

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/9/2023

Water Right 22-4044 *After Split*

Owner Type **Name and Address**
Current Owner VERNAL J FOSTER
 PO BOX 116
 SWAN VALLEY, ID 83449-0116
 (208) 483-2072

Priority Date: 4/1/1970

Basis: Decreed

Status: Active

Source
UNNAMED STREAM

Tributary
FOX CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	0.280 CFS	
	Total Diversion		0.280 CFS	

Source and Point(s) of Diversion:

UNNAMED STREAM NWNE Sec. 28, Twp 04N, Rge 45E, TETON County

Place Of Use:

IRRIGATION within TETON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	45E	29	14.0																14.0

POU Total Acres: 14.0

Conditions of Approval:

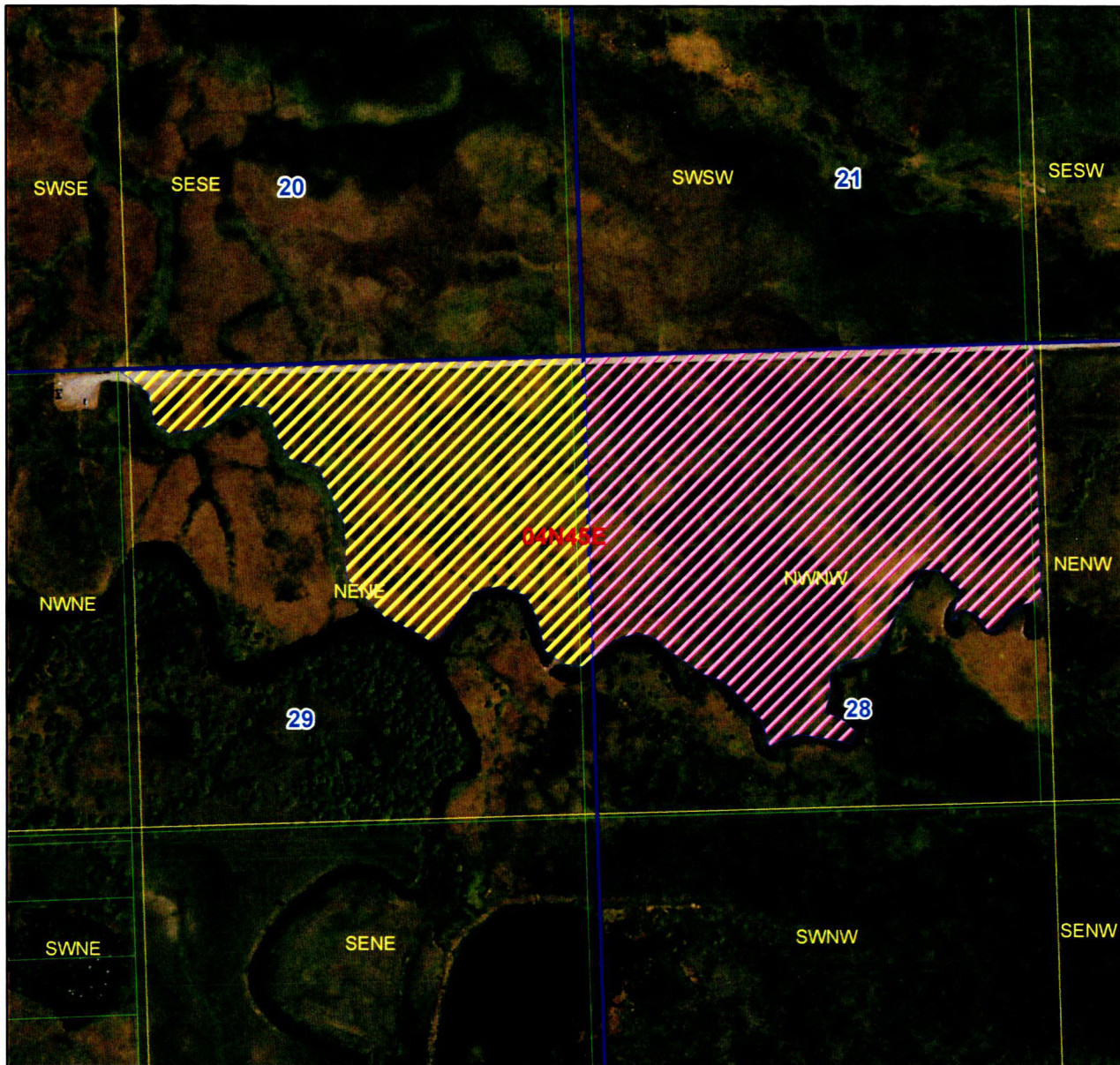
1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Comments:

1 j barg 1/9/2023 Ownership Change
water right 22-4044 was split into 22-4044 and 22-14517.

