

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 13 2017

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?
29-01792 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
update POU	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: RICHARD BURKS
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): JOEL KILPACK
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- P.O. BOX 412 INCOM ID 83245
Mailing address City State ZIP
- 208.851.1553 jkilpack@aol.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: 28 JULY 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.
8. Signature: [Signature] owner 11/1/2017
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 JB Date 11/13/2017 Receipt No. E043547 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 11/15/2017

Alliance Title - Pocatello Office

21710815

2017 Jul 28 PM 01:42:00

Electronically Recorded by Simplifile

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:361836

FOR VALUE RECEIVED

Richard L. Burks and Karen L. Burks, Trustees of the Richard and Karen Burks Revocable Trust u/i/d July 24, 1996

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Joel Kilpack, an unmarried person



whose current address is

**PO Box 412
Inkom, ID 83245**

the grantee(s), the following described premises, in Bannock County, Idaho, TO WIT:

Parcel I

All that portion of the following described property lying West of the Oregon Short Line Railroad right of way; A Tract of land in the Southeast Quarter Northwest Quarter, and the Northeast Quarter Northwest Quarter Section 11, Township 8 South, Range 36 East, Boise Meridian, Bannock County, Idaho.

Parcel II

All that portion of the following described property lying West of the Oregon Short Line Railroad right of way; A Tract of land in the Southeast Quarter Southwest Quarter, Section 2, Township 8 South, Range 36 East, Boise Meridian, Bannock County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 28, 2017

Richard and Karen Burks Revocable Trust

by: Richard L. Burks
Richard L. Burks, Trustee

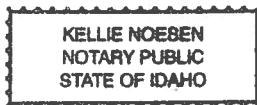
by: Karen L. Burks
Karen L. Burks, Trustee

