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RECEIVED

OCT 06 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
37-22656	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Kathl and Robert Wagner
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Nancie Tatum
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or
P.O. Box 1365
Mailing address
Sun Valley ID 83353
City State ZIP
(208) 726-6464 nancie@nancietatum.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: September 8, 2011

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):
 - o \$25 per undivided water right.
 - o \$100 per split water right.
 - o No fee is required for pending adjudication claims.

7. Signature: Nancie Tatum Title, if applicable: _____ Date: 9-29-2011
Signature of new owner/claimant

Signature: _____ Title, if applicable: _____ Date: _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by NE Date 10-6-2011 Receipt No. 5032169 Receipt Amt. \$25
Approved by _____ Processed by _____ Date _____

**RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:**
Fritz X. Haemmerle
HAEMMERLE & HAEMMERLE, P.L.L.C.
P.O. Box 1800
Hailey, ID 83333

Instrument # 590484

HAILEY, BLAINE, IDAHO

9-12-2011 04:37:50 No. of Pages: 5

Recorded for : HAEMMERLE & HAEMMERLE PLLC

JOLYNN DRAGE

Fee: 22.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

(Space Above Line for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

IDAHO WATER COMPANY, LLC, whose address is 1135 Valley Road South, Eden, ID 83325 ("Grantor"), does hereby grant, bargain, sell, assign and convey unto NANCIE TATUM, , whose address is P.O. Box 1365, Sun Valley, ID 83353 ("Grantee"), and to Grantee's heirs, successors and assigns forever, all of Grantor's right, title and interest in and to Water Right 37-22656 as described in Exhibit 1 attached hereto (the "Water Right"), said Water Right being a portion of former Water Right 37-22327 and now made appurtenant to 2.7 acres within the NW1/4SE1/4, Section 6, T3N, R18E, B.M. pursuant to Idaho Department of Water Resources Transfer No. 75337, and otherwise known as Lots 2 and 3, Block 1, Aspen Hollow Subdivision No. 2, according to the official plat of record, Blaine County, State of Idaho.

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner in fee simple of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) the Water Right is free from all liens, claims, or encumbrances;
- (D) Grantor has the authority to convey the Water Right to Grantee; and
- (E) Grantor has disclosed to Grantee in good faith all relevant information known to Grantor bearing on the validity and extent of the Water Right.

Grantor makes no other covenants or warranties as to the Water Right.

Grantor retains no residual or reversionary interest in the Water Right.

IN WITNESS WHEREOF, the undersigned has caused his name to be hereunto
subscribed on this 8th day of September, 2011.

IDAHO WATER COMPANY, LLC

A large, stylized handwritten signature in black ink, appearing to read "Delbert G. Kohtz", is written over a horizontal line.

By: Delbert G. Kohtz, Member

STATE OF IDAHO)
COUNTY OF Blaine) : ss.

On this 8th day of Sept., 2011, before me, the undersigned, a notary public in and for said county and state, personally appeared **DELBERT C. KOHTZ**, known or identified to me (or proved to me on his oath) to be the member of **IDAHO WATER COMPANY, LLC**, the limited liability company that executed the above instrument, or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the 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.

Lacie Thompson
Notary Public for Idaho
Residing at Hailey, ID
My Commission Expires: 1/28/2014

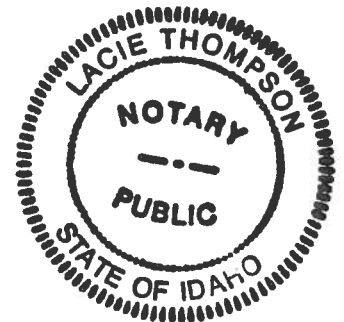


EXHIBIT A

WATER RIGHT NO. 37-22656 As Modified by Transfer No. 75337

In accordance with the approval of Transfer No. 75337, Water Right No. 37-22656 is now described as follows.

Right Holder: KATHI WAGNER And
ROBERT WAGNER
PO BOX 182
BELLEVUE ID 83313

Priority Date: December 14, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	0.03 CFS	5.3 AF
MITIGATION	04/15	to 10/15	0.01 CFS	1.7 AF
			0.04 CFS	7.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENWSE Sec. 6 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	18E	6	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.7
																			2.7

Total Acres: 2.7

PLACE OF USE: MITIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	18E	6	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1.5 acres within the place of use described above in a single irrigation season.
2. To prevent injury to water rights 37-7919 and 37-8307 held in the name of the Idaho Water Resource Board for minimum stream flows on the Big Wood River the 0.03 cfs allowed for irrigation use from ground water authorized by Transfer 75337 shall be subject to curtailment when flows at the Hailey gauge drop below 189 cfs or curtailed by priority whichever occurs first. The Director retains jurisdiction to modify this condition authorized by Transfer 75337 to prevent injury to other users as may be required based on future studies or the addition of gauges on the Big Wood River.

