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NOV 20 2017

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
JUL 25 2017
WATER RESOURCES
WESTERN 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. 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?
65-23697	Yes ☒	Yes ☐	split part 65-23744	Yes ☐	Yes ☐
65-23698	Yes ☒	Yes ☐	No split req.	Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Kenneth W Baker and Cheryl M Baker
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Aaron Howell and Sue Howell
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 5281 S Hayseed Way Boise Id 83716
Mailing address City State ZIP
- 208-340-2076 aaronhowellinc@gmail.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: May 24, 2017
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 # 65-23697

8. Signature: [Signature] Title, if applicable _____ Date 7-12-2017
Signature of new owner/claimant

Signature: [Signature] Title, if applicable W045777 Date 7-12-2017
Signature of new owner/claimant

For IDWR Office Use Only:

Received by [Signature] Date 8/1/17 Receipt No. W04554025 Receipt Amt. \$25 W-9 received? Yes ☐ No ☒

Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing Approved by [Signature] Processed by [Signature] Date _____

Name on W-9 [Signature] \$25 for 65-23698
 \$100 for 65-23697
 refund \$75 to (W045777)
 John Marshall Law

\$200⁰⁰
 total



Instrument # 254940
IDAHO CITY, BOISE COUNTY, IDAHO
05-25-2017 14:10:03 PM No. of Pages: 2
Recorded for: TITLEONE BOISE
MARY T. PRISCO Fee: \$13.00
Ex-Officio Recorder Deputy shirley george
Index to: DEEDS
Electronically Recorded by Simplifile

Order Number: 17291492

Warranty Deed

For value received,

Kenneth W. Baker and Cheryle M. Baker, husband and wife

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

Aaron Howell and Sue Howell, husband and wife

whose current address is 5281 S. Hayseed Way Boise, ID 83716

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

Unit I

South half of the Southwest quarter in Section 9, Township 9 North, Range 4 East.

→ Portion of
65-23698

Unit II

Government Lot 4 in the Southeast quarter of the Southeast quarter of Section 9, Township 9 North, Range 4 East, and the Southwest quarter of the Southeast quarter in Section 9, Township 9 North, Range 4 East.

→ SESE Lot 4
SWE
- Portion of
65-23697

A parcel of land being a portion of the Southwest quarter of the Southwest quarter of Section 10 except that portion lying Easterly of the Westerly right of way line of the Middle Fork Road, in Township 9 North, Range 4 East, Boise Meridian, Boise County, Idaho, and being more particularly described as follows:

Beginning at an aluminum cap marking the section corner common to Sections 9, 10, 15, and 16; thence, along the Westerly line of said Southwest quarter of the Southwest quarter
North 01°10'08" East, 714.76 feet, to an iron pin; thence
North 90°00'00" East, 1054.42 feet, to a point on the Westerly right of way line of the Middle Fork Road marked by an iron pin; thence, along said right of way the following courses and distances:
South 19°36'29" West, 81.50 feet, to an iron pin; thence 287.77 feet, along a tangent curve to the right, having a radius of 1067.00 feet, a central angle of 15°27'10" and being subtended by a chord, bearing South 27°20'04" West, 286.90 feet, to an iron pin; thence
South 35°03'39" West, 136.79 feet, to an iron pin; thence 168.24 feet, along a tangent curve to the left, having a radius of 551.00 feet, a central angle of 17°29'41" and being subtended by a chord, bearing South 26°18'49" West, 167.59 feet, to an iron pin; thence
South 17°33'58" West, 130.90 feet, to a point on the Southerly line of said Southwest quarter of the Southwest quarter marked by an iron pin; thence, leaving said right of way, along said Southerly line
North 89°40'46" West, 717.55 feet, to the Point of Beginning.

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: May 25²⁴, 2017

Kenneth W. Baker
Kenneth W. Baker

Cheryle M. Baker
Cheryle M. Baker

State of Idaho, County of Boise, ss.

On this 24 day of May in the year of 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth W. Baker and Cheryle M. Baker, 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.

Allie H

Notary Public

Residing In: Garden Valley, ID

My Commission Expires: 4/29/21

(seal)



From: Rushing, Emalee
To: [Marston, Sascha](#)
Subject: Refund Request for Receipt #W045777
Date: Wednesday, February 21, 2018 2:31:00 PM

Please refund \$75 overpayment to:
John Marshall Law PLLC
575 W Bannock Ste B
Boise ID 83702

Notes:

Howell's Ownership Change for Water Rights 65-2397 & 65-23698.

One required a split and the other did not.

3 receipts totaling \$200 for this ownership change.

W045521 - \$25

W045540 - \$25

W045777 - \$150

Thanks!

Emalee

From: Rushing, Emalee
To: ["john@jmarshalllaw.com"](mailto:john@jmarshalllaw.com)
Subject: Ownership Change for Aaron and Sue Howell
Date: Tuesday, February 20, 2018 4:28:00 PM
Attachments: [Howell water right reports.pdf](#)

Sorry for the delayed response to the query re the status of the ownership change submitted for Aaron & Sue Howell.

