

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 24 2015

DEPARTMENT OF
WATER RESOURCES

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?
65-8418D	Yes ☐	Yes ☐		Yes ☐	Yes ☐
65-3213D	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: KATIE CHARLES AND BRIAN W CHARLES
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): W. DAVID KIRK AND ROBERT CHRISTOPHER 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 OR 208-630-3275 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: 9/5/2008 and 2/12/2010
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):
 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 # 65-3213D

8. Signature: W. David Kirk Title, if applicable: _____ Date: 4/2/15
 Signature: Robert C. Kirk Title, if applicable: _____ Date: 4/2/15
 Signature of new owner/claimant Signature of new owner/claimant

For IDWR Office Use Only:

Received by: LSH Date: 3-25-15 Receipt No. C100176 Receipt Amt. 25.00
4-24-19 C100351 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 _____ Approved by _____ Processed by [Signature] Date 5-8-15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

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APR 24 2015

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WATER RESOURCES

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?
65-3213D	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: KATIE CHARLES
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): W. DAVID KIRK AND ROBERT CHRISTOPHER 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: 2/12/2010
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):
 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: Robert C. Kirk _____ 4/2/15
Signature of new owner/claimant Title, if applicable Date

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 _____

Attachment #3

WARRANTY DEED

THIS RECORD
RECORD
ACCOUNT
BEEN
UPON

FOR
IS AN
IS NOT
AFFECTS

For Value Received,

H. Kathryn Kirk Charles, an unmarried woman

ACCOMMODATION

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

William David Kirk (address: P.O. Box 2078, McCall, Idaho 83638) and Robert Christopher Kirk (address: P.O. Box 846, McCall, Idaho 83638) the Grantees,
all of her interest in the following described real property, to-wit:

The NW 1/4 SW 1/4 of Section 22, Township 17 North, Range 3 East, Valley County, Idaho; Together with an easement for ingress and egress and utilities along the west 35 feet of the SW 1/4 SW 1/4, Section 22, Township 17 North, Range 3 East.

Together with 25 inches of water from the East Side Lakefork Ditch Company and any and all other water and mineral rights appertaining thereto.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the premises with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED:

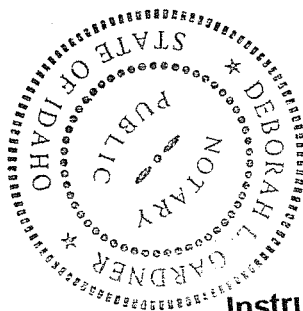
12-12-2010
H. Kathryn Kirk Charles
H. Kathryn Kirk Charles

State of Idaho)

County of Ada)
SS

On this 12 day of February, 2010 before me *Deborah L. Gardner* a notary public in and for said State, personally appeared H. Kathryn Kirk Charles known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Deborah L. Gardner
Notary Public
Residing at: Boise, ID
Commission Expires: 1-13-15