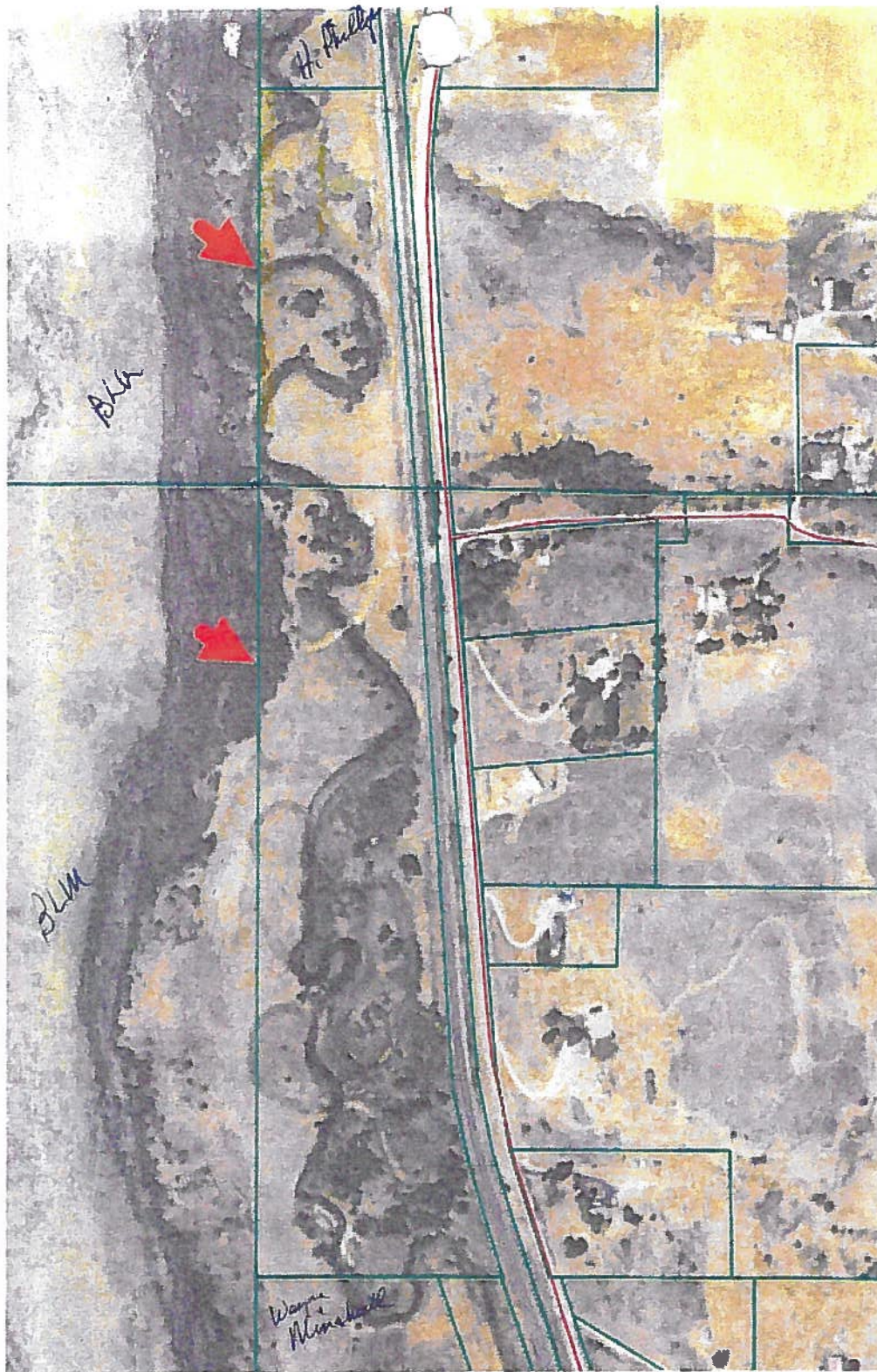
State of ID} ss.
County of Bannock}

On this 28th day of July, 2017 before me, Kellie Noesen, a Notary Public in and for said state, personally appeared Richard L. Burks and Karen L. Burks known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the Richard and Karen Burks Revocable Trust, and acknowledged to me that they executed the same as Trustee.

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

Kellie Noesen
Notary Public for the State of ID
Residing at: Pocatello
Commission Expires: 2/24/2022





WHILE THIS IS A REPRESENTATION
OF THE PROPERTY DESCRIBED
HEREIN, THIS COMPANY ASSUMES
NO LIABILITY FOR VARIATIONS, IF
ANY, WITH A SURVEY.

