

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
AUG 18 2022
DEPT OF WATER RESOURCES
SOUTHERN 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?
37-11476	Yes ☐	Yes ☐		Yes ☐	Yes ☐
37-21731	Yes ☐	Yes ☐		Yes ☐	Yes ☐
37-22453	Yes ☐	Yes ☐		Yes ☐	Yes ☐
37-22454	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Charles T. Foley
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Charles T. Foley Trust and Kathleen M. Foley Trust
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
Mountain Lake, 2300 North Scenic Highway Lake Wales FL 33853
Mailing address City State Zip
212-605-5550 kathyfoley44@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: August 2, 2022
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.

SUPPORT DATA

IN FILE # 37-11476

8. Signature: Charles T. Foley Aug 15 2022
Signature of new owner/claimant Title, if applicable Date
Charles T. Foley
Print name

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

SCANNED
OCT 19 2022

Received by SG Date 8/18/2022 For IDWR Office Use Only: Receipt No. 5039396 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 DM Date 9-26-2022

Instrument # 695404

HAILEY, BLAINE, IDAHO
08-03-2022 1:48:52 PM No. of Pages: 3
Recorded for: BLAINE COUNTY TITLE
STEPHEN MCDUGALL GRAHAM Fee: \$15.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO**

Lawson Laski Clark, PLLC
Post Office Box 3310
Ketchum, ID 83340
Attn.: Edward A. Lawson

(SPACE ABOVE LINE FOR RECORDER'S USE)

WARRANTY DEED

FOR VALUE RECEIVED,

CHARLES T. FOLEY and KATHLEEN M. FOLEY, husband and wife

GRANTOR do hereby GRANT, BARGAIN, SELL and CONVEY unto

CHARLES T. FOLEY and KATHLEEN M. FOLEY, as trustees of the CHARLES T. FOLEY TRUST

GRANTEE whose address is Mountain Lake, 2300 North Scenic Highway, Lake Wales, Florida 33853

The following described real property in Blaine County, Idaho, to wit:

Parcel 1

A Parcel of land located in Section 14 Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho, being more particularly described as follows:

Commencing at a Brass Cap which marks the S.W. Corner of said Section 14; thence North 0°08'37" West along the West Boundary of said Section 14, 88.22 feet to the Northerly Right-of-Way of State Highway No. 20, said point being the Real Point of Beginning, thence North 00°08'37" West 2566.63 feet to the W¼ of said Section 14; thence North 89°42'41" East 3954.85 feet to the Northeast Corner of the W½ of the SE¼ of said Section 14; thence South 00°10'34" East along the Easterly Boundary of said W½SE¼, 2585.48 feet to the Northerly Right of Way of State Highway No. 20; thence along said Northerly Right of Way South 89°59'04" West 3523.31 feet; thence leaving said Northerly Right of Way, North 00°08'24" West 120.72 feet; thence South 89°51'36" West 208.00 feet; thence South 00°08'24" East 120.27 feet to the Northerly Right of Way of State Highway No. 20; thence along said Northerly Right of Way, South 89°59'04" West 225.00 feet to the Real Point of Beginning.

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OCT 19 2022

Parcel II

A Parcel of land located in Section 14 Township 1 South, Range 19 East, Boise Meridian, Blaine County, Idaho, being more particularly described as follows:

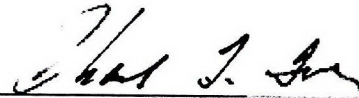
Commencing at a Brass Cap which marks the S.W. Corner of said Section 14; thence North 00°08'37" West along the West boundary of said Section 14, 88.22 feet to the Northerly right of Way of State Highway No. 20, thence;
North 89°59'04" East, along said Northerly Right of Way, 225.00 feet to the Real Point of Beginning, thence
North 00°08'24" West 120.27 feet; thence
North 89°51'36" East 208.00 feet; thence
South 00°08'24" East 120.72 feet to said Northerly Right of Way; thence
South 89°59'04" West along said Northerly Right of Way 208.00 feet to the Real Point of Beginning.

APN: 015190141380

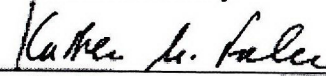
SUBJECT TO: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD, the said premises, and their 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 they are free from all encumbrances except as described above and the Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 2, 2022



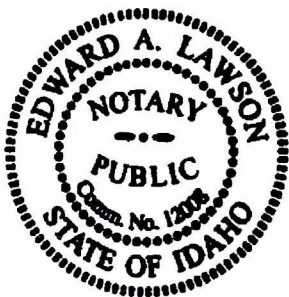
Charles T. Foley



Kathleen M. Foley

State of Idaho)
) ss.
County of Blaine)

On August 2, 2022, before me, a Notary Public in and for said State, personally appeared CHARLES T. FOLEY, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

