

RECEIVED

MAR 14 2022

WATER RESOURCES
WESTERN REGION

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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
63-3034B	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: Jill Kohler and Joel Catloth
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Nick and Allison Kirkpatrick
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or
- 4005 North Eagle Road Eagle ID 83616
Mailing address City State Zip
925.642.5992 allison.b.kirkpatrick@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: 8/2/21
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: [Signature] 3/9/22
Signature of new owner/claimant Title, if applicable Date
Allison Kirkpatrick
Print name
- Signature: [Signature] 3/9/22
Signature of new owner/claimant Title, if applicable Date
Nick Kirkpatrick
Print name

SCANNED

MAY 11 2023

Received by CS Date 03/14/2022 For IDWR Office Use Only: Receipt No. W050199 Receipt Amt. \$25⁰⁰
Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Approved by DM Processed by DM Date 5-11-2023

93713037
551 1 124
700-810-1000

DEPARTMENT OF WATER RESOURCES
**INSTRUCTIONS FOR FILING A
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Idaho Code §§ 42-248 and 42-1409(6). All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at www.idwr.idaho.gov/forms/water-rights.html. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the IDWR's website using the Water Right and Adjudication Search.

Please note:

- Unlike licensed or decreed water rights, which are real property, water right permits, applications for new water rights, and applications to transfer existing water rights are considered the personal property of the permit holders/applicants. Permit holders and applicants must assign their interest in a permit and/or application to the new owner. Assignment forms are available on the IDWR's website at www.idwr.idaho.gov/forms/water-rights.html, or from any IDWR office. The fee for an Assignment of Permit is \$25. There is no charge for an Assignment of Application for Permit or Application for Transfer.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.
- Any action by IDWR updating the ownership of a water right in IDWR's records is not a determination of water right ownership. Water right ownership disputes arising from a notice of change in water right ownership must be resolved in a water rights adjudication or in an action to quiet title.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.
4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be

SCANNED
MAY 11 2023



PioneerTitleCo.
GOING BEYOND

8151 W. Rifleman Street
Boise, ID 83704

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 773484 /DG

ADA COUNTY RECORDER Phil McGrane
BOISE IDAHO Pgs=2 NIKOLA OLSON
PIONEER TITLE COMPANY OF ADA COUNTY

2021-115686
08/03/2021 04:33 PM
\$15.00

WARRANTY DEED

For Value Received **Jill Kohler and Joel Catloth, husband and wife, who acquired title without marital status,**

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Nicholas C. Kirkpatrick and Allison B. Kirkpatrick, husband and wife

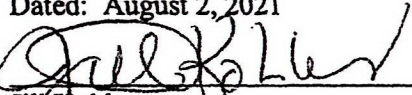
hereinafter referred to as Grantee, whose current address is 4005 North Eagle Road Eagle, ID 83616

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

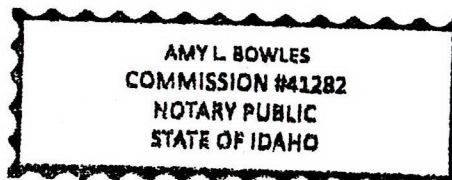
Dated: August 2, 2021


Jill Kohler


Joel Catloth
State of ID, County of Ada

This record was acknowledged before me on August 2, 2021 ~~at FOR REC~~ by Jill Kohler and Joel Catloth


Signature of notary public
Commission Expires: 12-12-21



SCANNED

MAY 11 2023

EXHIBIT A

Parcel I

East half of the Southeast quarter of the Northeast quarter of Section 32, Township 5 North, Range 1 East of the Boise Meridian, Ada County, Idaho; except the South 390 feet.

Parcel II

Commencing at a brass cap monument, which marks the center of Section 32, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, which center of Section 32 lies South 89°35'28" West, 2658.56 feet from a brass cap monument marking the East quarter corner of said Section 32; thence

South 89°35'28" East, 1993.92 feet along the East-West centerline of said Section 32, which is also along the Southerly boundary line of Valli Hi Road, and is also along the Southerly boundary line of Whispering Winds Subdivision, as recorded under Instrument No. 824754, in the office of the Ada County Recorder to an iron pin which marks the Southeasterly corner of said Whispering Winds Subdivision, as platted and recorded, which is the REAL POINT OF BEGINNING; thence

South 89°35'28" West, 8.54 feet back along the same line as described above, to a point on an existing fence line; thence

North 00°31'34" West, 50.00 feet along an existing fence line to a point which marks the Southeasterly corner of Lot 1 of the proposed plat of Lots 1, 2 and 3 of Whispering Winds Subdivision No. 2; thence

