

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 12 2016

Notice of Change in Water Right Ownership

DEPT OF WATER RESOURCES
SOUTHERN 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.

split # 45-14483

Water Right/Claim No.	Split?	Lensed to Water Supply Bank?	Water Right/Claim No.	Split?	Lensed to Water Supply Bank?
45-14108	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: Marsh Creek Estates LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Andy Gibson and Melissa W. Gibson
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

779 E 1500 N Shelley Idaho 83274
Mailing address City State ZIP

208 681 3586 andy.gibson.2@hotmail.com
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: 8-5-16

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 # 45-14108

8. Signature: [Signature] 8-2-16
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 DM Date 8-12-2016 Receipt No. 5035663 Receipt Amt \$100-

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 _____



CASSIA COUNTY
RECORDED FOR:
TITLEONE - BURLEY
10:25:56 AM 08-10-2016
2016-003303
NO. PAGES: 4 FEE: \$19.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: HYoung
Electronically Recorded by Simplifile

Order Number: 16275332

Warranty Deed

For value received,

Marsh Creek Estates, LLC an Idaho limited liability company

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

Andy Gibson and Melissa W. Gibson, husband and wife as community property with right of survivorship

whose current address is 779 E 1500 N Shelley, ID 83274

the grantee, the following described premises, in Cassia County, Idaho, to wit:

TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: Part of the NW¼, more particularly described as follows:

Beginning at the West ¼ corner of Section 33, said corner marked by a 5/8 inch rebar with a 3 inch aluminum cap on top; Thence North 00°34'00" West along the west line of Section 33 for a distance of 1832.82 feet to the Point of Beginning;

Thence North 00°34'00" West along said line for a distance of 335.19 feet;

Thence North 89°37'30" East for a distance of 25.00 feet to a ½ inch rebar;

Thence North 89°37'30" East for a distance of 885.09 feet to a ½ inch rebar;

Thence South 00°10'07" East for a distance of 230.87 feet to a 5/8 inch rebar;

Thence South 02°52'13" East for a distance of 104.43 feet to a ½ inch rebar;

Thence South 89°37'30" West for a distance of 887.69 feet to a ½ inch rebar;

Thence South 89°37'30" West for a distance of 25.00 feet to the Point of Beginning.

Together with the following described easements #1 and Easement #2 (See attached Exhibit B)

TOGETHER WITH Idaho Department of Water right number 45-14108.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: August 9, 2016

Marsh Creek Estates, LLC

BY: Jay R. Mickelsen
Jay R. Mickelsen, Member

State of Idaho County of Cassia

gcn

On this 9 day of August 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Jay R. Mickelsen, known or identified to me to be a Member of the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

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

Julia G. Coffman
Notary Public for Idaho
Residing in: Idaho
My Commission Expires: 6-20-2020

JULIA G. COFFMAN
NOTARY PUBLIC
STATE OF IDAHO

Marsh Creek Estates, LLC

BY:

Dean R. Smart, Member

State of Utah, County of Utah, ss.

On this 9th day of August 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Dean R. Smart, known or identified to me to be a Member of the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

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

Notary Public for Idaho

Residing In:

Boise Idaho
My Commission Expires: Feb 19 2020

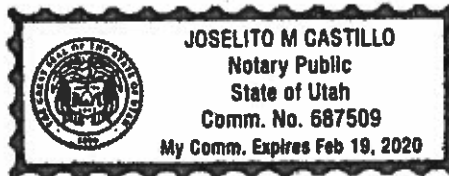
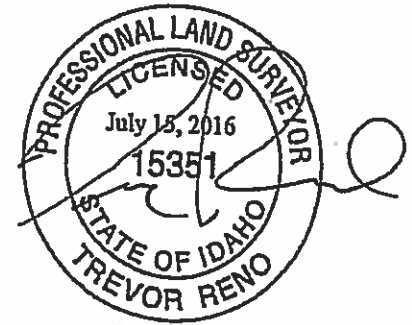


EXHIBIT "B"

July 15, 2016
JOB # 11698-16C1
JAY MICKELSEN SURVEY



EASEMENT NO. 1

L E G A L D E S C R I P T I O N

Part of the NW $\frac{1}{4}$ of Section 33 in Township 11 South, Range 25 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the West $\frac{1}{4}$ Corner of Section 33 in T.11 S., R.25 E., B.M. said corner marked by a $\frac{5}{8}$ " rebar with a 3" aluminum cap on top; Thence North 00 degrees 34 minutes 00 seconds West along the west line of Section 33 for a distance of 1832.82 feet; Thence North 89 degrees 37 minutes 30 seconds East for a distance of 25.00 feet to a $\frac{1}{2}$ " rebar; Thence North 89 degrees 37 minutes 30 seconds East for a distance of 867.67 feet to the Point of Beginning;