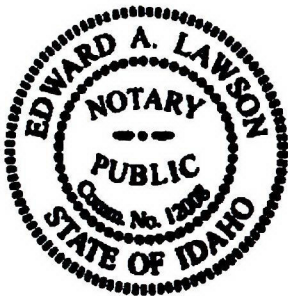


E. A. Lawson

Notary Public for Idaho
Residing at Blaine County, Idaho
My Commission expires 5.31.24

State of Idaho)
) ss.
County of Blaine)

On August 2, 2022, before me, a Notary Public in and for said State, personally appeared KATHLEEN M. FOLEY, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



E. A. Lawson

Notary Public for Idaho
Residing at Blaine County, Idaho
My Commission expires 5.31.24

Instrument # 695406

HAILEY, BLAINE, IDAHO
08-03-2022 1:48:52 PM No. of Pages: 3
Recorded for: BLAINE COUNTY TITLE
STEPHEN MCDUGALL GRAHAM Fee: \$15.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO**

Lawson Laski Clark, PLLC
Post Office Box 3310
Ketchum, ID 83340
Attn.: Edward A. Lawson

(SPACE ABOVE LINE FOR RECORDER'S USE)

WARRANTY DEED

FOR VALUE RECEIVED

CHARLES T. FOLEY and KATHLEEN M. FOLEY, husband and wife

GRANTOR do hereby GRANT, BARGAIN, SELL and CONVEY unto

CHARLES T. FOLEY and KATHLEEN M. FOLEY, as trustees of the CHARLES T. FOLEY TRUST as to an undivided one-half interest as tenant in common and CHARLES T. FOLEY and KATHLEEN M. FOLEY, as trustees of the KATHLEEN M. FOLEY TRUST as to an undivided one half interest as a tenant in common

GRANTEE whose address is Mountain Lake, 2300 North Scenic Highway, Lake Wales, Florida 33853

The following described real property in Blaine County, Idaho, to wit:

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN

SECTION 23: NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

TOGETHER WITH an easement for ingress, egress and the extension of utilities, more particularly described as follows:

A strip of land, 25 feet in width, extending along the western boundary of the NW $\frac{1}{4}$ and a portion of the SW $\frac{1}{4}$ of Section 24, Township 1 South, Range 19 East of the Boise Meridian, Blaine County, Idaho from the right of way for Idaho Highway 20 on the north, to a point 25 feet south of the northern boundary of the SW $\frac{1}{4}$ of said section 24, on the south.

Together with all improvement, minerals, mineral rights, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto, if any, including but not limited to the following: IDWR Nos. 37-2686E, 37-2686F, 37-7598E, 37-7598F, 37-8225A, 37-12284 and 37-12285.

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OCT 19 2022

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD, the said premises, and their 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 they are free from all encumbrances except as described above and the Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: Aug 2, 2022

Charles T. Foley

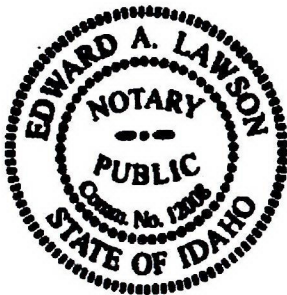
Charles T. Foley

Kathleen M. Foley

Kathleen M. Foley

State of Idaho)
) ss.
County of Blaine)

On August 2, 2022, before me, a Notary Public in and for said State, personally appeared CHARLES T. FOLEY, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

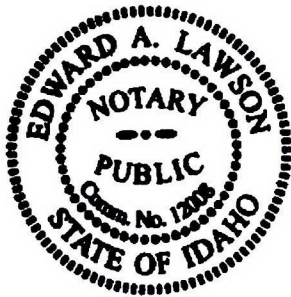


E. Lawson

Notary Public for Idaho
Residing at Blaine County, Idaho
My Commission expires 5.21.24

State of Idaho)
) ss.
County of Blaine)

On August 2, 2022, before me, a Notary Public in and for said State, personally appeared KATHLEEN M. FOLEY, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Edward A. Lawson
Notary Public for Idaho
Residing at Blaine City, Idaho
My Commission expires 5.31.24



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

September 26, 2022

CHARLES T FOLEY TRUST
CHARLES T FOLEY and KATHLEEN M FOLEY, TRUSTEES
MOUNTAIN LAKE
2300 N SCENIC HWY
LAKE WALES FL 33898-6626

Re: Change in Ownership for Water Right No(s): 37-11476, 37-21731, 37-22453 and 37-22454

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.

Please note, the Kathleen M Foley Trust was not added as a current owner to water right no(s). 37-11476, 37-21731 and 37-22453. The Warranty Deed provided (Instrument #695404) does not convey the land or water rights to her trust. In order to add the Kathleen M Foley Trust to these water rights, we will need a conveyance (Warranty Deed, Quitclaim Deed, etc.) to do so. The Kathleen M Foley Trust was added as a current owner to water right no. 37-22454 and that record is up to date.

