



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

December 6, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Jerry Bingham
Krystal Elison
5640 E Cub River Rd
Preston ID 83263

RE: Notice of Change in Water Right Ownership
Water Rights: 13-29

Dear Mr. Bingham and Ms. Elison:

On October 18, 2011, 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 a copy of the "recorded" Warranty Deed and additional fees specifically a \$100.00 late filing fee. On October 21, 2011, 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 (\$25.00). 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)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 18 2011

Department of Water Resources
Eastern 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?
13-029	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

Kwon Griffith

Name of current water right holder/claimant

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

Jeremy D. Bingham Kristal K. Elton

Name of each new owner as listed on the conveyance document

New owner continued

Name connector

☐ and

☒ or

☐ and/or

5640 E. Larkspur Road

Mailing address

Preston

City

State

ZIP

208-852-0502

Telephone

JD 83263

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: 10-03-06

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:

Jeremy D. Bingham

Signature of new owner/claimant

Title, if applicable

Date

6/27/11

Date

Signature:

Kristal K. Elton

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by

JB

Date

10/18/2011

Receipt No.

E087046

Receipt Amt.

\$25.00

NTE-3818
JEREMY D. BINGHAM
1239 WEST 3300 SOUTH
WEST HAVEN, UT 84401

WARRANTY DEED

KWEN D. GRIFFETH, Grantor(s) of PRESTON, County of FRANKLIN, State of ID, hereby **CONVEY AND WARRANT** to JEREMY D. BINGHAM and KRYSTAL K. ELISON, HUSBAND AND WIFE Grantee(s) of PRESTON, County of FRANKLIN, State of ID for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Franklin County, State of Idaho:

See Attached Exhibit "A"

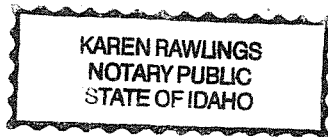
Subject to easements, restrictions and rights of way of record, and taxes for the year 2006 and thereafter.

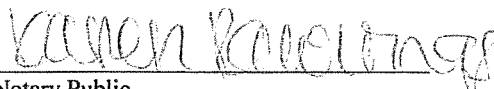
Witness, the hand(s) of said Grantor(s), this October 3, 2006.


KWEN D. GRIFFETH

State of ID)
County of FRANKLIN)

On October 3, 2006, personally appeared before me KWEN D. GRIFFETH the signer(s) of the within instrument, who duly acknowledged to me that HE executed the same.




Notary Public

Residing: PRESTON, IDAHO

Expires: 12-18-09

"EXHIBIT A"

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 15 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO, RUNNING THENCE NORTH 80 RODS; THENCE EAST 48 RODS; THENCE IN A SOUTHWESTERLY DIRECTION TO THE POINT OF BEGINNING;

ALSO: COMMENCING AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 15 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO AND RUNNING THENCE WEST 156 RODS; THENCE SOUTH 80 RODS; THENCE EAST 72 RODS; THENCE SOUTH 71 RODS; THENCE EAST 84 RODS; THENCE NORTH 151 RODS TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM:

PART OF THE NORTHEAST QUARTER OF SECTION 26 AND THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 15 SOUTH, RANGE 40 EAST OF THE BOISE BASELINE AND MERIDIAN, FRANKLIN COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS:
COMMENCING AT THE EAST QUARTER CORNER OF SECTION 26, TOWNSHIP 15 SOUTH, RANGE 40 EAST OF THE BOISE BASELINE AND MERIDIAN MONUMENTED WITH AN ALUMINUM CAP; THENCE NORTH 00° 08' 59" WEST 268.67 FEET ALONG THE SECTION LINE; THENCE WEST 621.69 FEET TO THE POINT OF BEGINNING LOCATED ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE CUB RIVER ROAD MARKED WITH A ½" REBAR, AND RUNNING THENCE NORTH 30° 38' 18" EAST 590.41 FEET ALONG SAID RIGHT OF WAY TO A FENCE CORNER; THENCE ALONG SAID FENCE THE NEXT TWO COURSES, SOUTH 60° 08' 08" EAST 196.47 FEET (198 FEET BY RECORD); THENCE NORTH 30° 38' 59" EAST 437.97 FEET (445.50 FEET BY RECORD) TO A FENCE CORNER; THENCE SOUTH 59° 05' 53" EAST 95.45 FEET TO THE CENTERLINE OF THE CUB RIVER; THENCE ALONG SAID CENTERLINE THE NEXT EIGHT COURSES: SOUTH 17° 53' 54" WEST 30.79 FEET; THENCE SOUTH 26° 33' 10" WEST 149.29 FEET; THENCE SOUTH 06° 07' 38" WEST 42.55 FEET; THENCE SOUTH 13° 14' 18" EAST 219.52 FEET; THENCE SOUTH 43° 58' 03" WEST 181.33 FEET; THENCE SOUTH 77° 09' 21" WEST 50.35 FEET; THENCE SOUTH 62° 25' 50" WEST 58.61 FEET; THENCE SOUTH 42° 05' 05" WEST 222.17 FEET; THENCE LEAVING THE CENTERLINE OF THE CUB RIVER AND FOLLOWING A FENCE THE NEXT TWO COURSES: SOUTH 87° 57' 52" WEST 322.48 FEET; THENCE NORTH 61° 24' 07" WEST 54.50 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM:

