

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
JUN 06 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?
PD 61-252C	Yes ☐	Yes ☐		Yes ☐	Yes ☐
61-10033A	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Chester J. Tindall; Theodore W. Hoffman
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): PAM McCUNE WARTHEN
New owner(s) as listed on the conveyance document
Mailing address: 7061 Canyon Creek Road City: Mtn. Home State: ID. ZIP: 83647
Telephone: (208) 587-8736 H (208) 599-0521 C Email: warthenpm@gmail.com

- ✗ 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: JAN. 20, 1978

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 # 61-252C

8. Signature: Pam M. Warthen Signature of new owner/claimant Title, if applicable: _____ Date: JUNE 3, 2017

Signature: _____ Signature of new owner/claimant Title, if applicable: _____ Date: _____

For IDWR Office Use Only:

Received by: [Signature] Date: 4/21/17 Receipt No. W045195 Receipt Amt. \$50⁰⁰

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: X Approved by: [Signature] Processed by: [Signature] Date: 6/13/17

★ Received Security Interest on 4/21/17
mailed O.C. app on 5/31/17 to be

D&J

RECEIVED
APR 21 2017
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Security Interest in a Water Right
and a request to be notified of a change in ownership or any proposed
or final action to amend, transfer, or otherwise modify the water right(s)

Attach pages with additional information. Incomplete forms will be returned.

1. Water Right/Claim No.	Water Right/Claim No.	Water Right/Claim No.	Water Right/Claim No.
61-252C			
61-18033A			

2. The following **REQUIRED** information must be submitted with this form:

A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

B) A **FEE of \$25.00** per water right or adjudication claim.

3. Name and Mailing Address of Person or Company Holding Security Interest

Pam M. Warthen

7061 Canyon Creek Road

Mountain Home, ID 83647

Phone 208-587-8736 (h) 208-599-0521 (c)

Email warthenpm@gmail.com

4. Name of Water Right Owner/Claimant(s)

Chester J. Tindall; Theodore W. Hoffman

5. Expiration Date of Notification Period

30 April 2025

6. Is this a Renewal of Request for Notification?

☐ YES

☒ NO

7. Signature(s) of Security Interest Holder(s)

Pam M. Warthen

Title, if applicable

For Office Use Only

Received by aj

Date

4/21/17

Receipt No.

W045195

Fee

\$50⁰⁰

Processed by AJ

Date

WR

Date

• WRONG APP.

Received ownership change app 6/6/17

Kenneth L. Mallea
MALLEA & SCRIVNER
877 W. Main Street - Suite 607
P.O. Box 449
Boise, ID 83701
(208) 345-1373

309629

ELMORE COUNTY, IDAHO ss
Request of

Mallea + Scrivner PLLC 10:10 PM 2:00
Time 11:12 A M
Date August 10, 1998
Book _____ Page _____
DOLORES ROBISON
Recorder
By [Signature] Deputy
Fee \$12.00

CLERK OF DISTRICT COURT
[Signature]

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

IN THE MATTER OF THE ESTATE OF)

MICHAEL DEAN WARTHEN,)

Deceased.)

CASE NO. SP-1E-98-00030

DECREE VESTING ESTATE IN
SURVIVING SPOUSE
(I.C. 15-3-1205)

Upon consideration of the Petition for Summary Administration of Estate of Which Surviving Spouse is Sole Beneficiary filed by Pamela "Pam" McCune Warthen on the 6th day of July, 1998, the Court finds that:

1. The facts set forth in the petition are true.
2. The required notice has been given or waived *or is not required.*
3. The decedent, Michael Dean Warthen died on December 4, 1994, domiciled in Elmore County, State of Idaho.
4. Venue is proper.
5. The decedent and Pamela "Pam" McCune Warthen were duly married at Manti, Sanpete County, State of Utah, on November 15, 1969, and remained married until the date of decedent's death.

6. The surviving spouse, Pamela "Pam" McCune Warthen, is the sole heir or devisee of the decedent.
7. The decedent, Michael Dean Warthen, died intestate.
8. The schedule of property attached to this Decree is a full and complete inventory of certain specific property owned by the decedent, Michael Dean Warthen, at the time of his death. All such property is community property.