I see that we had multiple communications regarding the fees for this ownership change. Water right 65-23698 was split by an ownership change request submitted by another party prior to the receipt of the Howell's notice of change in ownership. The remaining portion did not require a split and the correct fee for that ownership change is \$25. Water right 65-23697 did require a split and the correct fee is \$100. I have requested that a refund of \$75 be mailed to you. The Howell's portion of water right 65-23697 is numbered 65-23744.

Attached are the water right reports for each water right.

Please feel free to call me if you have any further questions.

Thank you,
Emalee Rushing
Administrative Assistant
208-287-4952

Idaho Department of Water Resources
322 E Front Street, Suite 648
PO Box 83720
Boise ID 83720-0098

John Marshall Law PLLC

575 W Bannock, Suite B
Boise, ID 83702

phone 208-991-2701
fax 208-906-8043
john@jmarshalllaw.com

October 18, 2017

RECEIVED
OCT 20 2017
WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Chad Jones
2735 Airport Way
Boise, ID 83705-5082

Re: Notice of Ownership Change in Water Right No. 65-23697 & 65-23698

Dear Mr. Jones:

This responds to your letter dated October 3, 2017 addressed to Aaron and Sue Howell. Upon review of your letter and its attachments, we believe both of the above-referenced rights should be split. Accordingly, I enclose a check for \$150.00 to cover the additional application fee. The aerial maps you provided showing the portions of the rights in and outside of the deeded property appear correct. Please proceed with splitting the rights consistent with the aerials.

Thank you,



John M. Marshall



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 3, 2017

AARON & SUE HOWELL
5281 S HAYSEED WAY
BOISE ID 83716

RE: Notice of Ownership Change in Water Right No's: 65-23697 & 65-23698

Dear Applicants:

The purpose of this letter is to request clarification regarding the above referenced application.

The deed that you provided does not cover the entire place of use (POU) for water rights 65-23697 & 65-23698. Based on the information provided to the Department, both rights may need to be split. If you do own the entirety of each water right, please submit a deed conveying ownership of the land not included on the deed provided to the Department. Proof reports and maps of each water right are included to illustrate where the portions of the POU lie outside of the property conveyed in the deed.

If you do not own the entirety of the water right, please submit \$150. The filing fee for a Notice of Change in Water Right Ownership is \$25.00 per undivided water right or a fee of **\$100.00 per split water right**. The \$50 already submitted to the Department be applied towards the balance.

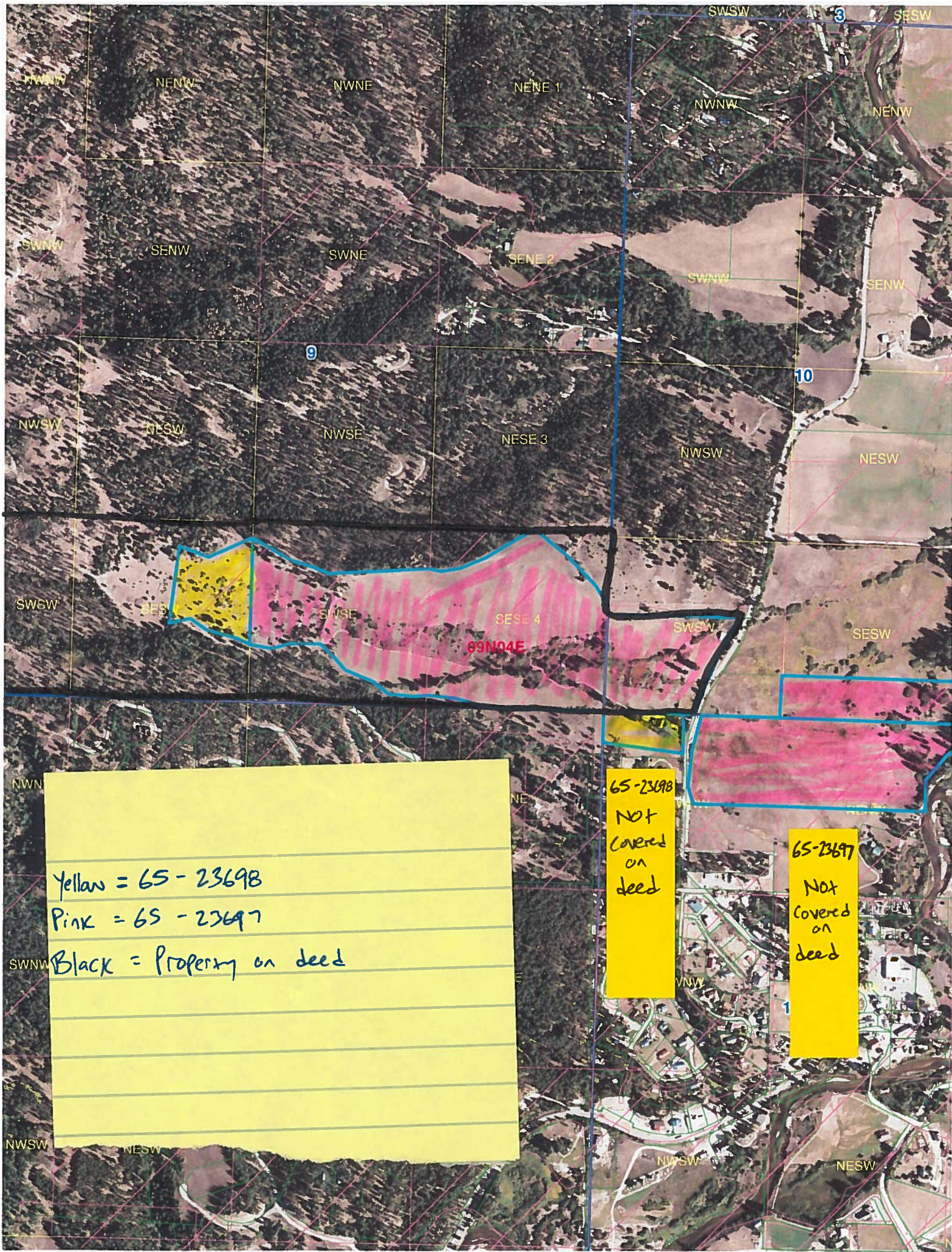
If you have any questions concerning the enclosed information, please feel free to contact this office at 208-334-2190.

