

RECEIVED

OCT 20 2017

RECEIVED

OCT 19 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN REGION

Notice of Change in Water Right Ownership

DEPT OF WATER RESOURCES

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?
2-7258	Yes ☒	Yes ☐	57-10678	Yes ☐	Yes ☐
2-10553	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name:

JAMES AND BETTY STAPPLER
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

SCOTT WHINFREY AND LISA KITTEL
New owner(s) as listed on the conveyance documentName connector ☐ and ☐ or ☐ and/or8294 Hwy 78
Mailing addressMARSING
CityID
State83639
ZIP310-848-5200
Telephonescottwhinfrey@yahoo.com
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: JULY 30, 2015

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.

8. Signature:

Signature of new owner/claimant

Title, if applicable

Date

- Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by [Signature] Date 10/19/15Receipt No. W043600Receipt Amt. \$125.00Active 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 XApproved by [Signature]Processed by CPDate 10/5/17

12-20-17

Order Number: 15253911

Warranty Deed

For value received,

James C. Stappler, aka Jim C. Stappler and Betty Stappler, husband and wife

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

Scott M. Whinfrey an unmarried man and Lisa D. Kittel, an unmarried woman

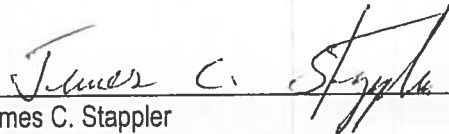
whose current address is 8294 Highway 78 Marsing, ID 83639

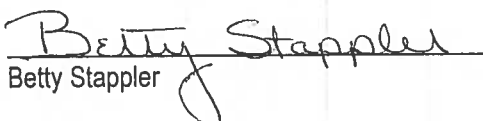
the grantee, the following described premises, in Owyhee County, Idaho, to wit:

See Attached Exhibit "A"

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: July 29, 2015


James C. Stappler


Betty Stappler

State of Idaho
County of Canyon

On this 30th day of July in the year of 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared James C. Stappler and Betty Stappler, 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.



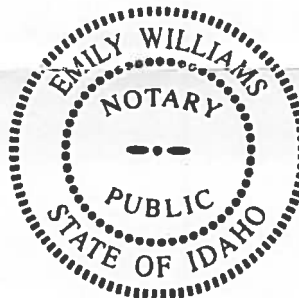
Notary Public

Residing In:

My Commission Expires:
(seal)

Residing in: Caldwell, ID

Commission Expires: 10/12/2018





Professional Engineers, Land Surveyors and Planners

826 3RD St. South, Nampa, ID 83651
Ph (208) 454-0256 Fax (208) 454-0979

e-mail: dholzhey@mseng.us

FOR: Betty Stappler
JOB NO.: JN0915
DATE: July 01, 2015

PARCEL 2

A parcel of land being a portion of Government Lot 4 of Section 26, Township 2 North, Range 4 West, Boise Meridian, Owyhee County Idaho, more particularly described as follows:

Commencing at the N1/4 corner of Section 35 on the south boundary of Government Lot 4;

- 1 Thence S $89^{\circ} 59' 30''$ E for a distance of 332.42 feet along the south boundary of Government Lot 4 to a point on the centerline of State Highway No. 78, and the **POINT OF BEGINNING**;

Thence along the centerline of State Highway No. 78 the following courses and distances;

- 2 Thence along a curve to the left through an angle of $01^{\circ} 20' 09''$, having a radius of 5729.58 feet, and whose long chord bears N $52^{\circ} 55' 31''$ W a distance of 133.58 feet;
- 3 Thence N $53^{\circ} 35' 36''$ W a distance of 658.30 feet to the beginning of a curve;
- 4 Said curve to the right through an angle of $04^{\circ} 48' 06''$, having a radius of 5729.58 feet, and whose long chord bears N $51^{\circ} 11' 32''$ W a distance of 480.03 feet;
- 5 Thence leaving said centerline N $89^{\circ} 19' 13''$ E a distance of 151.46 feet to a point on the northeasterly State Highway No. 78 right of way;

