

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

SEP 25 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
36-64B	Yes ☒		Yes ☐		Yes ☐
<i>Split # 36-17127</i>	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Michael J Fleming and Paul F. Fleming
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Robert M. Hart and Robin T. Hart Revocable Trust
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 300 State Park Dr. #1 Aptos CA 95003
Mailing address City State ZIP
- 831-818-6721
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 described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.
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.
- SUPPORT DATA**
IN FILE # 36-64B
8. Signature: Robert M. Hart Trustee 9/20/17
Signature of new owner/claimant Title, if applicable Date
- Signature: Robin T. Hart Trustee 9/20/17
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by DM Date 9-25-2017 Receipt No. 5036378 Receipt Amt. \$100-
 Approved by _____ Processed by _____ Date _____

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
301 Main Street
Gooding, ID 83330

Instrument # 259532
GOODING COUNTY, GOODING, IDAHO
09-21-2017 13:40:26 No. of Pages: 6
Recorded for: FIRST AMERICAN TITLE - JEROME
DENISE GILL Fee: \$16.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **651039GO (smb)**

Date: **September 15, 2017**

For Value Received, **John B. Mason and Kathy Lynn Mason, husband and wife as joint tenants**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Robin T. Hart and Robert M. Hart Trustees of the Robin T. Hart and Robert M. Hart Revocable Trust dated March 30, 2005**, hereinafter called the Grantee, whose current address is **300 State Park Dr. #1, Aptos, CA 95007**, the following described premises, situated in **Gooding County, Idaho**, to-wit:

Parcel 1:

TOWNSHIP 7 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 23: That part of the N $\frac{1}{2}$ NW $\frac{1}{4}$, described as follows:

Commencing at the North quarter corner of said Section 23;

Thence North 89°39'30" West, along the North boundary of said Section 23, 1072.87 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 89°39'30" West along the North boundary of said Section 23, 247.13 feet, more or less, to the Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 23;

Thence South along the East boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$, 170 feet;

Thence West parallel with the North boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$, 106 feet;

Thence West 314 feet;

Thence North 170 feet to the North boundary of said Section 23;

Thence West along the North boundary of said Section 23 to the Northwest corner of said Section 23;

Thence South along the West boundary of said Section 23 to the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Thence East along the South boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ to a point that lies North 89°05'15" West, 1063.83 feet from the Southeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Thence North 01°54'45" East, 82.04 feet;

Thence North 78°23'15" East, 82.82 feet;

Thence North 49°20'15" East, 74.63 feet;

Thence North 33°15'15" East, 91.38 feet;

Thence North 30°22'3" East, 134.46 feet;

Thence North 09°18'15" East, 99.45 feet;

Thence North 10°19'15" West, 202.20 feet;

Thence North 15°57'15" East, 176.53 feet;

Thence North 17°54'45" East, 121.85 feet;

Thence North 12°40'00" West, 158.37 feet;

Thence South 03°53'30" West, 14.95 feet;

Thence North 50°40'38" West, 368.31 feet;

Thence North 25°29'38" West, 30.55 feet to the TRUE POINT OF BEGINNING.

EXCEPT the following described tracts:

Date: 09/15/2017

Warranty Deed
- continued

File No.: 651039GO (smb)

a. That portion of the above described property deeded to the Hagerman Highway District No. 3, dated October 1, 1968, recorded October 15, 1968 as Instrument Number 26582, Gooding County records.

b. TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN, GOODING COUNTY IDAHO

Section 23: Part of the N $\frac{1}{2}$ NW $\frac{1}{4}$ lying East of said County Road along the West side of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and North of the Bell ditch across said NW $\frac{1}{4}$ NW $\frac{1}{4}$, and West of the following described line:

**Beginning at the North quarter corner of Section 23;
Thence South along the East boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the Southeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence North 89°05'15" West along the South boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1063.83 feet to the Point of Beginning;
Thence North 01°54'45" East, 82.04 feet;
Thence North 78°23'15" East, 82.82 feet;
Thence North 49°20'15" East, 74.63 feet;
Thence North 33°15'15" East, 91.38 feet;
Thence North 30°22'30" East, 134.46 feet;
Thence North 09°18'15" East, 99.45 feet;
Thence North 10°19'15" West, 202.20 feet;
Thence North 15°57'15" East, 176.53 feet;
Thence North 17°54'45" East, 121.85 feet;
Thence North 12°40'00" West, 158.37 feet;
Thence North 03°53'30" East, 244.74 feet more or less to the North boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$.**

c. TOWNSHIP 7 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 23: Part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying West of the center line of County Road running North and South as now constructed.