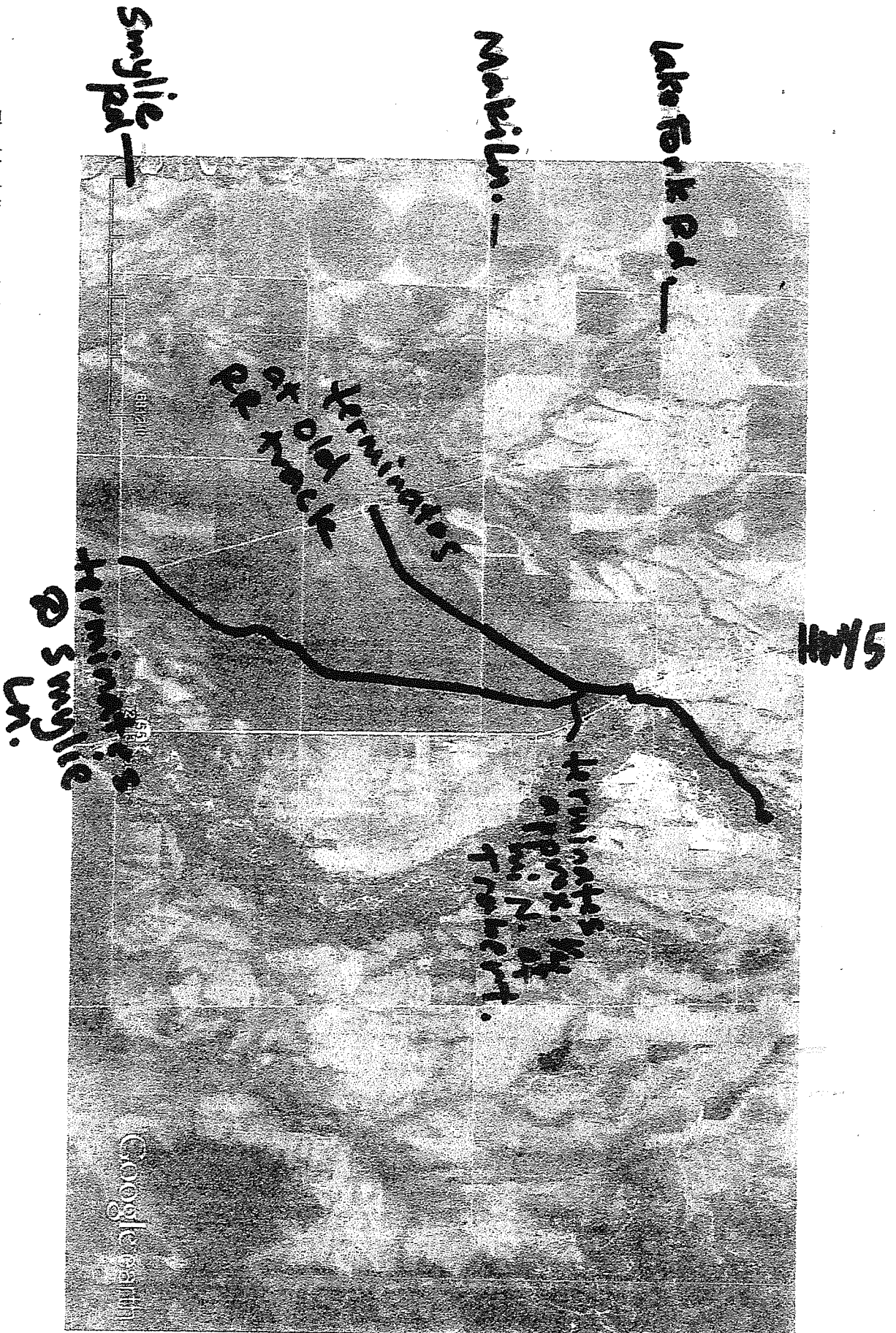


Instrument # 349562
VALLEY COUNTY, CASCADE, IDAHO
2-18-2010 02:00:14 No. of Pages: 1
Recorded for: AMERITITLE
ARCHIE N. BANBURY
Ex-Officio Recorder Deputy

Fee: 3.00

AK

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, wells, 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

Attachment #3

WARRANTY DEED

THIS
RECORD
ACCORD
BEEN
UPON

FOR
IS AN
NOT
AFFECTS

For Value Received,

H. Kathryn Kirk Charles, an unmarried woman

ACCOMMODATION

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

William David Kirk (address: P.O. Box 2078, McCall, Idaho 83638) and Robert Christopher Kirk (address: P.O. Box 846, McCall, Idaho 83638) the Grantees,
all of her interest in the following described real property, to-wit:

The NW 1/4 SW 1/4 of Section 22, Township 17 North, Range 3 East, Valley County, Idaho; Together with an easement for ingress and egress and utilities along the west 35 feet of the SW 1/4 SW 1/4, Section 22, Township 17 North, Range 3 East.

