

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/16/2022

Water Right 36-33D
WR Report AFTER Ownership Change Split

Owner Type **Name and Address**
Current Owner BOUNDARY INVESTMENTS LLC
441 W SALMON ST
HAGERMAN, ID 83332-5036
(208) 731-3664

Priority Date: 3/8/1902
Basis: Decreed
Status: Active

Source **Tributary**
WEATHERBY SPRINGS BILLINGSLEY CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	2/15	11/30	0.050 CFS	
	Total Diversion		0.050 CFS	

Source and Point(s) of Diversion:
WEATHERBY SPRINGS SENESW Sec. 30, Twp 07S, Rge 14E, GOODING County

Place Of Use:
IRRIGATION within GOODING 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	
07S	13E	27	0.5																0.5

POU Total Acres: 0.5

Conditions of Approval:

- 0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT. WATER IS DELIVERED THROUGH THE BAR S DITCH, CURREN DITCH AND NORTH PIPELINE.

Comments:

1 CHRISTEN 8/6/1992 COPIED FROM REMARKS
UNCLEAR HOW THE WATER GETS FROM WEATHERBY SPRINGS TO THE CURRAN DITCH. A DIVERSION RATE OF CFS AT THE FIELD HEADGATE IS RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE. CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT. WATER IS DELIVERED THROUGH THE BAR S DITCH, CURREN DITCH AND NORTH PIPELINE.

2 amerritt 9/11/2008 POD
PODID 230111 correlated from SpatialDataID 133183 to SpatialDataID 133183

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11/16/2022

3	jbitzenburg	11/16/2022	Split Right
Split into 36-17237.			
4	jbitzenburg	11/16/2022	POU
Updated Shape			

Dates and Other Information:

Decreed Date: 12/13/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 36A
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

SubCaseNumber: 36-33D
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 4/29/1993
Objection Status: Active

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources

Water Right 36-33D Map AFTER Ownership Change Split



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.035 0.07 0.14 Miles



SCANNED

DEC 21 2022

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Water Right 36-33D
WR Report BEFORE Ownership Change Split

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Current Owner BOUNDARY INVESTMENTS LLC
441 W SALMON ST
HAGERMAN, ID 83332-5036
(208) 731-3664

Priority Date: 3/8/1902

Basis: Decreed

Status: Active

Source
WEATHERBY SPRINGS

Tributary
BILLINGSLEY CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	2/15	11/30	0.090 CFS	
	Total Diversion		0.090 CFS	

Source and Point(s) of Diversion:
WEATHERBY SPRINGS SENESW Sec. 30, Twp 07S, Rge 14E, GOODING County

Place Of Use:
IRRIGATION within GOODING 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	
07S	13E	27	1.0																1.0

POU Total Acres: 1.0

Conditions of Approval:

- 0.06 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT. WATER IS DELIVERED THROUGH THE BAR S DITCH, CURREN DITCH AND NORTH PIPELINE.

Comments:

1 CHRISTEN 8/6/1992 COPIED FROM REMARKS
UNCLEAR HOW THE WATER GETS FROM WEATHERBY SPRINGS TO THE CURRAN DITCH. A DIVERSION RATE OF CFS AT THE FIELD HEADGATE IS RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE. CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT. WATER IS DELIVERED THROUGH THE BAR S DITCH, CURREN DITCH AND NORTH PIPELINE.

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Proof Report

11/16/2022

Dates and Other Information:

Decreed Date: 12/13/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 36A
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

SubCaseNumber: 36-33D
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 4/29/1993
Objection Status: Active

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources

Water Right 36-33D Map BEFORE Ownership Change Split



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.035 0.07 0.14 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 07 2022

DEPT OF WATER RESOURCES
SOUTHERN 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. 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.