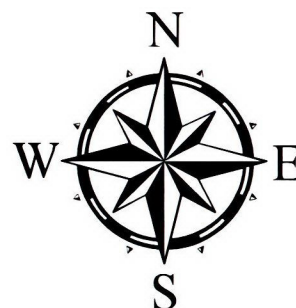
2 j barg 1/9/2023 POU
Updated Shape

Idaho Department of Water Resources



Legend

-  Place of Use 22-14517
-  22-4044 After Split
-  Township/Range
-  Sections
-  QQ
-  Parcels



1/9/2023

Water Right 22-4044 *Before Split*

Priority Date: 4/1/1970
Basis: Decreed
Status: Active

Tributary
FOX CREEK

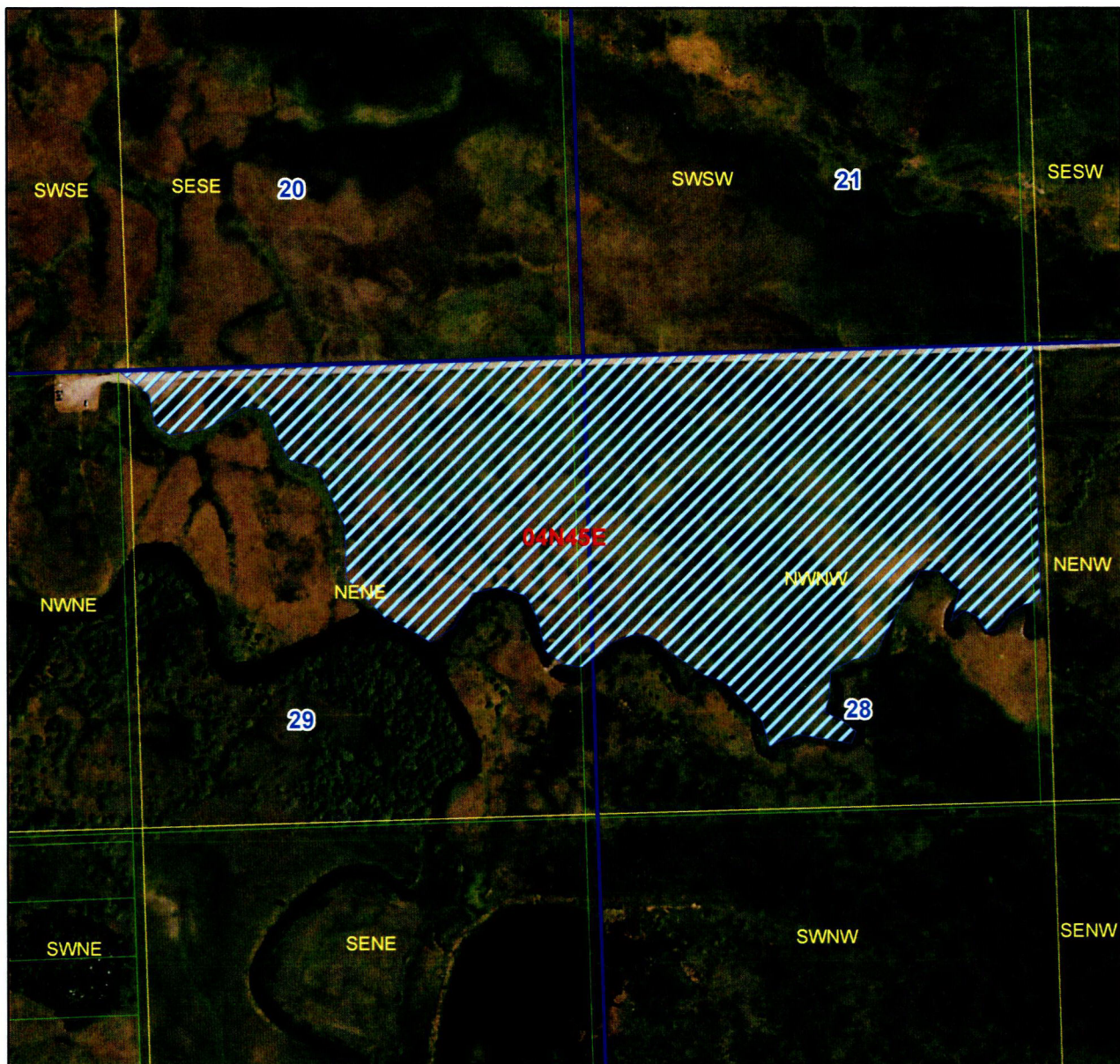
Source and Point(s) of Diversion:
UNNAMED STREAM NWNE Sec. 28, Twp 04N, Rge 45E, TETON County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	45E	28																	26.0
04N	45E	29	14.0																14.0

