

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 30 2023
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. 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. DE

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37276 D	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: Michael McCann

Name of current water right holder/claimant

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

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or

109 Chocolate Gulch Road

Ketchum

ID

83340

Mailing address

City

State

Zip

415-990-0386

mcullen2@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: May 3, 2023
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
- o 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):
- 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.

8. Signature:  05/04/2023

Signature of new owner/claimant Title, if applicable Date

Mark Cullen

Print name

Signature: _____ SEP 19 2023

Signature of new owner/claimant Title, if applicable Date

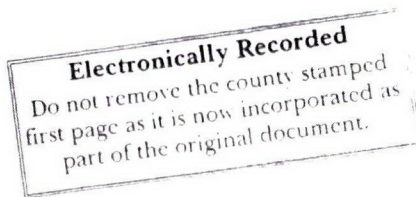
Print name

Received by  Date 5.30.23 Receipt No. C116358 Receipt Amt. 25.00

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  Date 9-19-23

For IDWR Office Use Only:



WARRANTY DEED

FOR VALUE RECEIVED

Michael D. McCann and Anita McCann, husband and wife

GRANTOR(S), hereby grants, bargains, sells, conveys and warrants unto

Mark Cullen and Fiona Smythe, Trustees of the Cullen Smythe Revocable Trust dated 12/16/2002

GRANTEE(S) whose current address is: 90 25th Ave., San Francisco, CA 94121

the following described premises, to-wit:

TOWNSHIP 5 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

A parcel of land located within H.E.S. 123 more particularly described as follows:

From a Government Survey Pin marked H.E.S. #4; thence South 51°02' East, 143.88 feet; thence North 66°12' East, 1,356.50 feet to the POINT OF BEGINNING;

Thence South 24°35' East, 236.15 feet;

Thence South 51°28' East, 235.60 feet to the high water line of the Big Wood River;

Thence North 22°18' East, 100.00 feet along the North Bank of the Big Wood River;

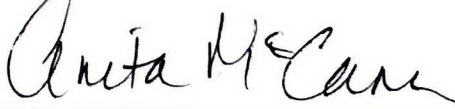
Thence North 43°11' West, 409.59 feet;

Thence South 53°36' West, 50.00 feet to the Point of Beginning. (Tax Lot 3669)

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 to and those made, suffered or done by the Grantee; and subject to all existing patent reservations; restrictions in railroad deeds of record; easements and rights of way established and of record; protective covenants of record; zoning ordinances and applicable building codes, use restrictions, ordinances, laws and regulations of any governmental unit; 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.

Dated this 6TH day of February, 2023


Michael D. McCann


Anita McCann

State of Idaho
County of Blaine

This record was acknowledged before me on ¹²6th day of February, 2023, by Michael D. McCann and Anita McCann.


Notary Public Curtis S. Chambers
My Commission Expires: 5.18.28 BC4WDI

(STAMP)





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Dated this _____ day of _____, _____.

Michael D. McCann

Anita McCann



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 19, 2023

CULLEN SMYTHE REVOCABLE TRUST
109 CHOCOLATE GULCH RD
KETCHUM ID 83340

Re: Change in Ownership for Water Right No(s): 37-276D

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: Water District No. 37

SCANNED

SEP 19 2023

Hersley, Jean

From: mcullen2@gmail.com
Sent: Tuesday, September 19, 2023 11:58 AM
To: IDWR File
Subject: Water Rights Transfer Claim # 37276 D - ATTN: Jean Hersley
Attachments: 2023-09-19 11-41.pdf

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.

Jean,

I'm writing to follow up a Water Rights Transfer form I submitted on May 23, 2023.

You sent me an email in response requesting additional information. I've unfortunately lost the email you sent, so Blake in your office recommended I send you the requested information to this email address.

I'm attaching a PDF of the signed copy of our Warranty Deed from Blaine County Title. I hope this information is what you need to process the Water Rights Claim that I submitted.

If you have any remaining concerns or questions, or if I can help in any please call me anytime at 415-990-0386

Thank you very much for your time and attention to this matter.

Sincerely,

Mark Cullen
415-990-0386

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, June 14, 2023 3:56 PM
To: mcullen2@gmail.com
Subject: Change in Ownership for Water Right 37-276D

Dear Interested Parties:

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

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

☒ Evidence of Water Right Ownership: Copy of a signed and notarized warranty deed and page 2 of the warranty deed.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days, we will return your notice and all attachments, and your notice will not be processed. You can provide the requested information by responding to this email or send to file@idwr.idaho.gov.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 287-4942.



Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

SCANNED

SEP 19 2023