



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 17, 2017

SANDY BEACH ESTATES WATERCO LLC
PO BOX 50300
PROVO UT 84605

RE: Notice of Change in Water Right Ownership: 96-9191

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership from you for water right 96-9191. After reviewing the request, it was determined that water right 96-9191 is not appurtenant to property owned by Sandy Beach Estates.

The Department is returning Notice of Change in Water Right Ownership and the attachments. A refund will be requested and sent to you under separate cover from the Idaho State Controller's Office. If you have any questions regarding this matter, please call me at (208) 287-4942.

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist II

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED *DE*

FEB 01 2016

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?
<i>96-9191</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Chatham, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Sandy Beach Estates Waterco, LLC
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☐ or ☐ and/or
- Mailing address PO Box 50300 City Provo State UT ZIP 84605
- Telephone 801-319-0554 Email mindygetler@gmail.com

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: October 28, 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] Title, if applicable: Manager Date: 1/27/16
- Signature: _____ Title, if applicable: _____ Date: _____
- Signature of new owner/claimant

For IDWR Office Use Only:

Received by _____ Date 1-8-16 Receipt No. C101395 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 _____

Recording Requested by and
When Recorded, Send To:

Sandy Beach Estates Waterco, LLC.
P.O. Box 50300
Provo, Utah 84605

(Space above this line for Recorder's Use)

GRANT DEED

SANDY BEACH ESTATES OWNERS ASSOCIATION, INC., an Idaho nonprofit corporation ("**Grantor**"), hereby grants and conveys to SANDY BEACH ESTATES WATERCO, LLC, an Idaho limited liability company ("**Grantee**"), P.O. Box 50300, Provo, Utah 84605, for the sum of TEN DOLLARS and other good and valuable consideration, the following described tract of land in the County of Bonner, State of Idaho, to wit:

See Exhibit A attached hereto and incorporated herein by this reference (the "**Property**").

TOGETHER WITH any and all improvements, structures, purification systems, pumps, lifts, pipes, pipelines, valves, valve boxes, fittings, and other facilities located on the land.

SUBJECT TO the following: (a) real property taxes not yet due and payable; (b) all matters of record, including, but not limited to, all covenants, conditions, restrictions, easements, rights-of-way, encroachments, (c) any and all zoning and land use laws and ordinances, and (d) any matters arising by or through the acts or omissions of Grantee.

TO HAVE AND TO HOLD the said premises, with their appurtenance, unto the Grantee, its successors and assigns, in fee simple forever.

WITNESS the hand of said Grantor this 28 day of October, 2015.

SANDY BEACH ESTATES OWNERS
ASSOCIATION, INC.,
an Idaho nonprofit corporation

By:


Andrew James, President

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

On this 28 day of October, 2015, personally appeared before me Andrew James, who acknowledged to me that he signed the foregoing instrument as the president for Sandy Beach Estates Owners Association, Inc., and acknowledged to me that the said company executed the same.

Michele Hillman Rowell
Notary Public

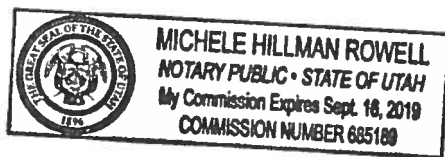


EXHIBIT A

Real property in the County of Bonner, State of Idaho, described as follows:

COMMON B ON SAID PLAT OF SANDY BEACH ESTATES RECORDED IN BOOK 9 OF PLATS,
PAGE 92 OF OFFICIAL RECORDS OF BONNER COUNTY, IDAHO.

Recording Requested by and
When Recorded, Send To:

Sandy Beach Estates Owners Association, Inc.
P.O. Box 50300
Provo, Utah 84605

(Space above this line for Recorder's Use)

GRANT DEED

CHATHAM, LLC, a Utah limited liability company ("**Grantor**"), hereby grants and conveys to SANDY BEACH ESTATES OWNERS ASSOCIATION, INC., an Idaho nonprofit corporation ("**Grantee**"), P.O. Box 50300, Provo, Utah 84605 for the sum of TEN DOLLARS and other good and valuable consideration, the following described tract of land in the County of Bonner, State of Idaho, to wit:

See Exhibit A attached hereto and incorporated herein by this reference (the "**Property**").

TOGETHER WITH any and all improvements, structures, purification systems, pumps, lifts, pipes, pipelines, valves, valve boxes, fittings, and other facilities located on the land.

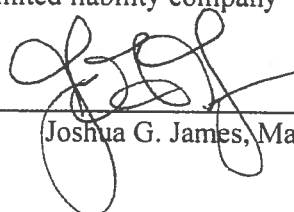
SUBJECT TO the following: (a) real property taxes not yet due and payable; (b) all matters of record, including, but not limited to, all covenants, conditions, restrictions, easements, rights-of-way, encroachments, (c) any and all zoning and land use laws and ordinances, and (d) any matters arising by or through the acts or omissions of Grantee.

TO HAVE AND TO HOLD the said premises, with their appurtenance, unto the Grantee, its successors and assigns, in fee simple forever.

