



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 15, 2010

D DIAMOND RANCH HOMEOWNERS ASSO INC
PO BOX 1170
WILSON WY 83014

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP FOR WATER RIGHT
NUMBER(S) 22-13841

Dear Interested Parties:

Our email/letters dated 08/17/2009 and 11/27/2009 (copies enclosed) requesting items to complete the change in ownership remain unanswered. Therefore, we are returning the Notice of Change in Water Right Ownership request. Copies of your ownership change request information will be kept in our files for reference.

If, at a later date, you wish to reinstate this request you may send the enclosed ownership change request form along with the required information and fees and we will be happy to complete the request for you.

If you have any questions about this matter feel free to contact Jonie Barg at (208) 525-7161.

Respectfully submitted,

Bobby Kern
Office Specialist II

Enclosure(s)



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

November 27, 2009

(2nd REQUEST) C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

D DIAMOND RANCH HOMEOWNERS ASSO INC
PO BOX 1170
WILSON WY 83014

RE: Change of Water Right Ownership 22-13841

Dear Claimant:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our previous communication to you on August 17, 2009 (email copy enclosed) indicated additional information is needed to process your change form. As of today, we have not received the requested information. Therefore, please consider this letter our 2nd request for the information needed to process your change. The information required is indicated below:

XXX Filing Fee of \$100 per water right for changes resulting from division of a water right

XXX Evidence of Water Right Ownership: Please send a copy of the RECORDED Deed.

XXX Description of Portion of Water Right resulting from division of water right.

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right(s) indicated in your notice.

According to the Quitclaim Deed provided with your Notice of Change In Water Right Ownership D Diamond Ranch Home Owners Association, Inc. received as follows:

A portion of Water Right License No. 22-13841

Source: Ground Water

Purpose: Irrigation

Priority Date: January 8, 1991

Quantity: 0.08 cfs/12.1 afa

Place of Use: 4.2

The water right is ground water with the following uses: (1) Diversion to Storage (2) Fire Protection Storage (3) Aesthetic Storage (4) Wildlife Storage (5) Irrigation. Place of Use located in the N1/2 of the NE of Section 4 Township 5N Range 45E and .7 acres in SESE of Section 33 Township 6N Range 45 East for total of 2.2 acres.

Please review the attached information and indicate whether or not this water right would require a split. If not, please submit a recorded deed that verifies this will be a change of ownership for the entire water right, not a portion of it. If this will require a split, please submit a recorded deed that specifies/identifies the elements of the water right being split and submit the additional fee required to split a water right.

Because the Department cannot process the ownership change without proper documentation and fees, we will hold any action on your notice pending receipt of the necessary information or fees. If we do not receive the necessary information or fees within 30 days we will return your notice and all attachments and your notice will not be processed.

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 the Department if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobby Kern". The signature is fluid and cursive, with the first name "Bobby" written in a larger, more prominent script than the last name "Kern".

Bobby Kern
Office Specialist II

Barg, Jonie

From: Barg, Jonie
Sent: Monday, August 17, 2009 4:00 PM
To: 'bruce7440@yahoo.com'
Subject: Change of Ownership for 22-13841
Attachments: 22-13841.RTF

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

XXXX Filing Fee of \$100 per water right for changes resulting from division of a water right

XXXX Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

XXXX Description of Portion of Water Right resulting from division of water right

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right(s) indicated in your notice. I have enclosed a copy of the water right(s) for your reference.

According to the Quitclaim deed provided with you Notice of Change in Water Right Ownership, D Diamond Ranch Home Owners Association Inc received as follows:

A portion of Water Right License No 22-13841
Source: Ground Water
Purpose: Irrigation
Priority Date: January 8, 1991
Quantity: 0.08 cfs/12.1 afa
Place of Use: 4.2

The water right is ground water with the following uses: (1) Diversion to Storage (2) Fire Protection Storage (3) Aesthetic Storage (4) Wildlife Storage (5) Irrigation. Place of Use located in the N1/2 of the NE of Section 4, Township 5 N Range 45E, except irrigation is 1.5 acres within the NE NE of Section 4 Township 5 North Range 45 E and .7 acres in SESE of Section 33 Township 6N Range 45 East for a total of 2.2 acres.

