

RECEIVED

MAY 08 2018

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
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?
65-13962	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: Sidney and Kristine Smith
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Sean and Amy Hyten
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 3824 GROVETON ST CALDWELL ID 83607
Mailing address City State ZIP
- 208 230 4747 amyhyten@gmail or amy@high-ten plumbing
Telephone Email .com
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] SEAN HYTEN 5/5/18
Signature of new owner/claimant Title, if applicable Date

Signature: [Signature] Amy Hyten 5-4-2018
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

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 dj Date 6-6-18

EXHIBIT "A"

333183

A parcel of land located in the Northeast Quarter of Section 30, and the West Half of the Northwest Quarter of Section 29, Township 12 North, Range 4 East, Boise Meridian, Valley County, Idaho, being more particularly described as follows:

Commencing at the South section corner common to said Sections 29 and 30, a 5/8 inch rebar, C.P.F. Instrument 117688, corner records of said Valley County; Thence a bearing of North 0°04'48" West, a distance of 2644.74 feet on the common boundary of said sections to a found 1/2 inch rebar being the 1/4 corner common to said Sections 29 and 30 and the True Point of Beginning.

Thence a bearing of North 89°49'50" West, a distance of 651.46 feet on the South boundary of said Northeast Quarter of Section 30 to a found 1/2 inch rebar being the Northeast corner of Latigo Subdivision, plat records of said Valley County; Thence a bearing of North 89° 49' 22" West a distance of 1417.87 feet on said South boundary to a found 1/2 inch rebar on the Easterly right-of-way boundary of State Highway 55; Thence a bearing of North 13°59'51" East a distance of 8.43 feet on said right-of- way boundary to a found right-of-way monument, marking highway station 41+10.5; Thence a bearing of North 16°51'42" East, a distance of 189.18 feet on said right-of-way boundary to a found right-of-way monument marking highway station 43+00; Thence a bearing of South 76°11'40" East, a distance of 9.65 feet on said right-of-way boundary to a found right-of-way monument marking Highway Station 43+00; Thence a bearing of North 16°46'32" East, a distance of 351.13 feet on said right-of-way boundary to a set 5/8 inch rebar; Thence a bearing of South 89°59'51" East, a distance of 1900.28 feet to a point on the boundary common to said Sections 29 and 30; Thence a bearing of South 89°59'51" East, a distance of 1321.01 feet to a set 5/8 inch rebar on the East boundary of said West Half of the Northwest Quarter of Section 29; Thence a bearing of South 0°11'13" East, a distance of 527.58 feet on said East boundary of the West Half of the Northwest Quarter to a found 5/8 inch rebar marking the Southeast corner of said West Half of the Northwest Quarter; Thence a bearing of South 89°54'40" West, a distance of 660.73 feet on the South boundary of said West Half of the Northwest Quarter to a found 1/2 inch rebar; Thence a bearing of South 89°56'26" West, a distance of 660.58 feet on said South boundary of the West Half of the Northwest Quarter to the Point of Beginning.

SAVE AND EXCEPT

A parcel of land being a portion of the Northeast Quarter of Section 30, Township 12 North, Range 4 East, Boise Meridian, Valley County, Idaho as shown on the FAP No. ST-3270(624), more particularly described as follows:

Commencing at a found brass cap marking the South Quarter corner of Section 30, Township 12 North, Range 4 East, Boise Meridian, from which a found Aluminum cap marking the Southwest corner of Section 30 bears North 88°58'58" West, 608.905 meters (1,997.72 feet); thence along the North-South center line of Section 30, North 00°22'25" West, 812.918 meters (2,667.05) to the Center Quarter of Section 30, thence along the East-West center line of Section 30, South

INITIAL

INITIAL


89°33'42" East, 170.045 meters (557.89 feet) to a point on the existing Easterly right-of-way of State Highway 55, the Point of Beginning;
Thence along said right-of-way, North 16°56'58" East, 59.407 meters (194.90 feet) to an angle point; thence South 73°03'02" East, 3.052 meters (10.01 feet) to an angle point; thence North 16°56'58" East, 107.177 meters (351.63 feet) to an angle point; thence leaving said right-of-way, South 89°48'27" East, 8.883 meters (29.14 feet) to a point on the new Easterly right-of-way of State Highway 55; thence along said right-of-way, South 16°56'58" West, 165.722 meters (543.70 feet) to a point thence North 89°33' 42" West, 12.055 meters (39.55 feet) to the Point of Beginning.