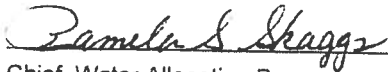
WATER RIGHT NO. 37-22656
As Modified by Transfer No. 75337

CONDITIONS OF APPROVAL

3. The portion of this ground water right designated for mitigation use shall remain undiverted to prevent injury to other water right holders.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37, Big Wood River.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
8. The diversion and use of water described in Transfer 75337 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 9th day of August, 20 11


for Chief, Water Allocation Bureau

Instrument # 590485

HAILEY, BLAINE, IDAHO

9-12-2011 04:39:34 No. of Pages: 4

Recorded for : HAEMMERLE & HAEMMERLE PLLC

JOLYNN DRAGE

Fee: 19.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

JB

SPECIAL WARRANTY DEED FOR WATER RIGHTS

ROBERT WAGNER and KATHI WAGNER, husband and wife, whose address is P.O. Box 182, Bellevue, ID 83313 ("Grantors"), do hereby grant, bargain, sell, assign and convey unto IDAHO WATER COMPANY, LLC, an Idaho corporation, whose address is 1135 Valley Road South, Eden, ID 83325 ("Grantee"), and to Grantee's heirs, successors and assigns forever, all of Grantors' right, title and interest in and to Water Right 37-22656 as described in Exhibit 1 attached hereto (the "Water Right"), said Water Right being a portion of former Water Right 37-22327 and now made appurtenant to 2.7 acres within the NW1/4SE1/4, Section 6, T3N, R18E, B.M. pursuant to Idaho Department of Water Resources Transfer No. 75337, and otherwise known as Lots 2 and 3, Block 1, Aspen Hollow Subdivision No. 2, according to the official plat of record, Blaine County, State of Idaho.

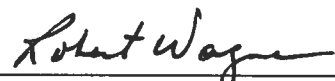
Grantors hereby covenant and warrant to Grantee as follows:

- (A) Grantors are the owner in fee simple of the Water Right;
- (B) Grantors have not conveyed any of the Water Right to anyone other than Grantee;
- (C) the Water Right is free from all liens, claims, or encumbrances;
- (D) Grantors have the authority to convey the Water Right to Grantee; and
- (E) Grantors have disclosed to Grantee in good faith all relevant information known to Grantors bearing on the validity and extent of the Water Right.

Grantors make no other covenants or warranties as to the Water Right.

Grantors retain no residual or reversionary interest in the Water Right, but do hereby expressly reserve unto Grantors the balance of former Water Right 37-22327, now described as Water Right 37-22655 pursuant to Transfer No. 75337.

IN WITNESS WHEREOF, the undersigned have caused their names to be hereunto subscribed on this 8th day of September, 2011.


ROBERT WAGNER


KATHI WAGNER

STATE OF IDAHO

County of Blaine

)
)
)
SS.

On this 8th day of Sept., 2011, before me, the undersigned, a notary public in and for said county and state, personally appeared **ROBERT WAGNER** and **KATHI WAGNER**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the 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.

Lacie Thompson
Notary Public for Idaho
Residing at: Hailey, ID
Commission expires: 1/28/2014

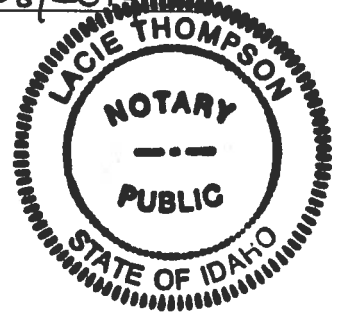


EXHIBIT A

WATER RIGHT NO. 37-22656

As Modified by Transfer No. 75337

In accordance with the approval of Transfer No. 75337, Water Right No. 37-22656 is now described as follows.

Right Holder: KATHI WAGNER And
ROBERT WAGNER
PO BOX 182
BELLEVUE ID 83313

Priority Date: December 14, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	0.03 CFS	5.3 AF
MITIGATION	04/15 to	10/15	0.01 CFS	1.7 AF
			0.04 CFS	7.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENWSE Sec. 6 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
03N 18E 6	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.7
																	2.7

Total Acres: 2.7

PLACE OF USE: MITIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
03N 18E 6	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1.5 acres within the place of use described above in a single irrigation season.
2. To prevent injury to water rights 37-7919 and 37-8307 held in the name of the Idaho Water Resource Board for minimum stream flows on the Big Wood River the 0.03 cfs allowed for irrigation use from ground water authorized by Transfer 75337 shall be subject to curtailment when flows at the Hailey gauge drop below 189 cfs or curtailed by priority whichever occurs first. The Director retains jurisdiction to modify this condition authorized by Transfer 75337 to prevent injury to other users as may be required based on future studies or the addition of gauges on the Big Wood River.

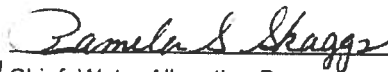
WATER RIGHT NO. 37-22656
As Modified by Transfer No. 75337

CONDITIONS OF APPROVAL

3. The portion of this ground water right designated for mitigation use shall remain undiverted to prevent injury to other water right holders.
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8. The diversion and use of water described in Transfer 75337 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 9th day of August, 2011


for Chief, Water Allocation Bureau

HAEMMERLE & HAEMMERLE, P.L.L.C.

Attorneys & Counselors at Law

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

P. O. Box 1800
Hailey, ID 83333

400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

September 29, 2011

RECEIVED

OCT 06 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Idaho Department of Water Resources
c/o Trish Fawcett
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

Re: Name Change 37-22656

Dear Trish Fawcett:

Please find enclosed a Name Change Form, with deeds, for the aforementioned water right. There are two deeds: (1) Deed from the Wagners (listed owners on IDWR records) to the Idaho Water Company (IWC); and (2) Deed from IWC to Tatum. I have also enclosed a fee of \$25.00. If there is anything else you require, please advise.

Thank you.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
cc: client



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

October 7, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

NANCIE TATUM
PO BOX 1365
SUN VALLEY ID 83353

RE: Change of Ownership for Water Right No(s). 37-22656

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s) to you. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports 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 Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure(s)

Cc: Fritz Haemmerle
Haemmerle & Haemmerle PLLC
PO Box 1800
Hailey ID 83333