

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 04 2018
Department of Water Resources
Eastern 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?
22-568B <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
22-13722 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
22-13723A <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Jerald Gee and Kerry Gee
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Kerry Gee and Kathleen Gee
New owner(s) as listed on the conveyance document

2364 HWY 33

Mailing address

(208)356-3783

Telephone

Sugar City

City

Name connector ☐ and ☐ or ☐ and/or

ID

83448

State

ZIP

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. 23, 1990
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.

SUPPORT DATA

IN FILE # 22-568B

8. Signature: *Kerry Gee* *Dore* *9-4-18*
Signature of new owner/claimant Title, if applicable Date
- Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by *SC* Date *9/4/18* Receipt No. *E044348* Receipt Amt. *75.00*

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing

Name on W-9 _____ Approved by *JB* Processed by *JB* Date *9/12/2018*

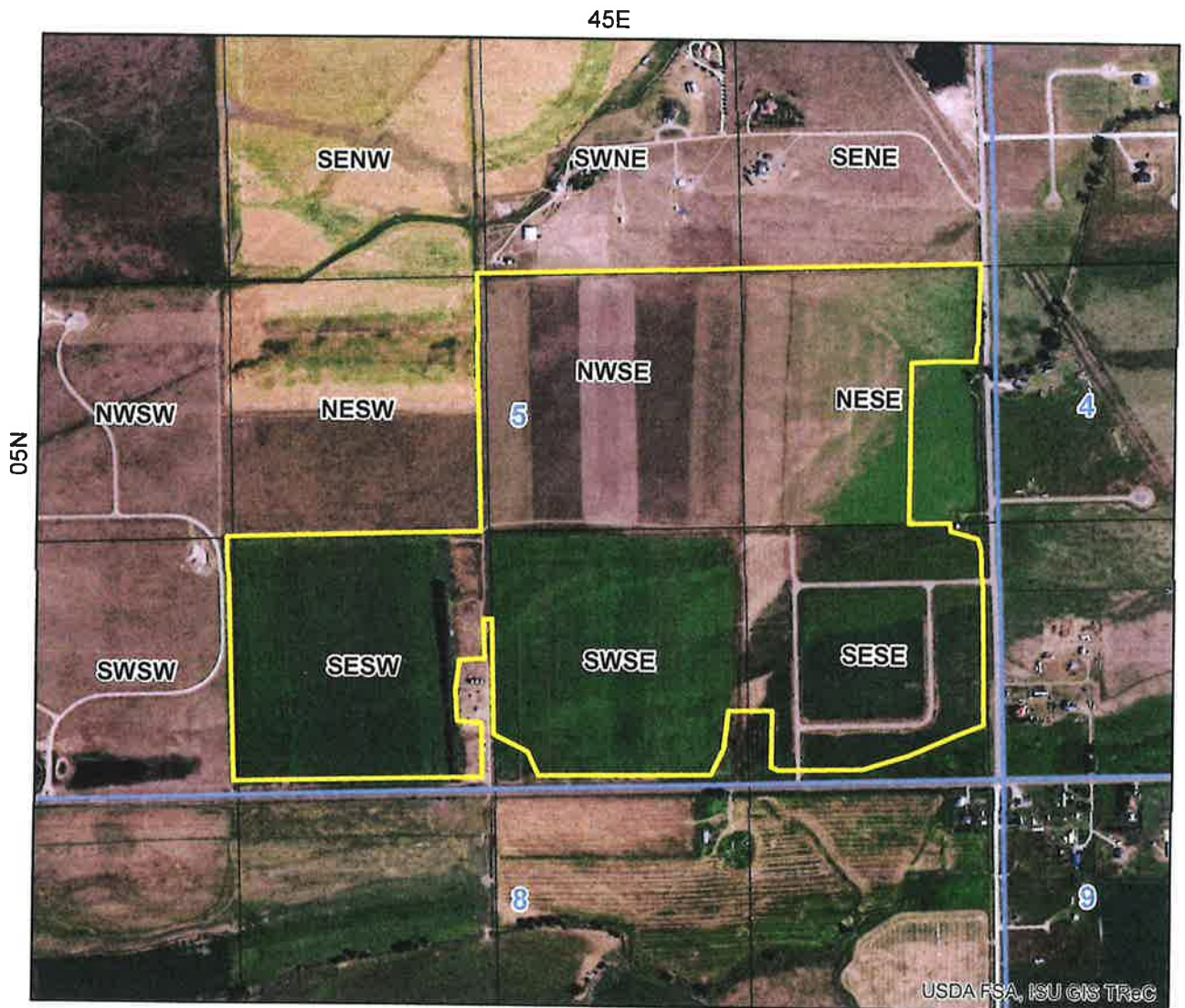
CLERK RECORDER

GRANT DEED

index to TFEET, TGEAK

158058

State of Idaho
Department of Water Resources
Water Right License
22-568B



0 0.1 0.2 0.4 Miles

- Place Of Use Boundary
- Townships
- PLS Sections



WARRANTY DEED

FOR VALUE RECEIVED, JERALD E. GEE and ANTONETTE M. GEE, husband and wife, of 2272 East Highway 33, Sugar City, Idaho 83448, hereinafter called "Grantors", do hereby grant, bargain, exchange and convey unto C. KERRY GEE and KATHLEEN F. GEE, husband and wife, of 2364 East Highway 33, Sugar City, Idaho 83448, hereinafter called "Grantees", the following described real property in Teton County, Idaho, to-wit:

W1/2SW1/4 Less Beginning at the SE corner of the W1/2SW1/4 and running thence West 429 feet, thence North 1320 feet, thence East 429 feet, thence south 1320 feet to the point of beginning, of Sec. 5, Township 5 North, Range 45 East, Boise Meridian.

Together with any and all water rights and improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

Grantor covenants and warrants that fee simple title, to the property, is conveyed to Grantee by this Deed, free from all encumbrances, except: rights-of-way and easements for county roads, ditches, and utilities.

DATED This 16th day of October, 1990.

Jerald E. Gee
Jerald E. Gee
Antonette M. Gee
Antonette M. Gee

106782

FILED

AT THE REQUEST OF

American Land

15 MINUTES PAST 2 P M

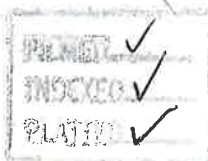
Oct. 23, 1990

E. Wayne Schiess

CLERK OF RECORDER

BY Nora Hill

DEPUTY



STATE OF IDAHO,)
