



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

July 16, 2014

C.L. "BUTCH" OTTER
Governor

First Fruits Foundation
PO Box 510
Challis ID 83226

GARY SPACKMAN
Director

RE: Notice of Change in Water Right Ownership
Water Rights: 75-14436

Dear Sir/Madam:

On November 1, 2013, you filed a Notice of Change in Water Right Ownership (ownership change) with the Idaho Department of Water Resources (IDWR), seeking to update the ownership records for the water rights listed above. After an initial review, we determined that you needed to provide additional evidence of ownership, specifically clarification with either a recorded deed or an agreement between the land owners on how the water right should be divided. On November 1, 2013 the department contacted you via telephone to request additional information. On January 21, 2014 and March 7, 2014, we sent a letter requesting the additional information. The additional information was to be provided within 30 days.

IDWR has never received a response to the request for additional information. Without the requested documents, we cannot verify ownership of the water right and cannot complete the ownership change. We are therefore returning your original ownership change and have initiated a refund of your filing fee (\$100.00). The refund from the state of Idaho will arrive at the address listed above within a couple of weeks.

Please feel free to re-file your ownership change any time in the future when you have collected the requested documentation of ownership. Because your filing fee is being refunded, you will need to determine and provide the proper filing fee at the time you re-file the ownership change.

If you have any questions, feel free to contact me at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

Barg, Jonie

From: Barg, Jonie
Sent: Wednesday, July 16, 2014 11:15 AM
To: Sutcliffe, Lorna
Subject: Refund Request
Attachments: S033602.pdf

Lorna,

Good morning!!

I have a refund request as follows:

Receipt number: S033602
Amount: \$100.00
Payable to: First Fruits Foundation Love Waters Ranch
PO Box 510
Challis ID 83226

Reason: Total filing fee received \$100.00 for ownership change for 1 water right. Additional information required to complete the ownership change, was not received.

Let me know if you need additional information.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

Jonie Barg

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177
email: jonie.barg@idwr.idaho.gov

RECEIVED

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESNOV 01 2013
Department of Water Resources
Eastern RegionOCT 28 2013
DEPT. OF WATER RESOURCES
SOUTHERN 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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
75-14436	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

Robert Tacke

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

First Fruits Foundation

Name of each new owner as listed on the conveyance document

New owner continued

Name connector

☐ and☐ or☐ and/or

PO Box 510

Mailing address

Challis

City CW James

CW James 77@gmail.com

State

ZIP

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. See attached explanation.

5. Date you acquired the water rights and/or claims listed above: March 15, 2013

6. 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.

7. Signature:

Christopher W. James

Signature of new owner/claimant

Cott of First Fruits Foundation

Title, if applicable

5/20/13

Date

Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by

CH

Date

10/29/2013

Receipt No.

S0331002

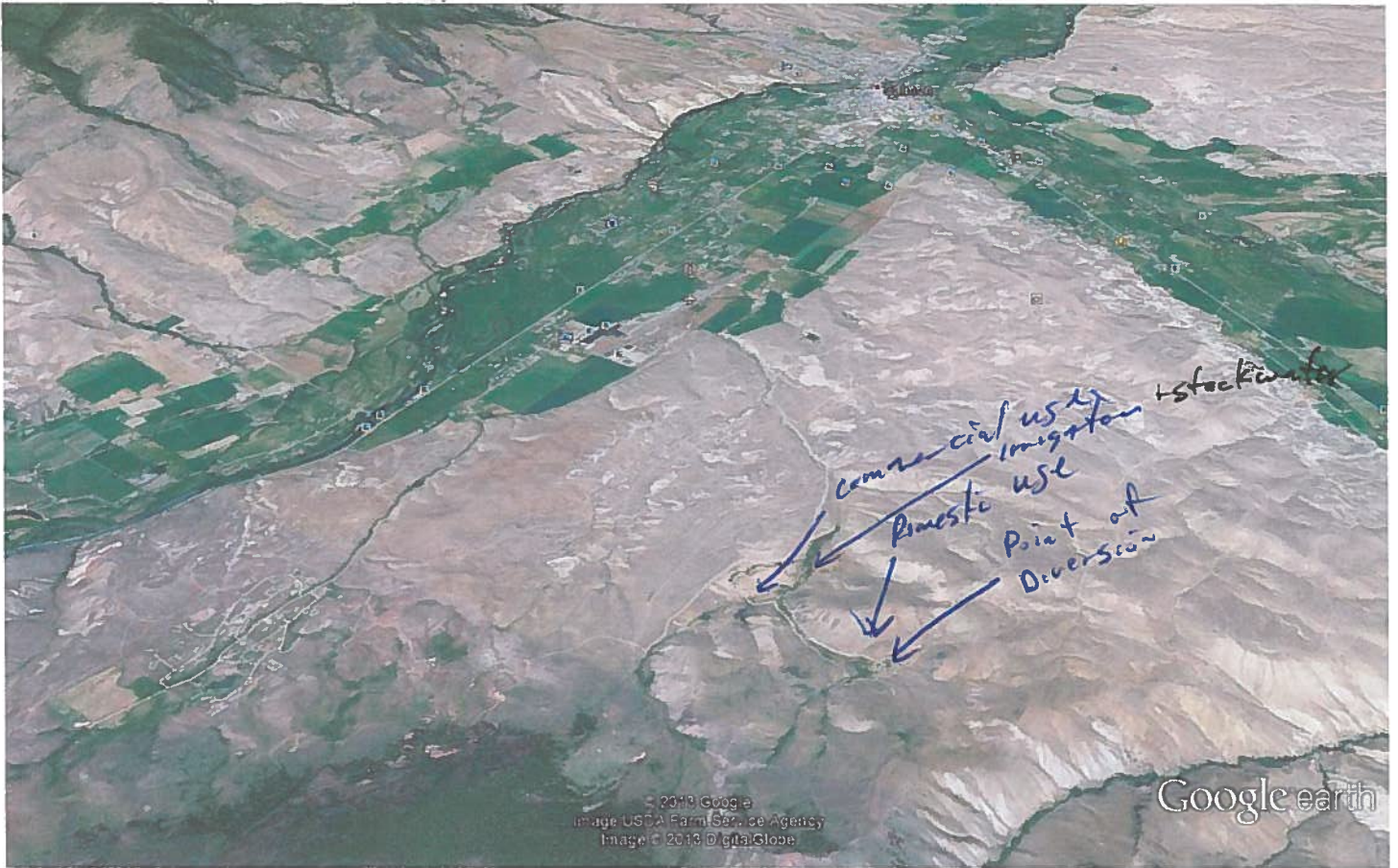
Receipt Amt.

\$100. -

Approved by

Processed by

Date



Google earth

miles 2
km 3





Explanation of Split Water Right

#4 The water rights were split based on their place of use. The “Commercial” beneficial use listed on this water right(75-14436) of .02CFS stays with the land that was not included in this purchase. The land that was not included was a 10 acre parcel housing a commercial business (Idaho Mineral Springs,LLC.).

WARRANTY DEED

ATEC Order No.: 184031

FOR VALUE RECEIVED

Robert Tacke, a married man

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Christopher W. James as Trustee of Firstfruits Foundation UDT 9/29/1986

whose current address is

**P.O. Box 510
Challis, ID 83226**

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

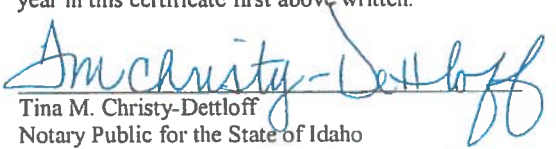
Dated: March 27, 2013


Robert Tacke

State of Idaho } ss
County of Lemhi }

On this 29th day of May, 2013, before me, Tina M. Christy-Dettloff, a Notary Public in and for said state, personally appeared Robert Tacke, 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 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.


Tina M. Christy-Dettloff
Notary Public for the State of Idaho
Residing at: Salmon, ID
Commission Expires: 4/5/2016

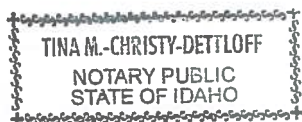


EXHIBIT "A"

184031

TOWNSHIP 21 NORTH, RANGE 22 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO.

**SECTION 34: Southwest Quarter Southwest Quarter Northeast Quarter Southwest Quarter,
South Half Southeast Quarter Northwest Quarter Southwest Quarter, South Half Southwest
Quarter**

ALSO:

TOWNSHIP 20 NORTH, RANGE 22 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO.

**SECTION 3: South Half Northeast Quarter, Lots 1 and 2 and East Half North Half North Half
Southwest Quarter Northwest Quarter, and LOT 3 AND THE Southeast Quarter Northwest
Quarter**

PARCEL "B": GOVERNMENT LOT 4 REMAINDER DESCRIPTION

A PARCEL OF LAND SITUATED IN A PORTION OF GOVERNMENT LOT 4 OF SECTION 3, TOWNSHIP 20 NORTH, RANGE 22 EAST, BOISE MERIDIAN, COUNTY OF LEMHI, STATE OF IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the Corner common to Sections 33, 34, 4, and 3, said corner bears N 00°04'16" W a distance of 2654.11 feet from the Quarter Corner common to Sections 3 and 4, the basis of bearings for this description; thence along the west line of said Section 3 S 00°04'16" E a distance of 677.70 feet; thence leaving said west line N 89°36'09" E a distance of 657.27 feet; thence S 00°04'16" E a distance of 662.75 feet to a point on the south line of Government Lot 4; thence along said south line N 89°36'09" E a distance of 656.42 feet to the Southeast Corner of Government Lot 4; thence leaving said south line and along the east line of Government Lot 4 N 00°09'28" E a distance of 1332.99 feet to the Northeast Corner of said Government Lot 4; thence leaving said east line and along the north line of said Section 3 S 89°55'42" W a distance of 1318.99 feet to the POINT OF BEGINNING.

The above described parcel contains an area of 30.39 acres, more or less, and is subject to Hot Springs Road Right of Way and all easements and rights of way of record or implied.

Together with a 50 foot wide easement for ingress/egress more particularly described as follows:

An easement for ingress/egress purposes on, over, under and across the following described strip of land, 50' in width, 25' on each side of the following described centerline, and being a portion of Government Lot 4 located in Section 3, Township 20 North, Range 22 East, Boise Meridian, Lemhi County, Idaho, the centerline of which is more particularly described as follows:

COMMENCING at the Corner common to Sections 33, 34, 4, and 3, said corner bears N 00°04'16" W a distance of 2654.11 feet from the Quarter Corner common to Sections 3 and 4, the basis of bearings for this description; thence along the west line of Section 3 S 00°04'16" E a distance of 1043.02 feet to a point on the centerline of an existing road and the westerly line of Parcel "A", said point being the POINT OF BEGINNING of the ingress/egress easement; thence leaving said west line and said westerly line and along said centerline the following courses:

S 75°04'30" E a distance of 113.94 feet;

thence curving to the left with an arc length of 113.68 feet, a radius of 720.00 feet, and a chord bearing of S 85°15'07" E, a chord length of 113.08 feet,

thence N 84°34'17" E a distance of 82.71 feet;

thence curving to the left with an arc length of 65.25 feet, a radius of 161.00 feet, and a chord bearing of N 74° 14' 30" E, a chord length of 64.91 feet,

thence N 63° 54' 43" E a distance of 135.60 feet,

thence curving to the right with an arc length of 97.28 feet, a radius of 112.00 feet, and a chord bearing of N 88° 47' 39" E, a chord length of 94.25 feet,

thence S 66° 19' 25" E a distance of 80.39 feet to a point on the easterly line of Parcel "A", said point bears N 00° 04' 16" W a distance of 388.95 feet from the southeast corner of said parcel.

The easement of said strip of land are to be lengthened or shortened, as the case may be, to intersect said westerly line and said easterly line of Parcel "A" as described.

~~NOTE~~ This document should be referred to a title company prior to recording.



Prepared by

Matthew J. McKinnon
Matthew J. McKinnon, PLS
10/1/13

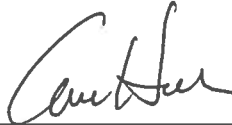
Idaho Department of Water Resources Receipt

Receipt ID: S033602

Payment Amount \$100.00 Date Received 10/29/2013 3:02 PM Region SOUTHERN
Payment Type Check Check Number 6645
Payer FIRSTFRUITS FOUNDATION LIVING WATER RANCH
Comments OWNERSHIP CHANGE SPLIT 75-14436

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$100.00	OWNERSHIP CHANGES/SECURITY INTERESTS	64140	0229	21		1155



Signature Line (Department Representative)