

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, September 07, 2016 10:43 AM
To: Marston, Sascha
Subject: Refund: Kirk

TO: Sascha Marston
FROM: Rachel Sommer
DATE: September 7, 2016
WR NO: 65-3213A and 65-8418A
RE: Refund
RECEIPT: C100146 (\$25) and W043433 (\$25)

Please refund \$50. On March 23, 2015, the applicant submitted a transfer application with \$25, the correct form needed was a Notice of Change in Water Right Ownership. On April 2, 2015, the applicant submitted the Notice of Change in Water Right Ownership. On August 24, 2015, the applicant submitted an additional \$25 to add an additional water right to the ownership change. On September 7, 2016, the applicant withdrew his notice and requested a refund of \$50. The original unprocessed application and notice are being returned to the applicant.

Please issue a refund of \$50 to:

W DAVID KIRK
PO BOX 2078
MCCALL ID 83638

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, September 07, 2016 7:51 AM
To: 'Dave Kirk'
Subject: RE: Notice of Change in Water Right Ownership

Good Morning Dave,

I will return your original applications (Application for Transfer of Water Right and Notice of Change in Water Right Ownership) to you and request a refund of \$50 be sent to the payer under separate cover.

The rights that may have been conveyed to your brother with his property are not in his name. If at any time in the future he wishes to have the Department's records updated he may submit a Notice of Change in Water Right Ownership.

Also, thank you for your patience during this prolonged process. I have appreciated your timely and courteous responses.

Sincerely,

Rachel Sommer | Water Resource Agent
Idaho Dept. of Water Resources | Western Regional Office
208.334.2190 | 2735 Airport Way, Boise ID 83705

From: Dave Kirk [<mailto:tractordavekirk@gmail.com>]
Sent: Tuesday, September 06, 2016 7:04 PM
To: Sommer, Rachel
Subject: Re: Notice of Change in Water Right Ownership

Hi Sommer, Thanks for the information. I applied for this right based on information that Laura Bettis had given me. If this right belongs to my brother, please note that I withdraw from this application and please request a refund.

Thanks for your help
Dave

On Tue, Sep 6, 2016 at 9:32 AM, Sommer, Rachel <Rachel.Sommer@idwr.idaho.gov> wrote:

Good Morning Dave,

I will be in the office this week 7:00 am to 3:30 pm and we may certainly discuss this matter through email as well.

The ownership change you submitted is for Water Right Nos. 65-3213A and 65-8418A which are appurtenant to the NESW of section 22 in Township 17N, Range 3E. The deed you provided conveys the following premises to you; NWSW and SWSW of section 22 in Township 17N, Range 3E.

The County Assessor's office has Robert C Kirk recorded as the owner of the property (NESW of section 22 in Township 17N, Range 3E) appurtenant to the above referenced water rights. If you own the property in the NESW please submit a deed showing the conveyance of the premise/water rights to you. If you do not own the property/water rights, I will return the ownership change to you and request a refund.

Please submit another deed or respond stating you withdraw your Notice of Change in Water Right Ownership within thirty (30) days.

Sincerely,

Rachel Sommer | Water Resource Agent
Idaho Dept. of Water Resources | Western Regional Office
[208.334.2190](tel:208.334.2190) | 2735 Airport Way, Boise ID 83705

From: Dave Kirk [mailto:tractordavekirk@gmail.com]
Sent: Friday, September 02, 2016 6:50 PM
To: Sommer, Rachel
Subject: Re: Notice of Change in Water Right Ownership

Sorry Rachel that we haven't been able to make connections by phone. I will try again next week. Can we do this by e-mail? Thanks/Davev

On Tue, Aug 30, 2016 at 2:01 PM, Sommer, Rachel <Rachel.Sommer@idwr.idaho.gov> wrote:

August 30, 2016

W DAVID KIRK
PO BOX 2078
MCCALL ID 83638

RE: Notice of Change in Water Right Ownership

Dear Mr. Kirk:

This email is regarding a Notice of Change in Water Right Ownership submitted to the Idaho Department of Water Resources on April 2, 2015.

Your notice has not been processed. Please contact me at [208-334-2190](tel:208-334-2190) by November 30, 2016, to discuss this matter. If a response is not received I will return your original application and request a refund be issued to the payer under separate cover.

