

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 07 2018

Department of Water Resources
Eastern 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?
34-851 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-10374 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-10375 (6400m) <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Donald McKelvey
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): KKC Cattle LLC
New owner(s) as listed on the conveyance document
- Mailing address: P.O. Box 601 City: McKay State: ID ZIP: 83257
(208)-339-7925 Telephone: _____ Email: KKCattleLLC@gmail.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: 12-31-17
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 # 34-851

8. Signature: Kristofer Krosch Title, if applicable: _____ Date: 2-5-18
 Signature: Kristofer Krosch Title, if applicable: _____ Date: 2-5-18

For IDWR Office Use Only:

Received by: JB Date: 2/7/2018 Receipt No. E043705 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: JB Processed by: JB Date: 2/27/2018

Water Decrees

McKelvey, Donald

Account: 407

Canal: Swauger

District: 1

Decree Date	Inches	Total Inches	Storage
4/22/1884	17	17	0
6/1/1888	10	27	385

Total Storage: 385

McKelvey, Donald #222

Customer Name: McKelvey, Donald #222

Customer Type:

Main Phone: 588-3356

Company Name:

Work Phone:

Billing Address: Donald McKelvey
P.O. Box 90
Mackay, Idaho 83251

Mobile:

Fax:

Main Email:

CC Email:

Website:

Other 1:

Terms:

Price Level:

Notes:

34-851 Swauger Canel
34-10374 Swauger Canel
34-10375 GW Domestic

254201

#

Custer County Req. of

Custer County Title

Time 12:49 P M Date 12/17/2017

Lura H. Baker, Clerk

Ruth B. Baker \$15.00
Deputy

WARRANTY DEED

This warranty deed is made on the 15th day of December, 2017, between -

Donald T. McKelvey and Charlotte E. McKelvey, in their capacity as co-trustees of The Donald T. McKelvey and Charlotte E. McKelvey Revocable Living Trust, whose current address is PO Box 90, Mackay, Idaho, 83251, referred to herein as Grantor; and

K&K Cattle LLC, an Idaho limited liability company, whose current address is ATTN: Kelvin Krosch, PO Box 601, Mackay, Idaho, 83251, referred to herein as Grantee:

Grantor, for and in consideration of the sum of ten and no/100 dollars (\$10.00) and other good and valuable consideration, the receipt of which is acknowledged, has granted, bargained, and sold, and, by this deed, grants, bargains, sells, conveys, and confirms to Grantee, and Grantee's heirs and assigns forever, all of the real estate situated in Custer County, Idaho, identified by the Custer County Tax Assessor as Parcel Numbers RP07N24E296011, RP07N24E208422, RPB0025000B010 and RPB0025000A015, and more accurately and particularly described on attached **Exhibit A**.

Together with all and singular the tenements, hereditaments, and appurtenances belonging to the described property or in any manner appertaining to the property, the reversion and reversions, remainder and remainders, rents, issues, and profits of the property; and all estate, right, title, and interest in and to the property, as well in law as in equity.

Together with all mineral rights associated therewith.

Together with all surface, subsurface and storage water rights associated therewith, including all means of conveyance such as canals, ditches, pipes and the like.

Together with all improvements and buildings located thereon, and all fixtures and trade fixtures associated therewith.

Together with all oil and gas rights associated therewith.

Together with all easements, rights-of-way, licenses and other interests for the benefit of the

described property.

Together with all water shares and interests, if any, in and to Big Lost River Irrigation District for the use and benefit of the described property.

To have and to hold, all and singular, the described property together with the appurtenances to Grantee and Grantee's heirs and assigns forever.

And Grantor and Grantor's heirs shall and will warrant and, by these presents, forever defend the described property in the quiet and peaceable possession of Grantee, Grantee's heirs, and assigns against Grantor and Grantor's heirs and against all and every person and persons whomever, lawfully claiming the same.

In witness of the above, Grantor has set Grantor's hand on the date first written above.

GRANTOR:

Donald T. McKelvey *Trustee*
 Donald T. McKelvey
 Trustee of the Donald T. McKelvey
 and Charlotte E. McKelvey Revocable
 Living Trust

Charlotte E. McKelvey *Trustee*
 Charlotte E. McKelvey
 Trustee of the Donald T. McKelvey
 and Charlotte E. McKelvey Revocable
 Living Trust

ACKNOWLEDGMENT

STATE OF IDAHO)
) ss.
COUNTY OF CUSTER)

On this 15 day of December, 2017, before me, a notary public for the above-identified state, personally appeared before me Donald T. McKelvey and Charlotte E. McKelvey, as co-trustees of The Donald T. McKelvey and Charlotte E. McKelvey Revocable Living Trust, who are personally known to me to be the persons so named, or proven to me on the basis of satisfactory evidence to be the persons so named, whose names are subscribed to the within instrument, and who acknowledged to me that they executed this instrument.

