

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 09 2017

DEPT OF WATER RESOURCES
SOUTHERN 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?
45-10720	Yes ☐	Yes ☐		Yes ☐	Yes ☐
45-10721	Yes ☐	Yes ☐		Yes ☐	Yes ☐
45-11901	Yes ☐	Yes ☐		Yes ☐	Yes ☐
45-11902	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: June G Carey, Kenneth P. Carey
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Carey Family Farms LLC Colleen Carey McCall managing member
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 2560 Burton Avenue Burley ID 83318
Mailing address City State ZIP
208-678-3049 careyandadams@cableone.net
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: 12/15/2016
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 # 45.10720

8. Signature: Colleen C. McCall Managing Member 3/6/2017
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable _____ Date _____
Signature of new owner/claimant

For IDWR Office Use Only: DM 3-17-2017

Received by DM Date 3-9-2017 Receipt No. 5035999 Receipt Amt. \$75-
5035981 \$25-

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 _____ Date _____

CASSIA COUNTY
Recorded for:
COLLEEN MCCALL
2:59:11 pm 12-15-2016
2016-005283
No. Pages: 4 Fee: \$19.00
JOSEPH W. LARSEN
County Clerk
Deputy: CVELASQUEZ

After Recording Deliver to:
Annala, Carey, Baker & Thompson, P.C.
Attorneys at Law, 305 Cascade Street
P.O. Box 325, Hood River, Oregon 97031

WARRANTY DEED

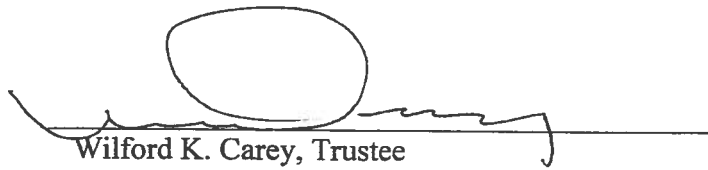
FOR VALUE RECEIVED, WILFORD K. CAREY, Trustee of THE KENNETH P. AND JUNE T. CAREY FAMILY REVOCABLE LIVING TRUST, dated July 3, 2003, herein called the "Grantor," does hereby grant, bargain, sell and convey unto **CAREY FAMILY FARMS LIMITED LIABILITY COMPANY**, whose address is 2560 Burton Avenue, Burley, Idaho 83318, herein called the "Grantee," the following described premises in Cassia County, Idaho, described on the attached **Exhibit "A,"** attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said grantees, their successors and assigns forever.

And the said grantor does hereby covenant to and with the said grantees that grantor is the owner in fee simple of said premises and that they are free from all encumbrances except as set forth herein, and that the grantor will warrant and defend the same from all claims whatsoever.

The true and actual consideration for this transfer is \$ None - Transfer from Revocable Living Trust to an Idaho Limited Liability Company.

DATED this 25 day of JUNE 2016.


Wilford K. Carey, Trustee
THE KENNETH P. AND JUNE T. CAREY
FAMILY REVOCABLE LIVING TRUST,
Dated July 3, 2003

STATE OF IDAHO

)

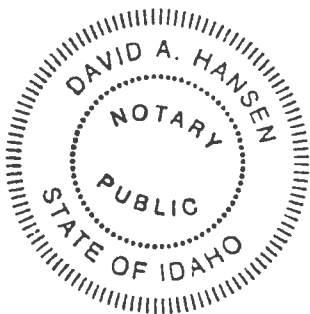
) ss.

County of Cassia

)

June 25, 2016.

Personally appeared the above named **WILFORD K. CAREY** as Trustee of **THE KENNETH P. AND JUNE T. CAREY FAMILY REVOCABLE LIVING TRUST**, dated **July 3, 2003**, and acknowledged the foregoing instrument to be his voluntary act and deed.



Before Me:

David A. Hansen

Notary Public for Idaho

Residing at Burley, ID

My Commission Expires: 2/27/2020

EXHIBIT "A"

WARRANTY DEED – Legal Descriptions

**Wilford K. Carey, Trustee of THE KENNETH P. AND JUNE T. CAREY FAMILY
REVOCABLE LIVING TRUST, dated July 3, 2003
to
CAREY FAMILY FARMS LIMITED LIABILITY COMPANY**

PARCEL NO. 1

In Section 5, Township 11 South, Range 23 East of the Boise Meridian, Cassia County, Idaho, described as follows:

S½NE¼, EXCEPT beginning at the Northwest corner of the S½NE¼ of said Section 5; thence South 270 feet; thence East 235 feet; thence North 270 feet; thence West 235 feet to the Point of Beginning.

AND ALSO EXCEPTING that portion of the said S½NE¼, deeded to the State of Idaho for Highway purposes.

PARCEL NO. 2

In Section 36, Township 10 South, Range 22 East of the Boise Meridian, Cassia County, Idaho, described as follows:

NE¼NW¼, more particularly described as follows:

EXCEPTING THEREFROM the following described tracts:

Tract No. 1: That part of the NE¼NW¼ of said Section 36 lying South and East of the U.S.R.S.H. Canal.