 ss.
County of Madison)

On this 18th day of October, 1990, before me, the undersigned a Notary Public in and for said State, personally appeared Jerald E. Gee and Antonette M. Gee, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Nanette Gee
Notary Public for Idaho
Residing at: Sugar City
My commission expires: 1-4-96



Instrument # 221561

TETON COUNTY, IDAHO
04-02-2012 16:26:56 No. of Pages: 9
Recorded for: ALLIANCE TITLE - REXBURG OFFICE
MARY LOU HANSEN Fee: \$34.00
Ex-Officio Recorder Deputy, Mary Lou Hansen
Index to: AGREEMENT

WATER RIGHT SETTLEMENT AGREEMENT

Come now, KERRY GEE and KATHLEEN GEE, husband and wife, of 2364 E. Highway 33, Sugar City, Idaho, 83448, hereinafter "Gee", and WELLS FARGO BANK, N.A., a national banking association, with a mailing address of MAC C7300-079, 1700 Lincoln Street, 7th Floor, Denver, CO 80203,

WHEREAS,

- A. On or about March 8, 2007, Gee sold a parcel of property in Teton County, Idaho, to BC Properties;
 - B. The deed to that property was recorded in Teton County as instrument number 185905;
 - C. Gee retained ownership of a parcel adjacent to the parcel sold to BC Properties;
 - D. Prior to the sale, both parcels had been serviced by water rights identified as water right numbers 22-568B and 22-7105;
 - E. The parties dispute whether the water rights appurtenant to the parcel purchased by BC Properties were included in the sale or were retained by Gee;
 - F. Gee filed a lawsuit in the Seventh Judicial District of the State of Idaho, County of Teton, numbered CV-2007-311, to determine the ownership of the water rights, which lawsuit was dismissed on the stipulation of the parties with the option of re-filing;
 - G. Gee objected to BC Properties claim of water rights in the Snake River Basin Adjudication (SRBA). That matter is ongoing in the following SRBA subcases:
 - H. 22-568B split to 22-13720 and 22-13721 (surface water)
 - I. 22-7105 split to 22-13722 and 22-13723 (ground water);
 - J. Gee has received permission to subdivide the Southeast quarter of the Southeast quarter of Section 5, Township 3 North, Range 45 East, Boise Meridian. Some roads have been put in place and lots are currently for sale in the quarter/quarter Section;
 - K. Wells Fargo Bank, N.A., judicially foreclosed on the property owned by BC Properties in Teton County Case No. CV-11-41 and now holds title to the BC Properties property.
 - L. The parties now desire to resolve their dispute;
- NOW THEREFORE, it is hereby stipulated and agreed by and among the parties as follows:**

This instrument filed
as an accommodation only.
It has not been examined
as to its execution, insurability
or effect on title.