THEREFORE, it is ordered, adjudged and decreed as follows:

1. Pamela "Pam" McCune Warthen is the surviving spouse of the decedent and is the sole heir or devisee of the decedent, Michael Dean Warthen.
2. All property of the decedent, Michael Dean Warthen, of every kind and nature, including the property described on the schedule attached to this Decree, is hereby vested in and distributed to Pamela "Pam" McCune Warthen free and clear of all right, title, claim or demand of any person or persons claiming or attempting to claim under the estate of the decedent as heir, devisee, or otherwise, except as a proper creditor.
3. The surviving spouse shall assume and be liable for any and all indebtedness that might be a claim against the estate of the decedent, Michael Dean Warthen.
4. There shall be no administration of the estate of the decedent, Michael Dean Warthen.

Dated: July 6, 1998


MAGISTRATE

STATE OF IDAHO) ss.
COUNTY OF ELMORE)
I hereby certify that the foregoing
instrument is a true and correct
copy of the original as filed in my
office.
BY BOLORES BOLIN
DEPUTY

**SCHEDULE OF INVENTORY OF COMMUNITY PROPERTY
OF MICHAEL DEAN WARTHEN, DECEASED**

1. All of the decedent's right, title and interest in and to real property located at Rt. 3, Mountain Home, Elmore County, Idaho, 83647, legally described on the Attached Exhibit A;
2. All of the decedent's personal effects, household furnishings, automobiles, and all checking and savings accounts; and
3. All property of every kind and nature owned by decedent or in which decedent held any right, title or interest.

Parcel A

A tract of land located in the Southeast Quarter of the Southeast Quarter of Section Thirty-five, Township Two South, Range Six East, Boise Meridian, and more particularly described as follows:

Beginning at the section corner common to Sections Thirty-five and Thirty-six, Township Two South, Range Six East, Boise Meridian, and sections One and Two, Township Three South, Range Six East, Boise Meridian; thence South $89^{\circ}26'53''$ West, 368.49 feet along the section line common to Section Thirty-five, Township Two South, Range Six East, Boise Meridian, and Section Two, Township Three South, Range Six East, to an iron pin; thence North $9^{\circ}06'16''$ East, 83.91 feet to an iron pin; thence North $12^{\circ}07'31''$ East, 294.50 feet to an iron pin; thence South $77^{\circ}09'33''$ East, 244.01 feet to an iron pin; thence South $77^{\circ}09'33''$ East, 56.85 feet, more or less, to a point on the section line common to Sections Thirty-five and Thirty-six, Township Two South, Range Six East, Boise Meridian; thence South, 300.38 feet, more or less, along the section line common to Sections Thirty-five and Thirty-six, Township Two South, Range Six East, Boise Meridian, to the Point of Beginning.

Parcel A contains 2.59 acres, more or less.

Parcel B

A tract of land located in the Northeast Quarter of the Northeast Quarter of Section Two, Township Three South, Range Six East, Boise Meridian, and more particularly described as follows:

Beginning at the section corner common to Sections Thirty-five and Thirty-six, Township Two South, Range Six East, Boise Meridian, and Sections One and Two, Township Three South, Range Six East, Boise Meridian; thence South $89^{\circ}26'53''$ West, 368.49 feet along the section line common to Section Thirty-five, Township Two South, Range Six East, Boise Meridian, and Section Two, Township Three South, Range Six East, Boise Meridian, to an iron pin; thence South $9^{\circ}06'16''$ West, 457.50 feet to an iron pin; thence South $22^{\circ}14'58''$ East, 373.13 feet to an iron pin on the approximate north right-of-way of Canyon Creek Road; thence North $41^{\circ}50'50''$ East, 104.31 feet along the north right-of-way of Canyon Creek Road to a point; thence North $51^{\circ}20'30''$ East, 102.45 feet along the north right-of-way of Canyon Creek Road to a point; thence North $56^{\circ}27'50''$ East, 103.17 feet along the north right-of-way of Canyon Creek Road to a point; thence North $59^{\circ}51'00''$ East, 76.53 feet along the north right-of-way of Canyon Creek Road to an iron pin; thence North $0^{\circ}13'44''$ West, 563.50 feet along the section line common to Sections One and Two, Township Three South, Range Six East, Boise Meridian, to the Point of Beginning.

Parcel B contains 6.21 Acres, more or less.