Parcel 2:

TOWNSHIP 7 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 23: Part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying West of the center line of County Road running North and South as now constructed.

EXCEPTING therefrom that portion lying North of the Bell Ditch as constructed March 8, 1984.

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.

Date: **09/15/2017**

Warranty Deed
- continued

File No.: **651039GO (smb)**

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 09/15/2017

Warranty Deed
- continued

File No.: 651039GO (smb)

John B. Mason

Kathy Lynn Mason
Kathy Lynn Mason

STATE OF Ohio)
COUNTY OF _____)
SS.

On this _____ day of September, 2017, before me, a Notary Public in and for said State, personally appeared **John B. Mason**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

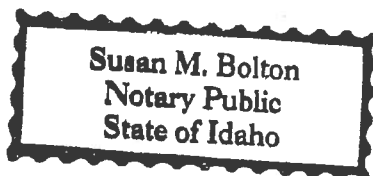
Notary Public for the State of Ohio

Residing at: _____

My Commission Expires: _____

STATE OF Idaho)
COUNTY OF Gooding)
SS.

On this 30 day of September, 2017, before me, a Notary Public in and for said State, personally appeared **Kathy Lynn Mason**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

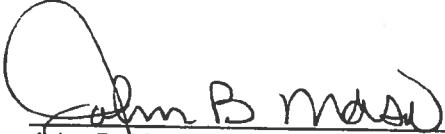


Susan M. Bolton
Notary Public for the State of Idaho
Residing at: Gooding, ID
My Commission Expires: 10/16/2022

Date: 09/15/2017

Warranty Deed
- continued

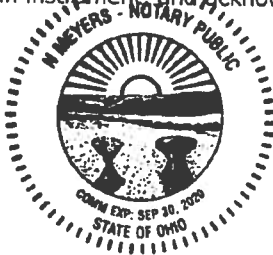
File No.: 651039GO (smb)


John B. Mason

Kathy Lynn Mason

STATE OF Ohio)
COUNTY OF Montgomery)
SS.

On this 20 day of September, 2017, before me, a Notary Public in and for said State, personally appeared **John B. Mason**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.





Notary Public for the State of Ohio
Residing at: 7990 Worthington Park Dr
My Commission Expires: 9/30/2020

STATE OF Idaho)
COUNTY OF Gooding)
SS.

On this _____ day of September, 2017, before me, a Notary Public in and for said State, personally appeared **Kathy Lynn Mason**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Notary Public for the State of Idaho
Residing at: Gooding, ID
My Commission Expires: 10/16/2022



This map is given for informational purposes only - no assurances are made as to the actual footages and boundaries reflected herein.