Tract No. 2: That part of the W½NE¼NW¼ of said Section 36 beginning at the Northwest corner of the NE¼NW¼ of said Section 36; thence South 0° 43' West along the West boundary of the said NE¼NW¼ of said Section 36, a distance of 253.8 feet; thence North 84° 59' East 286 feet; thence North 0° 43' East 228.8 feet to a point of the North boundary line of the said NE¼NW¼; thence West along said boundary line 284.75 feet to the True Point of Beginning.

(continued)

EXHIBIT "A" (continued)

WILFORD K. CAREY, Trustee of THE KENNETH P. AND JUNE T. CAREY FAMILY REVOCABLE LIVING TRUST, dated July 3, 2003, to CAREY FAMILY FARMS LIMITED LIABILITY COMPANY

Tract 3: Beginning at the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 36, said corner marked by a 5/8-inch rebar; thence North 89° 24' 29" East along Section line for 284.75 feet to a 1/2-inch rebar which shall be the Point of Beginning; thence North 89° 24' 29" East along section line for a distance of 150.00 feet to a 1/2-inch rebar; thence South 00° 00' 05" West parallel to the West line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 228.80 feet to a 1/2-inch rebar; thence South 89° 24' 29" West for a distance of 150.00 feet to a 1/2-inch rebar; thence North 00° 00' 05" East parallel with the West line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 228.80 feet to the Point of Beginning.

End Legal Descriptions



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 22, 2017

CAREY FAMILY FARMS LLC
2560 BURTON AVE
BURLEY ID 83318

Re: Change in water right ownership for Water Rights 45-10720, 45-10721, 45-11901, and 45-11902

Dear Ms. McCall:

On March 9 of this year, you submitted a Notice of Change in Water Right Ownership for the above rights which had insufficient filing fees remitted with it. We received the correct additional filing fees on March 17. However, upon review of the conveyance documents enclosed with the Notice, the Department could not continue processing of the ownership change without additional documentation. The locations described in the Warranty Deed submitted do not match any of the Place of Use descriptions on any of the four water rights, and therefore cannot be used to convey ownership.

On June 29 of this year, I sent a letter to you requesting additional documentation in order to continue processing the ownership changes, with a 30 day deadline. That time has come and passed with no response, so I am returning the ownership change materials that you originally submitted on March 9, and will contact the State IDWR office to initiate a refund of the \$100.00 of fees paid.

If you have any questions, feel free to call or email me at your convenience. My email address is: james.bitzenburg@idwr.idaho.gov.

Sincerely,

Jim Bitzenburg
Water Resource Agent

Enclosure

Bitzenburg, James

From: Bitzenburg, James
Sent: Tuesday, August 22, 2017 12:00 PM
To: Marston, Sascha
Subject: Refund of fees

Sascha-

I am processing a Change of Ownership for four water rights and I have to return it because the new owner has failed to provide sufficient conveyance documents. There are 2 receipts involved: S035999 and S035981. The total paid was \$100.00 (\$75.00 on S035999 and \$25.00 on S035981). Could you issue a refund of \$100.00 to June Carey? Her address is:

**Carey Family Farms, LLC
2560 Burton Ave
Burley, ID 83318**

Thanks, and let me know if you have any questions.

Jim

**Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov**



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 29, 2017

CAREY FAMILY FARMS LLC
2560 BURTON AVE
BURLEY ID 83318

Re: Change in water right ownership for Water Rights 45-10720, 45-10721, 45-11901, and 45-11902

Dear Ms. McCall:

On March 9 of this year, you submitted a Notice of Change in Water Right Ownership for the above rights which had insufficient filing fees remitted with it. We received the correct additional filing fees on March 17. However, upon review of the conveyance documents enclosed with the Notice, the Department cannot continue processing of the ownership change without additional documentation. The locations described in the Warranty Deed submitted do not match any of the Place of Use descriptions on any of the four water rights, and therefore cannot be used to convey ownership. I am enclosing water right proof reports for the rights for your information.

You will need to submit the correct conveyance documents in order for the Department to continue processing the ownership changes. If we do not receive the necessary documentation by July 29, 2017 (30 days from the date of this letter) we will return the Notice of Change in Water Right Ownership and the associated documents, and initiate a refund of the filing fees. If you have any questions, feel free to call or email me at your convenience. My email address is: james.bitzenburg@idwr.idaho.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jim Bitzenburg', is written over a horizontal line.

Jim Bitzenburg
Water Resource Agent

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

March 9, 2017

CAREY FAMILY FARMS LLC
2560 BURTON AVE
BURLEY ID 83318

Re: Change in Water Right Ownership for Water Right 45-10720, 45-10721, 45-11901 & 45-11902

Dear Ms. McCall :

The Department of Water Resources 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. The information required is indicated below:

 X **Filing Fee** of \$25 *per water right*. An additional \$75 is due before the change request can be processed.

 Evidence of Water Right Ownership: copy of your Warranty Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question.

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed.

Because the Department cannot process the ownership change without proper fee, we will hold any action on your notice pending receipt of the necessary fee. If we do not receive the necessary fee within 30 days, we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water rights ownership and/or mailing address to the Department within 120 days of the change. Failing to report these changes could result in a \$100 late filing fee. Please feel free to contact this office if you have any questions.

Sincerely,

Trish Fawcett

Technical Records Specialist