

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 04 2017

DEV

DEPARTMENT OF
WATER RESOURCES

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?
22-13222	Yes ☐	Yes ☐		Yes ☐	Yes ☐
<i>split - 22-14299</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Mahogany Creek Enterprises LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Raymond Cherry and Kindra Cherry
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 7389 S Hwy 33, Suite A, PO Box 919 Victor ID 83455
Mailing address City State ZIP
- (208) 521-4647 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: 08/08/2017
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):
 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 # 22-13222

8. Signature: *Raymond Cherry* Title, if applicable Date 08/08/2017
Signature of new owner/claimant
- Signature: *Kindra Cherry* Title, if applicable Date 08/08/2017
Signature of new owner/claimant

For IDWR Office Use Only:

Received by *TP* Date 10-16-17 Receipt No. C104226 Receipt Amt. \$75.00
 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 *dj* Date 10-16-17

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Instrument # 246765
TETON COUNTY, IDAHO
08-08-2017 14:52:00 No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - DRIGGS
MARY LOU HANSEN Fee: \$16.00
Ex-Officio Recorder Deputy, Mary Lou Hansen
Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 646484-T (tm)

Date: August 04, 2017

For Value Received, **Mahogany Creek Enterprises, Limited Liability Company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Raymond Cherry and Kindra Cherry, husband and wife**, hereinafter called the Grantee, whose current address is **440 Palisade Trail, Driggs, ID 83422**, the following described premises, situated in **Teton County, Idaho**, to-wit:

A PART OF THE SW 1/4 SE 1/4 OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 44E, BOISE MERIDIAN, TETON COUNTY, IDAHO, BEING FURTHER DESCRIBED AS:

**COMMENCING AT THE SE CORNER OF THE SW 1/4 SE 1/4 OF SAID SECTION 12;
THENCE S 89°54'45" W. 758.40 FEET ALONG THE SOUTHERN SECTION LINE TO AN IRON PIN;
THENCE N 51°36'33" W. 110.97 FEET TO AN IRON PIN;
THENCE N 17°23'55" W. 350.80 FEET TO AN IRON PIN;
THENCE S 83°17'08" W. 16.52 FEET TO A POINT;
THENCE NORTH 921.92 FEET TO A POINT ON THE NORTH LINE OF THE SW 1/4 SE 1/4 OF SAID SECTION 12;
THENCE N 89°56'00" E. 971.85 FEET ALONG THE NORTH LINE OF THE SW 1/4 SE 1/4 TO THE NE CORNER OF THE SW 1/4 SE 1/4 OF SAID SECTION 12;
THENCE S 00°13'25" W. 1323.63 FEET ALONG THE EAST LINE OF THE SW 1/4 SE 1/4 OF SAID SECTION 12 TO THE POINT OF BEGINNING.**

LESS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 44 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO, AND RUNNING THENCE NORTH 89° 52' 23" EAST 566.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 51° 38' 55" WEST 110.97 FEET; THENCE NORTH 17° 26' 17" WEST 350.80 FEET; THENCE NORTH 65 FEET; THENCE EAST 265 FEET; THENCE SOUTH 468.53 FEET MORE OR LESS TO THE SOUTH SECTION LINE OF SAID SECTION 12; THENCE WEST 72.85 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **646484-T (tm)**

Date: **August 04, 2017**

For Value Received, **Mahogany Creek Enterprises, Limited Liability Company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Raymond Cherry and Kindra Cherry, husband and wife**, hereinafter called the Grantee, whose current address is , , the following described premises, situated in **Teton County, Idaho**, to-wit:

A PART OF THE SW 1/4 SE 1/4 OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 44E, BOISE MERIDIAN, TETON COUNTY, IDAHO, BEING FURTHER DESCRIBED AS:

**COMMENCING AT THE SE CORNER OF THE SW 1/4 SE 1/4 OF SAID SECTION 12;
THENCE S 89°54'45" W. 758.40 FEET ALONG THE SOUTHERN SECTION LINE TO AN IRON PIN;
THENCE N 51°36'33" W. 110.97 FEET TO AN IRON PIN;
THENCE N 17°23'55" W. 350.80 FEET TO AN IRON PIN;
THENCE S 83°17'08" W. 16.52 FEET TO A POINT;
THENCE NORTH 921.92 FEET TO A POINT ON THE NORTH LINE OF THE SW 1/4 SE 1/4 OF SAID SECTION 12;
THENCE N 89°56'00" E. 971.85 FEET ALONG THE NORTH LINE OF THE SW 1 /4 SE 1/4 TO THE NE CORNER OF THE SW 1/4 SE 1/4 OF SAID SECTION 12;
THENCE S 00°13'25" W. 1323.63 FEET ALONG THE EAST LINE OF THE SW 1/4 SE 1/4 OF SAID SECTION 12 TO THE POINT OF BEGINNING.**

LESS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 44 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO, AND RUNNING THENCE NORTH 89° 52' 23" EAST 566.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 51° 38' 55" WEST 110.97 FEET; THENCE NORTH 17° 26' 17" WEST 350.80 FEET; THENCE NORTH 65 FEET; THENCE EAST 265 FEET; THENCE SOUTH 468.53 FEET MORE OR LESS TO THE SOUTH SECTION LINE OF SAID SECTION 12; THENCE WEST 72.85 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

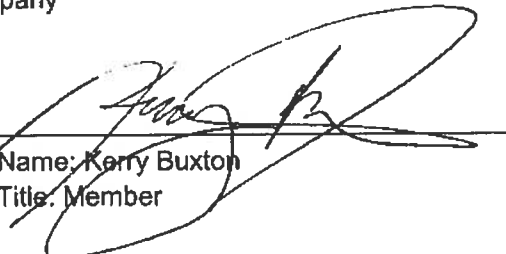
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 08/04/2017

Warranty Deed
- continued

File No.: 646484-T (tm)

Mahogany Creek Enterprises, Limited Liability
Company

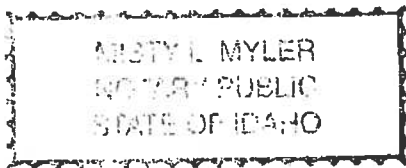
By: 