EXHIBIT A

WARRANTY DEED

THIS INDENTURE, made this 20th day of January, in the year of our Lord one thousand nine hundred and seventy-eight, between LLOYD M. HANSEN and DEBORA M. HANSEN, husband and wife, of 690 East 9th South, Mountain Home, County of Elmore, State of Idaho, the parties of the first part, and MICHAEL D. WARTHEN and PAM M. WARTHEN, husband and wife of Rt. 1-Box 650, Mountain Home, County of Elmore, State of Idaho, the parties of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of TEN DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of Elmore, State of Idaho, to-wit:

Parcel A

A tract of land located in the Southeast Quarter of the Southeast Quarter of Section Thirty-five, Township Two South, Range Six East, Boise Meridian, and more particularly described as follows:

Beginning at the section corner common to Sections Thirty-five and Thirty-six, Township Two South, Range Six East, Boise Meridian, and sections One and Two, Township Three South, Range Six East, Boise Meridian; thence South 89°26'53" West, 368.49 feet along the section line common to Section Thirty-five, Township Two South, Range Six East, Boise Meridian, and Section Two, Township Three South, Range Six East, to an iron pin; thence North 9°06'16" East, 83.91 feet to an iron pin; thence North 12°07'31" East, 294.50 feet to an iron pin; thence South 77°09'33" East, 244.01 feet to an iron pin; thence South 77°09'33" East, 56.85 feet, more or less, to a point on the section line common to Sections Thirty-five and Thirty-six, Township Two South, Range Six East, Boise Meridian; thence South, 300.38 feet, more or less, along the section line common to Sections Thirty-five and Thirty-six, Township Two South, Range Six East, Boise Meridian, to the Point of Beginning.

Parcel A contains 2.59 acres, more or less.

Parcel B

A tract of land located in the Northeast Quarter of the Northeast Quarter of Section Two, Township Three South, Range Six East, Boise Meridian, and more particularly described as follows:

Beginning at the section corner common to Sections Thirty-five and Thirty-six, Township Two South, Range Six East, Boise Meridian, and Sections One and Two, Township Three South, Range Six East, Boise Meridian; thence South 89°26'53" West, 368.49 feet along the section line common to Section Thirty-five, Township Two South, Range Six East, Boise Meridian, and Section Two, Township Three South, Range Six East, Boise Meridian, to an iron pin; thence South 9°06'16" West, 457.50 feet to an iron pin; thence South 22°14'58" East, 373.13 feet to an iron pin on the approximate north right-of-way of Canyon Creek Road; thence North 41°50'50" East, 104.31 feet along the north right-of-way of Canyon Creek Road to a point; thence North 51°20'30" East, 102.45 feet along the north right-of-way of Canyon Creek Road to a point; thence North 56°27'50" East, 103.17 feet along the north right-of-way of Canyon Creek Road to a point; thence North 59°51'00" East, 76.53 feet along the north right-of-way of Canyon Creek Road to an iron pin; thence North 0°13'44" West, 563.50 feet along the section line common to Sections One and Two, Township Three South, Range Six East, Boise Meridian, to the Point of Beginning.

Parcel B contains 6.21 Acres, more or less.

RESERVING unto the parties of the first part all irrigation water rights appurtenant to the above-described real property.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainders and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Lloyd M. Hansen
Lloyd M. Hansen
Debora M. Hansen
Debora M. Hansen

STATE OF IDAHO,)
COUNTY OF ELMORE,) ss.

On this 20th day of January, in the year 1978, before me, the undersigned, a Notary Public in and for said State, personally appeared LLOYD M. HANSEN and DEBORA M. HANSEN, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Terrell Hall
Notary Public for Idaho
Residing at Mountain Home, Idaho