Sincerely,

Rachel Sommer | Water Resource Agent
Idaho Dept. of Water Resources | Western Regional Office
[208.334.2190](tel:208.334.2190) | 2735 Airport Way, Boise ID 83705

Sommer, Rachel

From: Sommer, Rachel
Sent: Tuesday, August 30, 2016 2:02 PM
To: 'tractordavekirk@gmail.com'
Subject: Notice of Change in Water Right Ownership
Attachments: List of Active Water Rights .pdf; Map with Deed.pdf

August 30, 2016

W DAVID KIRK
PO BOX 2078
MCCALL ID 83638

RE: Notice of Change in Water Right Ownership

Dear Mr. Kirk:

This email is regarding a Notice of Change in Water Right Ownership submitted to the Idaho Department of Water Resources on April 2, 2015.

Your notice has not been processed. Please contact me at 208-334-2190 by November 30, 2016, to discuss this matter. If a response is not received I will return your original application and request a refund be issued to the payer under separate cover.

Sincerely,
Rachel Sommer | Water Resource Agent
Idaho Dept. of Water Resources | Western Regional Office
208.334.2190 | 2735 Airport Way, Boise ID 83705

17N 3E SECTION 22

Wate Right	Current Owner	Source	Use	NWSW	SWSW
65-3213C	WILLIAM DAVID KIRK	LAKE FORK	IRRIGATION		3
65-3213D	WILLIAM DAVID KIRK ROBERT CHRISTOPHER KIRK	LAKE FORK	IRRIGATION	30	
65-8418C	WILLIAM DAVID KIRK	UNNAMED STREAM	IRRIGATION		3
65-8418C	WILLIAM DAVID KIRK	UNNAMED STREAM	STOCKWATER		X
65-8418D	WILLIAM DAVID KIRK ROBERT CHRISTOPHER KIRK	UNNAMED STREAM	IRRIGATION	30	
65-8418D	WILLIAM DAVID KIRK ROBERT CHRISTOPHER KIRK	UNNAMED STREAM	STOCKWATER	X	

Wate Right	Current Owner	Source	Use	NESW
65-3213A	IVAN PHELPS WILMINA PHELPS	LAKE FORK	IRRIGATION	7
65-8293	BEN WEATHERBY JEN WEATHERBY	GROUND WATER	DOMESTIC	X
65-8418A	IVAN PHELPS WILMINA PHELPS	UNNAMED STREAM	IRRIGATION	7
65-8418A	IVAN PHELPS WILMINA PHELPS	UNNAMED STREAM	STOCKWATER	X

17N 3E SECTION 22
SW QUARTER



WARRANTY DEED

For Value Received, ROGERS FAMILY TRUST NO. 1
WILLIAM HOGUE and PATRICIA HOGUE
Husband and Wife

the Grantors, do hereby grant, bargain, sell and convey unto
W. DAVID KIRK, an unmarried man
whose address is: P.O. BOX, MCCALL, IDAHO 83638 PO Box 2078
the Grantee, the following described premises, to-wit:
THE WEST HALF OF THE SOUTHWEST QUARTER, SECTION 22, TOWNSHIP 17
NORTH, RANGE 3 EAST, VALLEY COUNTY, IDAHO.

TOGETHER WITH 40 INCHES OF WATER FROM THE EAST SIDE LAKEFORK
DITCH COMPANY AND ANY AND ALL OTHER WATER AND MINERAL RIGHTS
APPERTAINING THERETO.

TO HAVE AND TO HOLD the premises with their appurtenances unto
the said Grantees, their heirs and assigns forever. And the said
Grantors do hereby covenant to and with the said Grantees, that
they are the owners in fee simple of said premises that said
premises are free from all encumbrances except the 1999 taxes and
assessments and that they will warrant and defend the same from
all lawful claims whatsoever.

