



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

September 27, 2016

Kevin Whitcomb
Julie Whitcomb
PO Box 177
Mackay ID 83251

RE: Notice of Change in Water Right Ownership
Water Rights: 34-541

Dear Sir/Madam:

On August 10, 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 a recorded Warranty Deed, Quit Claim Deed or other legal evidence of ownership. On August 22, 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 (\$25.00). 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

Enclosure(s)

Barg, Jonie

From: Barg, Jonie
Sent: Tuesday, September 27, 2016 11:16 AM
To: Carlos, Rhea
Subject: Refund Request
Attachments: E042344.pdf

Rhea,

Good morning!!

I have a refund request as follows:

Receipt number: E042344
Amount: \$25.00
Payable to: Kevin Whitcomb
PO Box 177
Mackay ID 83251

Reason: Total filing fee received \$25.00 for an ownership change application. Additional information was required to complete the ownership change. The department did not receive requested information, so are therefore returning the application.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 10 2016

Department of Water Resources
Eastern 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?
34-541	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:

Gloria Pritchett

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Kevin and Julie Whitcomb

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

P.O. Box 177

Mackay

Id. 83251

Mailing address

City

State

ZIP

Telephone

208-244-4605

Email

OWHITTY1@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: June 24, 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):
 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: Kevin Whitcomb

Signature of new owner/claimant

Title, if applicable

Date

7/26/2016

Signature: Julie Whitcomb

Signature of new owner/claimant

Title, if applicable

Date

7/26/2016

For IDWR Office Use Only:

Received by

Date

Receipt No.

Receipt Amt.

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

Refund Request sent 9/27/2016

8/10/2016

E042344

\$25.-

TFSS

**TITLE
FINANCIAL
SPECIALTY
SERVICES**

580 Jensen Grove Drive 888.785.2515 Toll Free
PO Box 339 208.785.2515 Local
Blackfoot, ID 83221 208.785.2575 Fax
www.titlefss.com

LONG TERM ESCROW AGREEMENT

Please contact our office for a list of current fees

YOUR FILE NO.: _____		LONG TERM ESCROW NO.: _____	
SELLERS / PAYEES: Name(s): <u>MSD Holdings LLC</u> Address: <u>4107 North 4100 West</u> <u>Mackay Idaho 83251</u> Phone: <u>208 339 3500</u>		☐ See attached for additional Sellers / Payees 2nd Phone: _____ E-mail: _____	
BUYERS / PAYORS: Name(s): <u>Kevin and Julie Whitcomb</u> Address: <u>1007 west College Street</u> <u>Mackay Idaho 83251</u> Phone: <u>208 970 8258</u>		☐ See attached for additional Buyers / Payors 2nd Phone: _____ E-mail: _____	
ADDRESS/BRIEF LEGAL DESCRIPTION: _____			
Subject to the conditions herein, the following documents are hereby deposited with First American Specialty Services, Inc. of 580 Jensen Grove Drive, Blackfoot, ID 83221, hereinafter referred to as "Escrow Agent".			
1. DOCUMENTS TO BE HELD:			
☒ Contract for Deed ☐ Notice of Contract ☒ Warranty Deed ☒ Quitclaim Deed ☐ Promissory Note	☐ Deed of Trust ☐ Request for Reconveyance ☐ Mortgage ☐ Satisfaction of Mortgage	☐ Bill of Sale ☐ UCC ☐ Mobile Home Title ☐ Evidence of Insurance ☐ W-9 Form ☐ Other _____	
2. PAYMENT AND TERMS:			
A. Unpaid Balance paid: ☒ Monthly ☐ Quarterly ☐ Semi-Annually ☐ Annually ☐ Other _____			
B. Principal & Interest Reserve Payment (See attached addendum) Escrow Fee TOTAL PAYMENT	<u>\$435.03</u> \$ _____ <u>\$6.00 Monthly Payment Fee</u> <u>\$441.03</u>	C. Date of First Payment Interest to Commence: Interest Rate	<u>8-1-2016</u> <u>7-1-2016</u> <u>5.97</u> %
D. All payments (including partial payments): ☒ Apply first to accrued interest to date and balance to principal. ☐ Apply entirely to principal. ☐ No partial payments.		E. Interest computed on: ☒ 365 Daily ☐ 360 Monthly ☐ Other _____	
F. Distribution of payments (following payment of escrow fee and deposit into reserve account, if applicable): ☐ \$ _____ check mailed to Seller at the address as provided above. ☐ \$ <u>435.03</u> deposit into the Seller's account with <u>East Idaho Credit Union</u> <u>Chkg/Svgs Account No. 110041854</u> ABA# <u>324173082</u> ☐ \$ _____ payment of an underlying obligation to <u>Chkg/Svgs Account No. _____</u> ABA# _____			