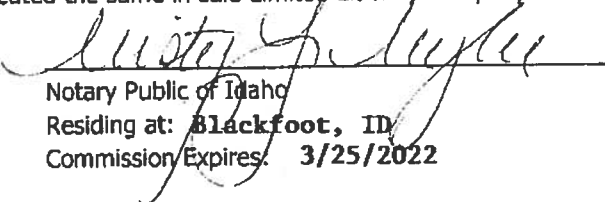
Name: Kerry Buxton

Title: Member

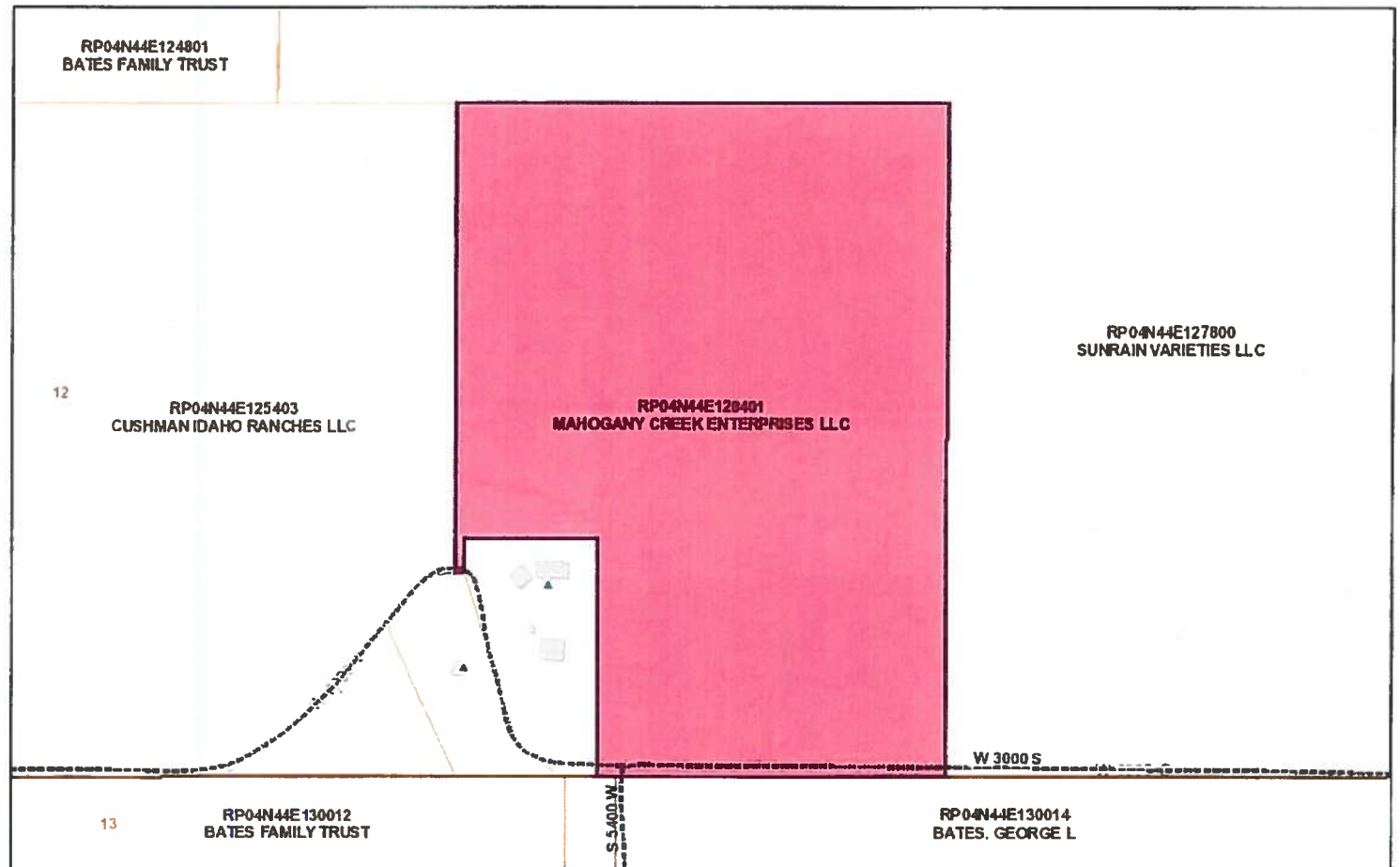
STATE OF Idaho)
SS.
COUNTY OF Bonneville)

On this 7th day of **August, 2017**, before me, a Notary Public in and for said State, personally appeared **Kerry Buxton**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Mahogany Creek Enterprises, Limited Liability Company**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.



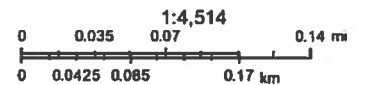

Notary Public of Idaho
Residing at: **Blackfoot, ID**
Commission Expires: **3/25/2022**