Together with 25 inches of water from the East Side Lakefork Ditch Company and any and all other water and mineral rights appertaining thereto.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the premises with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED:

12-12-2010
H. Kathryn Kirk Charles
H. Kathryn Kirk Charles

State of Idaho)

SS

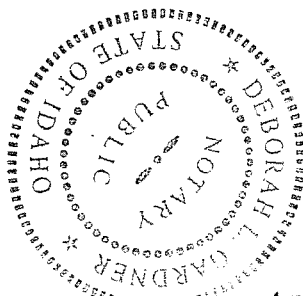
County of Ada)

On this 12 day of February, 2010 before me Deborah L. Gardner a notary public in and for said State, personally appeared H. Kathryn Kirk Charles known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Deborah L. Gardner
Notary Public

Residing at: Boise, ID

Commission Expires: 1-13-15



Instrument # 349562
VALLEY COUNTY, CASCADE, IDAHO
2-18-2010 02:00:14 No. of Pages: 1
Recorded for: AMERITITLE
ARCHIE N. BANBURY
Ex-Officio Recorder Deputy
Index to: DEEDS
Fee: 3.00



COPY

WARRANTY DEED

FOR VALUE RECEIVED, BRIAN CHARLES, Grantor, does hereby grant, bargain, sell and convey unto WILLIAM DAVID KIRK (address: W. David Kirk, PO Box 2078, 24 Smylie Lane, McCall, Idaho 83638) AND ROBERT CHRISTOPHER KIRK (address: PO box 846, 13579 Hwy. 55, McCall, Idaho 83638), the Grantees, his one-half (1/2) interest in the following-described premises in Valley County, Idaho, to-wit:

THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 17 NORTH, RANGE 3 EAST, VALLEY COUNTY, IDAHO; TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES ALONG THE WEST 35 FEET OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 22, TOWNSHIP 17 NORTH, RANGE 3 EAST.

TOGETHER WITH 25 INCHES OF WATER FROM THE EAST SIDE LAKEFORK DITCH COMPANY AND ANY AND ALL OTHER WATER AND MINERAL RIGHTS APPERTAINING THERETO.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject to all easements, rights of way, restrictions and reservations of record or appearing on the land.