WITNESS the hand of said Grantor this 20 day of October, 2015.

CHATHAM, LLC.
a Utah limited liability company

By: _____


Joshua G. James, Manager

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

On this 20 day of October, 2015, personally appeared before me Joshua G. James, who acknowledged to me that he signed the foregoing instrument as the manager for Chatham, LLC, and acknowledged to me that the said company executed the same.

Michelle Hillman Rowell
Notary Public



EXHIBIT A

Real property in the County of Bonner, State of Idaho, described as follows:

THE ENTIRE PLAT OF SANDY BEACH ESTATES (COMMON A AND B AND SANDY BEACH LANE ALL AS SHOWN ON SAID PLAT), RECORDED IN BOOK 9 OF PLATS, PAGE 92 OF OFFICIAL RECORDS OF BONNER COUNTY, IDAHO.

IDWR

Attn: Jean H.

Thomas + Debra
Hofer

Warranty Deed
+ Notary

Copy

245695

Community Title, LLC STATE OF IDAHO } SS. .
 County of Boundary }
 245695 By: Community Title
 on 3-25-10 at 3:00
 Glenda Poston
 County Recorder Glenda Poston
 By Deputy

WARRANTY DEED

Escrow No.: 20440-SF

FOR VALUE RECEIVED

Fee \$ 6.00
 Mail to CIT

Michel R. Gagne, an unmarried man, who acquired title as Michael R. Gagne

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

Thomas A. Hofer and Debra L. Hofer, Husband and Wife, as community property, with right of survivorship

whose current address is 9930 Dillard Rd, Wilton, CA 95693

the grantees, the following described premises, in Boundary County, Idaho, TO WIT:

That portion of the West Half of the Northeast Quarter, and that portion of the East Half of the Northwest Quarter, lying East of State Highway 1, in Section 23, Township 65 North, Range 1 West, Boise Meridian, Boundary County, Idaho.

LESS a tract of land situated in the West Half of the Northeast Quarter of Section 23, Township 65 North, Range 1 West of the Boise Meridian, Boundary County, Idaho; more particularly described as follows:

Beginning at the Southeast corner of the West Half of the Northeast Quarter of said Section 23;

Thence along the South line of said West Half of the Northeast Quarter, South 89°24'49" West, 150.75 feet to the intersection with the Easterly right of way of U.S. Highway No. 1;

Thence leaving said South line and along said right of way North 33°25'29" West, 1572.49 feet to the intersection with the South line of the Northwest Quarter of the Northeast Quarter of Section 23, leaving said right of way and along said South line North 89°31'13" East, 684.79 feet;

Thence leaving said South line and parallel to the East line of the Northwest Quarter of the Northeast Quarter, North 00°05'41" West, 1319.99 feet to the North line of the Northeast Quarter of Section 23;

Thence along said North line North 89°37'36" East, 330.00 feet to the Northeast corner of the West Half of the Northeast Quarter of Section 23;

Thence leaving said North line and along the East line of said West Half of the Northeast Quarter, South 00°05'41" East, 2638.74 feet to the True Point of Beginning.

ALSO LESS a tract of land situated in the Northwest Quarter of the Northeast Quarter of Section 23, Township 65 North, Range 1 West of the Boise Meridian, Boundary County, Idaho; more particularly described as follows:

Beginning at a point which is the intersection of the Easterly right of way of U.S. Highway No. 1 and the South line of said Northwest Quarter of the Northeast Quarter, said point being North 89°31'13" East, 297.66 feet from the Southwest corner of the Northwest Quarter of the Northeast Quarter;

Thence leaving said South line and along said right of way, North 33°25'29" West, 36.79 feet to Station 356+33.14 which is the beginning of a spiral curve (centerline length = 250.00 feet, $a = .8$, $d = 2$, $\Delta = 2°30'$) chord = North 34°15'39" West, 252.05 feet;

Thence on a circular curve to the left having a central angle of 03°10'03" a radius of 2914.79 feet, for an arc length of 161.14 feet (chord = North 37°30'22" West, 161.11 feet);

Thence leaving said right of way North 68°25'25" East, 1014.92 feet to a point on the boundary of that parcel described in Instrument No. 204966;

Thence along said boundary the following 2 courses: South 00°05'41" East, 734.34 feet;

Thence South 89°31'13" West 684.79 feet to the TRUE POINT OF BEGINNING.

Jew

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, that they are the owners 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 they will warrant and defend the same from all lawful claims whatsoever.

245695

Dated: February 17, 2010

Michael R. Gagne
SIGN HERE
Michael R. Gagne

STATE OF Oregon }
COUNTY OF Lincoln } ss.