ALSO SAVE AND EXCEPT

A parcel of land lying in the Northwest Quarter of Section 29, Township 12 North, Range 4 East, Boise Meridian, Valley County, Idaho being more particularly described as follows:

Commencing at the Quarter Corner common to Sections 29 and 30, Township 12 North Range 4 East, Boise Meridian, being a 2-inch pipe (CF & F #208268) and the True Point of Beginning;
Thence South 88°38'35" East on the subdivisional line of said Section 29 a distance of 660.57 feet to an existing 5/8 inch rebar; Thence South 88°40'38" East on said subdivisional line a distance of 660.65 feet to an existing 1/2-inch rebar being the C-W1/16; Thence North 1°13'46" East on the subdivisional line a distance of 527.50 feet to an existing 1/2-inch rebar; Thence North 88°34'47" West, a distance of 1320.94 feet to a 5/8 inch rebar being on the section line between Sections 29 and 30; Thence South 1°15'35" W, on said section line a distance of 529.35 feet to the Point of Beginning.

SPECIAL WARRANTY DEED

Sidney E. Smith, III and Kristine Ann Smith, husband and wife, hereby convey and specially warrant to Sean Erin Hyten and Amy Love Hyten, husband and wife, Grantee, whose address is 3824 Groveton St., Caldwell, Idaho 83607, for good and valuable consideration, the following described real property, to-wit:

See Attachment 1;

SUBJECT TO taxes and assessments for the year 2016 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

INITIAL INITIAL
 

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said premises; that the premises are free from encumbrances created or suffered by the Grantor, excepting those as may be herein set forth, and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this _____ day of _____, 2016.

Sidney E. Smith, III
3792 W. Houseland Ct.
Eagle, ID 83616

Kristine Ann Smith
3792 W. Houseland Ct.
Eagle, ID 83616

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Sidney Smith: Keisting, hereby assign to Sean Hyten & Amy Hyten
Current owner(s) Smith New owner(s)
 of, 3824 GROVETON ST CALDWELL ID 83607 208 230 4747
New owner's address including city, state and ZIP Phone

All my right, title, and interest in and to Permit No(s): 65-13962 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit Number(s):

_____, to appropriate the public waters of the State of Idaho.

Describe in detail the portion of the permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.

Does the new permit holder own the property at the:

Point of diversion? ☐ Yes ☐ No

Place of use? ☐ Yes ☐ No

If no, describe the arrangement enabling the new owner to access the point of diversion and/or the place of use:

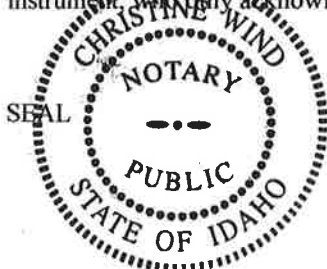
Dated this 2nd day of November, 2017.

[Signature]
 Permit holder Title (if applicable)

[Signature]
 Permit holder Title (if applicable)

State of Idaho)
 County of Ada)ss

On this 2nd day of November, 2017, personally appeared before me the signer(s) of the above instrument who duly acknowledged to me that he/she/they executed the same.



[Signature]
 Notary Public

My commission expires: 01-28-2021

Water District No. 65

102 North Main
Payette, Idaho 83661
208-642-4465

2018 Assessment Invoice

Payette River Basin, State of Idaho

BILL TO

Sidney E. Smith III
3792 W. Houseland Ct.
Eagle, ID 83616

DATE		4/18/2018
INVOICE NO.		4121
DUE DATE		5/18/2018
IDWR Hydro #	13245333	
Water Right Number(s)		
65-13962		
Use	Irrigation/Storage	
Acres or Equivalent		

DESCRIPTION	ACRES	RATE	AMOUNT
Water District Assessment	60	0.50	30.00
Total			\$30.00

We appreciate your prompt payment.

Balance Due **\$30.00**

For your convenience, please tear off this portion and use it to address the enclosed envelope

Payette River Basin, State of Idaho

Sidney E. Smith III
3792 W. Houseland Ct.
Eagle, ID 83616

IDWR Hydro # 13245333

INVOICE NO. 4121

2018 Assessment Invoice

Water District No. 65
102 N. Main
Payette, ID 83661

Balance Due **\$30.00**

Payette River Basin, State of Idaho
State, Water District No. 65

Watermaster,
Ron Shurtleff

102 N. Main
Payette, ID 83661

Phone: 208-642-4465
Fax: 208-642-1042
E-mail: wd65@srvinet.com

April 21, 2018

Dear Payette Basin Water User;

Enclosed please find your 2018 Water District 65 Assessment. Fortunately we continue to be able to maintain the same low assessment rate of \$0.50 per acre.

