



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 17, 2018

ZB NA
DBA ZIONS FIRST NATIONAL BANK
500 5TH ST
AMES ID 50010-6063

RE: Correction of Security Interest for Water Rights 2-2279 & 2-7012

Dear Security Interest Holder:

The Idaho Department of Water Resources (Department) received a request to review why Zion's First National Bank (Zion's) is listed as Security Interest Holder on water rights 2-2279 & 2-7012. The water rights are appurtenant to property owned by Robert & Mechelle Dirks and Farmers Bank holds the security interest on this property.

When Zion's filed a request to be added as the security interest holder on these water rights for Kenton & Michelle Dirks, Kenton & Michelle had not filed a change in water right ownership for their portion of water rights 2-2279 & 2-7012. The Department does not split water right based on a Notice of Security Interest so Zion's was added as a security interest holder on the rights although the Deed of Trust states: *"All water, water rights, ditches and ditch rights, any permits, licenses, certificates or shares of stock evidencing any such water or ditch rights, and any such rights acquired in the future, which entitle Grantpr (sic) to use water for any purpose upon the Real Property described in Exhibit "A". The above includes, but is not limited to, the following:*

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right No(s): 02-4026, 02-7012, 02-02279

Kenton & Michelle filed a change of ownership in April, 2017 for their portion of water rights 2-2279 & 2-7012. Water rights 2-10542 & 2-10543 are the water rights appurtenant to the property in Exhibit "A". At the time of this ownership change, Zion's First National Bank should have been removed as security interest holder on water rights 2-2279 & 2-7012 since the property for these rights is not included in the Deed of Trust Zion's holds for Kenton & Michelle Dirks.

After reviewing the documents and consulting with legal staff, the Department is removing Zion's as the security interest holder on water rights 2-2279 & 2-7012. Zion's will remain as security interest holders on water rights 2-10542 & 2-10543.

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

Thank you.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure

c: Farmer's Bank
Robert & Mechelle Dirks
Kenton & Michelle Dirks

Hersley, Jean

From: Kolbie Stauffer <kstauffer@farmersbankidaho.com>
Sent: Thursday, August 16, 2018 3:44 PM
To: Hersley, Jean
Subject: Dirks

Good afternoon Jean,

I am writing in regards to a lien filled on some water rights that I believe was done in error. The lien is filled by Zions Bank on water right 02-07012 & 02-02279 for Kenton Dirks. These water rights belong to property that is owned by Robert Dirks, we have the mortgage on that property. Would you be able to look into how we can get them removed and add Farmers Bank?

Thank you,

Kolbie Stauffer

Loan Secretary

Farmers Bank

1441 S Lincoln / PO Box 505

Jerome ID, 83338

Phone: (208) 324-3800

Fax (208) 324-4600

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 2-7012

8/17/2018

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MECHELLE DIRKS 24762 A & A RD GRAND VIEW, ID 83624 (208) 834-3344
Current Owner	ROBERT G DIRKS 24762 A & A RD GRAND VIEW, ID 83624 (208) 834-3344
Original Owner	WILLIAM H LEMON RT 8 BOX 343 GRAND VIEW, ID 83624
Original Owner	CONNECTICUT GENERAL LIFE INSURANCE CO C/O TIPPETT LAND & MORTGAGE CO PO BOX 3027 PASCO, WA 99302 (509) 545-3355
Original Owner	KEITH A JOHNSON GRAND VIEW, ID
Original Owner	MILDRED LEMON GRAND VIEW, ID

Priority Date: 3/4/1968

Basis: Decreed

Status: Active

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From

03/15

To

10/31

Diversion Rate

0.060 CFS

Volume

15.0 AF

Total Diversion

0.060 CFS

15.0 AF

Source and Point(s) of Diversion

SNAKE RIVER

SESW

Sec. 34, Twp 05S, Rge 04E, OWYHEE County

Place Of Use

IRRIGATION within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	03E	2						3.0											3.0

POU Total Acres: 3.0

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 2-7012

8/17/2018

Conditions of Approval:

1. C18 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. Section 42-1412(6), Idaho Code.
2. S46 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. E55 Right Nos. 02-02288, 02-07012 and 2-10542 are limited to the irrigation of a combined total of 330 acres in a single irrigation season.
4. E60 Right Nos. 02-02288, 02-07012 and 2-10542 are limited to a total combined diversion rate of 6.6 cfs and to a total combined annual diversion volume of 1650 AF.
5. F06 The following rights are also diverted through point of diversion described above: 2-2279, 2-2418, 2-4026, 2-10543.
6. E52 The rights listed below are limited to a total combined diversion rate of 11.6 cfs. Combined Right Nos.: 2-2279, 2-2418, 2-4026, 2-7012, 2-10542 and 2-10543.