PART OF THE NORTHEAST QUARTER OF SECTION 26 AND THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 15 SOUTH, RANGE 40 EAST OF THE BOISE BASELINE AND MERIDIAN, FRANKLIN COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS:
COMMENCING AT THE EAST QUARTER CORNER OF SECTION 26, TOWNSHIP 15 SOUTH, RANGE 40 EAST OF THE BOISE BASELINE AND MERIDIAN MONUMENTED WITH AN ALUMINUM CAP; THENCE NORTH 00° 08' 59" WEST 116.17 FEET ALONG THE SECTION LINE; THENCE SOUTH 89° 54' 00" EAST 73.44 FEET TO THE POINT OF BEGINNING LOCATED AT A FENCE INTERSECTION MARKED WITH A ½" REBAR; AND RUNNING THENCE ALONG AN EXISTING FENCE THE NEXT EIGHT COURSES: THENCE NORTH 32° 27' 42" EAST 213.75 FEET; THENCE NORTH 52° 05' 22" EAST 204.97 FEET; THENCE NORTH 31° 37' 22" EAST 211.22 FEET; THENCE NORTH 50° 47' 10" EAST 226.56 FEET; THENCE NORTH 56° 05' 15" EAST 189.51 FEET; THENCE NORTH 28° 33' 36" EAST 96.43 FEET; THENCE NORTH 23° 32' 04" EAST 117.48 FEET; THENCE NORTH 13° 44' 41" EAST 258.03 FEET TO A FENCE INTERSECTION; THENCE ALONG A FENCE THE NEXT THREE COURSES, THENCE SOUTH 88° 58' 41" WEST 177.44 FEET; THENCE SOUTH 87° 58' 14" WEST 89.73 FEET; THENCE NORTH 87° 06' 40" WEST 306.46 FEET; THENCE SOUTH 83° 33' 28" WEST 99.65 FEET TO ANOTHER EXISTING FENCE; THENCE ALONG SAID FENCE NORTH 87° 50' 43" WEST 285.32 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE CUB RIVER ROAD MARKED WITH A ½" REBAR; THENCE SOUTH 30° 38' 18" WEST 68.26 FEET ALONG SAID RIGHT OF WAY; THENCE SOUTH 87° 50' 43" EAST 315.12 FEET TO THE CENTERLINE OF THE CUB RIVER; THENCE ALONG SAID CENTERLINE THE NEXT ELEVEN COURSES: SOUTH 39° 59' 19" WEST 109.66 FEET; THENCE SOUTH 17° 53' 54" WEST 179.66 FEET; THENCE SOUTH 26° 33' 10" WEST 149.29 FEET; THENCE SOUTH 06° 07' 38" WEST 42.55 FEET; THENCE SOUTH 13° 14' 18" EAST 219.52 FEET; THENCE SOUTH 43° 58' 03" WEST 181.33 FEET; THENCE SOUTH 77° 09' 21" WEST 50.35 FEET; THENCE SOUTH 62° 25' 50" WEST 58.61 FEET; THENCE SOUTH 42° 05' 05" WEST 236.02 FEET; THENCE SOUTH 26° 45' 10" WEST 38.59 FEET; THENCE SOUTH 09° 42' 35" WEST 93.97 FEET; THENCE LEAVING THE CENTERLINE OF THE CUB RIVER SOUTH 89° 54' 00" EAST 294.47 FEET ALONG A FENCE LINE TO POINT OF BEGINNING.

ALSO INCLUDING: THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 15 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT OF LAND:

COMMENCING AT A POINT 9 RODS NORTH AND 780 FEET WEST FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 15 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO AND RUNNING THENCE IN A NORTHEASTERLY DIRECTION 9 RODS AND 4 FEET; THENCE EAST 21½ RODS; THENCE SOUTHWESTERLY ALONG A COUNTY ROAD 9 RODS AND 4 FEET; THENCE WEST 21 RODS TO THE PLACE OF BEGINNING.

THE CORRECTIONS CORRECT THE LEGAL DESCRIPTION IN WARRANTY DEED RECORDED NOVEMBER 1, 1990 UNDER INSTRUMENT NO. 182805 IN THE RECORDS OF FRANKLIN COUNTY.

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT OF LAND:

COMMENCING 29 FEET WEST AND 156 FEET SOUTHWEST ALONG THE SOUTH SIDE OF COUNTY ROAD FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF

SECTION 26, TOWNSHIP 15 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO AND RUNNING THENCE SOUTHEAST 12 RODS, THENCE SOUTHWEST 27 RODS; THENCE NORTHWEST 12 RODS TO THE COUNTY ROAD; THENCE NORTHEAST ALONG THE SOUTH SIDE OF THE COUNTY ROAD 27 RODS TO THE PLACE OF BEGINNING.

ALSO EXCEPTING THEREFROM LAND THAT HAS BEEN DEEDED TO FRANKLIN COUNTY FOR ROAD PURPOSES.

SUBJECT TO BOUNDARY LINE AGREEMENT RECORDED MAY 27, 1999 UNDER INSTRUMENT NO. 206434.