

DE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
MAR 10 2015
Department of Water Resources
Eastern 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?
22-13994	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: WELLS FARGO BANK NA
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): KURT & ALISON DRUMHELLER
New owner(s) as listed on the conveyance document
- Mailing address: 7270 WILD ROSE DR. City: VICTOR State: ID ZIP: 83455
- Telephone: (208) 787-2024 Email: _____
- Name connector ☒ and ☐ or ☒ and/or

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: 9/23/14
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] Title, if applicable: _____ Date: 10/1/14
- Signature: [Signature] Title, if applicable: _____ Date: 2/28/15
- Signature of new owner/claimant
- Signature of new owner/claimant

For IDWR Office Use Only:

Received by [Signature] Date 3/10/2015 Receipt No. E040726 Receipt Amt. \$25 -

Active in the Water Supply Bank? Yes ☒ No ☐ If yes, forward to the State Office for processing

Name on W-9 _____ Approved by _____ Processed by [Signature] W-9 received? Yes ☐ No ☒ Date 3-24-15

When recorded, please return to:
Kurt A. Drumheller
Alison L. Drumheller
7270 Wild Rose Drive
Victor, ID 83455

Alliance Title & Escrow
File No. 045749

SPECIAL WARRANTY DEED

For value received, the receipt and sufficiency of which is hereby acknowledged, Wells Fargo Bank, N.A. ("**Grantor**"), does hereby grant and specially warrant unto Kurt A. Drumheller and Alison L. Drumheller, located at 7270 Wild Rose Drive, Victor, Idaho 83455 ("**Grantee**"), all of that certain real property located in Teton County, Idaho and all appurtenances thereto, as more particularly described on Exhibit A, attached hereto and incorporated herein (the "**Property**").

TOGETHER WITH all appurtenances, including without limitation, water rights currently numbered 22-13994 in the records of the Idaho Department of Water Resources, or any portions thereof.

SUBJECT TO all matters of record, existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, applicable building codes, laws and regulations, all matters which would be revealed or disclosed by a physical inspection or survey of the Property, all encumbrances, liens and other matters of record, general taxes and assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable and all other matters shown on the title policy obtained by Grantee.

Grantor does specially warrant the title to the Property subject to the matters referred to above only and Permitted Exceptions to the extent that Grantor will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but not by, through or under any other person or entity. GRANTEE, BY THE ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, ACKNOWLEDGES THAT EXCEPT AS EXPRESSLY SET FORTH HEREIN, THE CONVEYANCE OF THE PROPERTY IS SPECIFICALLY MADE "AS IS" AND "WHERE IS", WITH ALL LATENT AND PATENT FAULTS, WITHOUT ANY REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, IMPLIED WARRANTIES OF FITNESS FOR ANY PARTICULAR PURPOSE, MERCHANTABILITY, HABITABILITY, OR ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, CONTAINED IN OR CREATED BY STATUTE, COMMON LAW, OR OTHERWISE.

[end of text]

IN WITNESS WHEREOF, the Grantor has caused its names to be hereunto subscribed effective as of this 16th day of September, 2014.

GRANTOR:

WELLS FARGO BANK, N.A.

By: [Signature]

Delores Pomerinke, Officer

STATE OF Colorado)
) ss:
County of Denver)

On this 16th day of September, 2014, before me, a notary public, personally appeared DELORES POMERINKE, known or identified to me to be the Vice President for WELLS FARGO BANK, N.A., whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

[Signature]
Notary Public

Residing at: 1700 Lincoln St 7th Fl Denver CO 80203
My commission expires: June 19 2017

ROBERT CORY HOLLOWAY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134035429
MY COMMISSION EXPIRES JUNE 19, 2017

Exhibit A to Special Warranty Deed

Legal Description

PARCEL I:

A portion of the SW 1/4 of Section 5, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho being further described as follows: Beginning at the Center Quarter corner of the Section 5, the point of beginning; thence North 89°33'31" West 1323.96 feet, South 00°01'09" East 664.16 feet; South 89°35'36" East 1324.29 feet' thence North 00°02'53" West 663.25 feet to the point of beginning.