Comments:

1. Ownership Change 10/31/2017 Split Right
Split into 2-7012 and 2-10542 due to change in ownership.
2. jhersley 10/31/2017 POU
Updated Shape

Dates and Other Information

Decreed Date: 6/15/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 02
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
6.600	1,650.0	330.0
2-2288 ,2-7012		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
11.600		
2-2418 ,2-7012 ,2-2279 ,2-4026 ,2-10542 ,2-10543		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 2-2279

8/17/2018

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MECHELLE DIRKS 24762 A & A RD GRAND VIEW, ID 83624 (208) 834-3344
Current Owner	ROBERT G DIRKS 24762 A & A RD GRAND VIEW, ID 83624 (208) 834-3344
Original Owner	CONNECTICUT GENERAL LIFE INSURANCE CO C/O TIPPETT LAND & MORTGAGE CO PO BOX 3027 PASCO, WA 99302 (509) 545-3355
Original Owner	KEITH A JOHNSON GRAND VIEW, ID

Priority Date: 2/28/1964

Basis: Decreed

Status: Active

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

2.520 CFS

Volume

630.0 AF

Total Diversion

2.520 CFS

630.0 AF

Source and Point(s) of Diversion

SNAKE RIVER

SESW

Sec. 34, Twp 05S, Rge 04E, OWYHEE County

Place Of Use

IRRIGATION within OWYHEE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	03E	34												40.0			40.0	39.0	119.0
06S	03E	3	7.0																7.0

POU Total Acres: 126.0

Conditions of Approval:

1. C18 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. Section 42-1412(6), Idaho Code.
2. S46 The use of water for irrigation under this right may begin as early as March 1 and may

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 2-2279

8/17/2018

continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

3. F06 The following rights are also diverted through point of diversion described above:
2-2418, 2-4026, 2-7012 and 2-10542.
4. E52 The rights listed below are limited to a total combined diversion rate of 11.6 cfs.
Combined Right Nos.: 2-2279, 2-2418, 2-4026, 2-7012, 2-10542 and 2-10543.

Comments:

1. jdean 5/25/2005 Quantity
License for 1050 AFY appears to be the result of miscalculation in examiner report,
recommended as intended (calculation at the bottom of field exam map) for 309 acres * 5
AFY/acre = 1545 AFY
2. Ownership Change 10/31/2017 Split Right
Split into 2-2279 and 2-10543 due to change in ownership.
3. jhersley 10/31/2017 POU
Updated Shape

Dates and Other Information

Decreed Date: 6/15/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 02
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
11.600		
2-2418 ,2-7012 ,2-2279 ,2-4026 ,2-10542 ,2-10543		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 2-10542

8/17/2018

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENTON G DIRKS 33386 MUD FLAT RD GRAND VIEW, ID 83624 (208) 834-2034
Current Owner	MICHELLE R DIRKS 33386 MUD FLAT RD GRAND VIEW, ID 83624 (208) 834-2034
Original Owner	MILDRED LEMON GRAND VIEW, ID
Original Owner	WILLIAM H LEMON RT 8 BOX 343 GRAND VIEW, ID 83624
Original Owner	CONNECTICUT GENERAL LIFE INSURANCE CO C/O TIPPETT LAND & MORTGAGE CO PO BOX 3027 PASCO, WA 99302 (509) 545-3355
Original Owner	KEITH A JOHNSON GRAND VIEW, ID
Previous Owner	MECHELLE DIRKS 24762 A & A RD GRAND VIEW, ID 83624 (208) 834-3344
Previous Owner	ROBERT G DIRKS 24762 A & A RD GRAND VIEW, ID 83624 (208) 834-3344
Security Interest	ZB NA DBA ZIONS FIRST NATIONAL BANK 500 5TH ST AMES, IA 50010-6063 (515) 232-7310