Split #:
36-17237

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
<i>36-33D</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Boundary Investments, LLC
Name of current water right holder/claimant

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

632 Perleaps Lodi CA 95240
Mailing address City State ZIP

(209) 1607-7426 mikitacon@gmail.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: 9-30-2022

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

SUPPORT DATA

IN FILE # 36-33D

- ☐ 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 by:

8. Signature: Paul Mikita 10/3/2022
Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by SG Date 10/7/2022 Receipt No. 5039470 Receipt Amt. \$100.00

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 _____ Processed by JB Date 11-16-2022

SCANNED

DEC 21 2022



Order Number: 22461918

Warranty Deed

For value received,

Boundary Investments, LLC, an Idaho limited liability company

the grantor, does hereby grant, bargain, sell, and convey unto

Paul Mikita, an unmarried man

whose current address is 632 Perlegos, Lodi, CA 95240.

the grantee, the following described premises, in Gooding County, Idaho, to wit:

See Exhibit A, attached hereto and incorporated herein.

Together with and appurtenant to 48.3% of water right No. 36.33D, with the Idaho Department of Water Resources.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Remainder of page intentionally left blank.

Dated: September 30, 2022

Boundary Investments, LLC

By: Karl Emerson
Karl Emerson, Member

State of Idaho, County of Twin Falls, ss.

On this 3 day of October, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Karl Emerson, known or identified to me to be a member of the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Audrey Buckner
Notary Public
Residing In: Ternate, ID
My Commission Expires: 2-5-24

* Karl

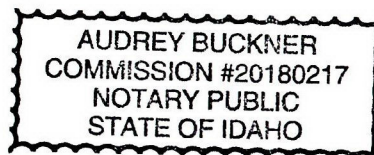


EXHIBIT A
LEGAL DESCRIPTION OF THE PREMISES

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 27: Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, described as follows:

Beginning at the NE corner for Section 27;

Thence South 1326.12 feet along the Easterly boundary of Section 27 to the center of the 2830 South County Road and the 900 East County Road being the SE Corner for the NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence South 89°51'20" West (recorded South 89°50' West) 425.17 feet along the Southerly boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ to THE TRUE POINT OF BEGINNING;

Thence South 89°51'20" West, 434.92 feet along said boundary to an existing property corner;

Thence North 6°05'30" East, 154.26 feet along the Easterly bank of the Big Bend Irrigation Ditch;

Thence North 89°50'00" East, 418.55 feet;

Thence South 153.51 feet to THE TRUE POINT OF BEGINNING.



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 16, 2022

PAUL MIKITA
632 PERLEGOS WAY
LODI CA 95240-8880

Re: Change in Water Right Ownership: 36-33 D (Split into 36-33 D and 36-17237)

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) 293-9909.

Sincerely,

Jim Bitzenburg
Water Rights Supervisor

Enclosure(s)

CC: WD-36A; TitleOne, Twin Falls- File #22461918; Boundary Investments, LLC

Bitzenburg, James

From: karl@jeromeprintshop.com
Sent: Wednesday, November 16, 2022 10:11 AM
To: Bitzenburg, James
Subject: Re: Ownership change split of water right 36-33D

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

yes, please split.

Karl Emerson
Jerome Printshop, Jerome ID
208 324-5113

On Wed 16/11/22 9:40 AM , "Bitzenburg, James" James.Bitzenburg@idwr.idaho.gov sent:

> Karl-
> We spoke on the phone yesterday about the ownership change of water
> right 36-33D in relation to property south of Hagerman. I was wanting
> to get confirmation via email of your intention with the ownership
> change. It is my understanding that you want to split the water right
> with Paul Mikita, with him getting 48.3% of the right and you would
> retain the other 51.7%. Normally, when we get a deed with a
> percentage of a water right being conveyed, we just add the grantee to
> the water right as another current owner. If you could confirm that
> you do indeed wish to split the right, I will go ahead and proceed in
> that direction. Thank you for your assistance with this.
> Jim
> JIM BITZENBURG
>
> WATER RIGHTS SUPERVISOR
>
> IDAHO DEPARTMENT OF WATER RESOURCES
>
> SOUTHERN REGIONAL OFFICE
>
> PHONE (208)-293-9909
>
>