

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 17 2023

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?
65-04211	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: GREG E. SUMMERS

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): MICHAEL G. FILBIN KELLEY K. FILBIN

New owner(s) as listed on the conveyance document

Name connector ☐ and ☒ orPO BOX 1122

Mailing address

MCCALL

City

ID

State

83638

Zip

208-965-7832

Telephone

mgfilbine@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: 5/27/2022
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] N/A 5-15-2023

Signature of new owner/claimant

Title, if applicable

Date

MICHAEL G. FILBIN

Print name

- Signature: [Signature] N/A 5.15.2023

Signature of new owner/claimant

Title, if applicable

Date

Kelley K. Filbin

Print name

Received by DM Date 5-17-23

For IDWR Office Use Only:

Receipt No. W051238Receipt Amt. \$25.00Active 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 DMProcessed by DMDate 5-17-2023

Rerecorded to more particularly describe legal description



Instrument # 454492
VALLEY COUNTY, CASCADE, IDAHO
12-02-2022 12:54:56 No. of Pages: 3
Recorded for: AMERITITLE - CASCADE
DOUGLAS A. MILLER Fee: \$15.00
Ex-Officio Recorder Deputy: NA
Electronically Recorded by Simplifile

WARRANTY DEED

Instrument # 450394
VALLEY COUNTY, CASCADE, IDAHO
06-27-2022 08:52:46 No. of Pages: 2
Recorded for: AMERITITLE - CASCADE
DOUGLAS A. MILLER Fee: \$15.00
Ex-Officio Recorder Deputy: AMF
Electronically Recorded by Simplifile

Order No.: 533308AM

FOR VALUE RECEIVED

Gregory E Summers, an unmarried man

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

Michael G Filbin and Kelley K Filbin, husband and wife

whose current address is:
131 Carefree Lane
McCall, ID 83638

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

See Exhibit B

Parcel 1:

A tract of land situated in the NW1/4NE1/4 of Section 11, Township 17 North, Range 3 East, B. M., Valley County, Idaho, more particularly described as follows:

Beginning at a point on the North boundary of said NW1/4NE1/4 of said Section 11, said point, being 448 feet East from the North Quarter—Corner of said Section 11;

Thence South on a line parallel with the West boundary line of said NW1/4NE1/4 a distance of 415 feet;

Thence East a distance of 141 feet to a point;

Thence Northeasterly, a distance of 457 feet to a point on the North boundary line of said NW1/4NE1/4, said point being 326 feet East of the Point of Beginning;

Thence West along the North boundary line of said NW1/4NE1/4, a distance of 326 feet to the Point of Beginning

EXCEPTING THEREFROM:

A tract of land in the NW1/4NE1/4 of Section 11, Township 17 North., Range 3 East., B. M., Valley County, Idaho, more particularly described as follows:

Commencing at the North Quarter Corner of said Section 11; thence along the North Section line, South 89°29'38" East, 448.00 feet to a point; thence South 00°11'46" West, 32.72 feet to a 5/8" steel pin with a plastic cap; thence along the South right of way fence of the County Road, South 89°34'53" East 213.29 feet to a 1/2" steel pin with a plastic cap, the REAL POINT OF BEGINNING;

Thence continuing along the South right of way fence, South 89°34'53" East, 114.90 feet to a 5/8" steel pin with a plastic cap;

Thence South 25°22'30" West, 165.45 feet to a 1/2" steel pin with a plastic cap;

Thence North 89°34'53" West, 45.10 feet to a 1/2" steel pin with a plastic cap;

Thence North 00°25'07" East, 150.00 feet to a 1/2" steel pin with a plastic cap, the Real 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.

