

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 16 2017

DEPT OF WATER RESOURCES  
SOUTHERN 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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 47-16362              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Fred W. Jaynes  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Manuel A. Faria and Mary H. Faria  
New owner(s) as listed on the conveyance document      Name connector ☒ and ☐ or ☐ and/or
- 2655 N. 2700 E.      Twin Falls      ID      83301  
Mailing address      City      State      ZIP
- (208) 731-2676      fariadairy@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: November 6, 1998
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: *Manuel Faria*      Title, if applicable      5/16/17  
Signature of new owner/claimant      Date

Signature: *Mary Faria*      Title, if applicable      5/16/17  
Signature of new owner/claimant      Date

**For IDWR Office Use Only:**

Received by *DM*      Date 5-16-2017      Receipt No. 5036127      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 \_\_\_\_\_      Processed by \_\_\_\_\_      Date \_\_\_\_\_

Order No. T980782

# WARRANTY DEED

For Value Received

Calvin Robert Payne And Jane Payne,  
Husband And Wife.

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto  
MANUEL A. FARIA and MARY H. FARIA,  
Husband And Wife.

the grantee(s), whose current address is

2599 NORTH 2700 EAST, TWIN FALLS, ID 83301

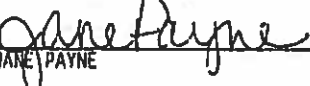
the following described premises, to-wit:

See Attached Exhibit "A"

Twin Falls County, Idaho  
Recorded for:  
TWIN FALLS TITLE  
06:40pm Nov. 30, 1998  
1998-021493  
No. of Pages: 2 Fee: \$6.00  
ROBERT S. FORT  
Ex-Officio Recorder  
Deputy: VF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they will warrant and defend the same from all claims whatsoever.

Dated: November 6, 1998

  
\_\_\_\_\_  
CALVIN ROBERT PAYNE  
  
\_\_\_\_\_  
JANE PAYNE

STATE OF WASHINGTON

COUNTY OF Grant

On This 25<sup>th</sup> day of November, in the year 1998, before me, a Notary Public in and for said State, personally appeared Calvin Robert Payne And Jane Payne, 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.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
Notary Public of Washington  
Residing at Moses Lake  
Commission Expires: 6/3/99



TITLE & ESCROW  
COMPANIES

EXHIBIT "A"

PARCEL NO. 1

Township 12 South, Range 16 East of Boise Meridian, Twin Falls  
County, Idaho

Section 13: A tract of land being the East 1266.27 feet  
of the South 688 feet of the Southeast Quarter

SUBJECT TO Twin Falls County Highway Right of Way

PARCEL NO. 2

Township 12 South, Range 16 East of the Boise Meridian, Twin Falls  
County, Idaho

Section 13: A parcel of land in the Southeast Quarter,  
being more particularly described as follows:

BEGINNING at the Southeast corner of said Southeast Quarter of the  
Southeast Quarter;  
Thence West 1266.27 feet to the TRUE POINT OF BEGINNING;  
Thence North 688 feet;  
Thence West 473.73 feet;  
Thence South 688 feet;  
Thence East 473.73 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO Twin Falls County Highway Right of Way

TitleFact, Inc.  
163 Fourth Avenue North  
P.O. Box 486  
Twin Falls, Idaho 83303

TWIN FALLS COUNTY, IDAHO

RECORDED

TITLEFACT, Inc.

1994 SEP 27 P 1:58

19940169431

RECORDED  
TWIN FALLS COUNTY, IDAHO

\*\*\*\*\* SPACE ABOVE FOR RECORDER \*\*\*\*\*  
35978ml

## WARRANTY DEED

FOR VALUE RECEIVED FRED W. JAYNES AND LYNN C. JAYNES, husband and wife, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto CALVIN ROBERT PAYNE AND JANE PAYNE, husband and wife, hereinafter called grantee, whose address is: 2605 NORTH 2700 EAST, TWIN FALLS, ID 83301 the following described premises, in Twin Falls County, Idaho, to-wit:

Township 12 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho  
Section 13: A tract of land being the East 1266.27 feet of the South 688 feet of the SE 1/4.