THENCE North 89 degrees 37 minutes 30 seconds East for a distance of 20.02 feet to a $\frac{1}{2}$ " rebar;

THENCE South 02 degrees 52 minutes 13 seconds East for a distance of 200.32 feet to a $\frac{5}{8}$ " rebar;

THENCE South 23 degrees 43 minutes 58 seconds West for a distance of 289.65 feet to a $\frac{5}{8}$ " rebar;

THENCE South 38 degrees 36 minutes 16 seconds West for a distance of 285.99 feet to a $\frac{1}{2}$ " rebar;

THENCE South 19 degrees 56 minutes 13 seconds East for a distance of 290.84 feet to a $\frac{5}{8}$ " rebar;

THENCE South 13 degrees 38 minutes 07 seconds East for a distance of 45.88 feet;

THENCE South 89 degrees 37 minutes 30 seconds West for a distance of 20.55 feet;

THENCE North 13 degrees 38 minutes 07 seconds West for a distance of 40.07 feet;

THENCE North 19 degrees 56 minutes 13 seconds West for a distance of 300.95 feet;

THENCE North 38 degrees 36 minutes 16 seconds East for a distance of 294.59 feet;

THENCE North 23 degrees 43 minutes 58 seconds East for a distance of 282.31 feet;

THENCE North 02 degrees 52 minutes 13 seconds West for a distance of 196.47 feet to the Point Of Beginning.

Said property contains 0.51 acres more or less.
PREPARED BY:

Desert West Land Surveys 2020 Overland Ave. Burley, Idaho 83318

EXHIBIT 'B'

July 15, 2016
JOB # 11698-16C1
JAY MICKELSEN SURVEY



EASEMENT NO. 2

L E G A L D E S C R I P T I O N

Part of the NW $\frac{1}{4}$ of Section 33 in Township 11 South, Range 25 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the West $\frac{1}{4}$ Corner of Section 33 in T.11 S., R.25 E., B.M. said corner marked by a $\frac{5}{8}$ " rebar with a 3" aluminum cap on top; Thence North 00 degrees 34 minutes 00 seconds West along the west line of Section 33 for a distance of 300.00 feet; Thence North 89 degrees 54 minutes 56 seconds East for a distance of 25.16 feet to a $\frac{1}{2}$ " rebar; Thence 89 degrees 54 minutes 56 seconds East for a distance of 826.10 feet to a $\frac{5}{8}$ " rebar; Thence North 13 degrees 38 minutes 07 seconds West for a distance of 546.14 feet to the Point of Beginning;

THENCE North 13 degrees 38 minutes 07 seconds West for a distance of 30.82 feet;

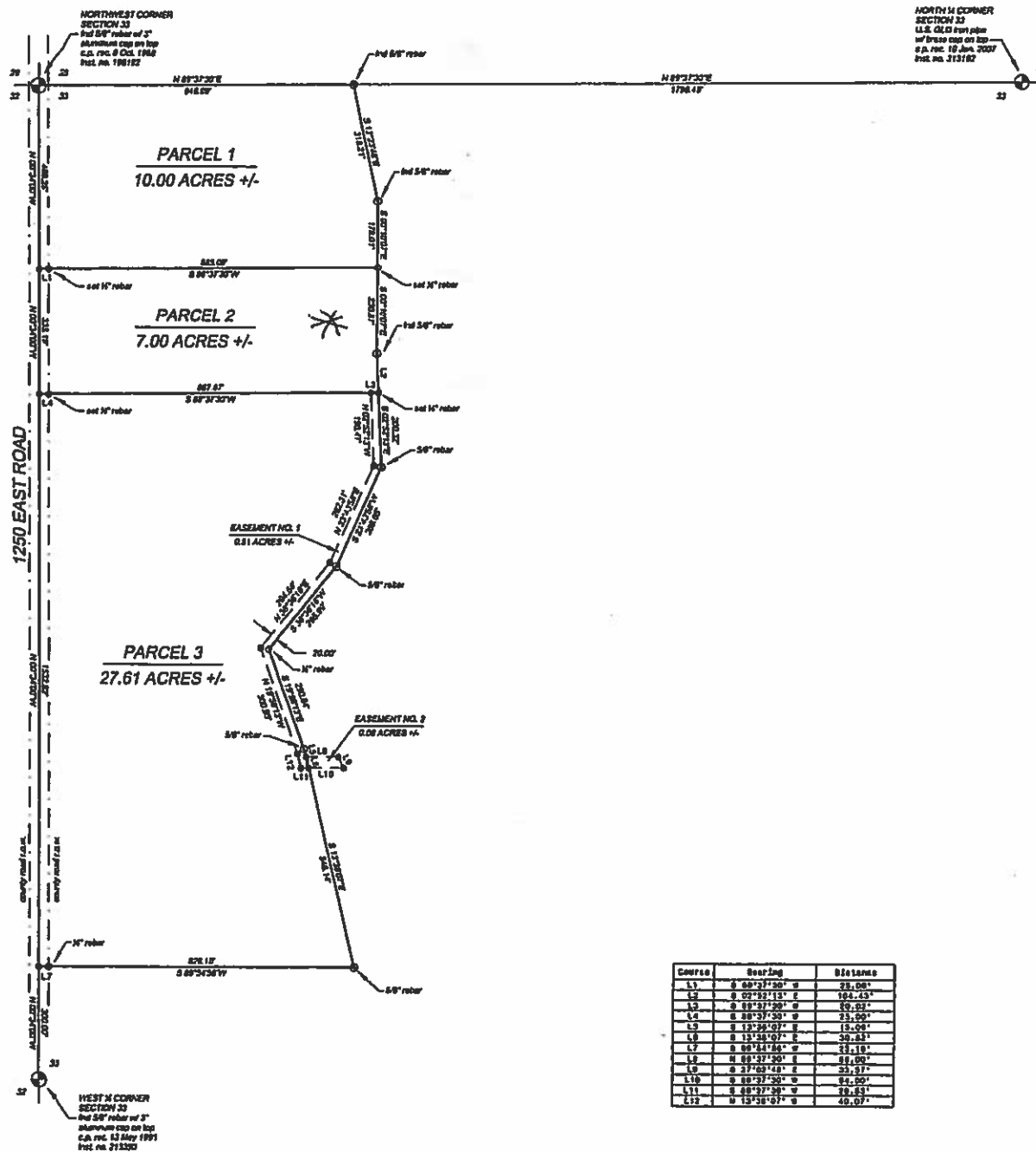
THENCE North 89 degrees 37 minutes 30 seconds East for a distance of 86.00 feet;