Sincerely,

Chad Jones
Office Specialist II
Western Regional Office

Enclosures

Cc: SCOTT A TSCHIRGI CHARTERED
401 W FRONT ST STE 401
BOISE ID 83702



Yellow = 65-23698

Pink = 65-23697

Black = Property on deed

65-23698

NOT
Covered
on
deed

65-23697

NOT
Covered
on
deed

SCOTT A. TSCHIRGI, CHARTERED
401 WEST FRONT STREET, SUITE 401
BOISE, IDAHO 83702
PHONE: 208-287-8200 | FAX: 208-287-8202

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AUG 01 2017

WATER RESOURCES
WESTERN REGION

SCOTT A. TSCHIRGI
DIRECT DIAL: 208-287-5554
EMAIL: SAT@SATCHARTERED.COM

July 31, 2017

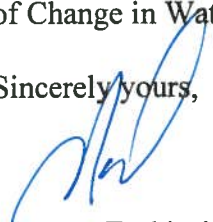
Chad Jones
Office Specialist II
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Ownership Change for Water Right No's: 65-23697 and 65-23698

Dear Mr. Jones:

Enclosed, pursuant to your request, is check no. 5237 for the additional fee of \$25.00 for the Notice of Change in Water Right Ownership for Aaron and Sue Howell.

Sincerely yours,



Scott A. Tschirgi
SAT/srr
Enclosures
Cc: client



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 26, 2017

AARON & SUE HOWELL
5281 S HAYSEED WAY
BOISE ID 83716

RE: Ownership Change for Water Right No's: 65-23697 & 65-23698

Dear Applicants,

The Department of Water Resources acknowledges receipt of your request for an ownership change on the water right mentioned above. However, after reviewing the request, it was determined the form was not completed and additional documentation is needed to complete this request.

Please complete and submit the requested documentation listed below:

- The filing fee for a Notice of Change in Water Right Ownership **is \$25.00 per undivided water right** or a fee of \$100.00 per split water right. The application contains two water rights, but only \$25.00 was received with the application. Please submit an additional \$25.00 in order for the application to be processed.

Because the Department cannot process this request at this time, we will hold any action on your notice pending receipt of the necessary documentation. If we do not receive the required documentation within 30 days, the notice will be returned and will not be processed.

Thank you for your cooperation. If you have any questions please, contact this office at 208-334-2190.

Sincerely,

Chad Jones
Office Specialist II
Western Regional Office

Enclosures

CC: SCOTT A TSCHIRGI CHARTERED
401 W FRONT ST STE 401
BOISE ID 83702

SCOTT A. TSCHIRGI, CHARTERED
401 WEST FRONT STREET, SUITE 401
BOISE, IDAHO 83702
PHONE: 208-287-8200 | FAX: 208-287-8202

SCOTT A. TSCHIRGI
DIRECT DIAL: 208-287-5554
EMAIL: SAT@SATCHARTERED.COM

RECEIVED
JUL 25 2017
WATER RESOURCES
WESTERN REGION

July 19, 2017

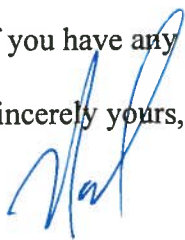
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

Ladies and Gentlemen:

I represent Aaron and Sue Howell who recently purchased real property located in Boise County, Idaho. The property was purchased from Kenneth W. Baker and Cheryl M. Baker, husband and wife. I am enclosing with this letter a Notice of Change in Water Right Ownership, signed by Aaron Howell and Sue Howell, a check in the amount of \$25.00, a copy of the warranty deed from Kenneth W. Baker and Cheryl M. Baker to Aaron and Sue Howell and a description of the water rights associated with the real property transferred.

If you have any questions for me or need any additional information, please contact me directly.

Sincerely yours,



Scott A. Tschirgi
SAT/srr
Enclosures
Cc: client