WATER RIGHT SETTLEMENT AGREEMENT

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- D. Prior to the sale, both parcels had been serviced by water rights identified as water right numbers 22-568B and 22-7105;
- E. The parties dispute whether the water rights appurtenant to the parcel purchased by BC Properties were included in the sale or were retained by Gee;
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- L. The parties now desire to resolve their dispute;

NOW THEREFORE, it is hereby stipulated and agreed by and among the parties as follows:

This instrument filed
as an accommodation only.
It has not been examined
as to it's execution, insurability
or effect on title.

1. The parties agree that Gee will receive the entire surface water right formerly identified as 22-568B, which includes the rights now identified as 22-13720 and 22-13721, and that the elements will be as they existed prior to the Administrative Proceeding purporting to split the water right in May 2007, which are as follows:

- i. Quantity - 3.2 CFS
- ii. Priority date - 5/25/1898
- iii. Source - South Leigh Creek, tributary to Teton River
- iv. Point of Diversion - SWSE/Sec. 33/Township 06N/Range 45E/TETON County, delivered by the Gale-Moffatt Ditch
- v. Purpose of Use - Irrigation
- vi. Period of Use - 4/15 to 10/15
- vii. Place of Use
Sec. 05/Township 05N/Range 45E/TETON County
NWSE - 40 acres
SESE - 34 acres
NESE - 32 acres
SWSE - 36 acres
SESW - 37 acres
Total acres 179

2. Regarding the ground water rights, the parties agree that there will be three distinct ground water rights:

- a. Water right number 22-13722 will be owned by Gee and will have the following elements:

- i. Quantity - 1.6 CFS/526 AFY
- ii. Priority date - 10/10/1974
- iii. Point of Diversion - NESESE/Sec. 05/Township 05N/Range 45E/TETON County
- iv. Purpose of Use - Irrigation
- v. Period of Use - 4/15 to 10/15

vi. Place of Use

Sec. 05/Township 05N/Range 45E/TETON County

SESW - 37 acres

NWSE - 40 acres

SESE - 34 acres

NESE - 32 acres

SWSE - 36 acres

Total of 179 acres

vii. Acreage Limit

This right will be limited to the irrigation of 175.5 acres within the place of use described above in a single irrigation season.

b.

Water right number 22-13723 will be owned by Wells Fargo Bank, N.A. and will have the following elements:

i. Quantity - 48 CFS/158 AFY

ii. Priority date - 10/10/1974

iii. Point of Diversion - NESESE/Sec. 05/Township 05N/Range 45E/TETON County

iv. Purpose of Use - Irrigation

v. Period of Use - 4/15 to 10/15

vi. Place of Use

Sec. 05/Township 05N/Range 45E/TETON County

NWSW - 39 acres

SWSW - 35 acres

Total of 74 acres

vii. Acreage Limit

This right will be limited to the irrigation of 52.5 acres within the place of use described above in a single irrigation season.

c.

Water right number 22-13723A will be owned by Geo. Gee will own and have sole use of this water right until seven lots have been purchased in

the subdivision of the Southeast quarter of the Southeast quarter of Section 5, Township 5 North, Range 45 East, Boise Meridian. When the seventh lot is purchased in that subdivision, Gee will provide to Wells Fargo Bank, N.A., or its successor in interest, a deed substantially similar to the draft deed attached hereto as Exhibit A. Gee will have no further interest in the water right and Wells Fargo Bank, N.A., or its successor in interest, will be solely responsible for transferring the place of use or point of diversion of the water right. When Gee sells the lots, or any other portion of the Southeast quarter of the Southeast quarter, Gee will reserve ownership of water right 22-13723A to himself. Water right 22-13723A will have the following elements:

- i. Quantity - .18 CFS/60 AFY
- ii. Priority date - 10/10/1974
- iii. Point of Diversion - NESESE/Sec. 05/Township 05N/Range 45E/TETON County
- iv. Purpose of Use - Irrigation
- v. Period of Use - 4/15 to 10/15
- vi. Place of Use
Sec. 05/Township 05N/Range 45E/TETON County
SRSE - 34 acres
Total of 34 acres
- vii. Acreage Limit

This right will be limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.