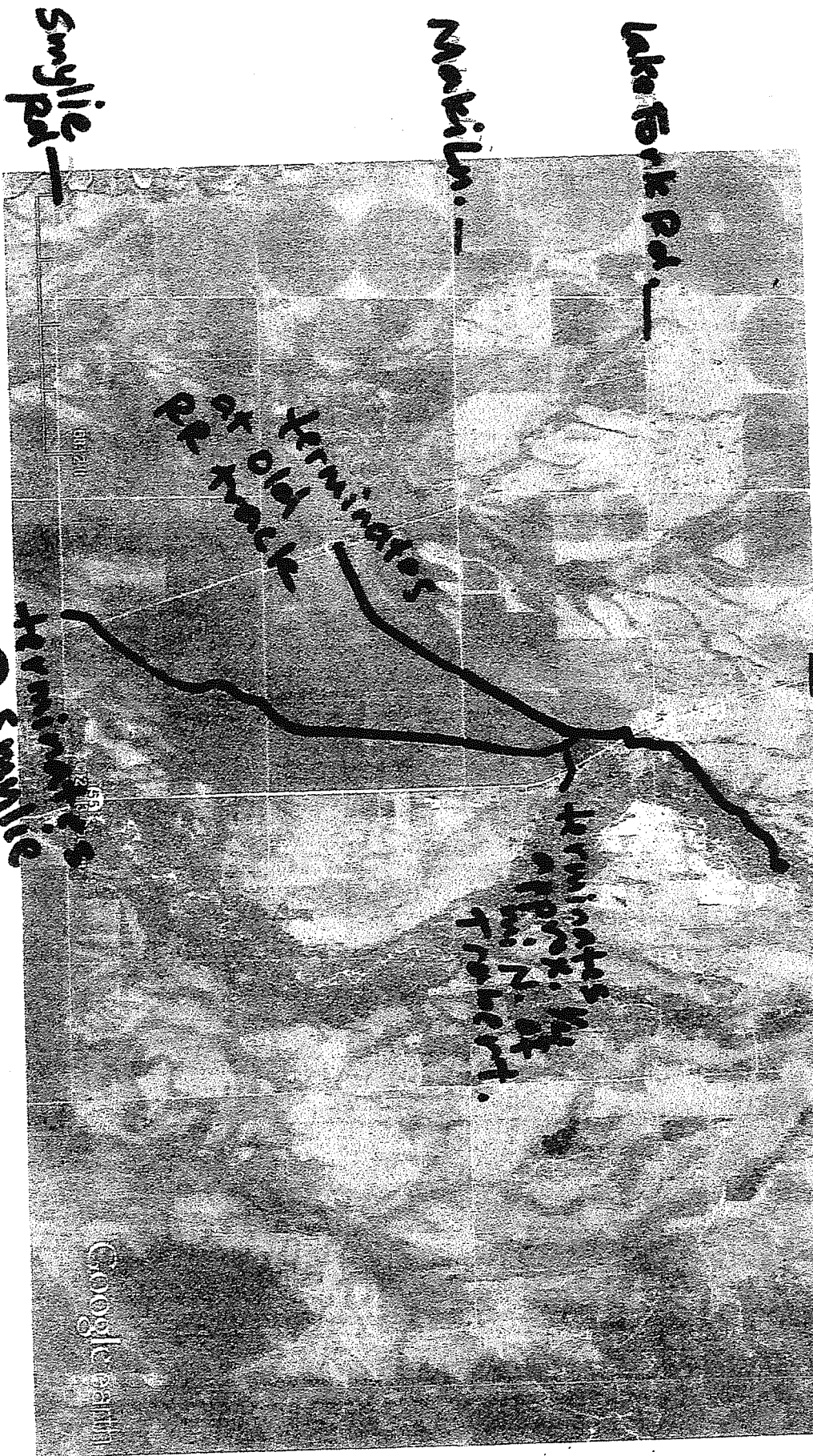
Subject to all taxes and assessments levied and assessed for the current calendar year which are now liens but not yet due nor payable.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 5 day of September, 2008.



BRIAN CHARLES



HW 55

The black lines mark the extent of the ditch company's responsibility for maintaining ditches, headgates, etc. Beyond those lines, each ditch's 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

WESTSIDE LAKEFORK LATERAL DITCH COMPANY VOTING ROSTER

These numbers are based on the decreed water rights for each property. Please contact Idaho Department of Water Resources if you have any questions about your water rights, including name changes.

Last Name	First Name	Business Name	Water Right No.	Priority Date	CFS	Voting Inches in Miner's Inches	Acre Inches per day - used for 2014 assessments now corrected
Ash	Terence W.		65-3194C	12/12/1903	0.14	7.0	3.33
Barnett	Roy M.	Steve Cullum? Rented?	65-3184C	12/12/1903	0.15	7.5	3.57
Berheim	Arvin C.		65-3215	6/17/1919	2	1819.5	866.14
Bettis	Harry L.	Norwood Alkman LLC	65-3188	12/31/1917	1.6		
			65-3187	5/4/1905	2.88		
			65-3209	10/21/1918	3.2		
			65-3189	9/20/1918	8		
			65-3190	10/3/1918	3.2		
			65-2932A	6/23/1944	storage		
			65-2708	1/5/1962	2		
			65-2952A	6/2/1962	storage		
			65-3191	11/13/1918	4.8		
			65-3193	7/18/1919	2		
			65-3186	12/9/1904	2.61		
			65-3216	10/3/1918	1.6		
			65-3192	11/29/1918	2.5		
					(36.39 total cfs)		
Charles	Katie	Kirks	65-3211C	9/30/1918	0.6	30.0	14.28
Dodge	John		65-3198	11/14/1904	0.46	216.0	102.82
			65-3120	6/30/1903	2.16		
			65-3197	6/30/1903	1.7		
					(4.32 total cfs)		
Griffith	Wylie H.		65-22768	12/12/1903	0.09	4.5	2.14
Hogen	David		65-3184I	12/12/1903	0.05	2.5	1.19
Jones	G. Alexander		65-2285765-2286I	12/12/1903	0.13025(0.38 tot	19	9.04
Kirk	W. David		65-3213C	9/30/1918	0.06	3.0	1.43
Landrum	Stephen		65-3184L	12/12/1903	0.22	11.0	5.24
Leedom	Mike C.		65-3201A	12/12/1903	1.15	57.5	27.37
Lindsay	Kasey J.		65-22721	12/12/1903	0.54	27.0	12.85
Maki	William A.		65-17131	5/1/1986	0.19	130.5	62.12
			65-3206	11/14/1904	0.56		
			65-3203	11/14/1904	0.26		
			65-3202X	6/30/1903	0.88		
			65-3200	11/14/1904	0.62		
			65-3199	6/30/1903	0.1		
					(2.61 total cfs)		

