

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JUL 07 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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
65-2943J	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: PHYLLIS HUFFMAN

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): PAYETTE LAND TRUST, INC.

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or

309 E. LAKE ST, STE 5

M^cCall ID 83638

Mailing address

City

State

Zip

208-634-4999

Telephone

CRAIGUTTER@PAYETTELANDTRUST.ORG

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: 12-19-2002
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: Craig C. Uter Ex. Dir. 7/6/23

Signature of new owner/claimant

Title, if applicable

Date

CRAIG C. UTTER

Print name

Signature: _____

Signature of new owner/claimant

Title, if applicable

Date

Print name

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AUG 10 2023

Received by gph Date 7-7-23 For IDWR Office Use Only: Receipt No. C116708 Receipt Amt. 25

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 gph Date 8-10-23

STATE OF IDAHO
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 and water right permits, which are real property, applications for new water right permits, applications to transfer existing water rights, and other applications are considered the personal property of the applicants. Applicants must assign their interest in an application to the new applicant. Assignment forms are available on the IDWR's website at www.idwr.idaho.gov/forms/water-rights.html, or from any IDWR office. There is no charge for assignments of applications.
- 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 assumed that the water rights are to be split proportionate to the amount of land acquired.

Instrument # 267853

VALLEY COUNTY, CASCADE, IDAHO

2002-12-26

11:39:32 No. of Pages: 5

Recorded for : STEVEN MILLEMAN

LELAND G. HEINRICH

Ex-Officio Recorder Deputy

Fee: 15.00

GIFT DEED

(Approximately 70 Acres)

FILE COPY

FOR VALUE RECEIVED, ELIZABETH ANN MALLONEE, Trustee of the PHYLLIS JEAN HUFFMAN TRUST, dated February 29, 1988, as amended and restated December 27, 2001, as Grantor, does hereby grant, bargain, sell, and convey unto THE PAYETTE LAND TRUST, an Idaho non-profit corporation, as Grantee, whose address is P. O. Box 1066, McCall, Idaho, 83638, the following described real property situated in Valley County, Idaho, to-wit:

See Exhibit "A" attached hereto and incorporated herein by reference.
(Hereinafter referred to as the "Gift Property".)

And also subject to easements, liens or encumbrances of record or visible on the Gift Property.

To have and to hold the said Gift Property, together with water rights, improvements and appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor hereby covenants to and with said Grantee, that it is the owner in fee simple of said Gift Property; that the said Gift Property is free from all encumbrances except as noted above; and, that it will warrant and defend the same from all lawful claims whatsoever.

Grantor and Grantee hereby covenant and agree that the Gift Property shall be subject to certain restrictions, as follows:

(1) Preservation For Open Space: The Gift Property shall be preserved for open space and shall not be developed. Grantee shall, however, specifically have the right to utilize the property for agricultural purposes, including but not limited to structures associated with such purposes. In the event that the Grantee materially breaches or fails to substantially enforce the covenants and conditions contained in this paragraph (1), then title to the Gift Property shall pass to a successor qualified land trust or other qualified organization, as is further specified in paragraphs (2) and (3) below.

(2) Assignment and Transfer: The Payette Land Trust shall have the right to transfer or assign the Gift Property to an entity qualified under and described in Section 170(h)(3) of the Internal Revenue Code of the United States, as such provision currently exists or as the same may from time-to-time be amended, and

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AUG 10 2023

is also an entity qualified to accept and hold property under the applicable laws of the State of Idaho; and, further, provided that such transferee, or assignee takes title to the Gift Property subject to the covenants, terms and conditions provided for herein.

(3) Dissolution of Trust: If, at any time, it becomes impossible for the Payette Land Trust to assure compliance with the terms or covenants of this Agreement, or if the Payette Land Trust shall cease to exist as an entity described in Section 170(h)(3) of the Internal Revenue Code, or if the Payette Land Trust shall materially breach or fail to substantially comply with any of the covenants and conditions contained in paragraph (1) above, then its title to and interest in the Gift Property shall become vested in and devolved upon such successor as may be designated by the Payette land Trust, providing such successor meets all requirements of paragraph (2) above.

The parties, by their signatures below, hereby covenant, agree to, and accept said restrictions. The restrictions shall constitute a covenant burdening and running with the Gift Property. The restrictions shall bind and inure to the benefit of the heirs, assigns and successors-in-interest of the parties.

DATED this 19 day of December, 2002.