Dated: 5/7/99

ROGERS FAMILY TRUST NO. 1

[Signature]
by: Elvira R. Chisholm

William Hogue
WILLIAM HOGUE

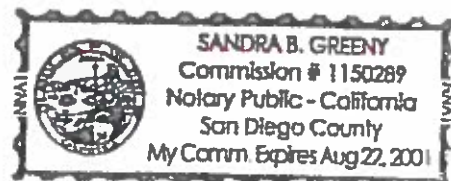
Patricia Hogue
PATRICIA HOGUE

RECORDED BY
99 MAY 13 AM 10 21
VALLEY COUNTY RECORDER
FEE: 6.00
TYPE: Deed
240068

State of Calif)
County of San Diego) ss

On the 7th day of MAY, 1999 before me, Sandra B. Greeny
a notary public in and for said State,
personally appeared WILLIAM HOGUE and PATRICIA HOGUE
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

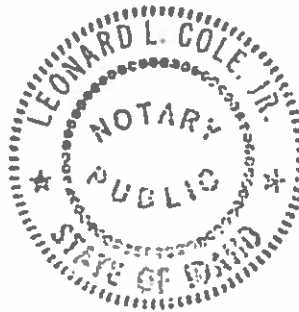
Sandra B. Greeny
Notary Public
Residing at: Lakeside, Calif
Commission Expires: Aug 22, 2001



State of Idaho)
County of Valley) ss

On the 11 day of May, 1999 before me, Leonard L. Cole Jr
a notary public in and for said State,
personally appeared Elaine R. Chisholm being
by me first duly sworn, declared that they are Trustees of the
Rogers Family Trust No. 1 that they signed the foregoing document as the
Trustees and that statements therein contained are true.

Leonard L. Cole Jr
Notary Public
Residing at: Cascade
Commission Expires: 06-14-05



Form 2-2007-10/09/09

RECEIVED

APR 02 2015

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 24 2015

WATER RESOURCES
WESTERN 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?
65-3213A	Yes ☐	Yes ☐		Yes ☐	Yes ☐
65-8418A	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: IVAN D. PHELPS
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): W. DAVID KIRK
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- P.O. BOX 2078 MCCALL ID 83638
Mailing address City State ZIP
208-630-3775 tractordavekirk@gmail.com
Telephone E-mail
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: 5/7/1999
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 right **SUPPORT DATA** 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: W. David Kirk 4/2/15
Signature of new owner claimant Title, if applicable Date
Signature: W. David Kirk 8/21/15
Signature of new owner claimant Title, if applicable Date

For IDWR Office Use Only: 8/24/15 WD43433 \$25.00
Received by LH Date 3/23/15 Receipt No. C100146 Receipt Amt \$25.00

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 X Approved by N/A Processed by X Date X

RECEIVED

APR 02 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN 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?
65-3213A	Yes ☐	Yes ☐		Yes ☐	Yes ☐
65-8418A	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: IVAN D. PHELPS
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): W. DAVID KIRK
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- P.O. BOX 2078 MCCALL ID 83638
Mailing address City State ZIP
208-630-3775 tractordavekirk@gmail.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: 5/7/1999
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: W. David Kirk 4/2/15
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 LA Date 3/23/15 Receipt No. C100146 Receipt Amt. \$25⁰⁰

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 X Approved by MA Processed by X Date X

WARRANTY DEED

For Value Received, ROGERS FAMILY TRUST NO. 1
WILLIAM HOGUE and PATRICIA HOGUE
Husband and Wife

the Grantors, do hereby grant, bargain, sell and convey unto *wok*
W. DAVID KIRK, an unmarried man
whose address is: P.O. BOX, MCCALL, IDAHO 83638 PO Box 2078
the Grantee, the following described premises, to-wit:
THE WEST HALF OF THE SOUTHWEST QUARTER, SECTION 22, TOWNSHIP 17
NORTH, RANGE 3 EAST, VALLEY COUNTY, IDAHO.

TOGETHER WITH 40 INCHES OF WATER FROM THE EAST SIDE LAKEFORK
DITCH COMPANY AND ANY AND ALL OTHER WATER AND MINERAL RIGHTS
APPERTAINING THERETO.

TO HAVE AND TO HOLD the premises with their appurtenances unto
the said Grantees, their heirs and assigns forever. And the said
Grantors do hereby covenant to and with the said Grantees, that
they are the owners in fee simple of said premises that said
premises are free from all encumbrances except the 1999 taxes and
assessments and that they will warrant and defend the same from
all lawful claims whatsoever.

