

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 25 2022

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN 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?
65-1480	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: John & Alberta Klingback
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): JAMES J. & Hazel C. England
New owner(s) as listed on the conveyance document Name connector ☒ and ☒ or

4600 Butler Rd
Mailing address

Emmett 10 83617
City State Zip

208-365-0938
Telephone

juddengland@gmail.com
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: 04/01/1995
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.

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MAY 01 2023

8. Signature: [Signature] Owner 10/25/2022
 Signature of new owner/claimant Title, if applicable Date
JAMES J. ENGLAND
 Print name

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

 Print name

For IDWR Office Use Only:

Received by LE Date 10/25/2022 Receipt No. W050654 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 _____ Processed by _____ Date _____

WARRANTY DEED

INSTRU. NO. 199121

PAGES 1 of 3

FOR VALUE RECEIVED, MIKE MCGINNIS and NICKY MCGINNIS, husband and wife, and TORRIS H. GJERDE and NORMA GJERDE, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto JAMES J. ENGLAND and HAZEL CLEMONS CARNEY, aka HAZEL C. CARNEY ENGLAND, husband and wife, of 600 N. 2nd St. Road, Emmett, Idaho 83617, the Grantees, the following described premises, to-wit:

See Exhibit "A" attached hereto and made a part hereof by reference as if set forth in full;

SUBJECT TO: That certain Real Estate Contract dated February 15, 1991, wherein The John and Alberta Klingback Family Trust is seller and Grantors herein are purchasers of the subject real property.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except current taxes and assessments, easements, restrictions and reservations of record and as set forth above, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

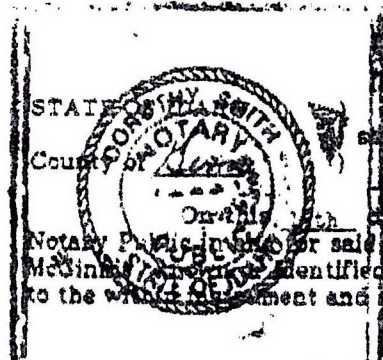
DATED this 15th day of January, 1995.

Mike McGinnis
Mike McGinnis

Nicky McGinnis
Nicky McGinnis

Torris H. Gjerde
Torriss H. Gjerde

Norma Gjerde
Norma Gjerde



On this 15th day of January, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared Mike McGinnis and Nicky McGinnis, who were identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

WARRANTY DEED - 1

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MAY 01 2023

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NOTARY NO. 19291

EXPIRES 2/13/2000

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 Idaho

Residing at: Emmett

My commission expires: 7/13/2000

STATE OF IDAHO

COUNTY OF GEM

On this 10th day of February, 1998,
before me, a notary public, personally appeared Nicky McElhinne,
known to me to be the person whose name is
subscribed to the within instrument as the attorney-in-fact of
and acknowledged to me that he sub-
scribed the name of Norma Gjerde
thereto as principal, and his own name as attorney-in-fact.

before me, the undersigned, appeared Torris H. Gjerde and Norma
s whose names are subscribed to
they executed the same.

nto set my hand and affixed my
st above written.

Residing at: Emmett, Idaho
Comm. Expires: 7/13/2000

Public for Idaho

ng at:

mmission expires:

STATE OF IDAHO

COUNTY OF GEM

On this 15th day of February, 1998,
before me, a notary public, personally appeared Nicky McElhinne,
known to me to be the person whose name is
subscribed to the within instrument as the attorney-in-fact of
Torris H. Gjerde and acknowledged to me that he sub-
scribed the name of Torris H. Gjerde
thereto as principal, and his own name as attorney-in-fact.

Residing at: Emmett, Idaho
Comm. Expires: 7/13/2000



WARRANTY DEED - 2

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EXHIBIT "A"

INSTR NO 192191
PAGES 3 of 5

Legal Description

PARCEL A:

Tract I:

Government Lots 6 and 7, and the E1/2 SW1/4 of Section 1, Township 7 North, Range 1 West, B.M., Gem County, Idaho.

Tract II:

A tract of land in the NW1/4 SE1/4, Section 1, Township 7 North, Range 1 West, B.M., Gem County, Idaho. More particularly described as follows:
Commencing at the NE corner of the SE1/4 SW1/4 of said Section 1, thence East 455 feet; thence
Northeasterly 572 feet to a ridge; thence
Northwesterly along the top of a ridge 945 feet to the NE corner of the NE1/4 SW1/4 of said Section 1; thence
South along the mid-section line 1320 feet, more or less, to Point of Beginning.

AND

W1/2 SE1/4 of Section 2, Township 7 North, Range 1 West, B.M., Gem County, Idaho

AND

N1/2 NE1/4 of Section 11, Township 7 North, Range 1 West, B.M., Gem County, Idaho

EXCEPTING that portion of the N1/2 NE1/4 of Section 11, lying West of Spring Creek Road, Township 7 North, Range 1 West, B.M., Gem County, Idaho.

PARCEL B:

That portion of the N1/2 NE1/4 of Section 11, lying West of Spring Creek Road, Township 7 North, Range 1 West, B.M., Gem County, Idaho.