GRANTOR:

GRANTEE:

PHYLLIS JEAN HUFFMAN TRUST,
dated February 29, 1988,
as amended and restated December 27, 2001

PAYETTE LAND TRUST

By: Elizabeth Ann Mallonee
ELIZABETH ANN MALLONEE,
Trustee

By: Steven J. Millemann
STEVEN J. MILLEMANN,
President

By: Cutler Umbach
CUTLER UMBACH, Secretary

STATE OF CALIFORNIA,)
(ss.
County of Contra Costa)

On this 19 day of December, 2002, before me, John M. Pylant, a
Notary Public in and for said State, personally appeared ELIZABETH ANN MALLONEE,
known to me to be the Trustee under the PHYLLIS JEAN HUFFMAN TRUST, dated February
29, 1988, as amended and restated December 27, 2001, and acknowledged to me that she
executed the same as Trustee of said Trust.

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

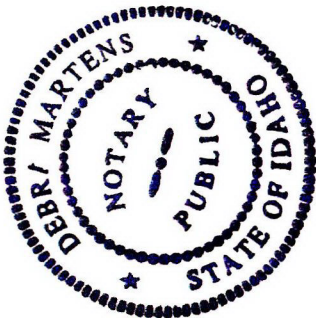


John M. Pylant
NOTARY PUBLIC FOR CALIFORNIA
Residing at: Concord, CA 94521
My Commission Expires: May 5, 2006

STATE OF IDAHO,)
(ss.
County of Valley)

On this 20th day of December, 2002, before me, Debra Martens, a
Notary Public in and for said State, personally appeared STEVEN J. MILLEMANN, known to
me to be the President of the PAYETTE LAND TRUST, and acknowledged to me that he
executed the same as President of said Trust.

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



Debra Martens
NOTARY PUBLIC FOR IDAHO
Residing at: McCall, Id
My Commission Expires: 6/1/2008

SCANNED
AUG 10 2023

STATE OF IDAHO,)
(ss.
County of Valley)

On this 23rd day of December, 2002, before me, Debra Martens, a
Notary Public in and for said State, personally appeared CUTLER UMBACH, known to me to be
the President of the PAYETTE LAND TRUST, and acknowledged to me that he executed the
same as President of said Trust.

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



Debra Martens
NOTARY PUBLIC FOR IDAHO
Residing at: McCall, Id
My Commission Expires: 6/1/2008

EXHIBIT "A"

(Approximately 70 Acres)

E-1/2, SE-1/4 Section 35, Township 18 North, Range 3, East, Boise Meridian, SAVE AND EXCEPTING THEREFROM the following:

Beginning at a point which is 25 feet West of the East Quarter Corner of said Section 35; thence Westerly along the midsection line, a distance of 566.63 feet; thence Southerly along a line parallel to the East side of said Section 35, a distance of 615.0 feet; thence Easterly along a line parallel to the North boundary of the SE-1/4 of said Section 35, a distance of 566.63 feet; thence Northerly along a line parallel to the East boundary of said Section 35, a distance of 615.0 feet to the Point of Beginning; said parcel contains 8 acres, more or less, excepted.

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AUG 10 2023

Tax No. 2

PARCEL 2

3.485 AC

N16E

AmeriTitle

1206

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

4206

80.000 ac

12 ft. Easement
Inst. 82007

SECTION
39.000

4655

30 ft. Easement
Inst. 267853

5.899 ac

C4

CE16

4805

7806

7355

566.63

7205

Tax No. 3

8.000 ac

566.63

12 ft. Easement
Inst. 71751
and Inst. 73386

ac

5105

60.000 ac

12 ft. Easement
Inst. 76335
and Inst. 73386

ac

Survey 4-204

CS16

SE16

6605

8405

70.194 ac

①

12 ft. Easement
Inst. 90986

7055

Tax No. 8
10.267 ac

60 ft. Easement
Inst. 104263

20.000 ac

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AUG 10 2023

E16S

POTTER LANE

S4

NW 12

NW 17



(1 of 2)



RP18N03E357355

RP18N03E357355

OWNER(S)

PAYETTE LAND TRUST

SITUS ADDRESS

NULL

MAILING ADDRESS

PAYETTE LAND TRUST
ATTN: CRAIG UTTER EXEC DIR
309 E LAKE ST STE 5

MCCALL ID 83638

DESCRIPTIONS

70.19 Acres

[Zoom to](#)





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 83720-0098
Phone: (208) 28-4800
Fax: (208) 287-6700



Scale: 1" = 850 feet

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AUG 10 2023

Search Results

Water Right Number	Process	Owner
65-2943J	Water Right	PHYLLIS HUFFMAN

Irrigation Companies
BOULDER IRRIGATION CO

The black border on the map marks the boundary of irrigation right 65-2943J

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

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 10, 2023

PAYETTE LAND TRUST INC
309 E LAKE ST STE 5
MCCALL ID 83638-3810

Re: Change in Ownership for Water Right No(s): 65-2943J

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: Water District No. 65D

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AUG 10 2023