POU Total Acres: 40.0

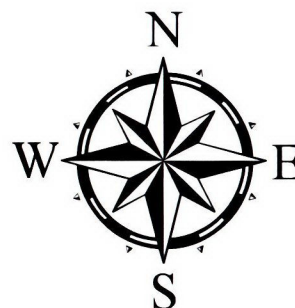
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Idaho Department of Water Resources



Legend

-  22-4044 Before Split
-  Township/Range
-  Sections
-  QQ
-  Parcels



SCANNED
JAN 09 2023

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEC 12 2022

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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 #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
22-4044	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
22-4044 22-14517	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Vernal J. Foster
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Clayton Dennington
New owner(s) as listed on the conveyance document

P.O. Box 809
Mailing address
870-538-8302
Telephone

Dermott AR 71638
City State Zip
clayton@denningtonfoods.com
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: 11-18-2022

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
- ☐ If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

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]
Signature of new owner/claimant
Clayton Dennington
Print name

Title, if applicable: _____
Date: 12-5-2022

Signature: _____
Signature of new owner/claimant
Print name: _____

Title, if applicable: _____
Date: _____

Received by: JB Date: 12/12/2022 For IDWR Office Use Only: E048832 \$75. -
Receipt No. E048783 Receipt Amt. \$25. -

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9: _____ Approved by: JB Processed by: JB Date: 1/9/2023

SUPPORT DATA

IN FILE # 22-4044

JAN 09 2023

RECORDING REQUESTED BY
Flying S Title and Escrow of Idaho, Inc.

AND WHEN RECORDED MAIL TO:
Flying S Title and Escrow of Idaho, Inc.
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Instrument # 278710

TETON COUNTY, IDAHO
11-18-2022 10:12:00 No. of Pages: 2
Recorded for: FLYING S TITLE AND ESCROW - DRIGGS
KIM KEELEY Fee: \$16.00
Ex-Officio Recorder Deputy, Kim Keeley
Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 1073025-T (bs)

Date: November 08, 2022

For Value Received, **Vernal John Foster, a married man as his sole and separate property**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Clayton Dennington, a married man as his sole and separate property**, hereinafter called the Grantee, whose current address is **P.O. Box 809, Dermott, AR 71636**, the following described premises, situated in **Teton County, Idaho**, to-wit:

Township 4 North, Range 45 E.B.M., Teton County, Idaho
Section 28: NW¼NW¼

Subject to the following:

Deed of Conservation Easement recorded on August 3, 1998, in the records of Teton County, Idaho as Instrument No.131118. The terms and conditions of such Conservation Easements are incorporated herein by reference and the above described parcels are transferred and conveyed subject to the terms and conditions of such Conservation Easements.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

RECORDING REQUESTED BY

Flying S Title and Escrow of Idaho, Inc.

AND WHEN RECORDED MAIL TO:

Flying S Title and Escrow of Idaho, Inc.
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Space Above This Line for Recorder's Use Only

WARRANTY DEED

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Date: **November 08, 2022**

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Township 4 North, Range 45 E.B.M., Teton County, Idaho
Section 28: NW¼NW¼

Subject to the following:

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TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 11/08/2022

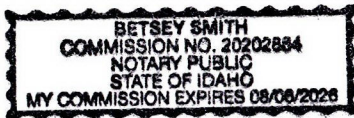
Warranty Deed
- continued

File No.: 1073025-T (bs)

Vernal John Foster
Vernal John Foster

STATE OF Idaho)
COUNTY OF Teton)

On this 10 day of November, 2022, before me, a Notary Public in and for said State, personally appeared **Vernal John Foster**, 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 the same.



Betsey Smith
Notary Public for the State of Idaho
Residing at: Tetonia
My Commission Expires: 8-6-2026

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/14/2022

Water Right 22-4044

Owner Type **Name and Address**
Current Owner VERNAL J FOSTER
 PO BOX 116
 SWAN VALLEY, ID 83449-0116
 (208) 483-2072

Priority Date: 4/1/1970

Basis: Decreed

Status: Active

Source
UNNAMED STREAM

Tributary
FOX CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	0.800 CFS	
	Total Diversion		0.800 CFS	

Source and Point(s) of Diversion:

UNNAMED STREAM NWNE Sec. 28, Twp 04N, Rge 45E, TETON County

Place Of Use:

