

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 20 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?
36-12635	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: Bob and Leslie Trevino
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): James P. LaFaunce
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

410 14th Rupert Idaho 83350
Mailing address City State ZIP

208-430-0271 blackrose1@juno.com
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 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: James Paul LaFaunce Title, if applicable: _____ Date: 11-17-17
Signature of new owner/claimant

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

For IDWR Office Use Only:

Received by SM Date 11-20-2017 Receipt No. 8036461 Receipt Amt. \$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 _____



ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT.

Instrument # 543013

MINIDOKA COUNTY, RUPERT, IDAHO
11-13-2017 03:41:26 PM No. of Pages: 2
Recorded for: TITLEONE - BURLEY
TONYA PAGE Fee: \$16.00
Ex-Officio Recorder Deputy Susan Aston
Electronically Recorded by Simplifile

Order Number: 17299266

Warranty Deed

For value received,

Steve Trevino and Robert Trevino, Successor Trustees of the Frank and Phyllis Trevino Living Trust dated April 27, 1995, also shown of record as the Frank Trevino and Phyllis Trevino Living Trust dated April 27, 1995, also shown of record as the Frank and Phyllis Trevino Trust

the grantor, does hereby grant, bargain, sell, and convey unto

James Paul LaFaunce, a single man

whose current address is: 209 W Baseline Rd., Rupert, ID 83350

the grantee, the following described premises, in Minidoka County, Idaho, to wit:

TOWNSHIP 9 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 25: Part of the N $\frac{1}{2}$ NE $\frac{1}{4}$, more particularly described below:

Commencing at a brass cap marking the Northeast corner of said Section 25 and The True Point of Beginning;

Thence along the North section line South 89°42'34" West for a distance of 665.83 feet;

Thence leaving said North Section line South 0°14'09" East for a distance of 25.00 feet to a ½ inch rebar and LS Cap set on the South county road easement;

Thence continuing South 0°14'09" East for a distance of 182.41 feet to a ½ inch rebar and LS Cap;

Thence North 89°42'34" East for a distance of 640.83 feet to a ½ inch rebar and LS Cap set on the West county road easement;

Thence continuing North 89°42'34" East for a distance of 25.00 feet to the East section line;

Thence North 0°14'09" West along said East section line for a distance of 207.41 feet to the True Point of Beginning.

Together with the right of Grantee and Grantee's successors in title in the above described parcel to conduct Minidoka Irrigation District water through an open ditch from a culvert under Baseline Road at approximately 220 West to the Northeast corner of the above-described parcel and to clean, repair and maintain said open ditch and the terminus of the culvert.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: November 7, 2017

Frank and Phyllis Trevino Living Trust dated April 27, 1995

By:

Steve Trevino
Steve Trevino, Successor Trustee

By:

Robert Trevino
Robert Trevino, Successor Trustee

State of Idaho, County of Minidoka, ss.

On this 7th day of November in the year of 2017, before me, the undersigned, a notary public in and for said state personally appeared Steve Trevino, Successor Trustee, known or identified to me to be the person whose name is subscribed to the within instrument, as trustee of Frank and Phyllis Trevino Living Trust dated April 27, 1995 and acknowledged to me that he executed the same as trustee.

Denys Alonzo
Notary Public

Residing In: Rupert, ID

My Commission Expires: 06/08/2021
(seal)

DENYS ALONZO
NOTARY PUBLIC
STATE OF IDAHO

State of Idaho, County of Minidoka, ss.

On this 7th day of November in the year of 2017, before me, the undersigned, a notary public in and for said state personally appeared Robert Trevino, Successor Trustee, known or identified to me to be the person whose name is subscribed to the within instrument, as trustee of Frank and Phyllis Trevino Living Trust dated April 27, 1995 and acknowledged to me that he executed the same as trustee.

Denys Alonzo
Notary Public

Residing In: Rupert, ID

My Commission Expires: 06/08/2021
(seal)

DENYS ALONZO
NOTARY PUBLIC
STATE OF IDAHO



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

December 5, 2017

TITLE ONE
PO BOX 111
RUPERT ID 83350

Re: Change in water right ownership for Water Right 36-12635

To Whom It May Concern:

On November 20 of this year, our office received a Notice of Change in Water Right Ownership for the above right. The location described in the Warranty Deed submitted with the request does not match the Place of Use description on the water right, and therefore cannot be used to convey ownership. I have enclosed a water right report for right 36-12635 and you will note that the place of use for the right is in the SENE of 09S, 23E, Section 25, while the description in the Warranty Deed is in the NENE of Section 25.

Because of the discrepancy in the legal description, the Change of Ownership request cannot be processed at this time so I am returning your Change of Ownership form and materials and I will contact the State IDWR office to initiate a refund of the \$25.00 fee 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,

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

Jim Bitzenburg
Water Resource Agent

Enclosures

CC: James LaFaunce

Bitzenburg, James

From: Bitzenburg, James
Sent: Tuesday, December 05, 2017 8:32 AM
To: Marston, Sascha
Subject: Refund of Ownership Change fee

Sascha-

I attempted to process a Change of Ownership for water right 36-12635, which was submitted by Title One for James P. LaFaunce, but the legal description in the Warranty Deed did not match the legal for the water right, so I returned the materials to Title One. Could you issue a refund to Title One of the \$25.00 fee paid? The receipt number is S036461 and the order number on the Warranty Deed is 17299266. The address for Title One is:

Title One
PO Box 111
Rupert, ID 83350

Let me know if you need any more information, and thanks for your help.

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