North 01°20'44" West, 607.81 feet along an existing fence line, which is also along the Easterly boundary line of the said plat to an iron pin marking the Northeast corner of Lot 1 and the Southeast corner of Lot 2 of said plat; thence

North 01°03'46" West, 328.90 feet along an existing fence line which is also along the Easterly boundary line of the said plat to an iron pin marking the Northeast corner of Lot 2 and the Southeast corner of Lot 3 of said plat; thence

North 00°17'53" West, 323.85 feet along an existing fence line, which is also the Easterly boundary line of the said plat, to an iron pin marking the Northeast corner of Lot 3, which is also the Northeast corner of said plat subdivision; thence

North 89°39'48" East, 16.10 feet to a point, which previously marked the Northeast corner of the Whispering Winds Subdivision No. 2, as recorded under Instrument No. 7907622, for the office of the Ada County Recorder, and which has now been vacated; thence

South 00°39'00" East, 1315.45 feet along the Easterly boundary line of the said vacated Whispering Winds Subdivision No. 2, to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM the following two parcels:

Parcel I

EXCEPT the South 390 feet.

Parcel II

ALSO EXCEPT a parcel of land situated in the Southeast quarter of the Northeast quarter of Section 32, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, as shown on Record of Survey No. 2155, filed as Instrument No. 9237336, in the office of the Ada County Recorder, more particularly described as follows:

Commencing at the East quarter corner of said Section 32, a point marked by a brass cap; thence along the East line of said Section 32,

North 00°45'01" West, 390.00 feet to the POINT OF BEGINNING, marked by a half inch iron pin; thence leaving the East line of said Section 32 and along a line 390.00 feet Northerly of and parallel with the East West center of section line of said Section 32,

South 89°35'29" West, 676.32 feet to a point on the East line of the Amended Plat of Whispering Winds No. 2, marked by a half inch iron pin; thence along the East line of said Amended Plat of Whispering Winds No. 2,

North 01°20'44" West, 267.77 feet to a point, marked by a half inch iron pin; thence

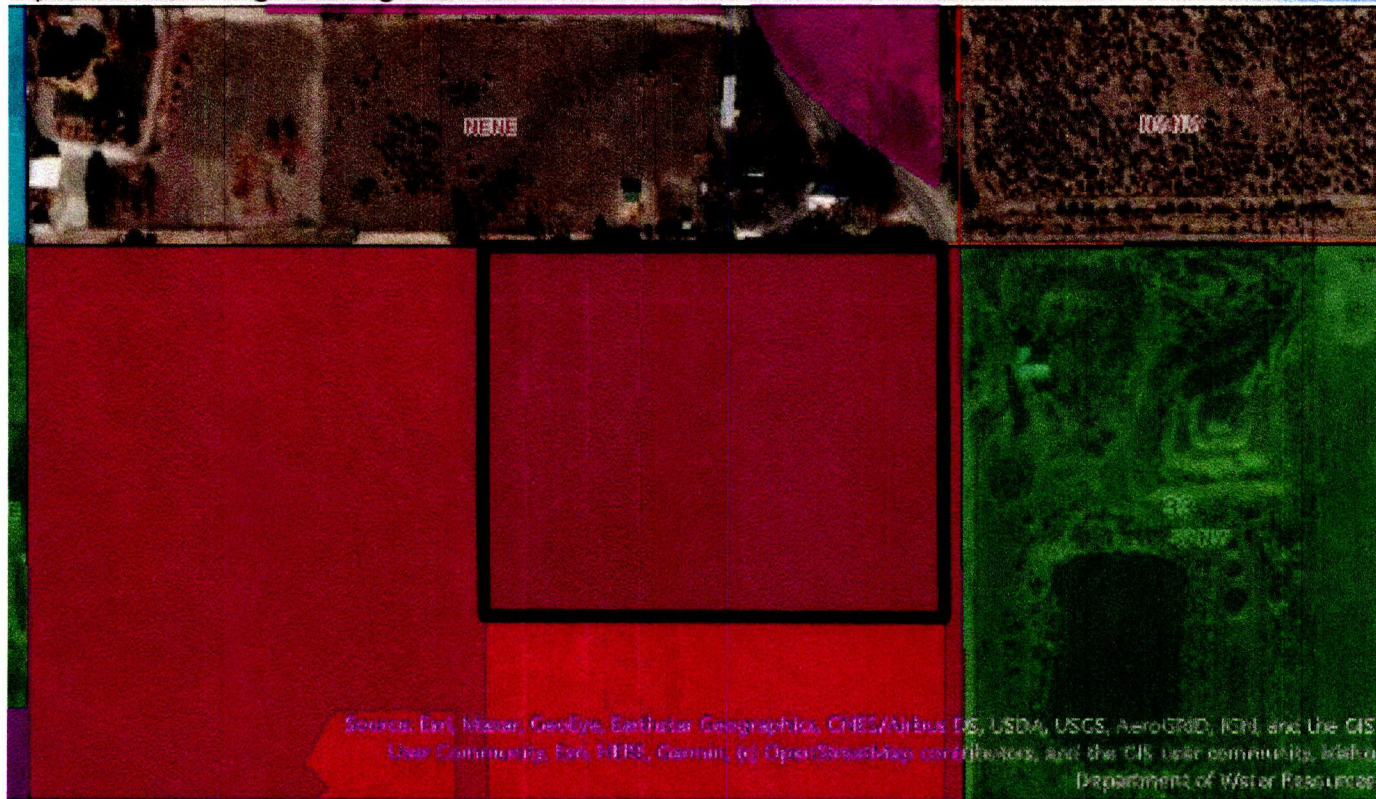
North 01°03'46" West, 134.27 feet to a point marked by a half inch iron pin; thence leaving the East line of said Amended Plat of Whispering Winds No. 2 and parallel with the East West center of Section line of said Section 32;