The 2018 winter season was a big contrast to the season before, it seems most of us had prepared for another hard winter but it never materialized. We did receive sufficient snow to insure us with a good supply of water for this growing season. Last year's bumper year produced increased stream flows that continued through the winter and resulted in more water than our reservoirs can hold. The Payette's Reservoir System has been releasing water above the usual winter rates since December to make sure there is enough space to avoid spring flooding.

Even though our snowpack did not peak as high as normal, at the present time, the Payette Basin is sitting at 95% of normal for this date. And with the current trend, I believe we may see the melt off season come very close to tracking right with the 30 year average. This places us with once again, a very favorable water supply outlook.

I wish to remind those folks that need to keep records on their water usage, to be prepared for my request for end of year usage data, and if you draw water from the river via a pump, you may want to contact me, because I may be able to do the record keeping for you.

I wish you all a very successful new season.

Sincerely,


Ron Shurtleff

AT- 333183

SPECIAL WARRANTY DEED

KS
Sidney E. Smith, III and Kristine Ann Smith, husband and wife, hereby convey and specially warrant to Sean Erin Hyten and Amy Love Hyten, husband and wife, Grantee, whose address is 3824 Groveton St., Caldwell, Idaho 83607, for good and valuable consideration, the following described real property, to-wit:

See Attachment 1;

SUBJECT TO taxes and assessments for the year 2016 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

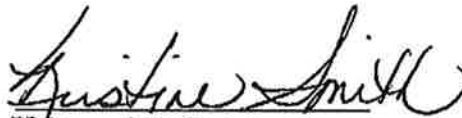
This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said premises; that the premises are free from encumbrances created or suffered by the Grantor, excepting those as may be herein set forth, and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 2nd day of November 2016.



Sidney E. Smith, III
3792 W. Houseland Ct.
Eagle, ID 83616



Kristine Ann Smith
3792 W. Houseland Ct.
Eagle, ID 83616

STATE OF IDAHO)
) ss.
County of Ada Canyon)

On 2 day of November, 2016, before me, a notary public in and for the state of Idaho, personally appeared **Sidney E. Smith, III** and **Kristine Ann Smith**, husband and wife, known to me (or proved to me on basis of satisfactory evidence) to be the persons whose names are subscribed to this 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.



Cheree Bartram

Notary Public for the state of Idaho

Residing at _____

Commission Expires: _____

RESIDING AT: BOISE, IDAHO

COMMISSION EXPIRES: 08/16/2017

ATTACHMENT 1

A parcel of land located in the NE 1/4 of Section 30, and the W 1/2, of the NW 1/4 of Section 29, T. 12 N., R. 4 E., B.M., Valley County, Idaho, being more particularly described as follows:

Commencing at the south section corner common to said Sections 29 and 30, a 5/8 inch rebar, C.P.F. Inst. 117688, corner records of said Valley County; Thence a bearing of N. 0° 04' 48" W., a distance of 2644.74 feet on the common boundary of said sections to a found 1/2 inch rebar being the 1/4 corner common to said Sections 29 and 30 and the TRUE POINT OF BEGINNING.

Thence a bearing of N. 89° 49' 50" W, a distance of 651.46 feet on the south boundary of said NE 1/4 of Section 30 to a found 1/2 inch rebar being the northeast corner of Latigo Subdivision, plat records of said Valley County; Thence a bearing of N. 89° 49' 22" W. a distance of 1417.87 feet on said south boundary to a found 1/2 inch rebar on the easterly right-of-way boundary of State Highway 55; Thence a bearing of N. 13° 59' 51" E. a distance of 8.43 feet on said right-of-way boundary to a found right-of-way monument, marking highway station 41+10.5; Thence a bearing of N. 16° 51' 42" E, a distance of 189.18 feet on said right-of-way boundary to a found right-of-way monument marking highway station 43+00; Thence a bearing of S 76° 11' 40" E, a distance of 9.65 feet on said right-of-way boundary to a found right-of-way monument marking highway station 43+00; Thence a bearing of N 16° 46' 32" E, a distance of 351.13 feet on said right-of-way boundary to a set 5/8 inch rebar; Thence a bearing of S 89° 59' 51" E, a distance of 1900.28 feet to a point on the boundary common to said Sections 29 and 30; Thence a bearing of S 89° 59' 51" E, a distance of 1321.01 feet to a set 5/8 inch rebar on the east boundary of said W 1/2 of the NW 1/4 of Section 29; Thence a bearing of S 0° 11' 13" E, a distance of 527.58 feet on said east boundary of the W 1/2 of the NW 1/4 to a found 5/8 inch rebar marking the southeast corner of said W 1/2 of the NW 1/4; Thence a bearing of S 89° 54' 40" W, a distance of 660.73 feet on the south boundary of said W 1/2 of the NW 1/4 to a found 1/2 inch rebar; Thence a bearing of S 89° 56' 26" W, a distance of 660.58 feet on said south boundary of the W 1/2 of the NW 1/4 to the POINT OF BEGINNING.