IRRIGATION within TETON County

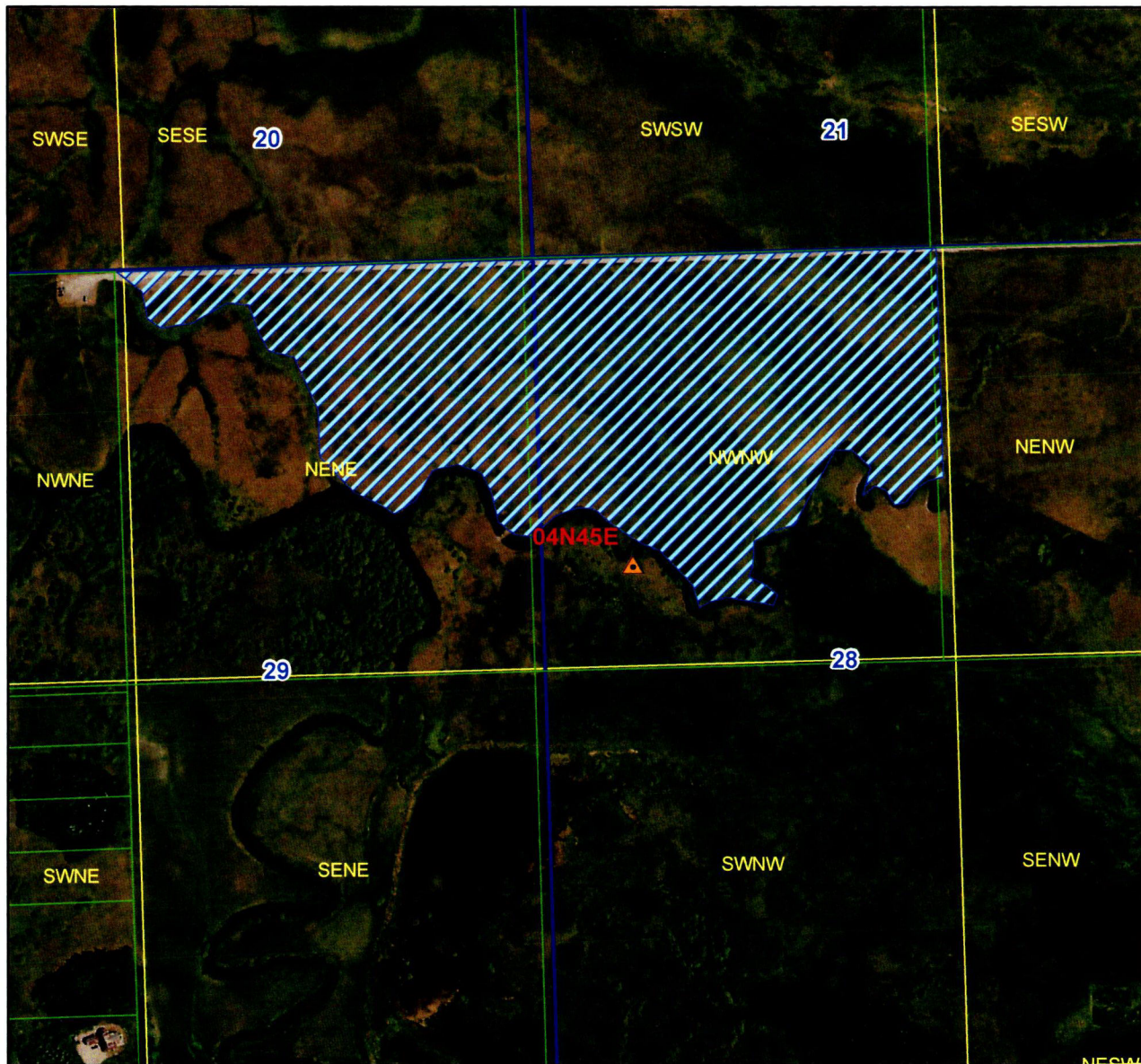
			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	45E	28							26.0										26.0
04N	45E	29	14.0																14.0

POU Total Acres: 40.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Idaho Department of Water Resources



Legend

-  Parcels
-  Township/Range
-  Sections
-  QQ
-  POU 22-4044

SCANNED

JAN 09 2023



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

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 09, 2023

CLAYTON DENNINGTON
PO BOX 809
DERMOTT AR 71638-0809

Re: Change in Water Right Ownership: 22-4044 (Split into 22-4044 and 22-14517)

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned 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 Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: WATER DISTRICT 01
VERNAL J FOSTER

SCANNED

JAN 09 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 14, 2022

CLAYTON DENNINGTON
PO BOX 809
DERMOTT AR 71638

RE: Change in Ownership Water Right No. 22-4044

Dear Sir/Madam:

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:

**** **Evidence of Ownership/Filing Fee:** Please review the map attached according to the information received the property purchased in only in Section 28, however the water right covers ground in Section 29. According to the parcel data available the current owner of the property in Section 29 is Julia Boyle. If you believe you do own the entire place of use, please supply evidence of ownership for that property. If you believe a split is required please supply the additional filing fee the fee for a split ownership change is \$100.00 per water right. The department acknowledges receipt of \$25.00, therefore an additional \$75.00 would be required.

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
Technical Records Specialist

Enclosure(s)

SCANNED

SCANNED
DEC 20 2022

JAN 09 2023