PARCEL II:

A portion of the SW 1/4 of Section 5, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho being further described as follows: Beginning at the Center Quarter corner of the Section 5, the point of beginning; thence North 89°33'31" West 1323.96 feet, South 00°01'09" East 1328.31 feet, South 89°28'20" East 1324.62; thence North 00°02'53" West 1326.46 Feet to the point of beginning.

LESS AND EXCEPTING THEREFROM

A portion of the SW 1/4 of Section 5, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho being further described as follows: Beginning at the Center Quarter corner of the Section 5, the point of beginning; thence North 89°33'31" West 1323.96 feet, South 00°01'09" East 664.16 feet; South 89°35'36" East 1324.29 feet' thence North 00°02'53" West 663.25 feet to the point of beginning.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/4/2014

Water Right 22-13994

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WELLS FARGO BANK NA 1700 LINCOLN ST 7TH FLOOR MAC # C7300-079 DENVER, CO 80203-4500 303-863-5307

Priority Date: 1/8/1991

Basis: License

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.350 CFS	66.5 AF
	<u>Total Diversion</u>		0.350 CFS	66.5 AF

Source and Point(s) of Diversion

GROUND WATER

SWNE

Sec. 5, Twp 05N, Rge 45E, TETON County

Place Of Use

IRRIGATION within TETON County

T05N R45E S5	NESW	19.0
POU Total Acres:		19.0

Conditions of Approval:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 66.5 af for the lands above.
2. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
4. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Water Supply Bank:

Lessor Name: BC PROPERTIES LLC

Lease Status: Active

Lease Amount: All

Rental Availability: All

Date Received: 5/23/2011

Lease Begin Date: 5/23/2011

Expiration Date: 12/31/2015

Location of Point(s) of Diversion:

GROUND WATER|SWNE|Sec. 05|Township 05N|Range 45E|TETON County

Licensed Diversion Capacity: 2.74

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	45E	5		NESW	19									

Total Acres: 19

Conditions of Approval:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 66.5 af for the lands above.
2. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
4. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Dates:

Licensed Date: 06/30/1995

Decreed Date:

Enlargement Use Priority Date:



Idaho Department of Water Resources

Water Right
22-13994
(IRRIGATION)