3. The parties agree that neither Wells Fargo Bank, N.A., nor its successor(s) in interest, will have the right to use the well located on Gee's property currently listed as the point of diversion for the ground water rights. The parties anticipate that in order to use its ground water right, Wells Fargo Bank, N.A., or its successor(s) in interest, will be required to install a well on its property. Wells Fargo Bank, N.A., or its successor(s) in interest, will

be solely responsible for obtaining any necessary permits, transfers, or other changes in its water rights to change the point of diversion.

4. In consideration of the terms and conditions of this Settlement Agreement, and other valuable consideration, the parties mutually release, acquit, and forever discharge each other, each other's agents and representatives, from any and all claims, demand, actions, obligations, and any rights pursuant to and alleged in Teton County Case no. CV-2007-311.
5. Each party shall and does hereby agree to pay their own attorneys fees and costs incurred in this matter.
6. The parties agree that they and their representatives will work together to effectuate this agreement.
7. The parties agree that the above settlement is contingent on its approval by the Idaho Department of Water Resources. If the Department determines that the described water rights cannot be recommended as described above, in particular if the separation of the rights will result in an "unstacking" that reduces the number of irrigable acres, this Settlement Agreement will be voidable upon reasonable notice by either party that they do not intend to be bound by the Settlement Agreement.
8. This Settlement Agreement contains the entire agreement between the parties with regard to the matters set forth in it and shall be binding upon and enure to the benefit of the executors, administrators, heirs, successors and assigns of each.

DATED This 3rd day of March, 2012.

Kerry Gee
Kerry Gee

Kathleen Gee
Kathleen Gee

Harrison Erickson FOR
Jerry R. Rigby
Counsel for Kerry & Kathleen Gee

[Signature]
Wells Fargo Bank, N.A.
By: [Signature]
Title: officer

[Signature]
C. Timothy Hopkins
Counsel for Wells Fargo Bank N.A.

Exhibit A

DEED TO A WATER RIGHT

THIS INDENTURE, Made this ____ day of _____, 20__, between Kerry Gee and Kathleen Gee, husband and wife, whose address is 2364 E. Highway 33, Sugar City, in Madison County, Idaho 83448, the parties of the first part, and Wells Fargo Bank, N.A., a national banking association, with a mailing address of MAC C7300-079, 1700 Lincoln Street, 7th Floor, Denver, CO 80203, the party of the second part,

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of One and No/100 Dollars, lawful money of the United States of America, and other valuable consideration, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents, does grant, bargain, sell, convey, and confirm unto the said party of the second part, and its assigns forever, that certain water right, more particularly described as follows:

<u>Right No.</u>	<u>Priority</u>	<u>Quantity (cfs/ac-ft)</u>	<u>Purpose of use</u>	<u>Period of Use</u>
22-13723A	10/10/1974	.18 CFS/60 AFY	Irrigation	4/15 to 10/15

SOURCE: Ground water

POINT OF DIVERSION: NESESE/Sec. 05/Township 05N/Range 45E/TETON County

PLACE OF USE: Sec. 05/Township 05N/Range 45E/TETON County SESE - 34 acres

ACREAGE LIMIT: This right will be limited to the irrigation of 20 acres within the place of use described above in a single irrigation season.

TOGETHER WITH all rights appertaining thereto,

TO HAVE AND TO HOLD, all and singular, the said water right, unto the said party of the second part, and to its assigns forever.

IN WITNESS WHEREOF, The said parties of the first part, have, as aforesaid, hereunto set their hands and seals the day and year first above written.

Kerry Gee

Kathleen Gee

STATE OF IDAHO,)
)
County of Madison.)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared Kerry Gee and Kathleen Gee, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at:
My Commission Expires:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

September 14, 2018

KERRY & KATHLEEN GEE LIVING TRUST
2364 E HIGHWAY 33
SUGAR CITY ID 83448-1126

Re: Change in Ownership for Water Right No(s): 22-568B, 22-13722 & 22-13723A

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) 525-7161.

Sincerely,

Jonie Barg
Technical Records Spec I

Enclosure(s)

cc: Water District 01