Thence following the northerly boundary of an existing irrigation ingress-egress easement the following courses and distances;

- 6 Thence continuing N $89^{\circ} 19' 13''$ E a distance of 124.76 feet;
- 7 Thence S $58^{\circ} 30' 16''$ E a distance of 71.18 feet;
- 8 Thence N $84^{\circ} 24' 08''$ E a distance of 63.97 feet;
- 9 Thence S $81^{\circ} 45' 30''$ E a distance of 72.08 feet;

Thence S 88° 54' 13" E a distance of 84.81 feet;

Thence N 56° 31' 06" E a distance of 126.64 feet;

Thence N 74° 42' 16" E a distance of 177.21 feet;

Thence N 00° 47' 05" W a distance of 20.24 feet;

Thence N 54° 47' 03" W a distance of 203.02 feet;

Thence N 47° 09' 37" E a distance of 105.33 feet;

Thence S 72° 38' 25" E a distance of 135.00 feet;

Thence S 83° 10' 40" E a distance of 91.88 feet;

Thence leaving said northerly easement N 82° 11' 10" E a distance of 159.66 feet to a point on the westerly mean high water line of the Snake River;

Thence along the westerly mean high water line of the Snake River the following courses and distances;

Thence S 37° 06' 08" E a distance of 32.48 feet;

Thence S 22° 57' 58" E a distance of 45.00 feet;

Thence S 34° 36' 01" E a distance of 136.71 feet;

Thence S 30° 33' 59" E a distance of 985.71 feet to a point on the south boundary of Government Lot 4;

Thence leaving said mean high water line N 89° 59' 30" W a distance of 567.05 feet along the south boundary of Government Lot 4 to a point on the northeasterly right of way of State Highway No. 78;

Thence continuing N 89° 59' 30" W a distance of 161.12 feet to the **POINT OF BEGINNING**;

This parcel contains 20.53 acres more or less.

Also, this parcel is subject to a 100 foot wide State Highway No. 78 right of way along the southwesterly boundary, an existing 40 foot wide irrigation ingress-egress easement along the northerly boundary of above described parcel, and all easements and rights-of-way of record or implied.



RECORD OF SURVEY

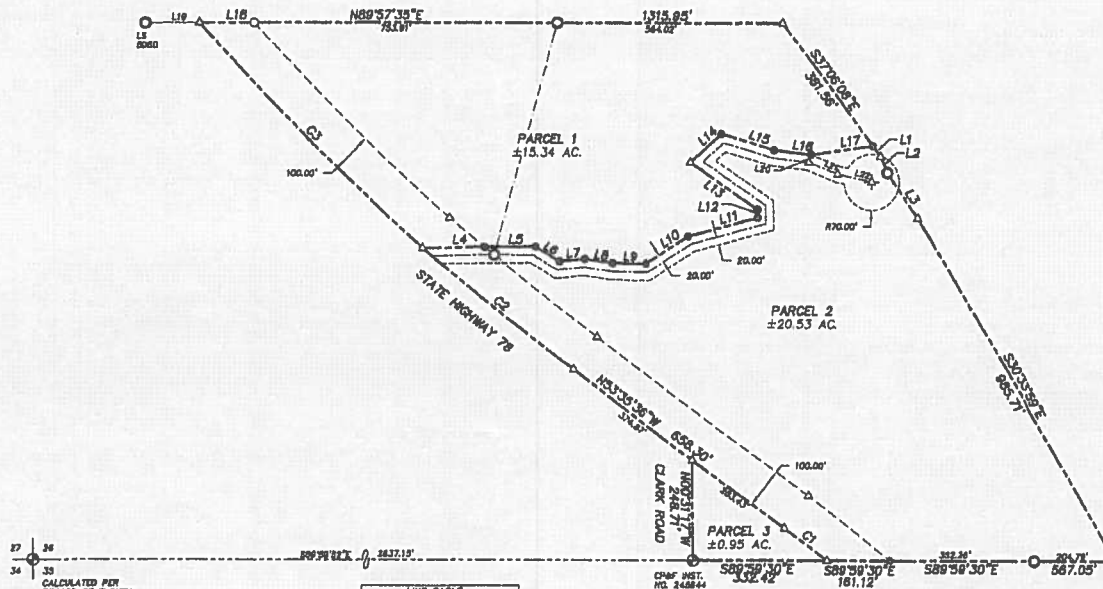
A PART OF THE GOVERNMENT LOT 4, SECTION 26, T. 2 N., R. 4 W., B.M.,
OWYHEE COUNTY, IDAHO
2015



