



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 1, 2017

Hammond Brinton
Nadean Brinton
PO Box 630
Moore ID 83255

RE: Notice of Change in Water Right Ownership
Water Rights: 34-327

Dear Sir/Madam:

On September 2, 2016, you filed a Notice of Change in Water Right Ownership (ownership change) with the Idaho Department of Water Resources (IDWR), seeking to update the ownership records for the water rights listed above. After an initial review, we determined that you needed to provide additional evidence of ownership, specifically a copy of the deed covering the northern portion of your property with 1 home and approximately 1.1 acres. On December 30, 2016, we sent a letter requesting the additional information. The additional information was to be provided within 30 days.

IDWR has never received a response to the request for additional information. Without the requested documents, we cannot verify ownership of the water right and cannot complete the ownership change. We are therefore returning your original ownership change and have initiated a refund of your filing fee (\$100.00). The refund from the state of Idaho will arrive at the address listed above within a couple of weeks.

Please feel free to re-file your ownership change any time in the future when you have collected the requested documentation of ownership. Because your filing fee is being refunded, you will need to determine and provide the proper filing fee at the time you re-file the ownership change.

If you have any questions, feel free to contact me at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Barg, Jonie

From: Barg, Jonie
Sent: Friday, April 28, 2017 9:17 AM
To: Carlos, Rhea
Subject: Refund Request
Attachments: E042420.pdf

Rhea,

Good morning!!

I have a refund request as follows:

Receipt number: E042420
Amount: \$100.00
Payable to: Hammond Brinton
PO Box 630
Moore ID 83255

Reason: Total filing fee received \$100.00 for this ownership change (A separate application also filed). Additional evidence of ownership was required before the ownership change could be complete. The information was not received therefore a partial refund is required.

Let me know if you need additional information.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

Jonie Barg

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177
email: jonie.barg@idwr.idaho.gov



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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

December 30, 2016

C.L. "BUTCH" OTTER
Governor

Hammond Brinton
Nadean Brinton
Po Box 630
Moore ID 83255

GARY SPACKMAN
Director

RE: Change in Ownership Water Right No. 34-327

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

**** **Evidence of Ownership:** It appears that you own two parcels of property that were purchased at different times or at least with different deeds. Before the ownership change can be complete the department needs a copy of the deed for the Northern parcel containing approx. 1.1 acres. The department only received a copy of the Warranty Deed for the property containing 0.8 acres.

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

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 the Department if you have any questions.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

SCANNED
DEC 30 2016

SEP 02 2016

Department of Water Resources
Eastern RegionSTATE OF IDAHO
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?
34-327	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: TONY Patter
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Hammond Brinton OR NADAWN E BRINTON
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- P.O. Box 630 MOORE ID 83255
Mailing address City State ZIP
- 202-554-2100 202 339-0653 Hammond Brinton
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: 9-11-09
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.

8. Signature: Hammond Brinton OWNER 9-2-16
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: US Date: 9/2/2016 Receipt No. E042420 Receipt Amt. \$175-

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 _____

WARRANTY DEED

NO. 47169
RECORDED

SEP 22 2009

A.M. 4:10 P.M.
BUTTE COUNTY RECORDER
[Signature]

FOR VALUABLE CONSIDERATION RECEIVED

TONY POTTER and ANNETTE POTTER, Husband and Wife,

the Grantor, does hereby grant, bargain, sell, convey and warrant unto

HAMMOND C. BRINTON and NADEAN C. BRINTON, Husband and Wife,

the Grantee, whose current address is:

3129 North 3360 West, Moore, ID 83255

the following described premises, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

[Signature]
Tony Potter

9-11-09
Date

[Signature]
Annette Potter

9-11-09
Date

State of Idaho

ss.

County of Butte

On this 11 day of September, 2009, before me, the undersigned, a Notary Public, in and for said State, personally appeared TONY POTTER and ANNETTE POTTER, known to me, and/or identified to me on the basis of satisfactory evidence, to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

[Signature]
Notary Public

Residing at: Moore, ID

Commission Expires: 9-22-14



EXHIBIT A

A portion of Lot 3 and Lot 4, Block 11, JOHNSTON ADDITION to the CITY of MOORE, being in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 5 North, Range 26 East of the Boise Meridian, Butte County, Idaho, described as:

Commencing at a point 169.6 feet East of the Southeast corner of Lot 3 on the South line of Lot 3 and Lot 4, said point being marked by a 5/8" iron rod-PLS 12222;

thence N. 00°36'56" W., 214.53 feet to a point 167.56 feet East of the Northwest corner of Lot 3, marked by a 5/8" iron rod-PLS 12222;

thence N. 89°36'20" E., 167.55 feet along the North lines of Lot 3 and Lot 4 to a point at an existing fence line, said point being marked by a iron rod-PLS 12222;

thence S. 01°42'29" E., 214.56 feet along an existing fence line to the South line of said Lot 4, said point being marked by an iron rod-PLS 12222;

thence S. 89°36'20" W., 169.6 feet along the South line of Lot 3 and Lot 4 to the Point of Beginning.

Consisting of approximately .825 acres, more or less.