

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 09 2023

Department of Water Resources
Eastern 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 #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
73-7037 <i>OK</i>	Yes ☐	Yes ☐	73-10091	Yes ☐	Yes ☐
73-10091 <i>7</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
<i>not supported</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Joseph Kerchinski, Lynnda Kerchinski
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Mark Whittington, Cynthia Whittington
New owner(s) as listed on the conveyance document Name connector ☐ and ☒ or
- 100 Hooper Lane May ID 83253
Mailing address City State Zip
- 541-953-6110 cawhitt@yahoo.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: 04/09/2021
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 # 73-7037

8. Signature: *Mark Whittington* 3/03/2023
Signature of new owner/claimant Title, if applicable Date
Mark Whittington
Print name
- Signature: *Cynthia Whittington* 03/03/2023
Signature of new owner/claimant Title, if applicable Date
Cynthia Whittington
Print name

For IDWR Office Use Only:

Received by JB Date 3/10/2023 Receipt No. E0489168 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 3/13/2023

MAR 10 2023



WARRANTY DEED

Read & Approved

A handwritten signature in black ink, appearing to be "Joseph Kerchinski", written over a horizontal line.

Alliance Title & Escrow, LLC Order No.:526764

FOR VALUE RECEIVED

Joseph Kerchinski, also known of record as Joseph Frank Kerchinski, an unmarried man

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

Mark Wade Whittington and Cynthia Ann Whittington, husband and wife

whose current address is

**100 Hooper Lane
May, ID 83253**

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

The Southwest Quarter of the Southwest Quarter of Section 5, the Northeast Quarter of the Southeast Quarter and a fraction of the Southeast Quarter of the Southeast Quarter, Section 6, Township 14 North, Range 22 East, Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Beginning at the Southeast Corner of said Section 6, from which the East Quarter of Section 6 bears N. 00°39'59" E., 2638.44 ft. the basis of bearing of this description, run thence N. 75° 46'30" W. a distance of 1364.39 ft. to a point on the Westerly boundary of said Southeast Quarter of the Southeast Quarter;

Thence N. 00°45'57" E. along said Westerly boundary a distance of 992.16 ft. to the Northwest Corner of said Southeast Quarter of the Southeast Quarter;

Thence S. 89°38'41" E. along the Northerly boundary of said Southeast Quarter of the Southeast Quarter a distance of 1324.66 ft. to the Northeast Corner of said Southeast Quarter of the Southeast Quarter;

Thence S. 00°39'59" W. along the Easterly boundary of said Section 6 a distance of 1319.22 ft. to the point of beginning.

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.



Transaction Identification Data for reference only:

Issuing Agent: Alliance Title & Escrow, LLC

Issuing Office: 610 Main St., Salmon, ID 83467

Loan ID Number:

Customer Reference Number:

Issuing Office File Number: 526764

Property Address: 100 Hooper Lane, May, ID 83253

Revision Number: #1, updated taxes

SCHEDULE A

Read & Approved

1. Commitment date: **October 28, 2020 at 7:30 A.M**

2. Policy or Policies to be issued:

(a) **2006 ALTA® Owner's Policy**

☒

Standard

☐

Extended

Amount:

\$1,160,000.00

Premium:

\$3,370.00

Proposed Insured:

Mark Wade Whittington and Cynthia Ann Whittington

(b) **2006 ALTA® Loan Policy**

☐

Standard

☐

Extended

Amount:

Premium:

\$0.00

Endorsements:

Proposed Insured:

3. The estate or interest in the Land described or referred to in this Commitment is **FEE SIMPLE**

4. Title to the **FEE SIMPLE** estate or interest in the Land is at the Commitment Date vested in:

Joseph Kerchinski, also known of record as Joseph Frank Kerchinski, an unmarried man

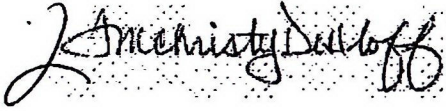
SCANNED

MAR 13 2023

5. The Land is described as follows:

See Attached Exhibit 'A'

Old Republic National Title Insurance Company

A handwritten signature in black ink, appearing to read "Kristy Delloff", is written over a dotted rectangular area.