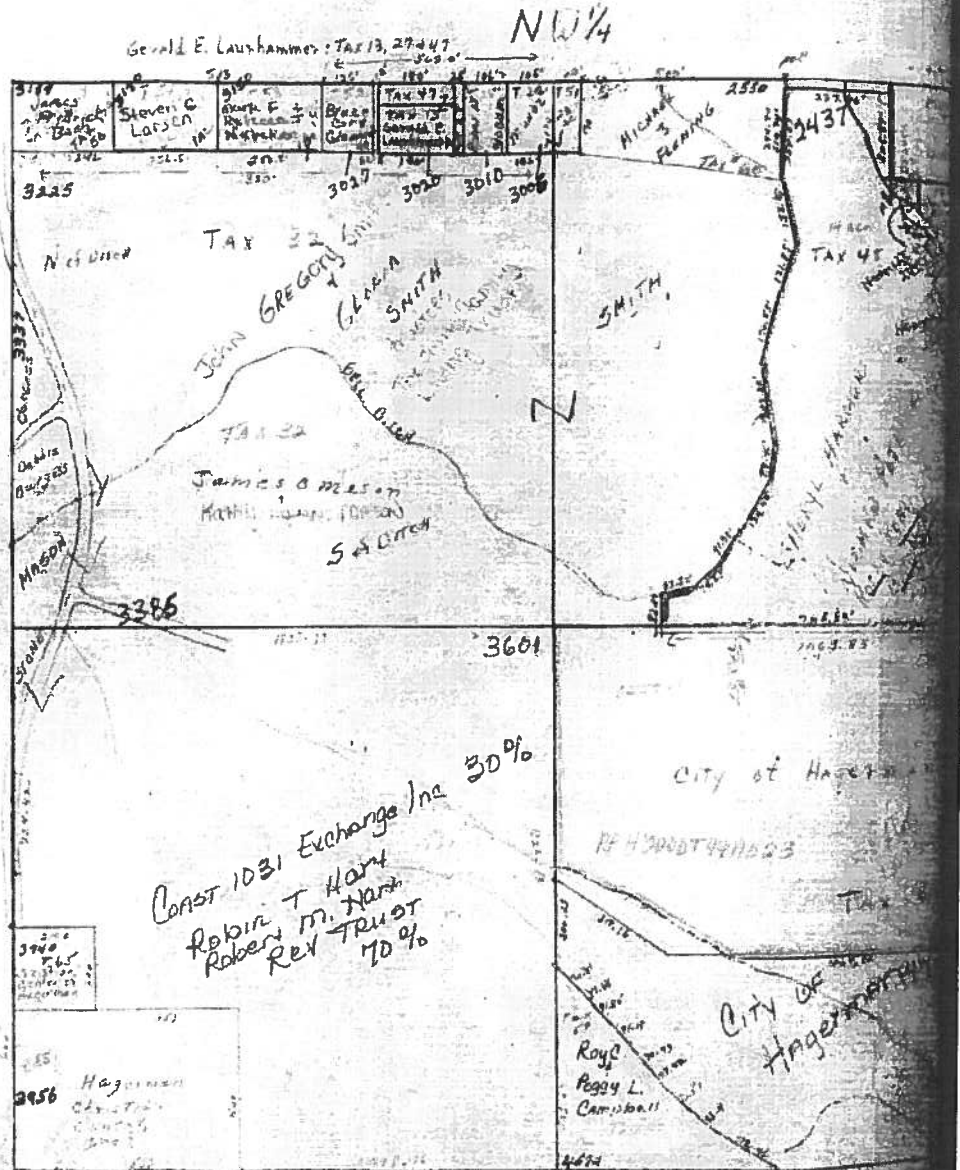


Map : Report a map error

Hwy. Dist: 3

Sch. Dist: 233

Cem: Hagerman Fire: Hagerman





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

March 14, 2018

ROBIN T HART & ROBERT M HART REVOCABLE TRUST
300 STATE PARK DR STE 1
APTOS CA 95003-4474

Re: Change in Water Right Ownership: 36-64B (Split into 36-64B and 36-17127),

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) 736-3033.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure(s)

c: MICHAEL J FLEMING & PAUL F FLEMING

RECEIVED

SEP 25 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION



First American Title Company
301 Main Street, Gooding, ID 83330
Phone (208)934-4427 Fax (208)934-4741

IDWR
650 Addison Ave W. Ste 500
Twin Falls, ID 83301

September 21, 2017
File No.: 651039GO (smb)

Attn:

Re:

Property: **Bare Land, Hagerman, ID 83332**
Buyer: **Robin T. Hart and Robert M. Hart Revocable Trust Dated March 30, 2005**
Seller: **John B. Mason and Kathy Lynn Mason**

- Our Check No. **8455** in the amount of **\$100.00**, representing **Water Transfer**.
- Notice of Change in Water Right Ownership
- Deed
- Map

Sincerely,

Celia Allen, Assistant for
Susan Bolton, Escrow Officer

ca/ca