SAVE AND EXCEPT

A parcel of land being a portion of the NE 1/4 of Section 30, T. 12N., R. 4E., B.M., Valley County, Idaho as shown on the FAP No. ST-3270(624), more particularly described as follows:

Commencing at a found brass cap marking the South 1/4 corner of Section 30, T. 12N., R 4E., B.M., from which a found Aluminum cap marking the Southwest corner of Section 30 bears North 88° 58' 58" West, 608.905 meters (1,997.72 feet); thence along the North-South center line of Section 30, North 00° 22' 25" West, 812.918 meters (2,667.05) to the Center 1/4 of Section 30, thence along the East-West center line of Section 30, South 89° 33' 42" East, 170.045 meters (557.89 feet) to a point on the existing Easterly right-of-way of State Highway 55, the POINT OF BEGINNING;

Thence along said right-of-way, North 16° 56' 58" East, 59.407 meters (194.90 feet) to an angle point; thence South 73° 03' 02" East, 3.052 meters (10.01 feet) to an angle point; thence North 16° 56' 58" East, 107.177 meters (351.63 feet) to an angle point; thence leaving said right-of-

way, South 89° 48' 27" East, 8.883 meters (29.14 feet) to a point on the new Easterly right-of-way of State Highway 55; thence along said right-of-way, South 16° 56' 58" West, 165.722 meters (543.70 feet) to a point; thence North 89° 33' 42" West, 12.055 meters (39.55 feet) to the POINT OF BEGINNING.

ALSO SAVE AND EXCEPT

A parcel of land lying in the Northwest 1/4 of Section 29, Township 12 North, Range 4 East, Boise Meridian, Valley County, Idaho being more particularly described as follows:

Commencing at the 1/4 Corner common to Sections 29 and 30, T. 12N. R. 4 E., B.M., being a 2-inch pipe (CP & F #208268) and the True Point of Beginning;

Thence S. 88° 38' 35" E. on the subdivisional line of said Section 29 a distance of 660.57 feet to an existing 5/8 inch rebar; Thence S. 88° 40' 38" E. on said subdivisional line a distance of 660.65 feet to an existing 1/2-inch rebar being the C-W1/16; Thence N. 1° 13' 46" E. on the subdivisional line a distance of 527.50 feet to an existing 1/2-inch rebar; Thence N. 88° 34' 47" W., a distance of 1320.94 feet to a 5/8 inch rebar being on the section line between Sections 29 and 30; Thence S. 1° 15' 35" W. on said section line a distance of 529.35 feet to the Point of Beginning.



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 7, 2018

SEAN ERIC HYTEN
AMY LOVE HYTEN
3824 GROVETON ST
CALDWELL ID 83607

Re: Change of Ownership for Water Right No: 65-13962

Dear Water Right Holders:

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water rights 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 Idaho Code §§ 42-222 and 42-223.

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. Change reporting forms are available from any office of the Department, or at www.idwr.idaho.gov.

Thank you for your patience. If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4920.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c. Water District 65



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 14, 2018

SEAN HYTEN
AMY HYTEN
3824 GROVETON ST
CALDWELL ID 83607

RE: Change in Ownership of Water Right No. 65-13962

Dear Interested Parties:

The Idaho Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change.

X **Filing Fee** of \$25 per water right

X **Evidence of Water Right Ownership:** A one page copy of a special warranty deed conveying property from Sidney E. Smith, III and Kristine Ann Smith to Sean Erin Hyten and Amy Love Hyten was submitted. This document is not signed or notarized. We require a signed and notarized conveyance document. Also, this document references "Attachment 1" for the legal description of the property. Included with your notice was an "Exhibit A" with a legal description of property. Please clarify.

Because the Department cannot process the ownership change without proper documentation and fees, we will hold any action on your notice pending receipt of the necessary information and fee. If we do not receive the necessary information and fee within 30 days we will return your notice and all attachments and your notice will not be processed. You can send the document to the address above, fax it to (208) 287-6700 attention Debbi, or email to debbi.judd@idwr.idaho.gov.

Please note that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact me at (208) 287-4290 if you have any questions.

Sincerely,

Debbi Judd
Technical Records Specialist