

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 20 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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
34-711BOK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-712BOK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name:

Stephen M. Spengler
Name of current water right holder/claimant

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

Lloyd Shayne Whitfield
New owner(s) as listed on the conveyance documentName connector ☐ and ☐ or ☐ and/orPO Box 330
Mailing addressMachay
CityID 83251
State ZIP(209) 603-0621
Telephoneshayne-whitfield@yahoo.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: 12/30/2020

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

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):
o \$25 per undivided water right.
o \$100 per split water right.
o 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.

SUPPORT DATA

IN FILE #

34-711B

8. Signature:

Signature of new owner/claimant

Title, if applicable

Date

9/20/2022

Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by JB

Date 9/23/2022

Receipt No. E048571

Receipt Amt. \$50.-

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 9/23/2022

SEP 23 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING A
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at www.idwr.idaho.gov. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the department's website using the Water Right and Adjudication Search link at www.idwr.idaho.gov.

Please note:

- Unlike licensed or decreed water rights, which are real property, water right permits, applications for new water rights, and applications to transfer existing water rights are considered the personal property of the permit holders/applicants. Permit holders and applicants must assign their interest in a permit and/or application to the new owner. Assignment forms are available on the department's website at www.idwr.idaho.gov, or from any IDWR office. The fee for an assignment of permit is \$25. There is no charge for an assignment of application for permit or application for transfer.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.
4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

Instrument # 259586
CHALLIS, CUSTER, IDAHO
12-30-2020 09:17:17 No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - BLACKFOOT
Lura H. Baker Fee: \$15.00
Ex-Officio Recorder Deputy: KW

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **943966-B (tr)**

Date: **December 23, 2020**

For Value Received, **Stephen M. Spengler, a single man**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **L Shayne Whitfield, an unmarried person**, hereinafter called the Grantee, whose current address is **4482 N. Highway 93, Mackay, ID 83251**, the following described premises, situated in **Custer County, Idaho**, to-wit:

A PARCEL OF LAND LOCATED IN THE N $\frac{1}{2}$ NE $\frac{1}{4}$ OF SECTION 20 AND IN THE SW $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 17, TOWNSHIP 7 NORTH, RANGE 24 E.B.M., CUSTER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 20 (1/2" REBAR SET); THENCE S. 08°37'09" E. 56.75 FEET TO A POINT ON THE APPROXIMATE CENTERLINE OF "OLD LOOP ROAD" WHICH IS THE TRUE POINT OF BEGINNING; THENCE CONTINUING S. 08°37'09" E. 58.81 FEET ACROSS "OLD LOOP ROAD" TO A POINT NEAR AN EXISTING FENCELINE (1/2" REBAR SET); THENCE S. 01°07'02" W. 427.83 FEET ALONG AN EXISTING FENCELINE TO A POINT ON SAID FENCELINE (1/2" REBAR SET); THENCE N. 87°58'07" W. 740.34 FEET ALONG AN EXISTING FENCELINE TO A POINT ON SAID FENCELINE (1/2" REBAR SET); THENCE S. 89°56'17" W. 30 FEET ALONG AN EXISTING FENCELINE TO A POINT ON SAID FENCELINE (1/2" REBAR SET); THENCE N. 48°07'09" W. 506.95 FEET ALONG AN EXISTING FENCELINE TO A POINT ON SAID FENCELINE (1/2" REBAR SET); THENCE N. 77°37'09" W. 202.62 FEET ALONG AN EXISTING FENCELINE TO A POINT ON SAID FENCELINE (1/2" REBAR SET); THENCE N. 00°42'25" W. 129.94 FEET TO THE 1/4 CORNER COMMON TO SECTION 17 AND 20 (ALUMINUM MONUMENT FOUND - P.L.S. ERICKSON); THENCE N. 00°44'50" E. 790.38 FEET ALONG AN EXISTING FENCELINE TO A POINT ON SAID FENCELINE (1/2" REBAR SET); THENCE CONTINUING N. 00°44'50" E. 407.71 FEET ALONG AN EXISTING FENCELINE TO A POINT ON THE APPROXIMATE CENTERLINE OF "OLD LOOP ROAD" (1/2" REBAR SET); THENCE S. 41°20'39" E. 1123.58 FEET ALONG THE APPROXIMATE CENTERLINE OF "OLD LOOP ROAD" TO A POINT ON THE APPROXIMATE CENTERLINE OF "OLD LOOP ROAD"; THENCE S. 56°12'08" E. 630.20 FEET ALONG THE APPROXIMATE CENTERLINE OF "OLD LOOP ROAD" TO A POINT ON THE APPROXIMATE CENTERLINE OF "OLD LOOP ROAD" AND ON THE SECTION LINE COMMON TO SECTION 17 AND SECTION 20 SAID POINT LYING S. 89°50'00" W. 56.39 FEET FROM THE NW CORNER OF THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 20; THENCE CONTINUING S. 56°12'08" E. 29.84 FEET ALONG THE APPROXIMATE CENTERLINE OF "OLD LOOP ROAD" TO A POINT ON THE APPROXIMATE CENTERLINE OF "OLD LOOP ROAD"; THENCE S. 45°32'42" E. 56.20 FEET ALONG THE APPROXIMATE CENTERLINE OF "OLD LOOP ROAD" TO THE TRUE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM:

