

RECEIVED

JAN 30 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IDWR / NORTH

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?
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
81-7112	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Lawrence L. Lyons and/ or Jennie Lyons

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): James E. Kern and or Linda S. Kern

New owner(s) as listed on the conveyance document

Name connector ☒ and ☐ or

105 Rapid River CT

Riggins

Id 83549

Mailing address

City

State

Zip

208-628-3448

kernconinc79@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: 09/16/2022
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:

James E. Kern

Signature of new owner/claimant

Print name

Title, if applicable

12/12/2022

Date

Signature:

Linda S. Kern

Signature of new owner/claimant

Print name

Title, if applicable

12/12/2022

Date

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Received by [Signature] Date 1-30-23

For IDWR Office Use Only:

Receipt No. N042398

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 NS

Date 1-30-23

(Space Above For Recorder's Use)

WARRANTY DEED

For value received and in furtherance of an Internal Revenue Code Section 1031 Like-Kind Exchange, LAWRENCE L. LYONS and JENNIE R. LYONS, husband and wife, ("Grantors"), do hereby grant, bargain, sell and convey to JIM KERN and LINDA KERN, husband and wife, ("Grantees"), whose mailing address is: 105 Rapid River Ct, Riggins, ID 83549, and Grantees' heirs, successors and assigns forever, the following described real property situate in Idaho County, State of Idaho, (hereafter the "subject premises"):

Township 32 North, Range 6 East, Boise Meridian, Idaho County, Idaho
Section 5: A parcel of land located in Government Lot 3, more particularly described as follows:

Beginning at the Northwest corner of Government Lot 3, marked by a brass cap on an iron post, and running thence southerly, on the westerly line of said Lot 3, a distance of 947.7 feet;

thence at a right angle easterly 504.28 feet, more or less, to a pint on the westerly right of way line of the Smith Creek Road (U.S. Forest Road #101), marked by a double rebar;

thence northerly, along said road right of way line, a distance of 947.7 feet, more or less, to a point on the North line of said Lot 3, marked by a brass cap on an iron post;

thence westerly, on the North line of said Lot 3, 493.48 feet, more or less, to the Place of Beginning.

INCLUDING

Township 32 North, Range 6 East, Boise Meridian, Idaho County, Idaho
Section 5: A parcel of land located in Government Lot 3, more particularly described as follows:

Beginning in Government Lot 3 at the Northwest corner of Lot 3 and running thence southerly, on the westerly line of said Lot 3, a distance of 530 feet;

thence at a right angle easterly 498.73 feet, more or less, to the westerly right of way line of the Smith Creek Road (U.S. Forest Road #101);

thence northerly along said right of way 530 feet, more or less, to the North line of said Lot 3;

thence westerly, along the North line of said Lot 3, 493.48 feet, more or less, to the Place of Beginning.

SUBJECT TO taxes and assessments for the current year, and all subsequent years, together with any and all existing easements, rights-of-way, reservations, covenants, restrictions and encumbrances of record, and the following matters:

1. Easement contained in Right of Way, including the terms and provisions thereof, by and between S.R. BULLOCK, Grantors, parties of the first part, and THE UNITED STATES OF AMERICA, party of the second part, recorded September 3, 1919, under Instrument No. 57312, Book 44, page 498, records of Idaho County, Idaho.
2. Easement contained in Right of Way, including the terms and provisions thereof, by and between ETHEL McLEAN JOHNSON and R.O. JOHNSON, her husband, Grantors, parties of the first part, and the STATE HIGHWAY COMMISSION, Grantee, party of the second part, recorded April 20, 1937, under Instrument No. 116843, Book 66 page 126, records of Idaho County, Idaho.
3. Reservations, including terms and provisions as set forth in Patent No. 1103099, recorded March 13, 1944, under Instrument No. 144371, Book 74 page 6, records of Idaho County, Idaho.
4. Easement contained in Right of Way Deed, including the terms and provisions, by and between SUMNER R. BULLOCK and GLADYS M. BULLOCK, his wife, Grantor, parties of the first part, and THE UNITED STATES OF AMERICA, party of the second part, recorded June 20, 1947, under Instrument No. 156574, Book 78 page 493, records of Idaho County, Idaho.
5. Right of Way Easement, including the terms and provisions thereof, by and between LAWRENCE LYONS and JENNIE R. LYONS and IDAHO COUNTY LIGHT & POWER COOPERATIVE, INC., a corporation, recorded December 16, 1991, under Instrument No. 361519, records of Idaho County, Idaho.
6. Matters shown on Survey No. S-458, recorded January 5, 1987, under Instrument No. 332821; Survey No. S-1151, recorded May 22, 1996, under Instrument No. 386891; and Survey No. S-1932, recorded February 5, 2002, under Instrument No. 420932, all records of Idaho County, Idaho.
7. Access is dependent upon the availability of Forest Service Road #101 and is subject to the rules, regulations, restrictions, conditions, and limitations appertaining thereto.
8. Decision and Order, RE: Petition to Annex Territory and Amend Boundaries of Kidder Harris Highway District, including the terms and provisions thereof, recorded August 2, 2001, under Instrument No. 418063, records of Idaho County, Idaho.