Authorized Signatory

SCANNED

MAR 13 2023

State of Idaho
Department of Water Resources

Water Right

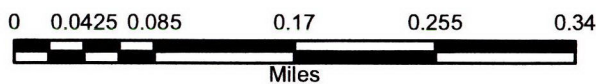
73-7037

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 3/3/2023



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



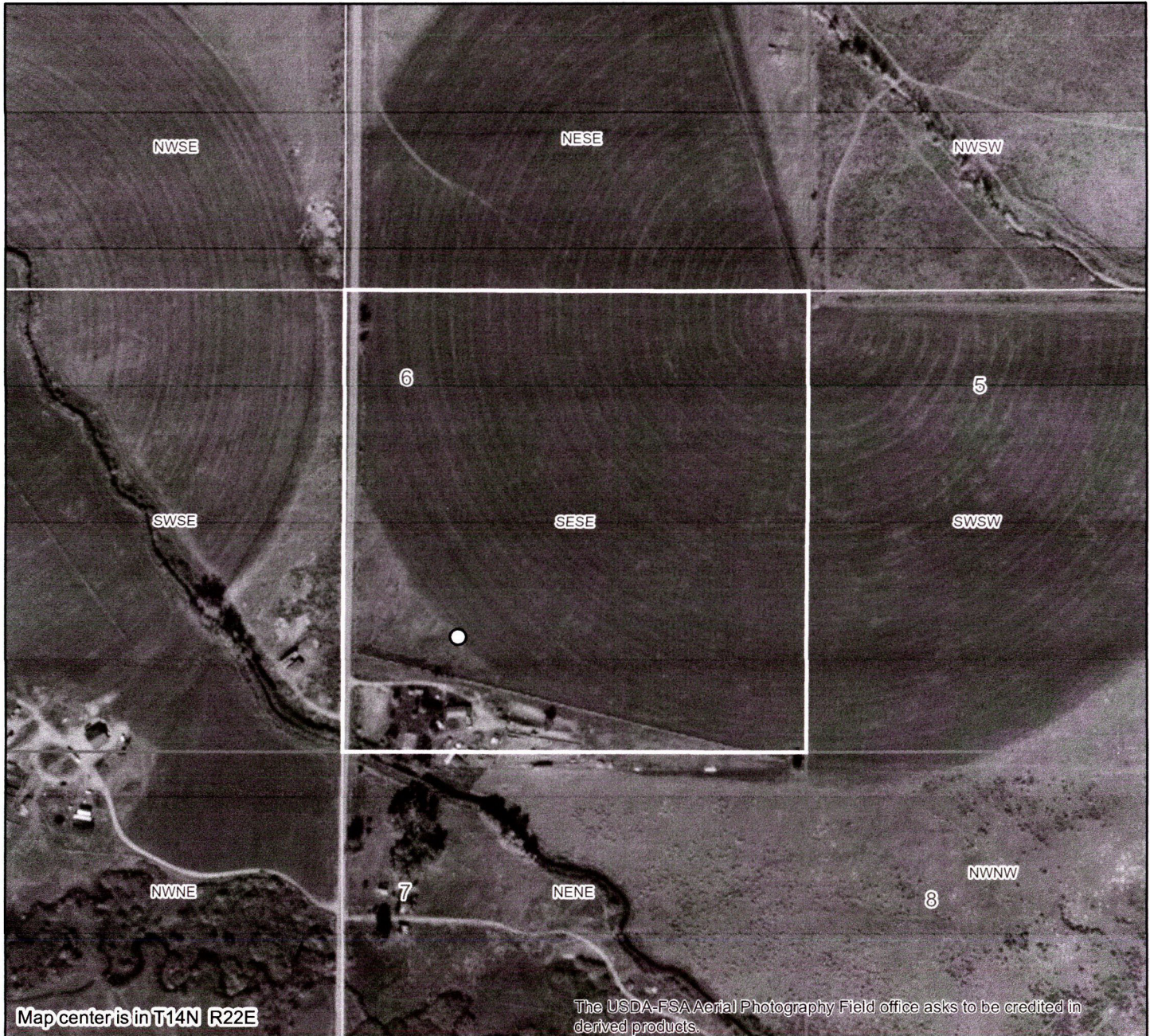
State of Idaho
Department of Water Resources

Water Right

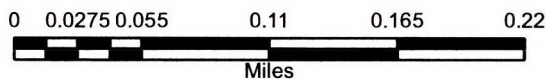
73-10091

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 3/2/2023



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



SCANNED
MAR 18 2023

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 73-10091

NAME AND ADDRESS: GENARO ARRIZUBIETA
SHARON ARRIZUBIETA
HC 62 BOX 2260
MAY, ID 83253

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 02/10/1978

POINT OF DIVERSION: T14N R22E S06 SWSESE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

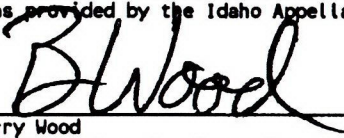
PLACE OF USE:	Stockwater		Within Lemhi County
	T14N R22E S06	SESE	
	Domestic		Within Lemhi County
	T14N R22E S06	SESE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

WARRANTY DEED

Order No.:307990058L-G

FOR VALUE RECEIVED

Genaro Arrizubieta and Sharon Arrizubietta, husband and wife.