284963

ELMORE COUNTY, IDAHO ss
Request of

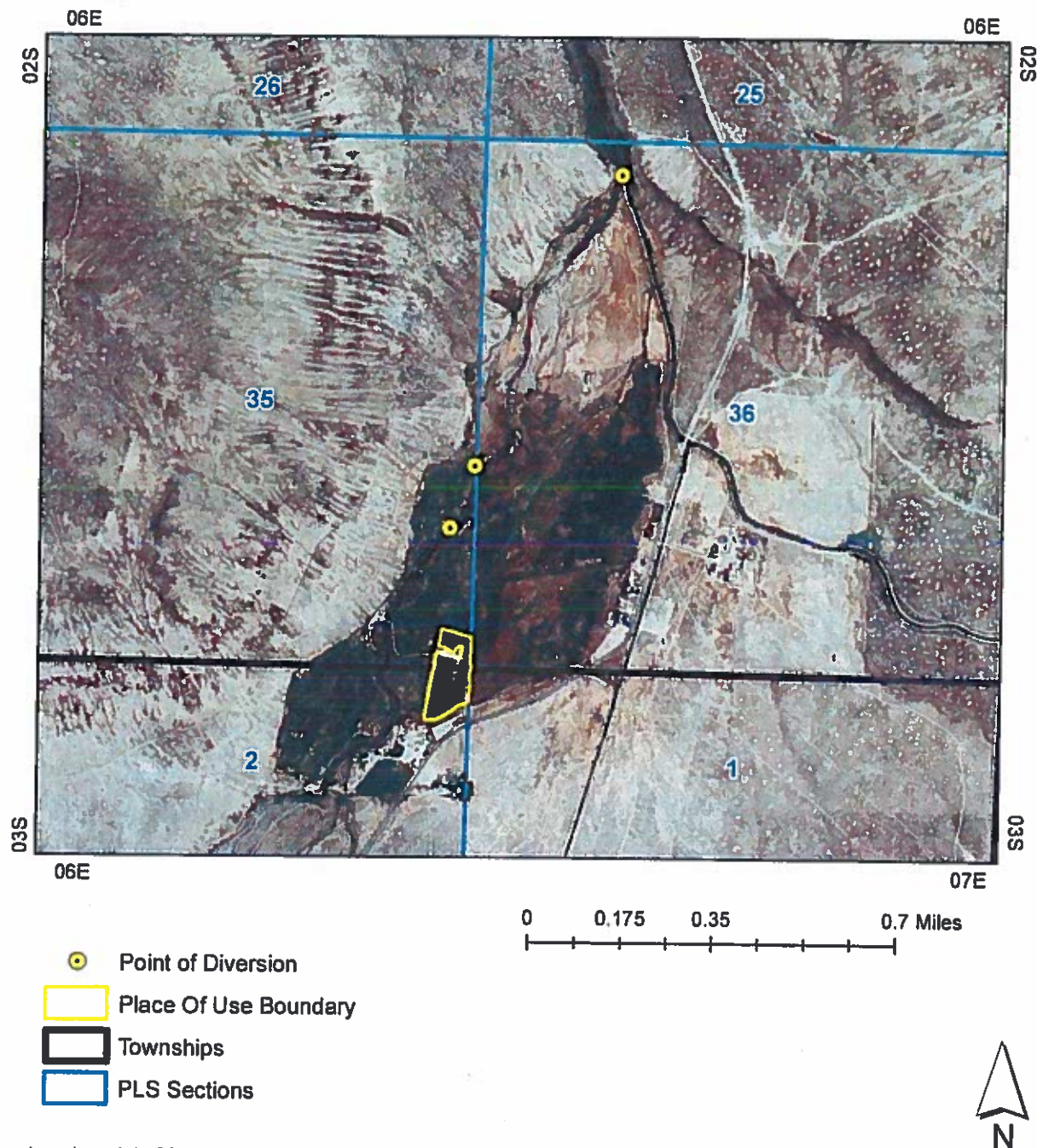
GUARANTY TITLE, INC.
Time 2:57 P.M.
Date January 19, 1978
Book Page
DOLores ROBINSON
Recorder
By Deputy
Fees \$9.00

State of Idaho
Department of Water Resources

Water Right 61-252C

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.



