

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 26 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?
67-10859	Yes ☐	Yes ☐		Yes ☐	Yes ☐
67-10860	Yes ☐	Yes ☐		Yes ☐	Yes ☐
67-10860	Yes ☐	Yes ☐		Yes ☐	Yes ☐
67-704	Yes ☐	Yes ☐	<i>Split into</i>	Yes ☐	Yes ☐
67-719	Yes ☐	Yes ☐	<i>67-719 + 67-15463</i>	Yes ☐	Yes ☐

2. Previous Owner's Name: Diana K Tibbets
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Kimmel A Frank and Renee Jilich Frank, Trustees of Frank Living Trust
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or
- 1294 Long RD Weiser Idaho 83672
Mailing address City State Zip
- 831-970-7746 _____
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: June 10th 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): SUPPORT DATA
☐ \$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.

IN FILE # 67-704

8. Signature: *Kimmel A Frank* owner/trustee 5/23/2023
Signature of new owner/claimant Title, if applicable Date
KIMMEL A. FRANK
Print name
- Signature: *Renee J. Frank* owner/trustee 5/23/2023
Signature of new owner/claimant Title, if applicable Date
RENEE J. FRANK
Print name

SCANNED

AUG 04 2023

Received by KY Date 5-26-23 For IDWR Office Use Only: C 116779 Receipt No. C 116349 Receipt Amt. \$125.00

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 *gmk* Date 8-4-23

Warranty Deed



RECEIVED

Jun 19, 2023

DEPARTMENT OF
WATER RESOURCES

Instrument # 248797

STATE OF IDAHO, COUNTY OF WASHINGTON
2022-06-10 10:55:22 AM No. of Pages: 5
Recorded for: AMERITITLE - WEISER
DONNA ATWOOD Fee: \$15.00
Ex-Officio Recorder Deputy MMcConnell
Index To: DEED
Electronically Recorded by Simplifile

WARRANTY DEED

Order No.: 546970AM

FOR VALUE RECEIVED

Quentin Moser aka Quentin L. Moser, a single man

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

**Kimmel A Frank and Renee Jilich Frank, Trustees of the Frank Living Trust
dated March 30, 2006, CP**

whose current address is:

1439 Hwy 95
Weiser, ID 83672

the grantee(s), the following described premises, in Washington County, Idaho,
TO WIT:

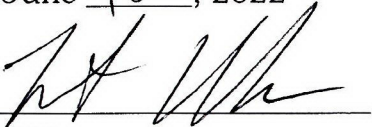
See Attached Exhibit 'A'

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

SCANNED

AUG 14 2023

Dated: June 10, 2022

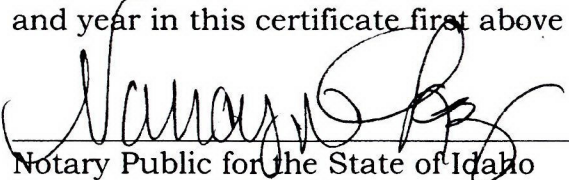


Quentin L. Moser

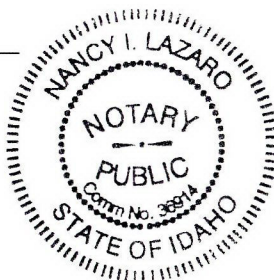
State of Idaho } ss
County of Washington}

On this 10 day of June, 2022, before me, Nancy I. Lazaro a Notary Public in and for said state, personally appeared Quentin L. Moser, 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 same.

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



Notary Public for the State of Idaho
Residing at: Weiser, Id
Commission Expires: 10/9/2025



SCANNED

AUG 04 2023

Warranty Deed

EXHIBIT 'A'

File No. 546970AM

PARCEL I:

IN TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO:

SECTION 34: All that part of the E $\frac{1}{2}$ NE $\frac{1}{4}$ lying Westerly of the Centerline of Barton Ditch, SAVE AND EXCEPT the following parcel:

Beginning at the SW corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence North along the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 400 feet;
Thence East parallel with the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ to the centerline of Barton Ditch;
Thence Southeasterly along said centerline to the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence West along the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ to the POINT OF BEGINNING;

NW $\frac{1}{4}$ NE $\frac{1}{4}$ AND

The North 15 acres of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the North 15 acres of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPTING all that part lying Northwesterly of the County Road right-of-way and further EXCEPTING the following described tract:

Beginning at the Northwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence East along the said North boundary a distance of 372 feet;
Thence South parallel to the West boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 739 feet;
Thence West parallel to the North boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 372 feet to the West boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence North along said West boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 739 feet to the POINT OF BEGINNING;

SAVE AND EXCEPT the following described tract:

BEGINNING at a point on the east line of said W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 34, T.12N., R. 5W, B.M., from which the Southeast corner of same bears S 01°02'48" E, 868.52 feet;

Thence, along said east line, N 01°02'48" W, 222.94 feet;
Thence, N 43°44'49" W, 418.31 feet;
Thence, N 52°47'02" E, 177.54 feet;
Thence, N 03°16'21" E, 627.42 feet;
Thence, S 89°54'00" W, 602.80 feet;
Thence, S 03°35'20" E, 302.59 feet;
Thence, S 21°39'30" W, 123.68 feet;
Thence, S 47°21'40" W, 213.49 feet;
Thence, S 17°22'58" E, 759.54 feet;
Thence, N 87°34'39" E, 676.36 feet to the POINT OF BEGINNING.