THENCE South 27 degrees 02 minutes 48 seconds East for a distance of 33.57 feet;

THENCE South 89 degrees 37 minutes 30 seconds West for a distance of 94.00 feet to the Point Of Beginning.

Said property contains 0.06 acres more or less.

PREPARED BY:
Desert West Land Surveys
2020 Overland Ave.
Burley, Idaho 83318



BASIS OF BEARING = GPS ORIENTATION TO NORTH

LEGEND

- - FOUND OR SET 1/2" x 24" REBAR W/L.S. NO. ATTACHED AS NOTED.
- - FOUND OR SET 1/2" x 24" REBAR W/L.S. NO. ATTACHED AS NOTED.
- - NO MONUMENT FOUND OR SET.
- - OTHER SURVEY CONTROL FOUND OR SET AS NOTED.

PREVIOUS RECORD OF SURVEYS

DWL.S. # 9020-0981
REC. 9 FEB. 2010, INST. NO. 2010-00058
PRELIMINARY PLAT OF MARSH CREEK ESTATES
(UNRECORDED) DATED 10 JULY 2009
DWL.S. # 9068-1181
REC. 14 SEP. 2011, INST. NO. 2011-003878

CERTIFICATE OF SURVEY

I, TREVOR RENO, A LICENSED PROFESSIONAL LAND SURVEYOR, ID# 15351, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY HAS BEEN PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.

SECTION 33
T. 11 S., R. 25 E., B.M.
CASSIA COUNTY, IDAHO

Course	Bearing	Distance
L1	S 88°37'30" W	28.08'
L2	S 02°52'13" E	164.45'
L3	S 88°37'30" W	60.83'
L4	S 88°37'30" W	23.50'
L5	S 12°24'07" E	19.06'
L6	S 12°24'07" E	30.83'
L7	S 88°37'30" W	23.18'
L8	S 88°37'30" W	81.09'
L9	S 27°02'48" E	25.57'
L10	S 88°37'30" W	84.90'
L11	S 88°37'30" W	28.83'
L12	S 12°24'07" E	46.07'

RECORD OF SURVEY
for
JAY MICKELSEN

DESERT WEST LAND SURVEYS, P.C.
3000 OVERLAND AVENUE BURLEY, IDAHO 83318 208-878-7112
JOB NO: 11990-1801 DRAWN BY: T. RENO
DATE: JULY 18, 2018 Desert West Land Surveys, P.C.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 26, 2016

ANDY GIBSON
MELISSA GIBSON
779 E 1500 N
SHELLEY ID 83274

MARSH CREEK ESTATES LLC
C/O JAY MICKELSEN
3094 ADDISON AVE E
TWIN FALLS ID 83301

Re: Change of Ownership/Split of Water Right 45-14108
Split into 45-14108 (Marsh Creek Estates) and 45-14483 (Gibson)

Dear Water Right Holder(s):

The Department acknowledges receipt of correspondence splitting ownership of the above referenced water rights. The Department has modified its records to reflect the change in ownership and has enclosed a computer-generated report 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.

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,

Trish Fawcett
Technical Records Specialist

Enclosure

Cc: TitleOne (16275332)