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

Joseph Kerchinski and Lynnda Kerchinski, Husband and Wife

whose current address is

10900 Riconada Place Bakersfield, CA 93311

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

THE SW1/4SW1/4, SECTION 5, THE NE1/4SE1/4, AND A FRACTION OF THE SE1/4SE1/4, SECTION 6, T. 14 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SAID SECTION 6, FROM WHICH THE E1/4 OF SECTION 6 BEARS N. 00° 39' 59" E., 2638.44 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE N. 75° 46' 30" W. A DISTANCE OF 1364.39 FT. TO A POINT ON THE WESTERLY BOUNDARY OF SAID SE1/4SE1/4 OF SECTION 6;

THENCE N. 00° 45' 57" E. ALONG SAID WESTERLY BOUNDARY A DISTANCE OF 992.16 FT. TO THE NW CORNER OF SAID SE1/4SE1/4;

THENCE S. 89° 38' 41" E. ALONG THE NORTHERLY BOUNDARY OF SAID SE1/4SE1/4 A DISTANCE OF 1324.66 FT. TO THE NE CORNER OF SAID SE1/4SE1/4;

THENCE S. 00° 39' 59" W. ALONG THE EASTERLY BOUNDARY OF SAID SECTION 6 A DISTANCE OF 1319.22 FT. TO THE POINT OF BEGINNING.

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.

Dated: November 1, 1999

Genaro Arrizubieta
Genaro Arrizubieta

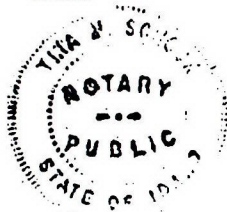
Sharon Arrizubieta
Sharon Arrizubieta

State of Idaho }
County of Lemhi } ss.

On this 1st day of November, in the year 1999, before me, a Notary Public in and for said state, personally appeared Genaro Arrizubieta and Sharon Arrizubieta

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

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



[Signature]
Notary Public for the State of Idaho
Residing at: Salmon, ID
Commission Expires: 2/6/2004

MICROFILMED
SEP 25 2001

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MAR 13 2023

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OCT 2 - 2000

Department of Water Resources

WADE SURVEYING

P.O. Box 1175
Salmon, Idaho 83467

Phone (208) 756-3070

September 20, 1999

PARCEL "A"

The SW 1/4 SW 1/4, Section 5, the NE 1/4 SE 1/4, and a fraction of the SE 1/4 SE 1/4, Section 6, T. 14 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

BEGINNING at the SE corner of said Section 6, from which the E 1/4 of Section 6 bears N 00°39'59" E, 2638.44 ft., the Basis Of Bearing of this description, run thence N 75°46'30" W a distance of 1364.39 ft. to a point on the westerly boundary of said SE 1/4 SE 1/4 of Section 6;

Thence N 00°45'57" E along said westerly boundary a distance of 992.16 ft. to the NW corner of said SE 1/4 SE 1/4;

Thence S 89°38'41" E along the northerly boundary of said SE 1/4 SE 1/4 a distance of 1324.66 ft. to the NE corner of said SE 1/4 SE 1/4;

Thence S 00°39'59" W along the easterly boundary of said Section 6 a distance of 1319.22 ft. to the POINT OF BEGINNING.