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 65-8418D

3/25/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATIE CHARLES 2015 N 30TH BOISE, ID 83703 (208)634-7988
Current Owner	BRIAN W CHARLES 1003 N 3RD MC CALL, ID 83638 (208)634-7653
Original Owner	WILMINA M PHELPS 13508 FARM TO MARKET RD MC CALL, ID 83638 (208)325-8886
Original Owner	W DAVID KIRK PO BOX 2078 MC CALL, ID 83638 (208)634-4101
Original Owner	IVAN D PHELPS 13508 FARM TO MARKET RD MC CALL, ID 83638 (208)325-8886

Priority Date: 7/1/1965

Basis: Decreed

Status: Active

Source
UNNAMED STREAM

Tributary
LAKE FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	0.600 CFS	
STOCKWATER	1/01	12/31	0.005 CFS	0.2 AF
	Total Diversion		0.605 CFS	0.2 AF

Source and Point(s) of Diversion

UNNAMED STREAM

NWSW

Sec. 22, Twp 17N, Rge 03E, VALLEY County.

Place Of Use

IRRIGATION within VALLEY County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	03E	22										30.0							30.0

POU Total Acres: 30.0

STOCKWATER within VALLEY County



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 8, 2015

WILLIAM DAVID KIRK
ROBERT CHRISTOPHER KIRK
PO BOX 2078
MCCALL ID 83638

Re: Change of Ownership for Water Right/Permit No(s): 65-3213D and 65-8418D

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect this 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 § 42-222 and §42-223, Idaho.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Change reporting forms are available from any office of the Department, or at www.idwr.idaho.gov.

Thank you for your patience. If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4942.

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 25, 2015

W DAVID KIRK
ROBERT CHRISTOPHER KIRK
PO BOX 2078
MC CALL ID 83638

RE: Application for Transfer of Water Right No.: 65-3213D

Dear Property Owner(s):

On March 25, 2015, the Department of Water Resources received an application for Transfer of Water Right from you. As you are not the current owner of this water right, the Department assumes you need a change of ownership of a water right. You may also have an interest in water right 65-8418D. Water Right reports are enclosed for your convenience.

I am returning the paperwork you submitted. I have enclosed an ownership change form for your convenience. Please fill out, sign and submit the forms with the required information. Fees are \$25 per water right. If you add the additional water right, another \$25 will be required. Forms are also available at www.idwr.idaho.gov.

Please contact me at (208) 287-4942 if you have any questions concerning this letter.

Sincerely,

Jean Hersley
Technical Records Specialist II

4/22/15

Hi Jean:

Enclosures

Thank you for letting me know that I used the wrong form. Enclosed are the completed and signed change of ownership forms.

I have also enclosed another \$25.00 fee for the second change of ownership for the other water right you refer to as 65-8418D.

Thanks again for your help in getting these two water rights change to the correct and current ownership.

W. David Kirk