications for new water rights, and applications to transfer existing water rights are considered the personal property of the permit holders/applicants. Permit holders and applicants must assign their interest in a permit and/or application to the new owner. Assignment forms are available on the department's website at www.idwr.idaho.gov, or from any IDWR office. The fee for an assignment of permit is \$25. There is no charge for an assignment of application for permit or application for transfer.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.
4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.

5. Indicate the date the water rights and/or adjudication claims were conveyed to you. This may be the date of closing in the case of a real estate transaction, the date a contract was signed, or the date of a court order.
6. If you are unsure about the status of your water right in the Water Supply Bank, go to: www.idwr.idaho.gov/apps/ExtSearch/WSBSearch/WSBSearch.aspx, input your water right number and click "Search." If you find your water right is in the Water Supply Bank and you want to release it so you can use it, you can download the Request to Release form from the forms portion of our website: www.idwr.idaho.gov. Your water right may not be available for immediate release if rented by another water user.

7. **ATTACHMENTS:**

IDWR cannot process this change without **documentation of ownership**. The documentation may be in the form of a deed, court decree or other conveyance document. If you are submitting a quitclaim deed and the grantor's name does not match the water right holder of record, you will need to provide a chain of title that goes back to the water right holder/claimant of record. You may obtain this information from the assessor's office in the county where the property is located. Items that are **not** conveyance documents are deeds of trust, mortgages, purchase and sales agreements, and property tax notices.

Submit a **plat map, survey map, or aerial photograph** of the place of use for each water right or claim listed in item #1 (if necessary to clarify division of water rights or complex property descriptions). If your right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent aerial photograph with the irrigated acres outlined and point(s) of diversion clearly marked. You also have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov. It is not necessary to obtain a new survey for purposes of this form before contacting IDWR.

The Idaho Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication or the Northern Idaho Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the **filing fee** is \$25 per water right, except for those water rights that will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right.

If the water right is leased to the Water Supply Bank and there is more than one owner, a [Lessor Designation](#) form must be completed to specify who the designated lessor will be. Each of the owners must sign the Lessor Designation form.

An [IRS Form W-9](#) is required for all ownership changes pertaining to water rights leased to the Water Supply Bank. Refer to instructions in section 6 above to determine if the water right undergoing an ownership change is leased to the Water Supply Bank. An IRS W9 form can be downloaded from the Department's website: www.idwr.idaho.gov.

8. One of the new owner(s) must sign the form in the space(s) provided. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.

When you have completed the Notice of Change in Water Right Ownership, retain a copy and **file the original form, necessary attachments, and filing fee with the IDWR office nearest you. Ownership changes for water rights leased to the Water Supply Bank should be sent to the State Office.**

IDWR Northern Region
7600 N Mineral Dr, Ste 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858
(208) 736-3033

~ OR ~

IDWR State Office
322 East Front St, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4800

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 98-7908
Exam Date: 8/21/2012

1. Current Owner: ROGER JULIEN
258 FORTYNINER LN
BONNERS FERRY ID 83805
208 304-0991

And/Or

LUCY ANNIE JULIEN
258 FORTYNINER LN
BONNERS FERRY ID 83805
(208) 304-0991

2. Accompanied by: In office exam.

3. SOURCE

GROUNDWATER
MEADOW CREEK

TRIBUTARY

MOYIE RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None.
2. Other water rights with the same point of diversion: None.

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

MEADOW CREEK	SE1/4SE1/4	Sec. 1,	Twp 63N,	Rge 01E, B.M.
BOUNDARY County				
GROUNDWATER	SE1/4SE1/4	Sec. 1,	Twp 63N,	Rge 01E, B.M.
BOUNDARY County				

Method of Determination: Aerial photography, Bing Maps and Arc Map Data.

2.

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
63N	01E	1																X	

Method of Determination: Aerial photography, Bing Maps and Arc Map Data.

3. N/A Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- Yes Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- Yes Aerial Photo Attached (required for irrigation of 10+ acres).
- N/A Photo of Diversion and System Attached

4.

Well or Diversion Information not needed.**D. FLOW MEASUREMENTS**

Flow measurement not required as per IDAPA RULE 37.03.02.035.01.r.iii.

E. FLOW CALCULATIONS

The diversion rate for this domestic right is limited to 0.04 cfs or 18 gpm.

F. VOLUME CALCULATIONS

The annual volume for this domestic right is limited to 1.2 AF.

G. NARRATIVE/REMARKS/COMMENTS

This office exam is conducted in accordance with IDAPA RULE 37.03.02.035.01. The verification for this right is based upon the following:

1. Statement of completion
2. Tax Lot information
3. Aerial photography, Bing Maps and Arc Map Data

As per telephone conversation with Roger Julien on August 21, 2012, no more than 1/2 acre is being irrigated. Requested domestic use only.