TOGETHER WITH any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the subject premises.

The Grantors covenant to the Grantees that Grantors are the owners of the subject premises in fee simple; that the subject premises is free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that Grantors will warrant and defend the same from all lawful claims.

Except as otherwise expressly provided in this instrument, Grantors hereby declare pursuant to Title 5, Chapter 2 of the Idaho Code, that in the event Grantors shall have permitted or suffered at any time prior to the making of this instrument, any person or entity to possess, use or occupy the subject premises, or any portion thereof, for any purpose, with or without the knowledge of Grantors, it was not the intent of Grantors, by permitting or suffering such possession, use or occupation, to thereby define property boundaries or ownership thereof.

DATED this 16th day of September, 2022.

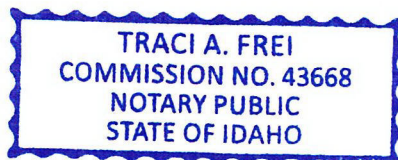
Lawrence L. Lyons
LAWRENCE L. LYONS

Jennie R. Lyons
JENNIE R. LYONS

State of Idaho)

County of Idaho) : ss.

This record was acknowledged before me on September 16, 2022, by LAWRENCE L. LYONS and JENNIE R. LYONS.



Traci A. Frei
Signature of notary public
My commission expires: 2/1/2023

Department of
Water Resources

Water Right and Adjudication Search

Choose One or More Search Items Click "Search" To Enter Your Parameters

[Name](#)
(Click to expand or collapse)

☐ All
☒ Search for a specific Name
• First Name: JENNIE
• Last Name: LYONS

Adjudication, Water Right & Basin or Transfer
☒ All
☐ Search for a specific Basin, Right or Transfer number

Location of Use or Diversion
☒ All
☐ Search for a specific Location by legal description

Sources
☒ All
☐ Search for Surface Water, Ground Water or a specific Source &/or Tributary

Water Use
☒ All
☐ Search for a specific Water Use

Dates
☒ All
☐ Search for a specific Date Type & range of Dates

Water Right Types
☒ All
☐ Search for one or more specific Water Right Types

Status
☒ All
☐ Search for both Active & Inactive Records

[Search Results \(1\)](#)
(Click to expand or collapse)

[Export Results to Excel](#) [Clear All Items](#) [Start Search](#)

Click any column to sort table

Options	Type ?	Basin	Sequence	Suffix	Application Number	Basin	Status	Priority Date	Div Rate (cfs)	Source	Water Use	Owner
Details	Water Right	81	7112				Decreed Active	06/28/1983	0.09	SPRING	DOMESTIC, IRRIGATION	LYONS, JENNIE; LYONS, LAWRENCE L

Smith Creek Spring

[Export Results to Excel](#) [Clear All Items](#) [Start Search](#)

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JAN 30 2023

Water Right Report : 81-7112(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	LYONS, JENNIE	HC BOX 110A	KOOSKIA	ID	83539
Current Owner	LYONS, LAWRENCE L	HC BOX 110A	KOOSKIA	ID	83539

Water Right Status

Priority Date : 6/28/1983
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
SPRING		CLEARWATER RIVER	MIDDLE FORK

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
SPRING	33N	06E	32	0	SE	SW	SW	IDAHO	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.05 CFS	4.50 AFA
DOMESTIC	01/01	12/31	0.04 CFS	0.06 AFA
TOTAL			0.09 CFS	5.10 CFS

Places of Use

Place of Use Legal Description : IRRIGATION (IDAHO county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
32N	06E	5	3		NE	NW	1.5

Place of Use Legal Description : DOMESTIC (IDAHO county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
32N	06E	5	3		NE	NW	

Irrigation Totals

Total Acres Acre Limit
1.50

Conditions

Code Conditions

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.

