

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 02 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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
47-14353	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: MICHAEL PIEKARZ FAMILY TRUST
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): JOHN S. BINGHAM AND SHENA M. BINGHAM
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

717E 3705 Dietrich Id 83324
Mailing address City State ZIP
208 731-9830 King.Shena@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: _____

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: John S. Bingham 4-27-16
Signature of new owner/claimant Title, if applicable Date
Signature: Shena M. Bingham 4/27/16
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by DM Date 5-2-2016 Receipt No. S035435 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 _____ Processed by _____ Date _____

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
260 Third Avenue North
Twin Falls, ID 83301

TWIN FALLS COUNTY
RECORDED FOR:
FIRST AMERICAN TITLE - TWIN F/
11:20:22 AM 04-29-2016
2016006896
NO. PAGES 2 FEE: \$13.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: BH
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **578565-TF (1b)**

Date: **February 12, 2016**

For Value Received, **Michael Piekarz Family Trust**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **John S. Bingham and Shena M. Bingham, husband and wife**, hereinafter called the Grantee, whose current address is **717 E 370 S, Dietrich, ID 83324**, the following described premises, situated in **Twin Falls County, Idaho**, to-wit:

TOWNSHIP 9 SOUTH, RANGE 14 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

SECTION 35: THE SE $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPT:

TOWNSHIP 9 SOUTH, RANGE 14 EAST BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

SECTION 35: A PARCEL OF LAND IN THE SE $\frac{1}{4}$ SW $\frac{1}{4}$ MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING AT THE SOUTHEAST CORNER OF SAID SE $\frac{1}{4}$ SW $\frac{1}{4}$;
THENCE NORTH 256 FEET MORE OR LESS ALONG THE SECTION LINE TO A POINT;
THENCE WEST 246 FEET MORE OR LESS ALONG A LINE PARALLEL TO THE SOUTH SECTION
LINE OF SECTION 35 TO A POINT;
THENCE SOUTH 256 FEET MORE OF LESS ALONG A LINE PARALLEL TO THE EAST SECTION
LINE OF SECTION 35 TO A POINT;
THENCE EAST ALONG THE SECTION LINE TO THE POINT OF BEGINNING.**

Together with 38.45 shares of Twin Falls Canal Company water stock

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 02/12/2016

Warranty Deed
- continued

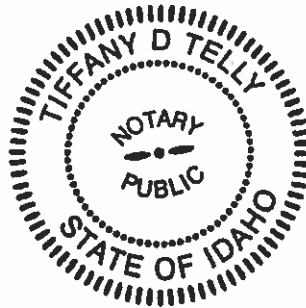
File No.: 578565-TF (1b)

Michael Piekarz Family Trust

Michael Piekarz (TR)
Michael Piekarz, Trustee

STATE OF Idaho)
COUNTY OF Payette)
SS.

On this 25th day of April, 2016, before me, a Notary Public in and for said State, personally appeared **Michael Piekarz**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Trustee of the **Michael Piekarz Family Trust** Trust, and acknowledged to me that he executed the same as such Trustee.



Tiffany D. Telly
Notary Public of Idaho
Residing at: Payette, Idaho
Commission Expires: December 5, 2020

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/19/2016

Water Right 47-14353

Owner Type Name and Address
Current Owner JAMES M TOONE JR
RT 5 BOX 5019
BUHL, ID 83316
(208)543-4866

Priority Date: 4/1/1950
Basis: Decreed
Status: Active

JSB

SMB

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.040 CFS	
DOMESTIC	1/01	12/31	0.040 CFS	
	<u>Total Diversion</u>		0.040 CFS	

Source and Point(s) of Diversion
GROUND WATER

SESW

Sec. 35, Twp 09S, Rge 14E, TWIN FALLS County

Place Of Use
DOMESTIC within TWIN FALLS County
T09S R14E S35 SESW

STOCKWATER within TWIN FALLS County
T09S R14E S35 SESW

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. 300 BEEF STOCK RP 09S14E356600

Dates and Other Information

Decreed Date: 7/2/1999
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Mitigation Plan: False

Combined Use Limits
N/A

M.P.
11/15/16

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/19/2016

SubCase:
N/A

Water Supply Bank:
N/A

JSB	00000000
SMB	00000000

m/p
initials

RECEIVED JAN 27 2003

TWIN FALLS COUNTY

RECORDED FOR:
MASINGILL, R. BRAD
9:57:29 am 02-25-2005
2005-003983

NO. PAGES: 2 FEE: \$6.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: COUNCILOR

CORRECTED
QUIT-CLAIM DEED

Twin Falls County, Idaho

Recorded For:
R. BRAD MASINGILL
09:00am Jan. 24, 2003
2005-001918
No. Pages: 2 Fee: \$6.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CN

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, Michael Piekarz, a single man dealing with his sole and separate property, Grantor, does hereby grant, bargain, sell, and convey unto the Michael Piekarz Family Trust, 11496 Hill Road, Payette, ID 83661, the Grantee, all of his right, title, and interest in and to the following described premises, in Twin Falls County, Idaho, to wit:

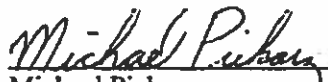
Township 9 South, Range 14 East, Boise Meridian, Twin County, Idaho;
Section ~~14~~: **35**

The SE1/4SW1/4, Except:
Beginning at the Southeast corner of said SE1/4SW1/4;
THENCE North 256 feet more or less along the Section line to a point;
THENCE West 246 feet more or less, along a line parallel to the South section line of Section 35 to a point;
THENCE South 256 feet more or less, along a line parallel to the East section line of Section 35 to a point;
THENCE East along the Section line to the POINT OF BEGINNING;
SUBJECT TO: Highway Right of Way.

Together with their appurtenances.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee.

DATED this 23rd day of January, 2003.


Michael Piekarz

NOTARY

STATE OF IDAHO)
 ss:
County of Washington)

On this the 23rd day of January, 2003, before me the undersigned, a Notary Public in and for the State of Idaho, personally appeared, Michael Pickarz, a single man dealing with his sole and separate property known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Gwen Gallup
Notary Public for Idaho
Residing in: Twinsburg, OH
Comm. Expires: 7/20/05

TWIN FALLS COUNTY
RECORDED FOR:
R BRAD MASINGILL
10:12:59 am 02-18-2005
2005-003564
NO. PAGES: 4 FEE: \$12.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: CHICE

AMENDED

SHERIFF'S DEED ON FORECLOSURE

Re-recording to correct Instrument No. 2005-003018

THIS INDENTURE is made this 18th day of Feb, 2005,
between WAYNE TOUSLEY, Sheriff of Twin Falls County, State of Idaho, and Michael
Piekarz, the Purchaser.

WHEREAS, in and by that certain Decree of Foreclosure rendered by the District
Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin
Falls, on October 18, 2002, and entered on October 23, 2002, in a certain action then
pending in said Court, wherein Michael Piekarz was Plaintiff, and Jeff Brower and
Melissa Brower, husband and wife, Dan Weaver, Allison Mills, Inc., an Idaho
Corporation, were the Defendants, and of which said Decree (a copy with an order of sale
thereon) was delivered to said Sheriff for execution, it was, among other things, ordered,
adjudged and decreed, that all and singular the mortgaged premises described in the
Complaint in said action, and specifically described in said Decree, be sold at public
auction by said Sheriff in the manner required by law, and according to the course and
practice of said Court; that any of the parties to said action might become the purchaser at
such sale; and that said Sheriff execute the usual certificates and deeds to the purchaser,
as required by law;

AND WHEREAS, said Sheriff did, at the hour of 2 o'clock p.m., on February 26,
2003, after due public notice had been given, as required by the laws of the State of
Idaho, and the course and practice of said Court, duly sell at public auction, in front of the
Courthouse in the County of Twin Falls, Idaho, pursuant to said Decree and the
provisions of law, the premises in said Decree mentioned; at which sale the premises in
said Decree, as hereinafter more particularly described, were fairly struck off to said

Purchaser, Michael Piekarz, for the sum of \$327,319.17, lawful money of the United States, it being the highest sum bidden for the same;

AND WHEREAS, said Michael Piekarz thereupon paid to said Sheriff said sum of money so bidden by him;

AND WHEREAS, said Sheriff thereupon made and issued the usual certificate, in duplicate, of said sale, in due form of law, and delivered one thereof to said purchaser, and caused the other to be filed and recorded in the Recorder's office of the County of Twin Falls, Idaho, as Instrument No. 2003-001129 recorded on May 1, 2003.

AND WHEREAS, the Decree and Order of Sale was without redemption rights in favor of the judgment creditors, Jeff Brower and Melissa Brower, husband and wife, but with redemption rights pursuant to Idaho Code 11-401(2) to the inferior judgment creditors, Dan Weaver, Allison Mills, Inc., an Idaho Corporation (collectively and/or singularly hereinafter referred to as Defendants. Wherefore, more than one year has elapsed since the date of said sale, and no redemption has been made of the premises so sold, as aforesaid, by or on behalf of the said Defendants, or by or on behalf of any other person; and

NOW, said Sheriff, WAYNE TOUSLEY, in order to carry into effect the sale so made by him as aforesaid, in pursuance of said Decree, and in conformity to the statute in such case made and provided, and also, in consideration of the premises and of said sum of \$327,319.17 lawful money of the United States so bidden and paid to him by said Purchaser, Michael Piekarz, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto said Purchaser, and to his successors and assigns forever, the following described real property situate in the County of Twin Falls, Idaho more particularly described as follows:

**Township 9 South, Range 14 East, Boise Meridian, Twin County,
Idaho; Section 35:**

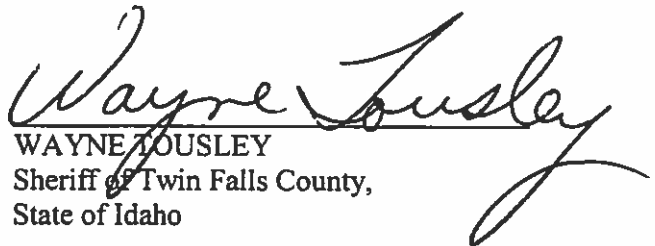
**The SE1/4SW1/4, Except:
Beginning at the Southeast corner of said SE1/4SW1/4;
THENCE North 256 feet more or less along the Section line to
a point;**

THENCE West 246 feet more or less, along a line parallel to
the South section line of Section 35 to a point;
THENCE South 256 feet more or less, along a line parallel to
the East section line of Section 35 to a point;
THENCE East along the Section line to the POINT OF
BEGINNING;
SUBJECT TO: Highway Right of Way.

Together with all and singular the tenements, hereditaments, and
appurtenances thereunto belonging, or in anywise appertaining, and
the reversion and reversions, remainder and remainders, rents, issues
and profits thereof.

TO HAVE AND TO HOLD, all and singular, the premises above mentioned and
described, and hereby conveyed, or intended so to be, together with the appurtenances, to
said Michael Piekarz, his successors and assigns forever.

IN WITNESS WHEREOF, said Grantor, as Sheriff aforesaid, hereunto sets his
hand the day and year first above written.


WAYNE TOUSLEY
Sheriff of Twin Falls County,
State of Idaho

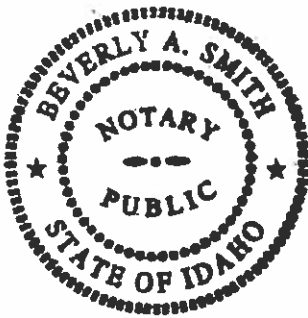
STATE OF IDAHO)

: ss.

County of Twin Falls)

I, Beverly A. Smith Notary Public for the State of Idaho, do hereby certify that WAYNE TOUSLEY, Sheriff of the County of Twin Falls, State of Idaho, who is to me known to be the person named in and who executed the foregoing deed of conveyance, this day personally appeared before me and acknowledged that he executed the same as said Sheriff of Twin Falls County, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of Feb, 2008.



Beverly A. Smith
Notary Public in and for said State of Idaho
Residing at: _____
My Comm. expires: _____

BEVERLY A. SMITH
Notary Public - State of Idaho
Residing at Jerome, Idaho
My Commission Expires 2-14-2015

WARRANTY DEED

THIS INDENTURE, made this 28 day of March, 2000, between OWEN J. TOONE and FARRELLEE TOONE, hereinafter called the "Grantors", and JEFF BROWER and MELISSA BROWER, whose address is 4035 N 1600 E, Buhl, Idaho, ³³¹ hereinafter called the "Grantees".

WITNESS:

That the Grantors for good and valuable consideration, do hereby grant, bargain, sell, convey and confirm unto the Grantees, and to the Grantee's heirs and assigns forever, all right, title and interest in the following described real estate situated in the County of Twin Falls, State of Idaho, to-wit:

Township 9 South, Range 14 E., B.M., Twin Falls County, Idaho;
Section 35: The SE 1/4 SW 1/4

EXCEPT:

BEGINNING at the Southeast corner of said SE 1/4 SW 1/4;
THENCE North 256 feet more or less along the Section line to a point;
THENCE West 246 feet more or less, along a line parallel to the South section line of Section 35 to a point;
THENCE South 256 feet more or less, along a line parallel to the East section line of Section 35 to a point;
THENCE East along the Section line to the POINT OF BEGINNING.

~~EXCEPT~~ Highway Right of Way

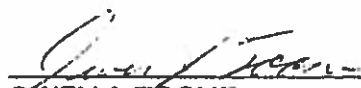
SUBJECT TO:

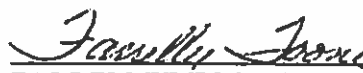
TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with appurtenances unto the Grantee and to the Grantee's heirs and assigns forever.

The Grantors shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantees, and the Grantee's heirs and assigns against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

IN WITNESS WHEREOF, the Grantors have executed this Deed the day and year first above written.


OWEN J. TOONE


FARRELLEE TOONE

Twin Falls County, Idaho

Recorded for:
TITLEFACT

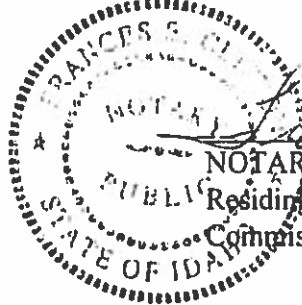
02:43pm Mar. 28, 2000
2000 - 004554

No. of Pages: 2 Fee: \$6.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CD

STATE OF IDAHO)
)ss.
County of Twin Falls)

On this 28th day of March, 2000, before me, the undersigned Notary Public in and for said County and State, personally appeared OWEN J. TOONE and FARRELLEE TONE, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.

A circular notary seal for Frances E. Crifton, Notary Public for Idaho. The seal contains the text "FRANCES E. CRIFTON", "NOTARY PUBLIC", and "STATE OF IDAHO".

NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
Commission Expires: 1/20/2004



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

May 4, 2016

JOHN BINGHAM
SHENA BINGHAM
717 E 370 S
DIETRICH ID 83324

RE: Change of Ownership for Water Right Nos. 47-14353

Dear Water Right Holder(s):

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

Cc: First American Title Co. (File 578565-TF)



First American Title Company
260 Third Avenue North, Twin Falls, ID 83301
Phone (208)734-2905 Fax (208)734-2945

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

April 29, 2016
File No.: 578565-TF (lb)

Attn: IDWR SOUTHERN REGION

Re: **WATER TRANSFER**

Property: **1300 East 4100 North, Buhl, ID 83316**
Buyer: **John S. Bingham and Shena M. Bingham**
Seller: **Michael Piekarz Family Trust**

RECEIVED

MAY 02 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Sincerely,

Jeannie Harrison, Assistant for
Lori Barnhart, Escrow Officer

ja/ja