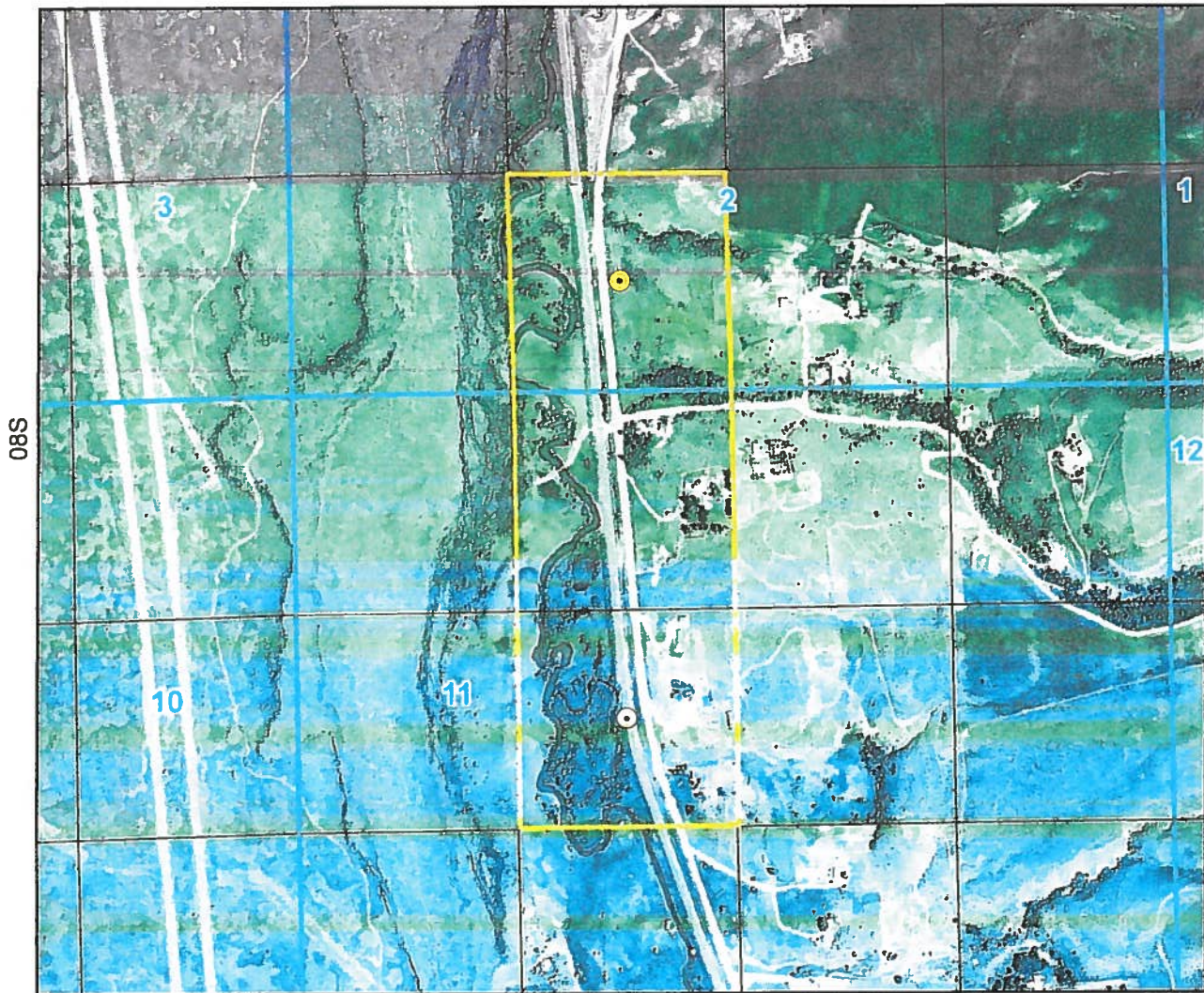
State of Idaho
Department of Water Resources

Water Right
29-7792

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

36E



○ Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

0 0.125 0.25 0.5 Miles



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07792

Priority: May 14, 1985

Maximum Diversion Rate:
Maximum Diversion Volume:

0.30 CFS
52.5 AF

This is to certify, that RICHARD BURKS
KAREN BURKS

PO BOX 102
INKOM ID 83245

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 14, 1985; and has submitted Proof of Beneficial Use on September 26, 1990. An examination indicates that the works have a diversion capacity of 0.480 cfs of water from:

PORTNEUF RIVER tributary to SNAKE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.30 CFS	52.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 2, Township 08S, Range 36E
SENW , Sec. 11, Township 08S, Range 36E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	36E	2	SESW 3			3
		11	NENW 6	SENW 6		12

Total number of acres irrigated:

15

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED

1997 10 27



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

November 17, 2017

C.L. "BUTCH" OTTER
Governor

Joel Kilpack
PO Box 412
Inkom ID 83245

GARY SPACKMAN
Director

RE: Change of Ownership for Water Right No(s). 29-7792

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s) to you. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

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 deliberately abandoned or 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 Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

cc: Water District 29D

RECEIVED

NOV 13 2017

Department of Water Resources
Eastern Region

30 October 2017

IDWR Eastern Region
900 N Skyline Dr., Ste A
Idaho Falls, Idaho 83402-1718

To Wit:

Enclosed please find a Notice of Change in Water Right Ownership form, for Water Right # 28-7792, wherein Richard Burks transferred to Joel Kilpack, completed with the following required items:

1. Copy of the Warranty Deed with legal description,
2. Aerial map showing the parcel
3. Water Right map showing Place of Use and Points of Diversion
4. Copy of Water Right
5. \$25.00 for filing fee

For further information, please contact me at:

Joel Kilpack
PO Box 412
Inkom, Idaho 83245
208.851.1553