SUZANNE WHITWORTH
NOTARY PUBLIC
STATE OF IDAHO

Suzanne Whitworth
Notary Public
Residing in: MACLEAY
My Commission Expires: 06-11-2020

EXHIBIT A --- LEGAL DESCRIPTION

Real property situated in Custer County, State of Idaho, described as follows:

Tract 1: Commencing at the Northwest corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 29, Township 7 North, Range 24 East of the Boise Meridian, thence North 13.76 chains; thence South 44° East 12.12 chains; thence South 45° West 7.71 chains; more or less to the intersection of this course with the North boundary line of said Section 29; thence due West to the point of beginning, containing 7.31 acres, more or less.

Tract 2: Commencing at the Northwest corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Section 29, Township 7 North, Range 24 East of the Boise Meridian, thence South 44° East 2.76 chains; thence North 46° East 2.60 chains; thence due West to the point of beginning, containing .36 acres, more or less.

Tract 3: Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 29, Township 7 North, Range 24 East of the Boise Meridian, thence South 44° East 182 feet; thence Southwesterly a distance of 1870 feet, more or less to the Southwest corner of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section 29; thence North a distance of 1320 feet, more or less to the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section 29; thence due East a distance of 1320 feet to the point of beginning, containing 23.9 acres, more or less.

Tract 4: Commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 20, Township 7 North, Range 24 East of the Boise Meridian, thence North a distance of 50 rods and 36 feet; thence West at right angles 32 rods and 6 feet; thence South at right angles 50 rods and 36 feet; thence East at right angles, 32 rods and 6 feet to the point of beginning, containing 10.55 acres, more or less.

EXCEPTING therefrom the following described lands:

Parcel "A": A portion of that real property conveyed to the McKelvey Living Trust by the quitclaim deed recorded December 26, 2000 as instrument number 222064, records of Custer County, Idaho situated in Township 7 North, Range 24 East of the Boise Meridian (T7NR24E.B.M.), laying within a portion of the Southeast Quarter (SE $\frac{1}{4}$) of Section 20; and including a portion of the Northeast Quarter (NE $\frac{1}{4}$) of Section 29, T7NR24E.B.M. and further described in **Tract 16-29**, Parcel Number RP B0025000B010 A, recorded as Instrument Number 252488, records of Custer County, Idaho; as shown on the plat map of Record of Survey Number 174059, all records of Custer County, Idaho; and

Parcel "B" (Parcel Line Adjustment): A portion of that real property conveyed to the McKelvey Living Trust by the quitclaim deed recorded December 26, 2000 as instrument number 222064, records of Custer County, Idaho situated in Township 7 North, Range 24 East of the Boise Meridian (T7NR24E.B.M.), laying within a portion of the Southeast Quarter (SE $\frac{1}{4}$) of Section 20; and including a portion of the Northeast Quarter (NE $\frac{1}{4}$) of Section 29, T7NR24E.B.M. and further described in **Tract 16-30**, Parcel Number RP B0025000A015 A, recorded as Instrument Number 252488, records of Custer County, Idaho; as shown on the plat map of Record of Survey Number 174059, all records of Custer County, Idaho; and

A portion of that real property conveyed to the McKelvey Living Trust by the quitclaim deed recorded December 26, 2000 as instrument number 222064, records of Custer County, Idaho; said portion further conveyed to James C. and Mary C. Krosch by Instrument Number 174144, more particularly described and shown as Tract A, a fraction of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), Section 20, Township 7 North Range 24 East of the Boise Meridian (T7NR24E.B.M.), as described in the records of Custer County, Idaho as **Tract 86-16**, Parcel Number RP B0025000A010A, and shown on the plat map of Record of Survey Number 249254, all records of Custer County, Idaho; and

A portion of that real property conveyed to the McKelvey Living Trust by the quitclaim deed recorded December 26, 2000 as instrument number 222064, records of Custer County, Idaho; said portion further conveyed to Jack and Margaret E. McKelvey by Instrument Number 174902, more particularly described and shown as Tract B, a fraction of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4), Section 20, Township 7 North Range 24 East of the Boise Meridian (T7NR24E.B.M.), as described in the records of Custer County, Idaho as **Tract 86-17**, Parcel Number RP B0025000B002 A, and shown on the plat map of Record of Survey Number 174059, all records of Custer County, Idaho; and

A portion of that real property conveyed to the McKelvey Living Trust by the quitclaim deed recorded December 26, 2000 as instrument number 222064, records of Custer County, Idaho, said portion further conveyed to Randy and Peggy Pehrson by Instrument Number 229593, more particularly described as **Tract 05-31**, Parcel Number RP 07N24E208413 A, as shown on the plat map of Record of Survey 230116, all records of Custer County, Idaho.

TOGETHER with all ditch and ditch rights and water and water rights appurtenant thereto or used in connection therewith; and including all storage rights in the Mackay Reservoir, if any, associated with said real property.

SUBJECT to all existing patent reservations, easements and rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulation.

KK
KK.

G.M.
D.M.



Imagery ©2018 Google, Map data ©2018 Google 200 ft



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

March 2, 2018

K & K CATTLE LLC
PO BOX 601
MACKAY ID 83251-0601

Re: Change in Ownership for Water Right No(s): 34-851, 34-10374 & 34-10375

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

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

If you have any questions concerning the enclosed information, please contact me at (208) 525-7161.

Sincerely,

Jonie Barg
Technical Records Spec I

Enclosure(s)

cc: Water District 34
Big Lost Ground Water District