

DEC 02 2016

Department of Water Resources
Eastern Region

STATE 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?
22-4046 <i>OK</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: Dale D. Daw
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Jeffrey and Mona Walters; Shawn and Patrice Walters
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- | | | | |
|---------------------|----------------|-----------|--------------|
| <u>P.O. Box 156</u> | <u>Newdale</u> | <u>ID</u> | <u>83436</u> |
| Mailing address | City | State | ZIP |
| <u>Telephone</u> | <u>Email</u> | | |
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: 11/30/2016
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: Robert C. Harris Attorney December 2, 2016
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 JB Date 12/5/2016 Receipt No. E042637 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 JB Processed by JB Date 12/9/2016

Microfilm No. **561256**
30 Day Mar 20 11
At 8:27 O'Clock A M
ABBIE MACE
FREMONT CO RECORDER
Fee \$ 22 Deputy
Recorded at Request of
Shawn Walters

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Robert L. Harris, Esq.
Holden, Kidwell, Hahn & Crapo, PLLC
PO Box 50130
Idaho Falls, ID 83405-0130

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHT

DALE D. DAW, a single man, of 2650 East 300 North, St. Anthony, Idaho 83445, (hereinafter the "Grantor") does hereby grant, bargain, sell, assign, and convey unto W. JEFFREY WALTERS and MONA WALTERS, husband and wife, of 1250 South 2nd East, Rexburg, Idaho 83440, and SHAWN J. WALTERS and PATRICE WALTERS, husband and wife, of P.O. Box 178 Newdale, Idaho 83436 (all collectively, "Grantees"), and to Grantees' heirs and assigns forever, Grantor's right, title, and interest in Water Right No. 22-4046 as described in Exhibit A hereto (the "Water Right").

Grantor hereby covenants and warrants to Grantees as follows:

- (A) Grantor is the owner of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantees;
- (C) The Water Right is free from all liens, claims, or encumbrances other than a certain *Water Supply Bank Lease Contract* which expires on December 31, 2016; and
- (D) Grantor has the authority to convey the Water Right to Grantees.

Grantor makes no other covenants or warranties as to the Water Right. Only the Water Right is conveyed herein. No land is conveyed pursuant to this deed.

IN WITNESS WHEREOF, the Grantor has caused his names to be hereunto subscribed.

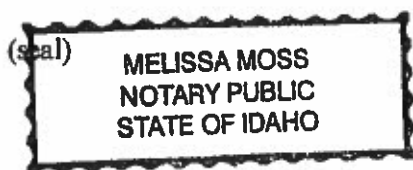
DATED this 28 day of NOV, 2016.

DALE D. DAW
DALE D. DAW

STATE OF IDAHO)
County of Madison) ss.

On this 28 day of November, 2016, before me, a Notary Public for said County and State, personally appeared DALE D. DAW, a single man, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me he 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.



Melissa Moss
Notary Public for Idaho
Residing at: Madison County
My commission expires: 5-23-21

EXHIBIT A

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/2/2016

WATER RIGHT NO. 22-4046

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DALE DAW 2650 E 300 N ST ANTHONY, ID 83445 (208)390-6081
Original Owner	CLINTON H PETERSON
Original Owner	ELVA PETERSON 226 N 2500 E ST ANTHONY, ID 83445 (208)458-4203

Priority Date: 04/01/1962
 Basis: Decreed
 Status: Active
 Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.77 CFS	485.7 AFA
Total Diversion			2.77 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWSW|Sec. 20|Township 07N|Range 41E|FREMONT County
 GROUND WATER|SWSE|Sec. 20|Township 07N|Range 41E|FREMONT County

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07N	41E	20		SWSW33			SESW33							
				NESE	10.8		SWSE31			SESE31				

Total Acres: 138.8

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E02 Use of this right is combined with water from Southeast Idaho Canal Co. and Wilford Irrigation & Mfg. Co.

Dates:

Licensed Date:

Decreed Date: 05/30/2012

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

Lessor Name(s): DALE DAW

Lease Status: Active

Lease Amount: 2.02cfs

561256

Rental Availability: 2.02cfs
Date Received: 6/7/2016
Lease Begin Date: 1/1/2016
Expiration Date: 12/31/2016

[Close](#)



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

December 9, 2016

C.L. "BUTCH" OTTER
Governor

Jeffrey and Mona Walters
Shawn and Patrice Walters
PO Box 156
Newdale ID 83436

GARY SPACKMAN
Director

RE: Change of Ownership for Water Right No(s). 22-4046

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s) 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 deliberately abandoned or 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.

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

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

cc: Water District 100
Holden Kidwell Hahn & Crapo



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

December 2, 2016

VIA HAND DELIVERY

Jonie Barg
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED

DEC 02 2016

Department of Water Resources
Eastern Region

RE: Notice of Change of Water Right Ownership for Water Right No. 22-4046.

Dear Jonie:

Enclosed for processing is a *Notice of Change of Water Right Ownership* for the above numbered water right. This water right was specifically identified in the enclosed Deed from Mr. Daw to the Walters. We have also include the \$25.00 filing fee.

If you have any questions, please let me know.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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