PART OF THE N $\frac{1}{2}$ NE $\frac{1}{4}$ OF SECTION 20 AND ALSO BEING PART OF THE SW $\frac{1}{4}$ SE $\frac{1}{4}$ OF

SCANNED

SEP 28 2022

Date: 12/16/2020

Warranty Deed
- continued

File No.: 943966-B (tr)

SECTION 17, TOWNSHIP 7 NORTH, RANGE 24 E.B.M., CUSTER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF SECTION 20, SAID POINT BEING A GENERAL LAND OFFICE BRASS CAP RECORDED AS CORNER PERPETUATION AND FILING RECORD INSTRUMENT NO. 0219714; THENCE S. 89°33'11" W. 1338.22 FEET ALONG THE NORTH LINE OF SAID SECTION TO THE NW CORNER OF THE NE¼NE¼ OF SAID SECTION 20, SAID POINT BEING MARKED BY A 2006 BLM BRASS CAP MONUMENT; THENCE S. 08°53'33" E. 56.75 FEET TO A ½" IRON ROD-PLS 1222, SAID POINT BEING THE POINT OF BEGINNING; THENCE S. 08°53'33" E. 58.81 FEET TO A ½" IRON ROD-PLS 12222; THENCE S. 00°50'38" W. 427.83 FEET TO A ½" IRON ROD-PLS 12222, SAID POINT ALSO BEING THE NE CORNER OF SAID DEED INSTRUMENT NO. 212925; THENCE N. 88°18'53" W. 770.92 FEET ALONG THE NORTH LINE OF SAID DEED INSTRUMENT NO. TO A ½" IRON ROD-PLS 2370, SAID POINT ALSO BEING A COMMON CORNER TO DEED INSTRUMENT NO. 222024; THENCE N. 33°31'28" E. 820.71 FEET TO THE CENTERLINE OF OLD LOOP ROAD; THENCE ALONG SAID CENTERLINE THE FOLLOWING (2) TWO COURSES; THENCE (1) S. 56°28'32" E. 329.06 FEET; THENCE (2) S. 45°42'21" E. 56.17 FEET TO THE POINT OF BEGINNING.

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.

Instrument # 259586

Date: 12/16/2020

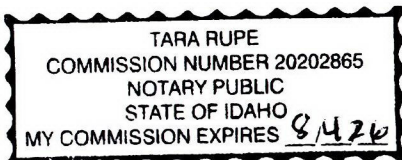
Warranty Deed
- continued

File No.: 943966-B (tr)

Stephen M Spengler
Stephen M. Spengler

STATE OF Idaho)
COUNTY OF Custer ^{or} Bingham) ss.

On this **Twenty-third day of December, 2020**, before me, a Notary Public in and for said State, personally appeared **Stephen M. Spengler**, 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.



Tara Rupe
Notary Public for the State of Idaho
Residing at: Blackfoot, ID
My Commission Expires: 08/04/2026



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

September 23, 2022

L SHAYNE WHITFIELD
PO BOX 330
MACKAY ID 83251-0330

Re: Change in Ownership for Water Right No(s): 34-711B and 34-712B

Dear Water Right Holder(s):

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

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 34

SCANNED

SEP 28 2022