Dated: 5/7/99

ROGERS FAMILY TRUST NO. 1

Elon R. Chisholm
by: *Elon R. Chisholm*

William Hogue
WILLIAM HOGUE

Patricia Hogue
PATRICIA HOGUE

RECORDED
99 MAY 13 AM 10 22
VALLEY COUNTY RECORDER
FEE: 6.00
TYPE: Deed
240068

State of *Calif*
County of *San Diego* ss

On the *7th* day of *MAY*, 1999 before me, *Sandra B. Greeny*
a notary public in and for said State,
personally appeared WILLIAM HOGUE and PATRICIA HOGUE
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

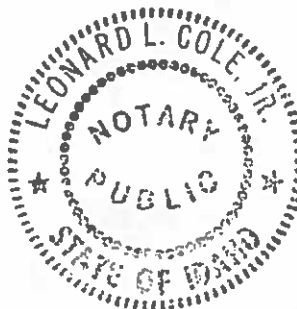
Sandra B. Greeny
Notary Public
Residing at: *Lakeside, Calif*
Commission Expires: *Aug 22, 2001*



State of Idaho)
County of Valley) ss

On the 11 day of May, 1999 before me, Leonard L. Cole Jr.
a notary public in and for said State,
personally appeared E. Louis R. Chisholm being
by me first duly sworn, declared that they are Trustees of the
Rogers Family Trust No. 1 that they signed the foregoing document as the
Trustees and that statements therein contained are true.

Leonard L. Cole Jr.
Notary Public
Residing at: Cascade
Commission Expires: 06-14-05



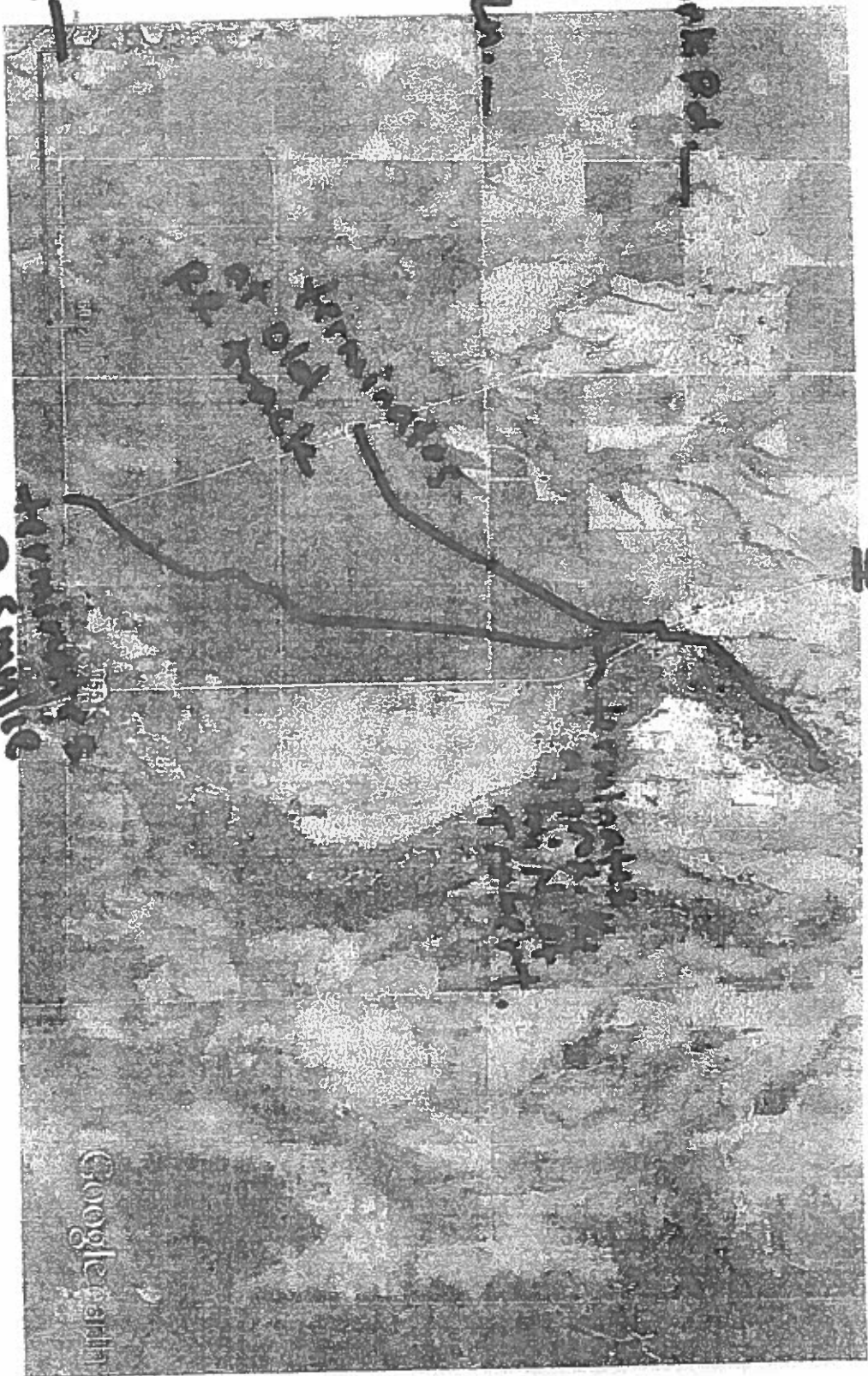
Smyle
Pd.

Makila

Write on Pd.

Smyle
Pd.

10/1/55



The black lines mark the extent of the ditch company's responsibility for maintaining ditches, headgates, etc. Beyond those lines, each ditch is the responsibility of the parties who receive water from it. If ditches, headgates, weirs, etc. are not properly maintained outside of the company's area of responsibility, the ditch rider can withhold water until improvements are made.

Attachment # 5

Maki	William A.	65-7523	1/3/1975	1.2	70.0	33.32
		65-3202A	6/30/1903	0.2	(1.4 total cfs)	
Maybach	Dorothy Trabert	65-3205	6/30/1903	1.16	116.0	55.22
	rented by Maki	65-3207	6/30/1903	1.16	(2.32 total cfs)	
Moore	Sharon R.	65-3184D	12/12/1903	0.13	6.5	3.09
Paulson	James P.	65-3184M	12/12/1903	0.155	7.75	3.69
Paulson	Richard A.	65-2323465-22863	12/12/1903	0.3107(1.32 total)	66	31.42
Phelps	Ivan D.	65-3213A	9/30/1918	0.14	7.0	3.33
Platt	Wendell G.	65-3183	11/29/1918	2	100.0	47.6
Purdum	Ana O.	65-3214	9/30/1918	0.8	42.0	19.99
		65-22511	8/18/1961	0.02		
		65-22509	9/30/1918	0.02		
				(0.84 total cfs)		
Purdum	James T.	65-2700	8/18/1961	1.35	67.5	32.13
Starr	Janet Rae	65-3211A	12/12/1903	0.091	4.6	2.17
Stewart	Joe E.	65-3184C	12/12/1903	0.12	6.0	2.86
Titche	George	65-3184K	12/12/1903	0.275	13.8	6.55
Uhrig	Glenn	65-3210	12/9/1904	1.62	81.0	38.56
Valdez	Gordon L.	65-3184F	12/12/1903	0.05	2.5	1.19
White	Stephan A.	65-22967	12/12/1903	0.79	95.5	45.46
		65-22969	12/12/1903	1.12		
				(1.91 total cfs)		
Kesler	Rod	65-3211B	12/12/1903	0.36	18.0	8.57
PROP SOLD	MEADOWS HOA?	65-23373	7/170	0.39	19.5	9.28
	KDB LLC c/o Larry Eld					0
	Lake Irrigation District	65-3219X	7/18/1919	storage		
		65-3219A	8/18/1919	storage		
PROP SOLD	Pontefusa Properties c/o Michael Eddy	65-2707	2/26/36	2	100	47.6
	Ronald Nahas Family Trust	65-3204	11/29/1918	2.0	200.0	95.21
		65-3212	11/29/1918	2.0		
				(4.0 total cfs)		
	Teufel Properties LLC	65-22767	12/12/1903	0.81	40.5	19.28
	Timberline Development LLC	65-23372	8/18/1919	1.53	76.5	36.42
TOTAL VOTING INCHES						3511.3

257.1 OUT OF DATE