SCANNED
AUG 04 2023

Warranty Deed
PARCEL II:

IN TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO:

SECTION 34: All that part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying East of the County Road right-of-way, excepting the North 739 feet thereof.

PARCEL III:

A parcel of real property situate in the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 34, Township 12 North, Range 5 West, Boise Meridian, Washington County, Idaho, being more particularly described as follows:

BEGINNING at a point on the east line of said W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 34, T.12N., R. 5W, B.M., from which the Southeast corner of same bears S 01°02'48" E, 868.52 feet;

Thence, along said east line, N 01°02'48" W, 222.94 feet;
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Thence, S 17°22'58" E, 759.54 feet;
Thence, N 87°34'39" E, 676.36 feet to the POINT OF BEGINNING.

PARCEL IV:

In Township 12 North, Range 5 West of the Boise Meridian, Washington County, Idaho:

Section 26: S $\frac{1}{2}$ SW $\frac{1}{4}$ EXCEPTING a parcel of land described as beginning at the Southwest corner of said Section 26;

Thence N 0°45'W along the West side line of said Section 383.5 feet to the TRUE POINT OF BEGINNING

Thence N 0°45' W 945.3 feet to the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section;

Thence S 89°58'E along the North sideline of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, 447.8 feet;

Thence S 22°40.5'W 878.6 feet;

Thence S 43°21.4'W 184.6 feet to the TRUE POINT OF BEGINNING.

PARCEL V:

Section 27: Beginning at the Southeast corner of said Section 27;

Thence S 89°54'W along the South sideline of said Section 27, 367.7 feet;

Thence N 43°21.4'E 528.3 feet to the East sideline of said Section 27;

Thence S 0°45'E along said East sideline, 383.5 feet to the point of beginning.

PARCEL VI:

SCANNED
AUG 04 2023

Warranty Deed

Section 34: All that part of the E $\frac{1}{2}$ NE $\frac{1}{4}$ lying Easterly of the centerline of Barton Ditch.

PARCEL VII:

Section 35: W $\frac{1}{2}$ NW $\frac{1}{4}$ EXCEPTING therefrom that portion deeded to the State of Idaho in Warranty Deed recorded September 14, 1988 as Instrument No. 145804, Official Records.

SCANNED

AUG 04 2023



Date: 6/10/22
Read & Approved: [Signature]

WARRANTY DEED

Order No.: 546970AM

FOR VALUE RECEIVED

Quentin Moser aka Quentin L. Moser, a single man

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

**Kimmel A Frank and Renee Jilich Frank, Trustees of the Frank Living Trust
dated March 30, 2006, CP**

whose current address is:
1439 Hwy 95
Weiser, ID 83672

the grantee(s), the following described premises, in Washington County, Idaho,
TO WIT:

See Attached Exhibit 'A'

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

SCANNED

AUG 04 2023

Warranty Deed

Dated: June _____, 2022

Quentin L. Moser

State of Idaho } ss
County of Washington }

On this ____ day of June, 2022, before me, Nancy I. Lazaro a Notary Public in and for said state, personally appeared Quentin L. Moser, 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 same.

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

Notary Public for the State of Idaho
Residing at: Weiser, Id
Commission Expires: 10/9/2025

SCANNED

AUG 04 2023

EXHIBIT 'A'

File No. 546970AM

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Warranty Deed
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AUG 04 2023

Warranty Deed

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SCANNED

AUG 04 2023



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 Gary Spackman

August 04, 2023

FRANK LIVING TRUST
1294 LONG RD
WEISER ID 83672-5520

Re: Change in Water Right Ownership: 67-719 (Split into 67-719 and **67-15463**) & 67-704, 67-10859, 67-10860

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: Diana K Tibbets

SCANNED
AUG 04 2023

Check # 145
in the amount
of \$50.00 for
water right
67-719 split
fee as indicated
by the department
on the account
of

Frank Living Trust
1294 long Rd
Weiser, ID 83672

RECEIVED

JUL 21 2023

DEPARTMENT OF
WATER RESOURCES

SCANNED

AUG 04 2023



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 Gary Spackman

July 06, 2023

FRANK LIVING TRUST
1294 LONG RD
WEISER ID 83672-5520

RE: Change in Ownership Water Right No(s): 67-10859, 67-704, 67-10860, 67-719

Dear Interested Parties:

Thank you for providing the Department with the appropriate documents for your Notice of Change in Water Right Ownership (Notice).

After further review of your Notice, it was determined that water right 67-719 will need to be split. Water right 67-719 is an irrigation right for 27 acres located in Township 12N, Range 05W Section 34 (11 acres in the NENE and 16 acres in the SENE). Your property has 7.6 acres in the SENE. I have enclosed a map and water right report for your benefit.

Because water right 67-719 needs to be split, additional fees will be needed. Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. You previously paid \$125 to update 4 (four) water rights (water right 67-10860 was listed twice on the form) so we have determined that the additional filing fee for your notice will be **\$50**.

Because the Department cannot process the Notice without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees within 30 days we will return your notice and all attachments and your notice will not be processed.

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.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

SCANNED

AUG 04 2023



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 Gary Spackman

June 14, 2023

FRANK LIVING TRUST
C/O KIMMEL A. FRANK AND RENEE JILICH FRANK TRUSTEES
1294 LONG RD
WEISER ID 83672-5520

RE: Change in Ownership Water Right No(s): 67-10859, 67-704, 67-10860, 67-719

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: the Department needs a signed and notarized copy 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 send the requested information to the address above 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.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

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