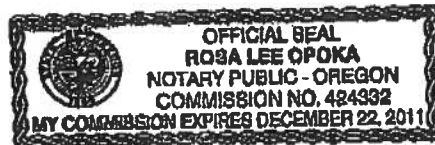
On this 24th day of February, 2010 before me, a Notary Public in and for said state, personally appeared Michael R. Gagne known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

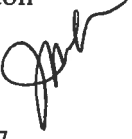
Rosa Lee Ojoka
Notary Public for the State of Oregon

Residing at:
Commission Expires:

NOTARIZE
HERE



MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley 
DATE: May 17, 2017
RE: **Refund: security interest**

Please refund \$25. Requested information not received

NAME: Sandy Beach Estates Waterco LLC
ADDRESS: PO Box 50300
Provo UT 84605

RECEIPT #: C101395

Thank you.

Jean

Hersley, Jean

From: Mindy Gertler <mindygertler@gmail.com>
Sent: Thursday, April 28, 2016 4:14 PM
To: Hersley, Jean
Subject: Water Permit

Jean,

Good afternoon. We spoke a month or so ago regarding our property in Cocolalla at Sandy Beach. I know my attorney spoke with you last week. I need to apply for a water permit for our common area. How would I go about doing that?

Mindy Gertler
Estate Manager to the James Family
801-319-0554
mindygertler@gmail.com

Hersley, Jean

From: Mindy Gertler <mindygertler@gmail.com>
Sent: Monday, February 29, 2016 11:09 PM
To: Hersley, Jean
Subject: Re: Water Right Ownership 96-9191

Jean,

Can we set up a call to discuss? The land outlined in yellow is the beneficiary of the water right, but those are all the 9 lots and the water right can't be deeded to each lot individually. The Common Area B has the water plant which treats the water for the 9 lots. It also has the tank that holds the water. All the lots own the HOA which owns the Common Area B.

If you could let me know a time, I would love to discuss to resolve this and figure out what to do. Thank you.

Mindy Gertler
Estate Manager to the James Family
801-319-0554
mindygertler@gmail.com

On Thu, Feb 25, 2016 at 8:55 AM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Sorry, I missed your call. I have been out of the office.

I have attached a copy of the grant deed provided with the ownership change. It only conveys the Common B area. The attached map shows the place of use for water right 96-9191. The Department needs a document that conveys the either the water right or the properties on which the water right is appurtenant. If the document conveys the water right only, the Department will need to know if the water right was withheld in the sale of the properties. If the water right wasn't specifically withheld in the sale, the lot owners will need to give up any interest they might have in the water right. This usually happens by signing an affidavit to that effect.

If you have additional questions, please contact me.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

[208-287-4942](tel:208-287-4942)

From: Mindy Gertler [mailto:mindygertler@gmail.com]

Sent: Wednesday, February 24, 2016 11:40 AM

To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>

Subject: Water Right Ownership 96-9191

Jean,

I just left you a message. I received a letter from you regarding our transfer of ownership for water right 96-9191. I'm not sure what the problem is with the transfer that I have submitted.

Cocolalla, LLC purchased the entire Sandy Beach lots 1-9 and common area years ago. That ownership was transferred to Chatham, LLC thereafter.

Sandy Beach lots 1-9 are all currently for sale and one of the lots has sold. The lots are all part of an HOA. That HOA is called Sandy Beach Estates Owners Association. The common area for the lots as well as the land that holds the water treatment plant were transferred from Chatham to the Owners Association since the 9 lots own the water right and the water plant. For legal purposes, the water plant must be in a different entity. So the HOA set up an additional entity called Sandy Beach Estates Waterco, LLC which is owned solely by Sandy Beach Estates Owners Association which is owned by the 9 lot owners. Currently Chatham still owns 8 of the lots. The water right should still remain as it was granted for the lots and is in use for the lots and for nothing else.

Please let me know how I can get this resolved ASAP. Thank you.

Mindy Gertler
Estate Manager to the James Family

[801-319-0554](tel:801-319-0554)

mindygertler@gmail.com



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 18, 2016

SANDY BEACH ESTATES WATERCO LLC
PO BOX 50300
PROVO UT 84605

RE: Notice of Change in Water Right Ownership No(s). 96-9191

Dear Property Owner(s):

Thank you for submitting your request for a Notice of Change in Water Right Ownership for water right 96-9191. After reviewing your request, it was discovered that additional information is needed to process this request.

Water right 96-9191 is a domestic right for 9 homes. The Grant deed that was provided in appurtenant to Common B of Sandy Beach Estates. Water right 96-9191 is not appurtenant to this property. If you have additional documents that include Sandy Beach Estates Lots 1-9, please provide those to the Department for review. Please send the requested document to the address above, fax it to (208) 287-6700 or email to jean.hersley@idwr.idaho.gov.

Because the Department cannot process the ownership change without proper information, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Please feel free to contact me at (208) 287-4942 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Idaho Department of Water Resources Receipt

Receipt ID: C101395

Payment Amount \$25.00 Date Received 1/8/2016 11:22 AM Region STATE

Payment Type Check Check Number 1003

Payer SANDY BEACH ESTATES WATERCO LLC

Comments ASSIGNMENT OF PERMIT FOR 96-9191 FOR SANDY BEACH ESTATES WATERCO LLC

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	ASSIGNMENTS	56103	0229	21		1155



Signature Line (Department Representative)