Teton County, Idaho



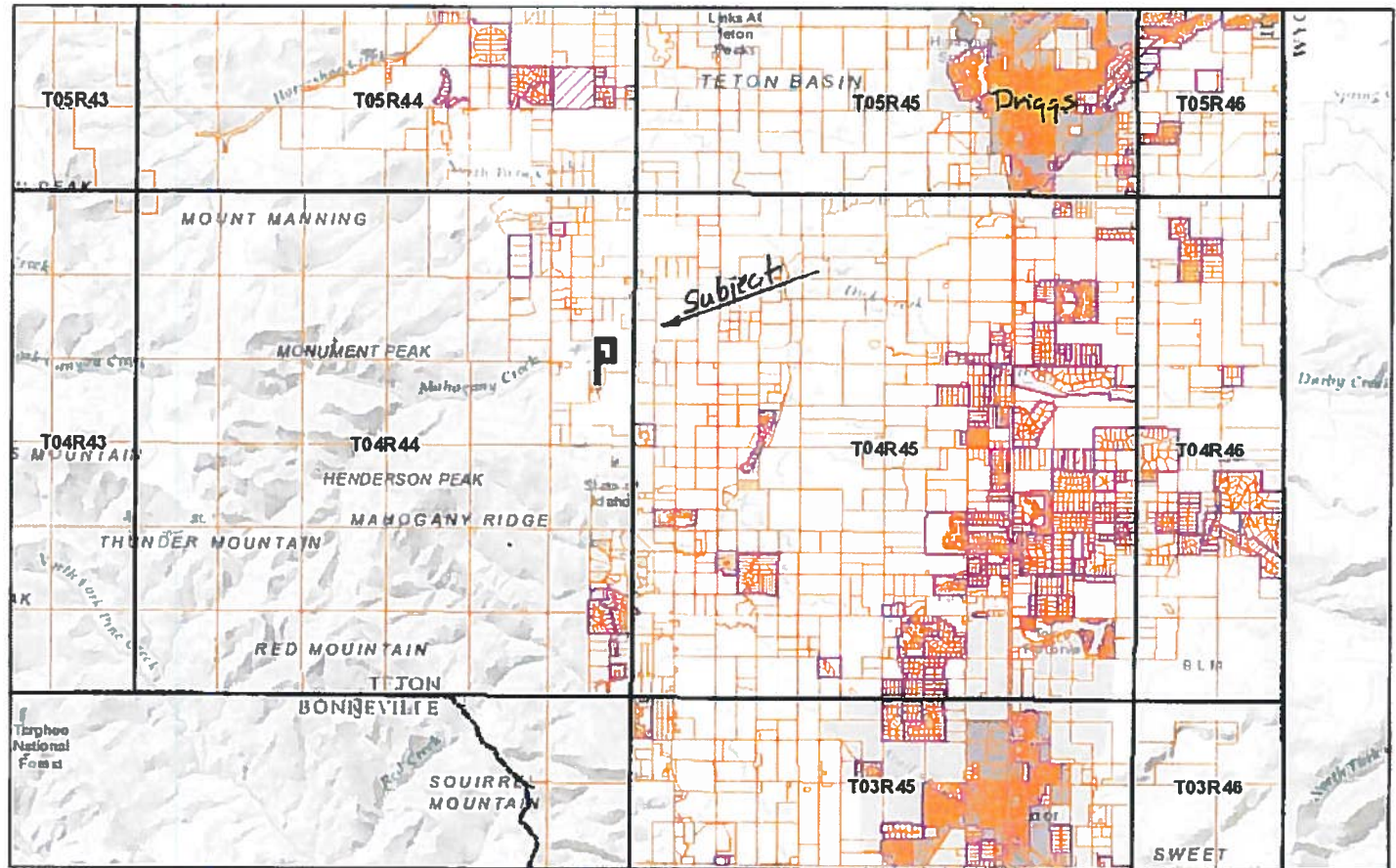
July 27, 2017

- Parcel Number_Query result
- County Boundary
- Address
- Sections
- Parcels



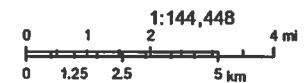
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeBCo, IGN, Kadaster NL, Ordnance Survey.