PARCEL "A" CONTAINS 115.57 ACRES



MICROFILMED

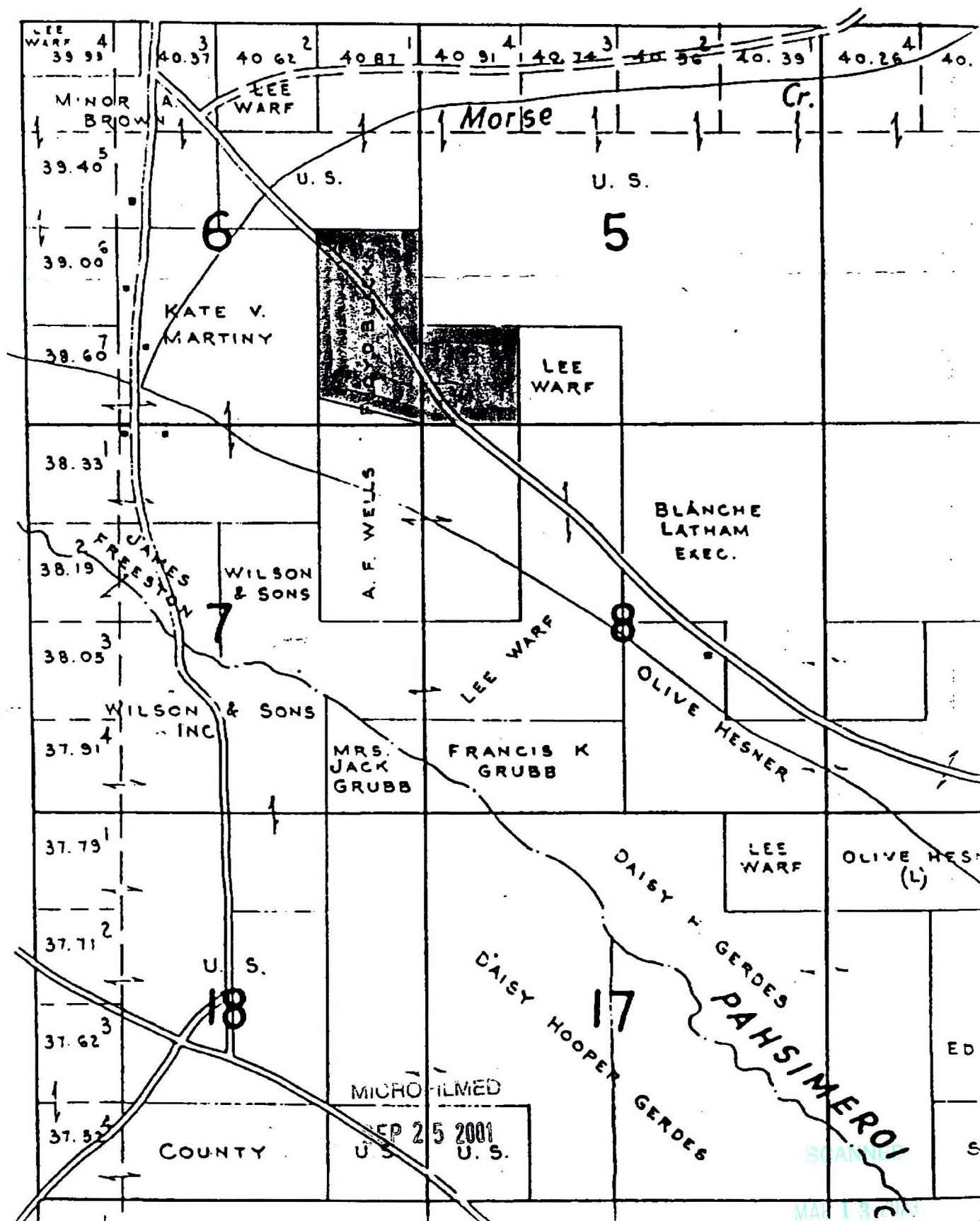
SEP 25 2001

SCANNED

MAR 13 2023

CHAS. METSKER
514 S. W. OAK STREET, PORTLAND, OREGON
111 SOUTH 10TH ST., TACOMA, WASHINGTON
1020 THIRD AVE., SEATTLE, WASHINGTON

TO:





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

March 13, 2023

MARK WHITTINGTON
CYNTHIA WHITTINGTON
100 HOOPER LN
MAY ID 83253-2001

Re: Change in Ownership for Water Right No(s): 73-7037, 73-10091 (not updated)

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.

During our review the department found that 73-10091 is not appurtenant to your property. Therefore, the ownership could not be updated. The department also discovered the ownership change complete in 2000 should not have been updated. Water right 73-10091 is a domestic water right appurtenant to the property retained by Arrizubieta on deed number 242535, property address 148 Hooper Ln. Therefore that ownership change has also been reversed. A copy of this letter is being sent to all interested parties, including Joseph and Lynnda Kerchinski and Gernaro Arrizubieta.

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 Baily
Technical Records Specialist 1

Enclosure(s)

cc: WATER DISTRICT 73
WATER DISTRICT 170
JOSEPH & LYNDA KERCHINSKI
GENARO ARRIZUBIETA

SCANNED

MAR 13 2023

Baily, Jonie

From: Baily, Jonie
Sent: Monday, March 13, 2023 3:19 PM
To: IdwrPayable
Subject: Refund Request
Attachments: Receipt.PDF

Good afternoon!

I have a refund request as follows:

Receipt number: E048968
Amount: \$25.00
Payable to **MARK WHITTINGTON**
100 HOOPER LN
MAY ID 83253-2001

Reason: Ownership Change filed for 2 water rights. Review determined that one water right could not be updated. The ownership was not complete; therefore the applicant is entitled to a partial refund.

Let me know if you have any questions or need additional information. Have a great day!!!



IDAHO DEPARTMENT OF
WATER RESOURCES

Jonie Baily | Technical Records Specialist

900 N Skyline Drive Ste. A, Idaho Falls, ID 83402

Phone number: (208) 525-7161

Fax number: (208) 525-7177

Email: jonie.barg@idwr.idaho.gov

Website: www.idwr.idaho.gov