SCANNED

MAY 17 2023

Dated:

5/25/22

Greg E. Summers

~~Greg E. Summers~~
Gregory

State of Idaho } ss
County of Valley }

On this 26 day of May, 2022, before me, the undersigned, a Notary Public in and for said state, personally appeared Gregory E Summers,, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

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

Robin Richardson

Notary Public for the State of Idaho

Residing at: New Meadows

Commission Expires: 7-18-2024

ROBIN RICHARDSON
Notary Public - State of Idaho
Commission Number 59586
My Commission Expires 07-18-2024

SCANNED

MAY 17 2023

EXHIBIT "B"

533308AM

A parcel of land located in the NW ¼ of the NE ¼ of Section 11, T. 17 N., R. 3 E., B.M., Valley County, Idaho. More particularly described as follows:

Commencing at the North Quarter Corner of said Section 11, thence along the North Section Line S 89°29'38" E 448 feet to the Real Point of Beginning;

Thence S 89°34'53" E 343.46 feet;

Thence S 25°22'30" W 465.24 feet;

Thence N 87°12'28" W 146.28 feet;

Thence N 0°16'45"W 415.74 feet to the Point of Beginning.

EXCEPTING THEREFROM:

A tract of land in the NW1/4NE1/4 of Section 11, Township 17 North., Range 3 East., B. M., Valley County, Idaho, more particularly described as follows:

Commencing at the North Quarter Corner of said Section 11; thence along the North Section line, South 89°29'38" East, 448.00 feet to a point; thence South 00°11'46" West, 32.72 feet to a 5/8" steel pin with a plastic cap; thence along the South right of way fence of the County Road, South 89°34'53" East 213.29 feet to a 1/2" steel pin with a plastic cap, the REAL POINT OF BEGINNING;

Thence continuing along the South right of way fence, South 89°34'53" East, 114.90 feet to a 5/8" steel pin with a plastic cap;

Thence South 25°22'30" West, 165.45 feet to a 1/2" steel pin with a plastic cap;

Thence North 89°34'53" West, 45.10 feet to a 1/2" steel pin with a plastic cap;

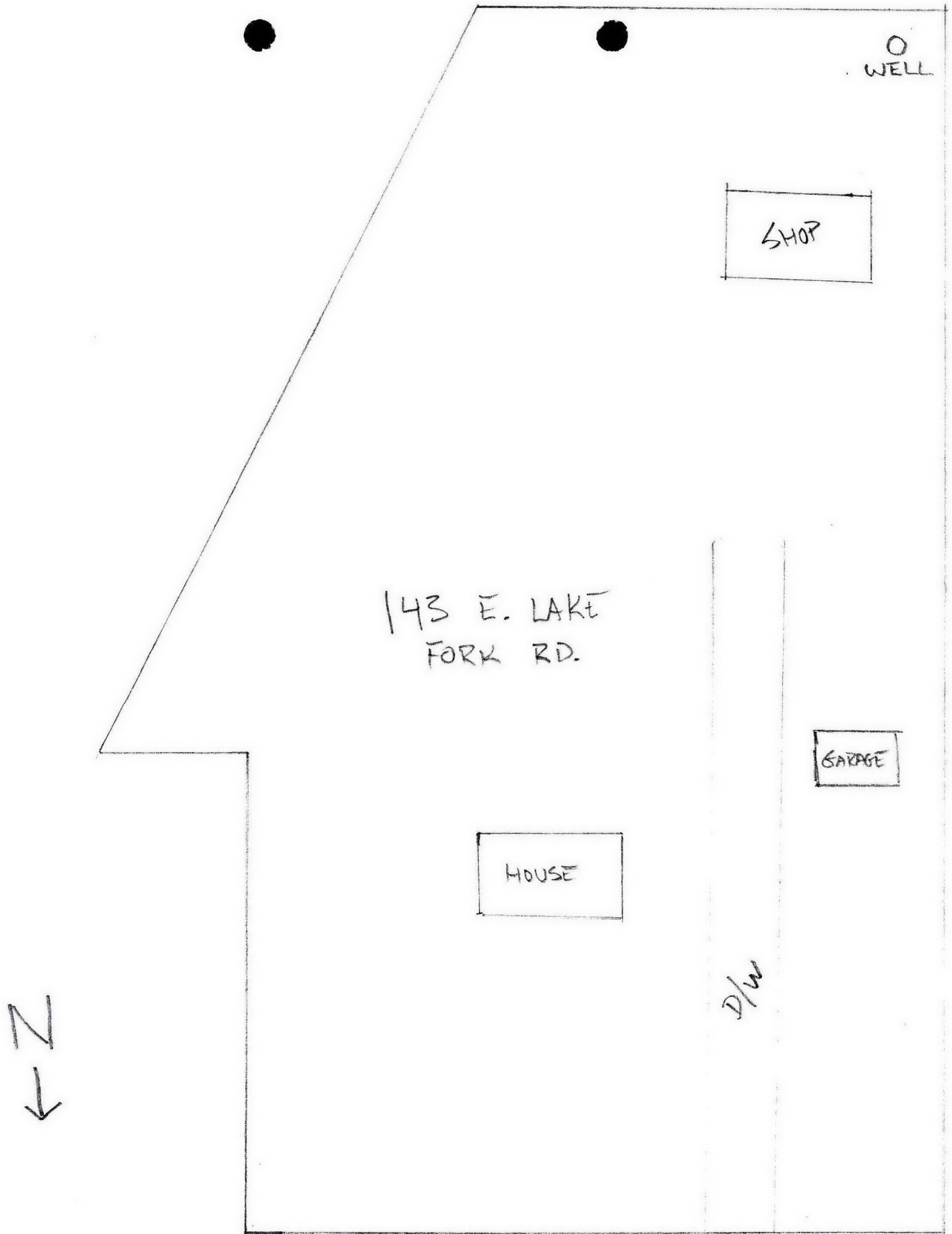
Thence North 00°25'07" East, 150.00 feet to a 1/2" steel pin with a plastic cap, the Real Point of Beginning.

FURTHER EXCEPTING THEREFROM:

Deer Meadows Subdivision as described and shown on recorded plat 298089 and Shadow Ridge Estates as described and shown on recorded plat 273054.

SCANNED

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← E. LAKE FORK RD. →

SCALE 1/4" = 10'

SCANNED

MAY 17 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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-04211

NAME AND ADDRESS: GREG E SUMMERS
SUSAN M SUMMERS
PO BOX 642
LAKE FORK, ID 83635

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
1.20 AFY

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

PRIORITY DATE: 05/01/1966

POINT OF DIVERSION: T17N R03E S11 NWNWNE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS 1.20 AFY

PLACE OF USE: Domestic Within Valley County
T17N R03E S11 NWNE

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.

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.


Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication



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 17, 2023

MICHAEL G FILBIN OR KELLEY K FILBIN
PO BOX 1122
MCCALL ID 83638-1122

Re: Change in Ownership for Water Right No(s): **65-4211**

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 17 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/17/2023

Water Right 65-4211

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHAEL G FILBIN PO BOX 1122 MCCALL, ID 83638-1122 (208) 965-7832
Current Owner	KELLEY K FILBIN PO BOX 1122 MCCALL, ID 83638-1122 (208) 965-7832
Original Owner	GREG E SUMMERS PO BOX 642 LAKE FORK, ID 83635 (208) 634-7561
Original Owner	SUSAN M SUMMERS PO BOX 642 LAKE FORK, ID 83635 (208) 634-7561

Priority Date: 5/1/1966

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>
DOMESTIC	1/01	12/31	0.040 CFS	1.2 AF
	<u>Total Diversion</u>		0.040 CFS	1.2 AF

Source and Point(s) of Diversion:

GROUND WATER NWNWNE Sec. 11, Twp 17N, Rge 03E, VALLEY County

Place Of Use:

DOMESTIC within VALLEY 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	
17N	03E	11		X															

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/17/2023

2. N11 13,000 GALLONS PER DAY.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. STOCKWATER, 2 HORSES PARCEL NO. RP 17N03E110624A

Dates and Other Information:

Decreed Date: 9/4/1998
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: EXC
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A