Teton County, Idaho



July 24, 2017

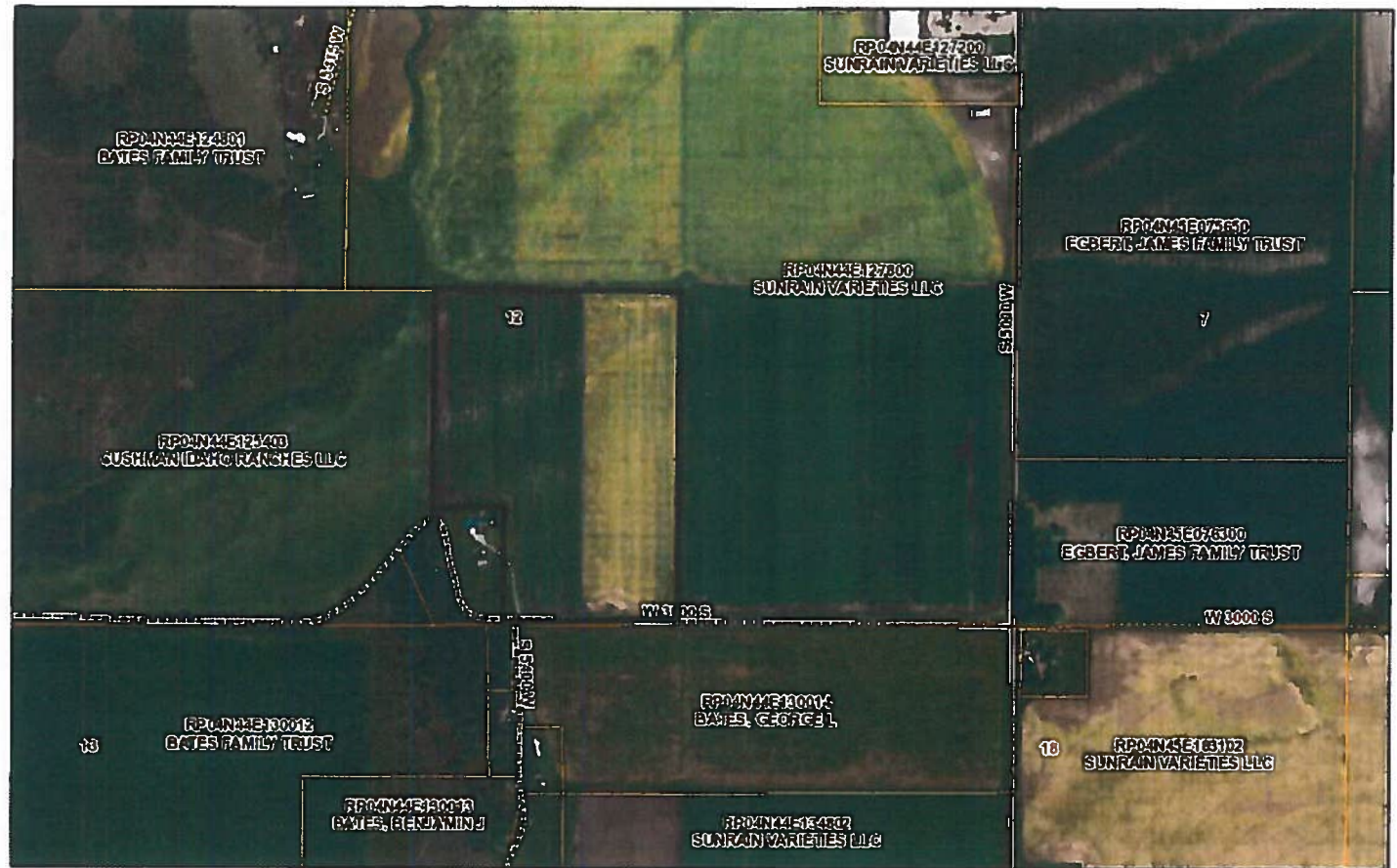
- | | | | |
|-----------------|-------------|-----------------|-------------|
| County Boundary | Subdivision | Preliminary | Impact Area |
| Township | Recorded | City Boundaries | |
| Parcels | Vacated | City Limits | |



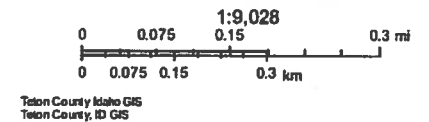
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey,

Teton County GIS | Teton County GIS | Teton County Idaho GIS | Teton County, ID GIS | GIS | County of Teton, Bureau of Land Management, Esri, HERE, Garmin, Intermap, USGS, NGA, EPA, USDA, NPS |

Teton County, Idaho



July 24, 2017





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

October 17, 2017

RAYMOND CHERRY
KINDRA CHERRY
PO BOX 919
VICTOR ID 83455

Re: Change in Water Right Ownership: 22-13222 (Split into 22-13222 and 22-14299)

Dear Water Right Holders:

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right 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 this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right 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 right, 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

Enclosure

c. D L Evans Bank



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

October 17, 2017

MAHOGANY CREEK ENTERPRISES LLC
C/O FARRELL BUXTON
332 S 500 W
DRIGGS ID 83422

Re: Change in Water Right Ownership: 22-13222 (Split into 22-13222 and 22-14299)

Dear Water Right Holder:

We have received and processed a Change of Ownership for a portion of your original Water Right as referenced above. This change of ownership resulted in a split of your original water right.

When a portion of the original water right has been conveyed to another and the original right has been split, a new water right number is issued to the new owner representing their portion of the original water right. Each water right contains only the portion of the original right for each separate owner. The original water right number reflects your remaining portion of the water right, after the change of ownership. Enclosed is a copy of this water right for your records. Please refer to your water right number when corresponding with our office.

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.

If you have any questions concerning this ownership change, or the enclosed information, please contact me at 208-287-4920.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosure