

Fawcett, Trish

From: Fawcett, Trish
Sent: Thursday, December 03, 2015 8:47 AM
To: Marston, Sascha
Subject: Refund

Good morning Sascha,

Please issue a \$100 refund from receipt S034655. An ownership change was submitted requesting a split of a water right. None of the water right is appurtenant to the property of the person requesting the change; therefore, the ownership change cannot be processed and is being returned. The refund should be sent to:

Tammara D. Beckguterman
1128B Banbury Rd
Buhl ID 83316

Thank you!

Trish Fawcett
Technical Records Specialist
IDWR - Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301
Phone (208) 736-3033
trish.fawcett@idwr.idaho.gov



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

December 2, 2015

TAMMARA GUTERMAN
MICHAEL GUTERMAN
1128B BANBURY RD
BUHL ID 83316

RE: Change of Ownership for Water Right Nos. 36-4052

Dear Mr. and Mrs. Guterman:

The department acknowledges receipt of correspondence requesting a change of ownership to a part of the above referenced water right. Further review of the water right file clearly shows none of water right 36-4052 is appurtenant to your property, making a split of the water right unnecessary.

Because the change in ownership cannot be processed as requested, I am herein returning your notice and attachments. A refund of the \$100 filing fee has been requested and you should receive it from the state controller's office within the next two weeks.

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

Sincerely,

A handwritten signature in cursive script, reading 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enclosure(s)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
MAR 31 2015
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?
36-4052	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: Bob Jensen - Banbury Hot Springs LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Tamara Guterman
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☐ or ☐ and/or
- 11286 Banbury Hot Springs Id 83316
Mailing address City State ZIP
- 310 880 8358 Tamara @ Center of Healing.net
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: 2010
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: [Signature] 3/2015
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 CRS Date 3/31/2015 Receipt No. 5034655 Receipt Amt. \$100.00

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 _____ 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 83303

TWIN FALLS COUNTY
RECORDED FOR:
F A T C
11:23:37 AM 05-18-2010
2010-009940
NO. PAGES: 2 FEE: \$6.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: Becky
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **337793-TF (lb)**

Date: **May 05, 2010**

For Value Received, **Steve Kleinbart and Cheryl Kleinbart, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Michael Bruce Guterman and Tammara Dawn Guterman, as Trustees of the Michael and Tammara Guterman Living Trust**, hereinafter called the Grantee, whose current address is **1128 B Banbury Road, Buhl, ID 83316**, the following described premises, situated in **Twin Falls County, Idaho**, to-wit:

A PARCEL OF LAND IN GOVERNMENT LOTS 2 AND 3 OF SECTION 33, TOWNSHIP 8 SOUTH, RANGE 14 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY IDAHO, AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 33, TOWNSHIP 8 SOUTH, RANGE 14 EAST, BOISE MERIDIAN WHICH BEARS NORTH 00°04'00" WEST A DISTANCE OF 2641.84 FEET FROM THE SOUTHWEST SECTION CORNER OF SAID SECTION 33, THENCE ON A BEARING OF SOUTH 89°45'00" EAST A DISTANCE OF 815.00 FEET TO THE REAL POINT OF BEGINNING:

THENCE FROM THE REAL POINT OF BEGINNING ON A BEARING OF NORTH 02°49'00" EAST A DISTANCE OF 491.00 FEET;
THENCE ON A BEARING OF NORTH 17°11'00" EAST A DISTANCE OF 703.50 FEET;
THENCE ON A BEARING OF NORTH 05°28'00" EAST A DISTANCE OF 148.60 FEET;
THENCE CONTINUING ON A BEARING OF NORTH 05°28'00" EAST A DISTANCE OF 246.00 FEET;
THENCE TO A POINT ON THE WEST SNAKE RIVER BANK ON A BEARING OF NORTH 80°08'00" EAST A DISTANCE OF 253.81 FEET;
THENCE ALONG THE WEST SNAKE RIVER BANK ON A BEARING OF SOUTH 10°17'00" WEST A DISTANCE OF 294.06 FEET;
THENCE CONTINUING ALONG THE WEST SNAKE RIVER BANK ON A BEARING OF SOUTH 10°17'00" WEST A DISTANCE OF 169.00 FEET;
THENCE ON A BEARING OF NORTH 84°36'51" WEST A DISTANCE OF 185.46 FEET;
THENCE ON A BEARING OF SOUTH 17°11'00" WEST A DISTANCE OF 705.16 FEET;
THENCE ON A BEARING OF SOUTH 02°49'00" WEST A DISTANCE OF 487.58 FEET;
THENCE ON A BEARING OF NORTH 89°45'00" WEST A DISTANCE OF 20.02 FEET, TO THE REAL POINT OF BEGINNING.

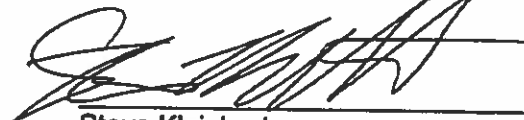
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

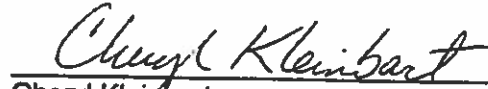
Date: 05/05/2010

Warranty Deed
- continued

File No.: 337793-TF (1b)

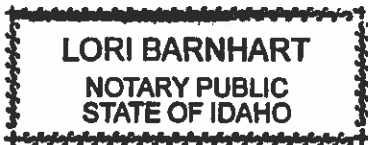
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from 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.

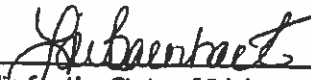

Steve Kleinbart


Cheryl Kleinbart

STATE OF Idaho)
COUNTY OF Twin Falls)
SS.

On this 18th day of May, 2010, before me, a Notary Public in and for said State, personally appeared **Steve Kleinbart and Cheryl Kleinbart**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



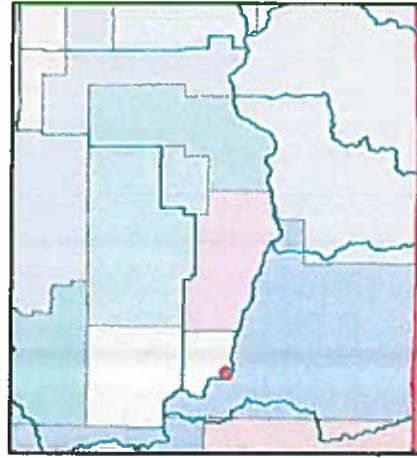

Notary Public for the State of Idaho
Residing at: Twin Falls, ID
My Commission Expires: 11/06/2012



Idaho Department of Water Resources

Water Right
36-4052
(IRRIGATION)

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Twin Falls County
IDWR Basin 36

Prepared by Hahn, Carrie

Background: 2009 Aerial Photography

14E



S80