0 100 200 400
Scale: 1"=200'

LEGEND

- △ Calculated point
- ⊙ Found brass cap monument
- Found 5/8 inch dia. iron pin
- Set 1/2 inch dia. x 24 inch iron pin w/plastic cap PLS 9366
- Found 1/2 inch dia. iron pin
- Dead line
- - - Original lot line
- - - Section line
- - - Easement line
- - - Centerline



RECORD DATA

RECORD OF SURVEY INST. NO. 248198
RECORD OF SURVEY INST. NO. 161522
RECORD OF SURVEY INST. NO. 210498
RECORD OF SURVEY INST. NO. 252375
WARRANTY DEED INST. NO. 273706

CERTIFICATE OF SURVEYOR

I, Darin Holzhey do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this Record of Survey correctly represents a survey made by me or under my direct supervision in conformance with Idaho Code 31-2709, 1947 and accepted procedures of land surveying. I further certify that I have complied with Title 55, Chapter 16, Idaho Code.

Darin Holzhey



P.L.S. License No. 9366

LINE	BEARING	LENGTH
L1	S37°04'00"E	35.48
L2	S23°27'26"E	45.00
L3	S14°28'00"E	129.71
L4	N88°18'11"E	151.46
L5	N88°18'11"E	124.70
L6	S82°30'18"E	71.18
L7	N84°24'00"E	63.87
L8	S81°14'30"E	72.00
L9	S88°54'11"E	64.81
L10	N89°21'06"E	128.84
L11	N74°42'18"E	177.31
L12	N20°27'06"W	26.24
L13	N84°17'20"W	265.03
L14	N41°09'37"E	105.33
L15	S77°18'28"E	135.40
L16	S43°40'40"E	81.08
L17	S89°11'10"W	158.46
L18	N88°27'31"E	133.09
L19	N89°27'31"E	131.67
L20	S14°28'00"W	26.19
L21	S67°27'01"E	78.86
L22	S77°18'41"E	88.35

CURVE	ARC	RADIUS	DELTA	TANGENT	CHORD	CHORD BEG.	CHORD END
C1	133.59	5729.58	120.00	84.80	882.24	131.58	131.58
C2	480.17	5729.58	434.00	249.32	581.11	32.72	480.03
C3	790.81	5729.58	724.00	395.63	540.90	78.15	788.15

The recording of this Record of Survey does not enable the owners of the Parcels to convey ownership based solely on this map. A written conveyance must accompany such change in ownership. This Record of Survey does not serve as a legal description for the property shown on this map.

This drawing does not necessarily show all of the physical features of the property. Mason & Stanfield, Inc. assumes no liability for present or future compliance or non-compliance with governing jurisdictions restrictions pertaining to building permits, vehicle access permits or septic permits.

INDEX NO. 244-26-3-0-0-00-00

SURVEY FOR:

BETTY STAPLER

Mason & Stanfield, Inc.

Professional Engineers,
Land Surveyors
& Planners
203 3rd Street, Suite 100, P.O. Box 6000
200 6th Street, Suite 100, P.O. Box 6000

JOB NO. JN0018
DWO NO. JN0015R08
SCALE: 1"=200' REV. △
FIELD BOOK NO.

DRAWN BY DATE
JH 7/1/15



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 21, 2017

SCOTT WHINFREY
LISA KITTEL
8294 HWY 78
MARSING ID 83639

Re: Change in Water Right Ownership: 2-7258 (Split into 2-7258 and **2-10553**) and 57-10678 (no split)

Dear Water Right Holders:

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water rights to you. The Department has modified its records based on the information received to reflect the change in ownership and has enclosed a computer-generated report for your records.

Your portion of these water rights has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under these rights, including adding a new point of diversion, then an Application for Transfer on your portion of these rights is required. Please contact this office for further information on the Application for Transfer form or you can find the forms at www.idwr.idaho.gov. If you do not plan on changing any items on your water rights, then no further action is required at this time.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice the department does not review the history of water use to determine if the right has been forfeited 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.

Also note that as of July 1, 1996, 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.

Please feel free to contact me at 208-287-4920 if you have any questions concerning the enclosed information or this letter.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

Parker, Cody

From: Scott Whinfrey <scottwhinfrey@yahoo.com>
Sent: Thursday, October 05, 2017 4:07 PM
To: Parker, Cody
Subject: Re: Change in water right ownership

Hello Mr. Parker,

I will do some research about the water rights split between my neighbor and I. Thank you for contacting me.
Scott Whinfrey

Sent from my iPhone

On Oct 5, 2017, at 2:10 PM, Parker, Cody <Cody.Parker@idwr.idaho.gov> wrote:

Mr. Whinfrey,

On October 19, 2015, you submitted a Notice of Change in Water Right Ownership for rights 2-7258 and 57-10678. You submitted a warranty deed as evidence of your ownership of the water rights. The two rights are appurtenant to the land, and your ownership of the water rights is fairly straightforward. However, the Department is only now processing the form you submitted. The delay was due in large part to a substantial backlog for processing water right ownership changes. However, I am now working on updating our records and I am writing today to clarify the intention of the form you submitted. Item 4 of the ownership change form asks how the rights were split. The default answer is to determine your portion of the water right based on the proportion of the place of use you purchased. However, you checked the box stating that "the water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document." After looking through the warranty deed you submitted, it does not look like the previous owner specified how the water right should be divided. My question is this: is there a contract between you and the previous owner, or maybe some other document, specifying how the water right is to be divided. If not, your portion of the right will be determined based on the proportion of the original place of use that you purchased.

Thank you for your help. I look forward to your response, so I can update the water right to your name in our database. Please let me know if you have any questions regarding the information in this email. You can respond by replying to this email, or you can call me at 208-334-2190. Again, I appreciate your help with this matter.

Respectfully,

Cody Parker
Water Resource Agent
IDWR Western Region
208.334.2190
cody.parker@idwr.idaho.gov

MEMORANDUM

Date: October 5, 2017
To: Water Right File 57-10678
From: Cody Parker
Re: Ownership Change Processing

The ownership change form and fee were submitted October 19, 2015 by Scott Whinfrey and Lisa Kittel. They submitted a warranty deed as proof of ownership for water right no. 57-10678. They did not indicate that the right would be split. The warranty deed was signed by the previous owners, James and Betty Stapler. A condition of the original right indicates that the right applies to parcel no. RP0064003. However, it appears that that lot has been split into three separate parcels, of which Whinfrey and Kittel own "Parcel 2". The metes and bounds description boundary overlaps the current place of use shape and the description of domestic use on the right. As seen in the aerial imagery, Parcel 2 contains the only home on any of the three parcels split from the original. Therefore, I conclude that Scott Whinfrey and Lisa Kittel are indeed the new owners of the water right. Sufficient evidence has been provided and the ownership change should be processed.
