

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 20 2018

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.

split#
72-16935

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
72-6D	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: James Stewart Swigert
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Mark and Jody M. Wisner
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 4500 Challis creek road Challis ID 83226
Mailing address City State ZIP
208-879-5925 / 208-833-5925c ovis@custertel.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: 3/14/2018
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.

SUPPORT DATA

IN FILE # 72-6D

8. Signature: [Signature] Title, if applicable: _____ Date: 3-18-18
 Signature of new owner/claimant
- Signature: [Signature] Title, if applicable: _____ Date: 3-18-18
 Signature of new owner/claimant

For IDWR Office Use Only:

Received by [Signature] Date 3-20-2018 Receipt No. 5036645 Receipt Amt. \$100-

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 _____

RECEIVED

MAR 28 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

Revised QUITCLAIM DEED

254475

Custer County Reg. of

Mark Wisner

Time 2:59 PM Date 3-26-2018

Lura H. Baker, Clerk

Deputy

FOR VALUE RECEIVED, I, James Stewart Swigert, grantee, do hereby convey, release, remise

and forever quitclaim unto Mark and Jody M. Wisner, grantee whose current address is:

4500 Challis Creek Road, Challis, Idaho 83226

the following described premises in Custer County, Idaho: to-wit :

RIGHT, TITLE AND INTEREST IN A ONE-HALF (1/2) ACRE PORTION FROM
WATER RIGHT #72-6D.

For revision refer to original quitclaim deed recorded with the #254437.

Dated: 3-26-18

James Stewart Swigert

STATE OF IDAHO,) ss.
COUNTY OF CUSTER

On this 26th day of MARCH in the year 20 18 before me, a Notary Public in and
for said State, personally appeared JAMES STEWART SWIGERT known or
identified to me to be the person(s) who(se) name is/are subscribed to the within instrument, and
acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and
year in this certificate first above written.



Ryan E. Millick
Notary Public for the State of IDAHO
Residing at: CHALLIS
Commission Expires: 9-21-23

STATE OF IDAHO, COUNTY OF CUSTER

I hereby Certify that this instrument was filed for record at the request of _____
in my office, and duly recorded.

Ex-Officio Recorder

Fees: \$

Mail to:

BY: _____
Deputy

254437
Custer County Recd of: Mark Wisner
Time 10:14 AM Date 3/14/2018
Lura H. Baker, Clerk
Jana Hawkins \$15.00
Deputy

QUITCLAIM DEED

FOR VALUE RECEIVED, I, James Stewart Swigert, grantee, do hereby convey, release, remise
and forever quitclaim unto Mark and Jody M. Wisner, grantee whose current address is:
4500 Challis Creek Road, Challis, Idaho 83226
the following described premises in Custer County, Idaho: to-wit :

RIGHT, TITLE AND INTEREST IN A ONE-HALF(1/2) ACRE PORTION FROM
WATER RIGHT #72-6D, LOCATED IN TOWNSHIP 14 NORTH, RANGE 19 EAST,
SWNWSW AND WHICH APPERTAIN TO THE FOLLOWING SENE OF
TOWNSHIP 14 NORTH, RANGE 19 EAST, SECTION 21, CUSTER COUNTY,
IDAHO.

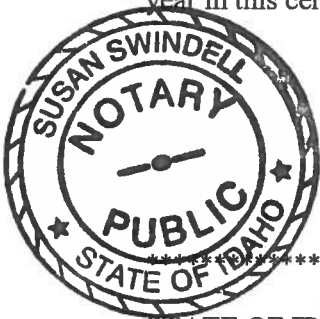
Dated: 3-14-2018

James Stewart Swigert

STATE OF Idaho,) ss.
COUNTY OF Custer)

On this 14th day of March in the year 2018 before me, a Notary Public in and
for said State, personally appeared James Stewart Swigert known or
identified to me to be the person(x) who(se) name is/~~are~~ subscribed to the within instrument, and
acknowledged to me that he/~~she/they~~ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and
year in this certificate first above written.



Susan Swindell
Notary Public for the State of Idaho
Residing at: Challis
Commission Expires: 9-1-22

STATE OF IDAHO, COUNTY OF CUSTER

I hereby Certify that this instrument was filed for record at the request of _____
in my office, and duly recorded.

Ex-Officio Recorder

Fees: \$

Mail to:

BY: _____
Deputy

Water right 72-6D

non use area of 1/2 acre.

Legend

 Non use area.

Google Earth

© 2018 Google



400 ft



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 29, 2018

MARK & JODY M WISNER
4500 CHALLIS CREEK RD
CHALLIS ID 83226-4942

Re: Change in Water Right Ownership: 72-6D (Split into 72-6D and 72-16935)

Dear Water Right Holders:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right 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 the water right 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,

Allison Inouye
Water Resource Agent

Enclosures

cc: JAMES STEWART SWIGERT



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 23, 2018

MARK & JODY WISNER
4500 CHALLIS CREEK RD
CHALLIS ID 83226-4942

RE: Water Right No: 72-6D Change in Ownership

Dear Mark & Jody Wisner:

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

1. During our review of the documentation you submitted we found discrepancies between the Quitclaim Deed and the legal description of the place of use for water right 72-6D. I have enclosed a copy of the water right for your reference. The deed may need to be revised in order to accurately describe the transaction.
2. Unless it is specifically described in the conveyance documents, we will need a map from the owner of the remainder of Water Right 72-6D, Mr. Swigert, indicating the specific ½ acre that is being split off from the current 2.6 acre place of use.
3. Lastly, it appears that you would like to change the location of the point of diversion (POD) and place of use (POU) of the ½ acre portion being split to 4500 Challis Creek Road. My research indicates this is located in the NESW of Section 8, Township 14N, Range 19E. Because this is a different legal subdivision than the currently authorized POD and POU for water right 72-6D, you will need to file an Application for Transfer and pay an additional filing fee with our Department in order to make those changes. You can find information about filing a transfer on the Department's website at <https://www.idwr.idaho.gov/water-rights/transfers/file.html> or by contacting our office.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information 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 right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please contact me at (208) 736-3033.

Sincerely,


Allison Inouye
Water Resource Agent

Enclosures

c: JAMES STEWART SWIGERT

To whom it may concern, please find my application for a water right ownership change.

I have been working with Cindy at the IDWR in Salmon and have acquired a portion of a water right (one half acre) #72-6D on Challis creek rd. If there are any questions or information needed please contact me by any means, thank you for your time Mark Wisner.

Mark and Jody Wisner

4500 Challis creek rd Challis, ID

208-879-5925 h 208-833-5925 c