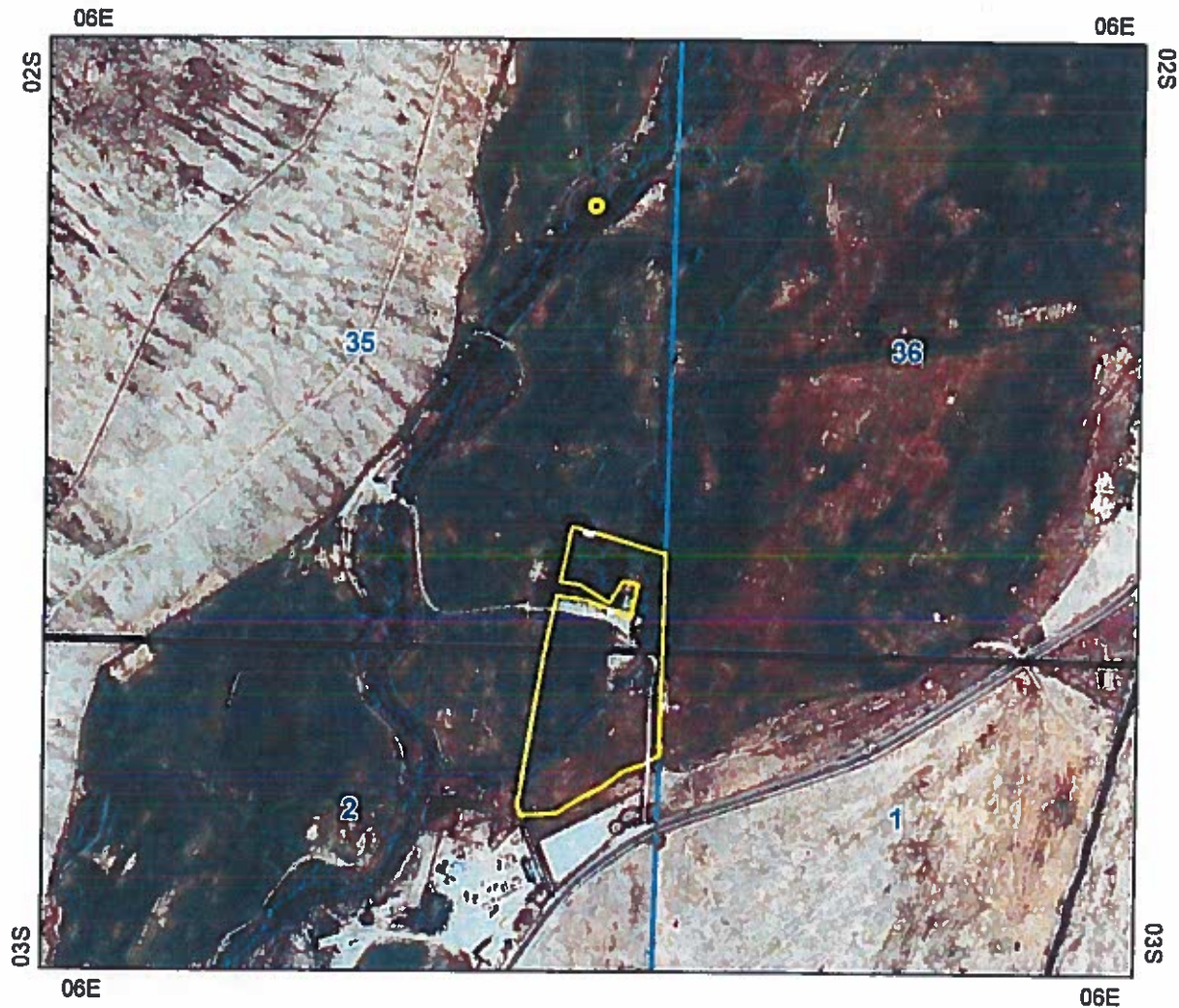
Map produced on July 02, 2015

State of Idaho
Department of Water Resources

Water Right 61-10033A

IRRIGATION FROM STORAGE

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



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

June 13, 2017

PAM MCCUNE WARTHEN
7061 CANYON CREEK RD
MTN HOME ID 83647

RE: Notice of Ownership Change in Water Right No's:

61-252C & 61-10033A

Dear Applicant,

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water rights 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 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.

Please 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. Change reporting forms are available from any office of the Department, or at www.idwr.idaho.gov.

Thank you for your patience and cooperation. Please call (208)334-2190 if you have any questions concerning the enclosed information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad Jones'.

Chad Jones
Office Specialist II
Western Regional Office

Enclosures



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

June 29, 2017

PAM MCCUNE WARTHEN
7061 CANYON CREEK RD
MOUNTAIN HOME ID 83647

RE: Ownership Change for Water Right No's: 61-252C & 61-10033A

Dear Pam,

Upon reviewing the Ownership Change application that was processed for you on June 13, 2017 an error was noticed. Although the place of use (POU) for both water rights is on your property, there is specific wording in the deed provided to the Department which excludes both of them. The wording on the deed is as follows:

"RESERVING unto the parties of the first part all irrigation water rights appurtenant to the above-described real property."

At this time, the Department has put the water rights back into the name of Chester J Tindall (61-252C) and Theodore W Hoffman (61-10033A). If you have any other documentation supporting your claim of ownership to the water rights please let the Department know and we will update accordingly. I have included a copy of the deed provided with the ownership change application for your reference. A refund has been requested and will be sent to the payer under separate cover.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chad Jones', with a long, sweeping underline.

Chad Jones
Office Specialist II
Western Region Office

Enclosures

Jones, Chad

From: Jones, Chad
Sent: Thursday, June 29, 2017 11:11 AM
To: Marston, Sascha
Subject: Refund - PAM M WARTHEN

TO: Sascha Marston

FROM: Chad Jones

DATE: June 29, 2017

RE: Refund: Ownership Change 61-252c & 61-10033A

Please refund \$50. This ownership change was processed on 6/13/17, language in the deed was overlooked that excluded ownership of both water rights to the parcel.

Please issue a refund of \$50 to:

PAM M WARTHEN
7061 CANYON CREEK RD
MOUNTAIN HOME ID 83647

RECEIPT #

W045195