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) 293-9908.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

c: Heather O'Leary, attorney
Water District 37

SCANNED
OCT 19 2022

Maline, Denise

From: Maline, Denise
Sent: Monday, September 26, 2022 12:48 PM
To: Heather O'Leary
Subject: RE: Foley Water Rights
Attachments: Foley Ownership Change (received Aug. 18).pdf; Ownership change completed 37-11476, etc. Foley.pdf; Ownership change completed 37-2686E, etc. Foley.pdf

Hello again,

I have completed these ownership changes and the updated water rights will go out in today's mail. I've attached the cover letters, for your reference. I did want to give you a heads-up on the ownership change that was received on August 18th. The Deeds provided didn't conveyed the Kathleen M Foley Trust to 3 of the 4 water rights listed on this particular ownership change. There were 2 deeds provided; however they are for separate property and her Trust wasn't conveyed on the deed with Instrument No. 695404.

I have explained this in the attached cover letter, but wanted to let you know in case the Foley's contact you as to why her Trust isn't listed on those particular rights. If you plan to send in another deed to add her Trust to the rights, I can use the original paperwork & signatures to avoid refiling at a later time and paying additional fees. I will hold onto the paperwork until I hear from you.

Please let me know if you have any questions.

Thank you,

Denise Maline, IDWR Twin Falls

From: Heather O'Leary <heo@lawsonlaski.com>
Sent: Monday, September 26, 2022 9:41 AM
To: Maline, Denise <Denise.Maline@idwr.idaho.gov>
Subject: RE: Foley Water Rights

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. Thank you!



HEATHER E. O'LEARY

Lawson Laski Clark, PLLC
675 Sun Valley Road, Suite A
PO Box 3310
Ketchum, ID 83340
208-725-0055 Phone
208-725-0076 Fax

CONFIDENTIALITY NOTICE: The information in this e-mail (including attachments, if any) is considered confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this e-mail is prohibited

Maline, Denise

From: Heather O'Leary <heo@lawsonlaski.com>
Sent: Monday, September 26, 2022 9:41 AM
To: Maline, Denise
Subject: RE: Foley Water Rights

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. Thank you!



HEATHER E. O'LEARY

Lawson Laski Clark, PLLC
675 Sun Valley Road, Suite A
PO Box 3310
Ketchum, ID 83340
208-725-0055 Phone
208-725-0076 Fax

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From: Maline, Denise <Denise.Maline@idwr.idaho.gov>
Sent: Monday, September 26, 2022 9:13 AM
To: Heather O'Leary <heo@lawsonlaski.com>
Subject: RE: Foley Water Rights

Good morning,

I have one more quick question on these water rights. Several of the water rights for the Foley's currently have James Speck listed as the attorney of record. Since you filed these ownership changes on behalf of the Foley's, I wanted to verify with you that it's ok to remove Mr. Speck from the water rights and add you as the attorney of record?

Thank you,

Denise

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region

HEATHER E. O'LEARY
HEO@LAWSONLASKI.COM



August 15, 2022

RECEIVED
AUG 18 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

Idaho Department of Water Resources
Southern Region
Attn: Denise Maline
650 Addison Avenue W., Suite 500
Twin Falls, ID 83301-5858

Re: Notice of Change of Water Right Ownership
Our File No. 32370-008

Dear Denise:

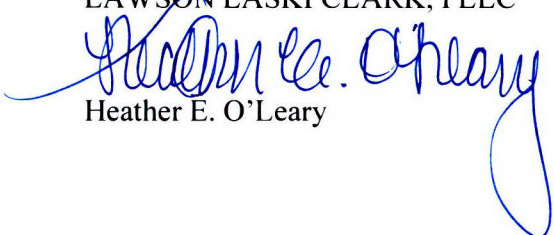
We are counsel to Charles T. Foley and Kathleen M. Foley, Trustees of the Charles T. Foley Trust and the Kathleen M. Foley Trust (collectively, the "Trusts"). The purpose of this letter is to change ownership of water rights nos. 37-22453, 37-22454, 37-11476 and 37-21731 into the Trusts' name. Enclosed herewith are the following documents:

- Notice of Change in Water Right Ownership for Water Right Nos. 37-22453, 37-22454, 37-11476 and 37-21731;
- Our firm's check for \$100.00 for the change in ownership for each of the foregoing water rights;
- Warranty Deeds conveying the property associated with the foregoing water rights; and
- Maps of the foregoing water rights' places of use.

Once completed, please send me as well as the new owner confirmation of the ownership changes. Thank you for your assistance in this matter and please do not hesitate to contact me should you have any questions or need additional information.

Sincerely,

LAWSON LASKI CLARK, PLLC


Heather E. O'Leary

Enclosures

SCANNED
OCT 19 2022