SUBJECT TO: Twin Falls County Highway Right of Way

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and 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 are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September 26, 1994

Fred W. Jaynes  
FRED W. JAYNES

Lynn C. Jaynes  
LYNN C. JAYNES

\* \* \* \* \*

STATE OF IDAHO  
County of Twin Falls

On this 26th day of SEPTEMBER, 1994, before me, a Notary Public in and for said State, personally appeared FRED W. JAYNES AND LYNN C. JAYNES, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

Notary Public for Idaho  
Residence: BUHL  
Commission Expires: 9-8-99

State of Idaho  
Department of Water Resources

# Water Right

47-16362

DOMESTIC

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.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.045 0.09 0.18 Miles





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858  
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTIE  
Governor

GARY SPACKMAN  
Director

May 16, 2017

MANUEL FARIA  
MARY FARIA  
2655 N 2700 E  
TWIN FALLS ID 83301

RE: Change of Ownership for Water Right Nos. 47-16362

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s). 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 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](http://www.idwr.idaho.gov).

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

Sincerely,

A handwritten signature in cursive script, reading 'Trish Fawcett'.

Trish Fawcett  
Technical Records Specialist

Enclosure(s)

Cc: Sawtooth Law Offices PLLC

**Boise Office**

Golden Eagle Building  
1101 W. River St., Ste. 110  
P.O. Box 7985  
Boise, Idaho 83707  
Tel. (208) 629-7447  
Fax (208) 629-7559

**Challis Office**

1301 E. Main Ave.  
P.O. Box 36  
Challis, Idaho 83226  
Tel. (208) 879-4488  
Fax (208) 879-4248

**Twin Falls Office**

236 River Vista Place  
Suite 301  
Twin Falls, Idaho 83301  
Tel. (208) 969-9585



# SAWTOOTH LAW

## OFFICES, PLLC

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andy@sawtoothlaw.com

**James R. Bennetts (retired)**  
jim@sawtoothlaw.com

*Attorneys licensed in Idaho  
\* Also licensed in Washington*

Tuesday, May 16, 2017

***Via Hand Delivery***

Idaho Department of Water Resources  
Southern Region Office  
650 Addison Ave. W, Ste. 500  
Twin Falls, Idaho 83301

Re: Water Right No. 47-16362  
Notice of Change in Water Right Ownership

To whom it may concern,

Enclosed please find a completed Notice of Change in Water Right Ownership form for the above referenced water right, the supporting documents, and the transfer processing fee. Specifically, contained within the supporting documents you will find two warranty deeds relating to the same parcel of real property.

The first warranty deed dated September 26, 1994, transfers ownership of the described real property from Fred W. Jaynes and Lynn C. Jaynes to Calvin Robert Payne and Jane Payne. The warranty deed does not reserve ownership of the water right to the Jaynes family. Therefore, the water right should have been transferred following the execution of the September 26, 1994 Warranty Deed. However, this required transfer did not occur as IDWR was not notified of the change in ownership. It is unknown to the new owners as to why that did not occur.

The second warranty deed dated November 6, 1998, transfers ownership of the described real property from Calvin Robert Payne and Jane Payne to Manuel A. Faria and Mary H. Faria. The warranty deed does not reserve ownership of the water right to the Payne family. Therefore, the water right should have been transferred following the execution of the November 6, 1998, Warranty Deed. However, this required transfer did not occur as the IDWR was not notified of the change in ownership. The new owners do recognize that it was their responsibility to notify IDWR and failed to do so. Therefore, the new owners seek to resolve the issue with this Notice of Change in Water Right Ownership.

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Lastly, please note that the Notice of Change in Water Right Ownership identifies the new owners' current contact information, as that contained within the second deed is no longer accurate. If you have any questions related to the Notice of Change in Water Right Ownership or the other documents enclosed, please contact me at the number listed above.

Very truly yours,



Evan T. Roth

ETR/dll  
Enclosures