At your earliest convenience, please look over the attached information and indicate whether or not this water right would require a split. If not please change your deed to show this will be a change of ownership for the entire water right not a portion of. If this will require a split please change your deed to specifically identify the elements of the water right is being transferred and submit the additional fee required to split a water right.

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a

change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that if a split is required the filing fee for your notice will be \$100.00, however as per receipt number E035258 you have already submitted \$25.00 so an additional \$75.00 is all that would need be submitted.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

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 the Department if you have any questions.

Sincerely,

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*

DE✓
RECEIVED

AUG 07 2003

Department of Water Resources
Western RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking the space provided (Under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
WR 22-13841		N			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **Filing Fee**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (If necessary to clarify diversion of water rights or other complex property descriptions); **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/ or adjudication claim(s) (there are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and /or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) BC Properties LLC
PO Box 28, Driggs, ID 83422
4. New Owner Claimant(s) D Diamond Ranch Homeowners Association, Inc
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address: PO Box 1170
- City, State and ZIP Code: Wilson, WY 83014
- New Telephone Number: (307) 733-7440

bruce 7440 @ yahoo.
com.

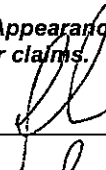
5. Date you acquired the property: May 26, 2009

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

Description of your portion of water right		
(If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number & type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimants(s) _____


Bruce Simon

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by BMI Date 8/7/09 Receipt Amt. \$25
 Received by BMI Date 8/7/09 Receipt No. E035 258
 Processed by _____ AJ Date _____ WR _____ Date _____

ALLIANCE TITLE & ESCROW CORP., INC.
P.O. BOX 644 / 78 N. MAIN STREET
DRIGGS, IDAHO 83422

205676 JUL 9 '09 AM 9 22

*Ground Water
rights only*

**QUITCLAIM DEED
FOR
WATER RIGHTS**

THIS INDENTURE is made this 21st day of May, 2009, between BC Properties, LLC, an Idaho Limited Liability Company, referred to herein as the "GRANTOR" and D Diamond Ranch Home Owners Association, Inc., whose mailing business is c/o Prime Properties of Jackson Hole, LLC, PO Box 1170, Wilson, WY 83014, the referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water rights or portions thereof in the County of Teton, State of Idaho, to-wit:

A portion of Water Right License No. 22-13841

Source:	Ground water
Purpose:	Irrigation
Priority Date:	January 8, 1991
Quantity:	0.08 cfs/12.1 afa
Place of use	4.2 acres

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

**THIS INSTRUMENT FILED
AS AN ACCOMMODATION ONLY.
IT HAS NOT BEEN EXAMINED
AS TO ITS EXECUTION, INSURABILITY
OR EFFECT ON TITLE.**

Instrument # 205676

TETON COUNTY, IDAHO

7-9-2009 09:22:00 No. of Pages: 2

Recorded for : ALLIANCE TITLE

MARY LOU HANSEN

Ex-Officio Recorder Deputy

Fee: \$6.00

C. Hansen

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

BC Properties, LLC

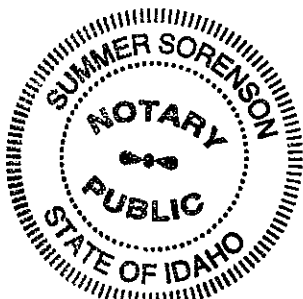
By: Ken Chambers
Its: Member

STATE OF IDAHO)
County of Bonneville)ss.

On this 26 day of May, 2009, before me a notary public in and for said State, personally appeared Ken Chambers known or identified to me (or proved to me on the oath of valid ID D.L.) to be the manager or a member of the limited liability company that executed the 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.

(seal)



Summer Sorenson

Notary Public for Idaho

Residing at: Idaho Falls

My commission expires: July 16, 2010

G:\WPDATA\RLH\14304-01 BC Properties\QCD, 22-13584.wpd:cdv