North 89°35'29" East 679.83 feet to a point on the East line of the said Section 32, marked by a half inch iron pin; thence along the East line of said Section 32,

South 00°45'01" East 402.00 feet to the POINT OF BEGINNING.

SCANNED

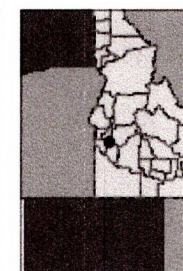
MAY 11 2023



Legend

- Water Right Place of Use
- Recommendation Place of Use
- Water Permit Place of Use
- Irrigation Company

Search type: Identify



State of Idaho
Department of
Water Resources
322 East Front Street
Boise, Idaho 83720-005
Phone: (208) 28-4800
Fax: (208) 287-6700

Scale: 1" = 210 feet

Search Results

Water Right Number	Process	Owner
63-10891	Water Right	JOHN R SERRA
63-11318	Water Right	BRAD L MABE
63-10931	Water Right	RON J DESPAIN
63-3034B	Water Right	JILL KOHLER

Irrigation Companies
CAPITOL VIEW IRRIGATION INC

The black border on the map marks the boundary of irrigation right 63-3034B

Disclaimer: Shapes represent an approximation of the water right extent. Please review each water right of interest either on-line (choose the Details link) or by contacting IDWR (208-287-4800). All land within the irrigation company boundary may not have water delivery. Please contact the irrigation company for more information regarding water delivery to your area of interest.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/11/2023

Water Right 63-3034B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NICHOLAS C KIRKPATRICK 4005 N EAGLE RD EAGLE, ID 83616-2655 (925) 642-5992
Current Owner	ALLISON B KIRKPATRICK 4005 N EAGLE RD EAGLE, ID 83616-2655 (925) 642-5992
Original Owner	LOYAL V PUCKETT PEARL RT EAGLE, ID 83616
Previous Owner	JILL KOHLER 4005 N EAGLE EAGLE, ID 83616 (208) 939-9334
Previous Owner	JOEL CATLOTH 4005 N EAGLE RD EAGLE, ID 83616 (208) 939-9334

Priority Date: 3/24/1955

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.160 CFS	36.9 AF
DOMESTIC	01/01	12/31	0.040 CFS	1.2 AF
	<u>Total Diversion</u>		0.160 CFS	38.1 AF

Source and Point(s) of Diversion:

GROUND WATER	SENE	Sec. 32, Twp 05N, Rge 01E, ADA County
GROUND WATER	SENE	Sec. 32, Twp 05N, Rge 01E, ADA County

Place Of Use:

DOMESTIC within ADA County

SCANNED

MAY 11 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/11/2023

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	32				X													

IRRIGATION within ADA 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	
05N	01E	32				8.2													8.2

POU Total Acres: 8.2

Conditions of Approval:

1. PARCEL NO: S0232141806.
2. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. C18 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. Section 42-1412(6), Idaho Code.
4. X01 Domestic use is for 1 home.

Dates and Other Information:

Decreed Date: 2/16/2007
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND/OR
Water District Number: TBD
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

SCANNED

MAY 11 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

May 11, 2023

NICHOLAS C KIRKPATRICK & ALLISON B KIRKPATRICK
4005 N EAGLE RD
EAGLE ID 83616-2655

Re: Change in Ownership for Water Right No(s): **63-3034B**

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)605-4620.

Sincerely,

Debra Mansfield
Office Specialist II

Enclosure(s)

SCANNED

MAY 11 2023