Have conditions of permit approval been met? ☒ Yes ☐ No**H. RECOMMENDATIONS****1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	1.20 AF
<u>Totals:</u>		0.040 CFS	1.20 AF

2. Recommended Amendments☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other**I. AUTHENTICATION**Field Examiner's Name Keith L. Jordan Date 9/26/12Reviewer A. Taylor Date 9/26/12

Davis, Eric

From: Roger Julien [rubio011@hotmail.com]
Sent: Wednesday, August 29, 2012 2:09 PM
To: Davis, Eric
Subject: Roger Julien water rights, I dont remember my permit #
Attachments: 299.JPG; 300.JPG

Hi Eric, thank you for all your help through this process of establishing my water rights. The cone shaped box is at meadow creek, (back away from the creek about 2 feet, water filters through gravel into tank, so no fish are sucked into pipes or anything like that. There is a 2.5 gallon/min pump that pumps it to the house that is only intalled form may-september, then we discontinue use of the creek. the flat circular concrete fixture in the second photo is the spring, which gravity feeds to our house. On the original application we applied for domestic use plus 2 acres irrigation, We only want to use it for domestic use (both sources) our home and a 20 by 20 garden. if you have further questions, feel free to ask. Roger J. email rubio011@hotmail.com

Identify

Identify from: Taxlots

Taxlots

JULIEN, ROGER SCOTT

Location: 2,333,582.617 1,961,856.709 Meters

Field	Value
ID	702481
UPDATED	1/19/2012
PIN	RP01160001006A
OWNER	JULIEN, ROGER SCOTT
ADDRESS1	1078 N BEDFORD CT
ADDRESS2	
CITY	WICHITA
STATE	KS
ZIPCODE	67206
P_ADDRESS	258 FORTYNNER LN
P_ZIPCODE	83805
SUB_NAME	LOT 5 & LOT 6
LEGAL1	XMAS HILLS SUB (MEADOW CREEK)
LEGAL2	SEC 1 T63N R1E
LEGAL3	
LEGAL4	
LEGAL5	
LEGAL6	
ACRES	7.4
COUNTY	Boundary
SOURCE	
YEAR_BUILT	<null>

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Home

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UIC WRA WSB Hydrologic

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B I U A - - -

1:57 PM

274345

Glenda Poston
County Recorder *M. Dyer*
By Deputy
Fee \$ *15.00 charge*
Mail to *B.A.*

WARRANTY DEED

IN CONSIDERATION of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged by

ROGER SCOTT JULIEN and LUCY ANNIE JULIEN, husband and wife, as community property with rights of survivorship

the Grantors does hereby grant, bargain, sell, convey and warrant unto

PHILLIP LATENSER and DAVENE KING, husband and wife, as community property with rights of survivorship

the Grantees whose current address is:

P.O. Box 1931, Bonners Ferry ID 83805
~~4401 Quigley Ct., Rancho Cordova, CA 95742~~

the following described premises, to-wit:

Lot 5 in Xmas Hills Subdivision, Meadow Creek Addition, according to the plat thereof, recorded in Book 2 of Plats, Page 3, records of Boundary County, Idaho.

AND

Lot 6 in Xmas Hills Subdivision, Meadow Creek Addition, according to the plat thereof, recorded in Book 2 of Plats, Page 3, records of Boundary County, Idaho.

SUBJECT to and together with an easement for access and utilities as shown upon the above referenced plat.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record; and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

[Signature]

ROGER SCOTT JULIEN

6-11-18

Date

[Signature]

LUCY ANNIE JULIEN

6-11-18

Date

State of Idaho)

)ss

County of Boundary)

On this 11th day of June, 2018, before me, the undersigned, a Notary Public, in and for said State, personally appeared **ROGER SCOTT JULIEN and LUCY ANNIE JULIEN**, known to me, and/or identified to me on the basis of satisfactory evidence, to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Sharlene Delaney

Notary Public For Idaho

Residing at Bonners Ferry

Commission Expires: 10/7/2021





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 14, 2018

PHILIP LATENSER
DAVENE KING
PO BOX 1931
BONNERS FERRY ID 83805

Re: Change of Ownership for Water Right/Permit No(s): 98-7908

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect this change in ownership and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited 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 § 42-222 and §42-223, Idaho Code.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Water right forms are available from any office of the Department, or at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please feel free to contact me at (208) 762-2800.

Sincerely,

A handwritten signature in cursive script that reads "Natalie Steading".

Natalie Steading
Technical Records Specialist I

Enclosure(s)