COPY

EXHIBIT "A" to Warranty Deed

SCANNED

MAY 01 2023

197191

Gem County, IDAHO)
Recorded at request of)
First American Title Co)
Time 3:41 PM)
Date October 22, 1997)
Book No. 197191)
Page 132 Dead)
By [Signature])
Deputy)
Fee \$ 9.00)

COPY

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MAY 01 2023



WARRANTY DEED

FOR VALUE RECEIVED Torris H. Gjerde and Norma Gjerde, husband and wife and Mike McGinnis and Nicky McGinnis, husband and wife as to any interest they may have hereinafter referred to as GRANTORS, do hereby grant, bargain, sell, and convey unto James J. England and Hazel Clemons Carney, AKA Hazel C. Carney England, hereinafter referred to as GRANTEES, whose current address is 4600 N. Sune Road, Emmett, Idaho 83617, the following described premises, to-wit:

That Portion of the N1/2 NE1/4 of Section 11, lying West of Spring Creek Road, Township 7 North, Range 1 West, B. M., Gem County, Idaho.

Subject to a Mortgage to The John & Alberta Klingback Family Trust, Recorded January 23, 1991 as Instrument No. 168279, Records of Gem County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that Grantors are the owners in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantors will warrant and defend the same from all claims whatsoever.

DATED: July 11, 1996

Torris H. Gjerde by Nicky Gjerde McGinnis Norma Gjerde by Nicky Gjerde as her
as his attorney in fact. as attorney in fact.
Nicky Gjerde McGinnis Mike McGinnis

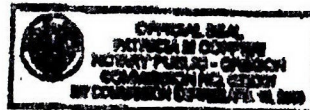
STATE OF OREGON)
County of Baker)

On this 12th day of July, 1996, before me, a Notary Public in and for said State, personally appeared Mike McGinnis and Nicky Gjerde McGinnis, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Patricia M. Carney
Notary Public for Oregon
Residing at Baker
Commission Expires: _____

Oregon
STATE OF OREGON
COUNTY OF Baker

On this _____ day of _____, 19____,
before me, a notary public, personally appeared Nicky Gjerde
known to me to be the person whose name is
subscribed to the within instrument as the attorney-in-fact of
Torris H. Gjerde and Norma Gjerde
and acknowledged to me that he sub-
scribed the same as principal, and his own name as attorney-in-fact.
Witeth Torris H. Gjerde and Norma Gjerde



Residing at Emmett, Idaho
Comm. Expires: _____

Idaho Title Company of Idaho

COPY

MAY 01 2003

191065

County, DAKOTA) as
Recorded at request of
First American Title Co.

Time 8:51 AM

Date August 1, 1996

Index No. 191065

Recorded as a Deed

Thomas R. Kolodziej, Clerk

Ex-officio Recorder

By: *Judy DePue*
Deputy

Fee \$ 3.00

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MAY 01 2023

Mansfield, Debra

From: Mansfield, Debra
Sent: Monday, May 1, 2023 8:55 AM
To: IdwrPayable
Subject: Refund - ENGLAND, JAMES
Attachments: MEMO - Refund Request ENGLAND 5-1-2023 (RETURNED CHANGE IN OWNERSHIP 65-1480).pdf

Attached is a refund request for a returned Change in Ownership for James England & Hazel England

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

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MAY 01 2023

TO: Sascha Marston, Susan Steed

FROM: Debra Mansfield

DATE: May 1, 2023

RE: Refund: Notice Of Change In Water Right Ownership

JAMES J ENGLAND & HAZEL C ENGLAND submitted a Notice Of Change In Water Right Ownership but did not provide an adequate document of conveyance to complete the request.

Please issue a refund of \$5.00 to:

JAMES ENGLAND
4600 BUTTE RD
EMMET ID 83617-5050

RECEIPT #

W050854

SCANNED

MAY 01 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 01, 2023

JAMES ENGLAND & HAZEL ENGLAND
4600 BUTTE RD
EMMETT ID 83617-5050

RE: Notice of Change in Water Right Ownership for Water Right No: 65-1480

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on 10/25/2022 for the above referenced water right. The Notice could not be processed because the Warranty Deed you submitted with your notice predates a Snake River Basin Court decree granting the Water Right to Alberta & John M Klingback. The Date of the Warranty Deed that was submitted is January 15, 1995. The court decree is dated August 19, 1998.

On March 27, 2023 the Department requested additional documentation of conveyance dated after the decree date of August 19, 1998 from you. As of the date of this letter, the Department has not received the required information.

The Department is returning your Notice of Change in Water Right Ownership and the attachments. A refund of \$25.00 has been requested and will be mailed to James England under separate cover from the Idaho State Controller's Office. You may re-submit your request with the appropriate documents and fees.

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 01 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

March 27, 2023

JAMES ENGLAND & HAZEL ENGLAND
4600 BUTTE RD
EMMETT ID 83617-5050

RE: Notice of Change in Water Right Ownership for Water Right No: **65-1480**

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

The Warranty Deed that we received for this Notice predates a Snake River Basin Adjudication (SRBA) decree granting the Water Right to Alberta & John M Klingback on August 19, 1998. Because your submitted Warranty Deed is dated February 15, 1995, prior to the date of the decree, it does not include this Water Right as an appurtenance to the property. We will need additional documentation demonstrating that the Water Right was conveyed to you by the current owners of record or their successors. This is usually in the form of a Warranty, Grant, or Quitclaim Deed granting the Water Right by number.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary documentation. If we do not receive the necessary documentation 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.

I have enclosed copies of the documentation we received with your notice and a copy of the SRBA decree, for your reference.

If you have any questions regarding this matter, please contact me at (208)605-4620.

Sincerely,

SCANNED

MAY 01 2023

Debra Mansfield
Office Specialist II

Enclosure(s)

SCANNED

MAY 01 2023