Priority Date: 3/4/1968

Basis: Decreed

Status: Active

Source
SNAKE RIVER

Tributary
COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

8/17/2018

Water Right 2-10542

IRRIGATION	03/15	10/31	0.940 CFS	235.0 AF
	<u>Total Diversion</u>		0.940 CFS	235.0 AF

Source and Point(s) of Diversion

SNAKE RIVER

SESW

Sec. 34, Twp 05S, Rge 04E, OWYHEE County

Place Of Use

IRRIGATION within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	03E	2						3.0	4.0										7.0
06S	03E	3								40.0									40.0

POU Total Acres: 47.0

Conditions of Approval:

1. E55 Right Nos. 02-02288, 02-07012 and 2-10542 are limited to the irrigation of a combined total of 330 acres in a single irrigation season.
2. S46 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. E52 The rights listed below are limited to a total combined diversion rate of 11.6 cfs. Combined Right Nos.: 2-2279, 2-2418, 2-4026, 2-7012, 2-10542 and 2-10543.
4. E60 Right Nos. 02-02288, 02-07012 and 2-10542 are limited to a total combined diversion rate of 6.6 cfs and to a total combined annual diversion volume of 1650 AF.
5. F06 The following rights are also diverted through point of diversion described above: 2-2279, 2-2418, 2-4026 and 2-10543.
6. C18 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. Section 42-1412(6), Idaho Code.

Comments:

1. jhersley 10/31/2017 split right
Split from 2-7012 due to change in ownership.
2. jhersley 10/31/2017 POD
Updated Shape
3. jhersley 10/31/2017 POU
Updated Shape

Dates and Other Information

Decreed Date: 6/15/2009

Civil Case Number: 39576

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 2-10542

8/17/2018

Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 02
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
11.600		
2-2418	,2-7012 ,2-2279 ,2-4026 ,2-10542 ,2-10543	

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 2-10543

8/17/2018

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENTON G DIRKS 33386 MUD FLAT RD GRAND VIEW, ID 83624 (208) 834-2034
Current Owner	MICHELLE R DIRKS 33386 MUD FLAT RD GRAND VIEW, ID 83624 (208) 834-2034
Original Owner	KEITH A JOHNSON GRAND VIEW, ID
Original Owner	CONNECTICUT GENERAL LIFE INSURANCE CO C/O TIPPETT LAND & MORTGAGE CO PO BOX 3027 PASCO, WA 99302 (509) 545-3355
Previous Owner	MECHELLE DIRKS 24762 A & A RD GRAND VIEW, ID 83624 (208) 834-3344
Previous Owner	ROBERT G DIRKS 24762 A & A RD GRAND VIEW, ID 83624 (208) 834-3344
Security Interest	ZB NA DBA ZIONS FIRST NATIONAL BANK 500 5TH ST AMES, IA 50010-6063 (515) 232-7310

Priority Date: 2/28/1964

Basis: Decreed

Status: Active

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

3.660 CFS

Volume

915.0 AF

Total Diversion

3.660 CFS

915.0 AF

Source and Point(s) of Diversion

SNAKE RIVER

SESW

Sec. 34, Twp 05S, Rge 04E, OWYHEE County

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 2-10543

8/17/2018

Place Of Use

IRRIGATION within OWYHEE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	03E	3	43.0	51.0		38.0	51.0												183.0

POU Total Acres: 183.0

Conditions of Approval:

1. E52 The rights listed below are limited to a total combined diversion rate of 11.6 cfs. Combined Right Nos.: 2-2279, 2-2418, 2-4026, 2-7012, 2-10542 and 2-10543.
2. S46 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. C18 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. Section 42-1412(6), Idaho Code.
4. F06 The following rights are also diverted through point of diversion described above: 2-2418, 2-4026, 2-7012 and 2-10542.

Comments:

1. jhersley 10/31/2017 split right
Split from 2-2279 due to change in ownership.
2. jhersley 10/31/2017 POD
Updated Shape
3. jhersley 10/31/2017 POU
Updated Shape

Dates and Other Information

Decreed Date: 6/15/2009
 Civil Case Number: 39576
 Judicial District: FIFTH
 State or Federal: S
 Owner Name Connector: And
 Water District Number: 02
 Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
11.600		
2-2418 ,2-7012 ,2-2279 ,2-4026 ,2-10542 ,2-10543		

SubCase:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 2-10543

8/17/2018

Water Supply Bank:

N/A