

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 08 2022

WATER RESOURCES
WESTERN 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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
63-10799	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: Joe L. Aucoin
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Nancy R. Bryant
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 1915 North 11th Street Boise ID 83702
Mailing address City State ZIP
- 208 336-1321 nancybryant@outlook.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: April 28, 2005

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):
- 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: Nancy R. Bryant Title, if applicable: _____ Date: 2/8/22
Signature of new owner/claimant

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

For IDWR Office Use Only:

Received by: LE Date: 02/08/2022 Receipt No. W0501046 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: DM Processed by: DM Date: 4-24-23

WARRANTY DEED

For value received, Joe L. Aucoin Grantor(s)

Of Ada County of the State of Idaho,

Hereby **CONVEYS, GRANTS and WARRANTS** to

Nancy R. Bryant, 1915 N. 11th Street, Boise, Idaho 83702

In the sum of one dollar (\$1.00)

The following described property located in Boise County, State of Idaho:

Tract 1. A parcel of land in the S.E. cor. Of sec 8 T.4N. R.4E. Boise Meridian situated in Boise County, Idaho, more particularly described as follows: commencing at the S.E. cor. Of sec. 8 the real point of beginning, thence North along the section line between Sec. 8 and Sec. 9 a distance of 396.0 ft., thence at a right angle west a distance of 300.0 ft., thence at a right angle south on a line parallel to the section line between Sec. 8 and Sec. 9 to a point on the section line between Sec. 8 and Sec. 17, thence East along the section line between Sec. 8 and Sec. 17 to the real point of beginning.

Tract 2. A parcel of land in the N.E. cor. Of sec. 17 T.4N. R.4E. Boise Meridian situated in Boise County, Idaho, more particularly described as follows: commencing at the N.E. cor. Of sec. 17 the real point of beginning, thence South along the section line between sec. 17 and dsec. 16 a distance of 475.2 ft., thence at at right angle west 300.0 ft., thence at a right angle North on a line parallel to the section line between sec. 17 and sec. 16 to a point on the section line between sec. 8 and sec. 17, thence East along the section line between sec. 8 and sec 17 to the real point of beginning.

WITNESS this hand of said Grantor(s) on this 28th day of April, 2005

Joe L. Aucoin

STATE OF IDAHO, COUNTY OF ADA

On this 28th day of April, 2005

Before me, a notary public in and for the said State, personally appeared

Joe L. Aucoin

known to me to be the person whose name

is subscribed to the within instrument, and acknowledged to me that

he

executed the same.

Tiffany Sloan

Notary Public for the State of Idaho

Residing at Boise Idaho

Commission Expires: My Commission Expires On
February 14, 2009

TIFFANY SLOAN
Notary Public
State of Idaho

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MAY 24 2023

JPR

T04NR04E08

T04NR04E09

RP04N04E089050
BRYANT
2.727 ac
TAX PTN 76

RP04N04E170100
BRYANT
3.272 ac
TAX PTN 76

DAGGETT CRK RD

DAGGETT CREEK

T04NR04E17

T04NR04E16

EAGLE LN

HIDDEN BOWL

Legend



Tax 76



Street



Parcel shapes



Twp Rng Sec



Creeks

March 8, 2011

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MAY 24 2023

This map is only a representation of parcel boundaries and should not be used for legal surveying applications or boundary resolutions. Please contact Boise County Assessor's Office with any questions. 208.392.4415

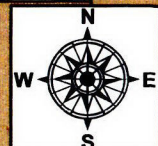


Scale

0 195 390 780 Feet



Tax 76
Nancy R Bryant
parcels



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/24/2023

Water Right 63-10799

Owner Type **Name and Address**
Current Owner NANCY R BRYANT
 1915 N 11TH ST
 BOISE, ID 83702-2712

Original Owner JOE L AUCOIN
 10999 ARCH ST
 BOISE, ID 83704
 (208) 322-5138

Priority Date: 5/17/1989

Basis: License

Status: Active

Source
SPRING

Tributary
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.040 CFS	0.6 AF
	<u>Total Diversion</u>		0.040 CFS	0.6 AF

Source and Point(s) of Diversion:

SPRING SESESE Sec. 8, Twp 04N, Rge 04E, BOISE County

Place Of Use:

DOMESTIC within BOISE 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	
04N	04E	8																X	

Conditions of Approval:

- Domestic use is for 1 home.

Dates and Other Information:

Licensed Date: 6/19/1992

Water District Number: TBD

Mitigation Plan: False

Combined Use Limits:

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MAY 24 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/24/2023

N/A

SubCase:

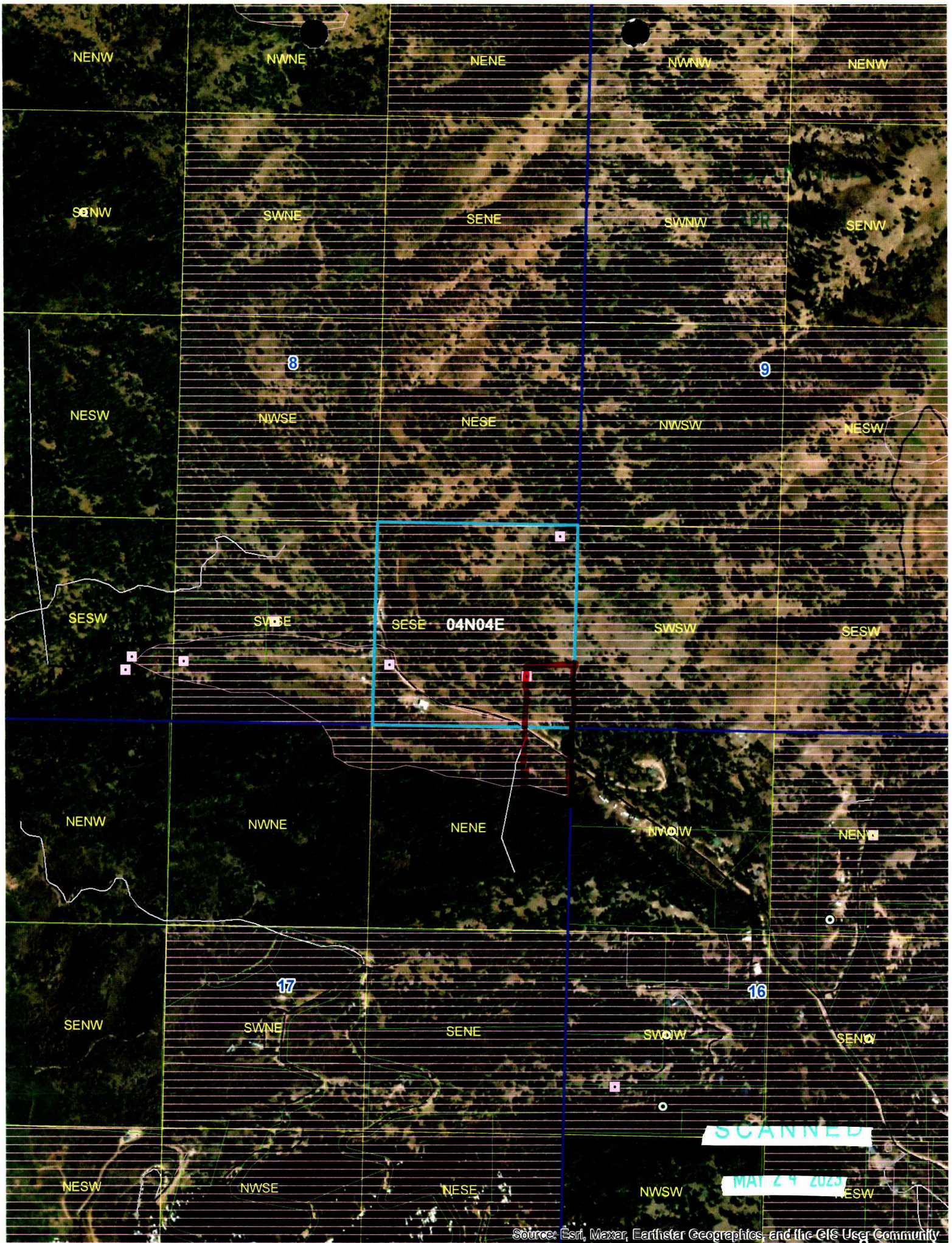
N/A

Water Supply Bank:

N/A

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MAY 24 2023





Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 24, 2023

NANCY R BRYANT
1915 N 11TH ST
BOISE ID 83702-2712

Re: Change in Ownership for Water Right No(s): **63-10799**

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. No further action is required from you for this process.

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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)605-4620.

Sincerely,

Debra Mansfield
Office Specialist II

Enclosure(s)

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MAY 24 2023

Mansfield, Debra

From: Mansfield, Debra
Sent: Monday, April 24, 2023 10:28 AM
To: Ken Neely
Subject: RE: Notice of Change in Water Right Ownership for Water Right 63-10799
Attachments: Confirmation for Notice of Change in Water Right Ownership for Water Right 63-10799.pdf

Good morning, Ken.

I am reaching out regarding Nancy R Bryant's Change in Ownership for Water Right 63-10799. I decided to research through Nancy's Water Right documentation again. I was curious as to why this split had not already been completed in the past.

I found was that the descriptive image for the Water Right that was drawn and layered into the mapping system on file is inaccurate. While the State's digital image of this Water Right was misleading, I found that the data regarding the details of the Water Right and its parameters of use are all correct. I was able to Complete this Notice of Change in Water Right Ownership without any further fee or action required from Nancy.

I deeply apologize for this oversight, I know that we have spoken a few times to clear this matter up. I have not yet received the requested \$75.00 fee from Nancy as of today. If she has not sent it, please let her know she does not need to do so. If she has sent a check to our Western Office I can either return it to sender when I receive it or I can destroy the check here on site.

I have attached a copy of the Confirmation Letter for her Change in Ownership. I have also mailed it out today via USPS to Nancy. Please, feel free to call me if you have any further questions, (208)605-4620.

Sincerely,

Debra Mansfield | Office Specialist II
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | Debra.Mansfield@idwr.idaho.gov

From: Ken Neely <knneely@gmail.com>
Sent: Monday, April 17, 2023 12:04 PM
To: Mansfield, Debra <Debra.Mansfield@idwr.idaho.gov>
Subject: Re: Notice of Change in Water Right Ownership for Water Right 63-10799

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.

Hi Debra,

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MAY 24 2023

Mansfield, Debra

From: Mansfield, Debra
Sent: Friday, April 14, 2023 2:11 PM
To: Ken Neely
Subject: RE: Notice of Change in Water Right Ownership for Water Right 63-10799
Attachments: Nancy R Bryant - Water Right and property shapes.pdf

Good Afternoon, Mr. Neely.

Please, see the attached map for reference regarding Nancy R Bryant's Water Right needing to be split to complete her Change in Ownership. The Large squarish, blue-green shape located in the SESE quarter of Section 8 is the Water Right in its current form. The red rectangular shape is the property conveyed to Nancy Bryant in the provided Warranty Deed.

Thank you for time in working on this with us. We will wait for the remaining \$75 fee from Nancy then complete the Change in Ownership process. Once completed we will send out our confirmation correspondence to Nancy via USPS.

Thank You,

Debra Mansfield | Office Specialist II
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | Debra.Mansfield@idwr.idaho.gov

From: Ken Neely <knneely@gmail.com>
Sent: Friday, April 14, 2023 10:04 AM
To: IDWR File <file@idwr.idaho.gov>
Subject: Water Right Transfer question - Attn Debra Mason

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.

Hi Debra.

This is what I received from my friend, a retired water attorney. He said that this case established that water rights were transferred automatically with a property sale transfer. If something has changed since this case, would you please provide the reference to the Idaho Code and/or the case that instituted the change?

Thank you,
Ken

Kenneth Neely
Hydrogeologist
Idaho Water Engineering
208-5509-5691

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MAY 24 2023

Ken: Here is a link to the case: <https://casetext.com/case/crow-v-carlson>

Here is the relevant language (Underlined emphasis is mine):

The trial judge found that the appropriator of a water right could use it on the ground for which it was appropriated or on other grounds, and that a water right is essentially a personal right which is not necessarily transferred by a conveyance of the property to which the right appertains. We disagree. I.C. § 42-220 provides that "all rights to water confirmed under the provisions of this chapter, or by any decree of court, shall become appurtenant to, and shall pass with a conveyance of, the land for which the right of use is granted." Such is a codification of the law as it has existed since 1903. See 1903 Idaho Sess. Laws, p. 233, § 9; R.C. C.L. § 3262 (1908); C.S. § 5580 (1919); I.C.A. § 41-214 (1932).

Crow v. Carlson, 107 Idaho 461, 466 (Idaho 1984)

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MAY 24 2023



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Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 23, 2023

NANCY R BRYANT
1915 N 11TH ST
BOISE ID 83702-2712

RE: Notice of Change in Water Right Ownership for Water Right No: **63-10799**

Dear Interested Parties:

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

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 Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

During our review of the Warranty Deed you submitted we found that there are no water rights conveyed within the document. The deed specifically describes the parcel of land without additional language granting any appurtenances to the property. We will need a different deed or other acceptable legal documentation showing the conveyance of the Water right to you in order to proceed with this change. I have included a *copy* of the notice & deed that was submitted with your Notice for your reference.

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.

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)605-4620.

Sincerely,

Debra Mansfield
Office Specialist II

Enclosure(s)

SCANNED

MAY 24 2023