Point of Diversion



Place of Use



State Outline



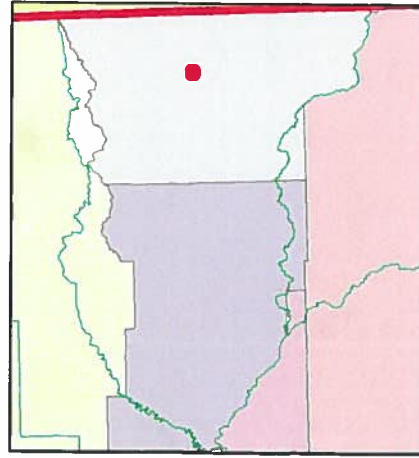
Townships



PLS Sections



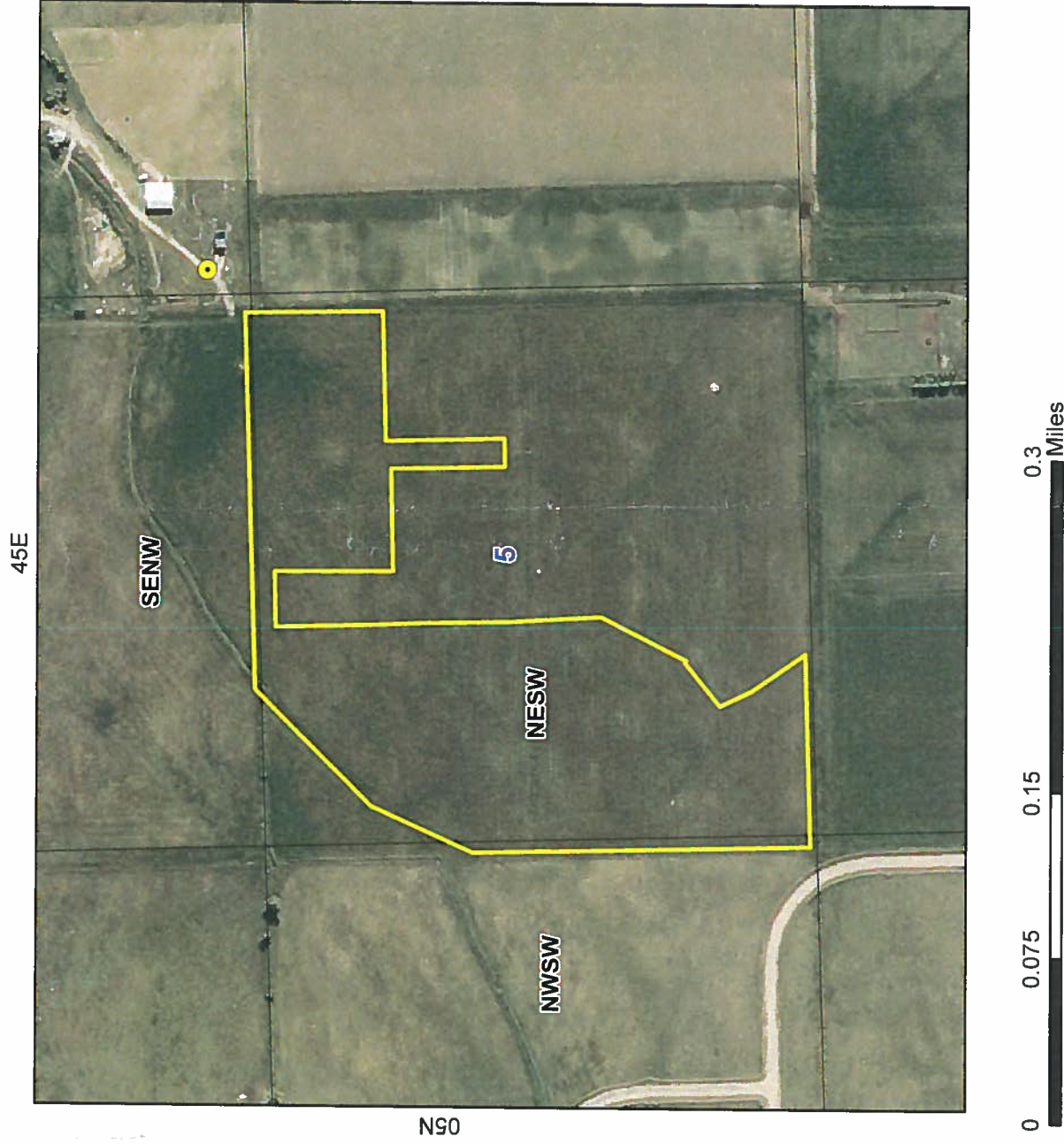
Quarter Quarters



Teton County
IDWR Basin 22

Prepared by Barg, Jonie

2009 Aerial Photography





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 24, 2015

KURT A DRUMHELLER
ALISON L DRUMHELLER
7270 WILD ROSE DR
VICTOR ID 83455

Re: Change of Ownership for Water Right/Permit No(s): 22-13994

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.

Please note, water right 22-13994 was leased to the Water Supply Bank on (Bank) on **May 23, 2011**. In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. The right(s) will remain in the bank until **December 31, 2015**, unless released earlier by the Water Resource Board or upon request by the right holder. To reduce the term of the lease, the right holder must submit a written request to the department. The department will verify if the right is rented or available for release, and notify the right holder of the release date. Enclosed is an IRS Form W9. The Department needs this form in our files to make any payments you may be entitled to in the event this water right is rented through the Bank.

Also enclosed is a Lessor Designation form. If payments are necessary, the Department needs one owner of the water right designated to receive said payment. Please fill this out along with the W9 and return to the Department at the address above.

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 Code.

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, appearing to read "Jean Hersley". The signature is fluid and cursive, with the first name "Jean" and last name "Hersley" clearly distinguishable.

Jean Hersley
Technical Records Specialist II

Enclosure(s)