Dates

Licensed Date :
Decreed Date : 5/18/2005
Permit Proof Due Date : 9/1/1988
Permit Proof Made Date : 8/5/1988
Permit Approved Date : 9/19/1983
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date: 6/28/1983
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : NWD
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :

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JAN 30 2023

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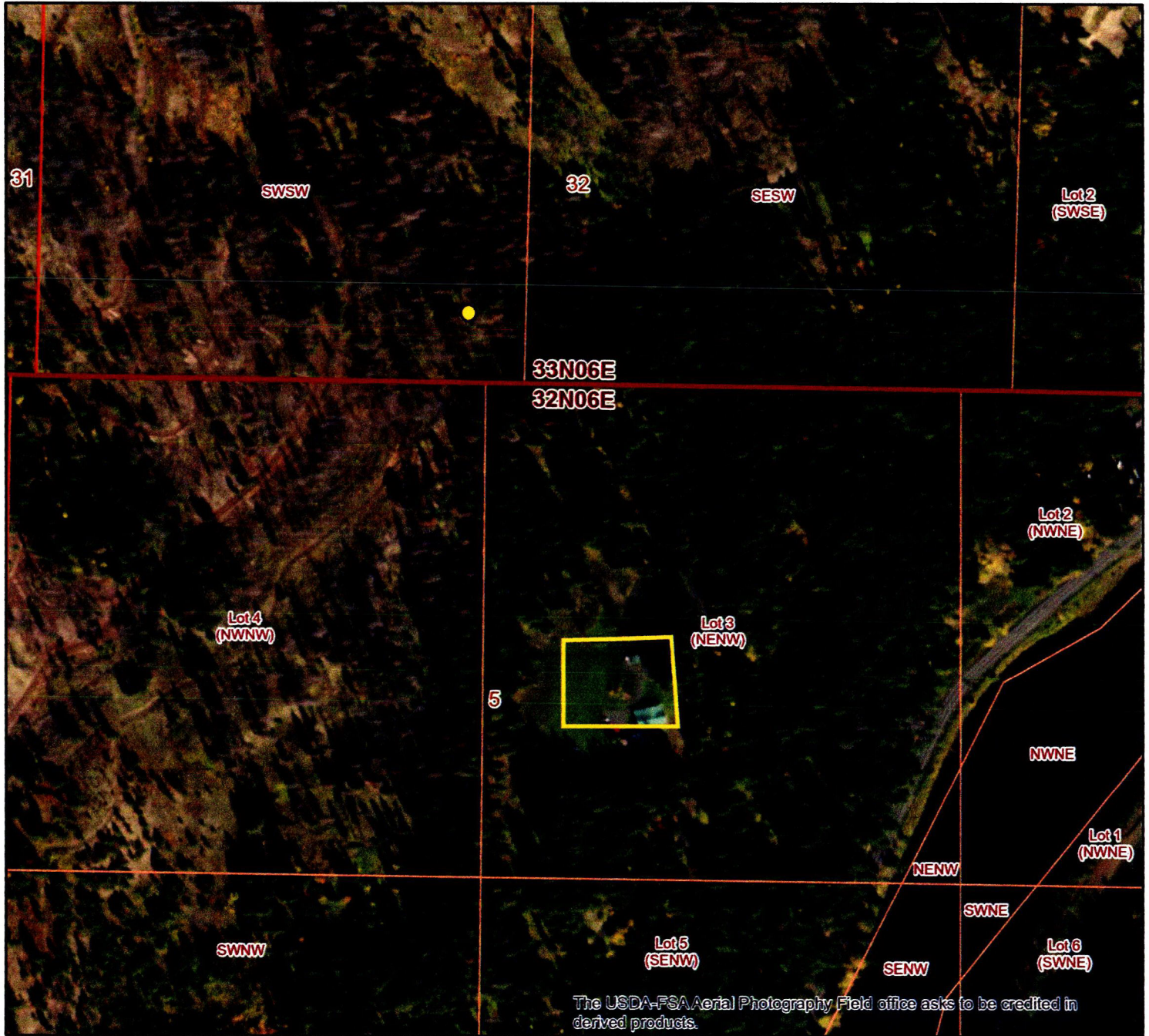
State of Idaho
Department of Water Resources

Water Right

81-7112

IRRIGATION

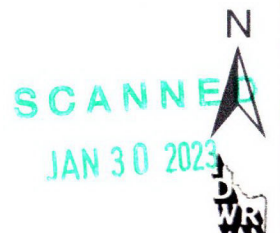
The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 11/7/2022

Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



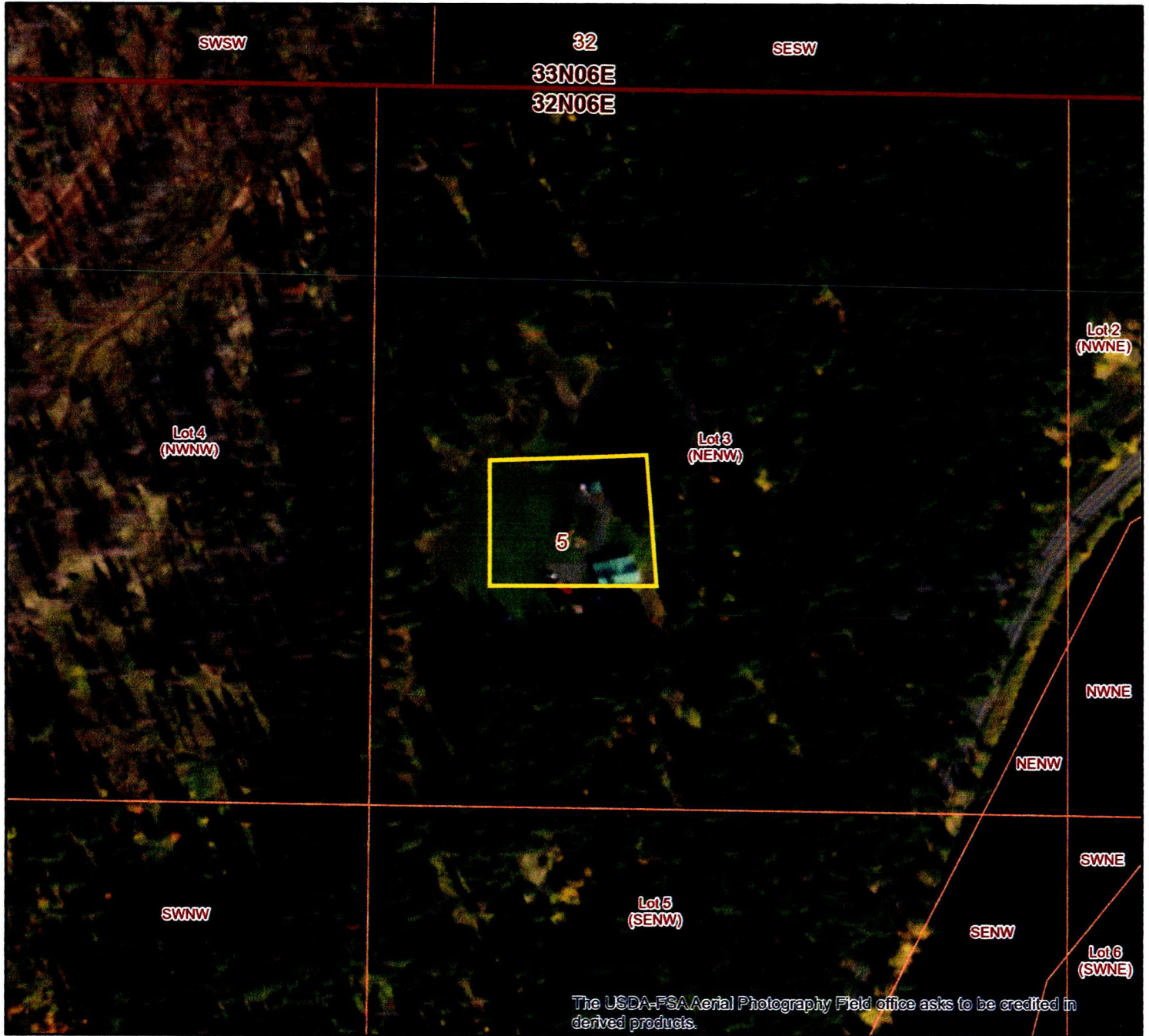
State of Idaho
Department of Water Resources

Water Right

81-7112

DOMESTIC

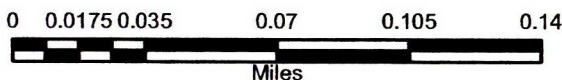
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The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



Date created: 11/7/2022



Legend

- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

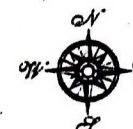


Appendix A

Special Use Permit
Lawrence L. Lyons
Water Collection and Transmittal
Authorization LOC

Boise Meridian
T33N R6E sec.32
SE1/4 SW1/4 SW1/4

USDA Forest Service - Region One
Nez Perce-Clearwater N.F.s
Lochsa Ranger District
Idaho County, Idaho



Legend

— Roads

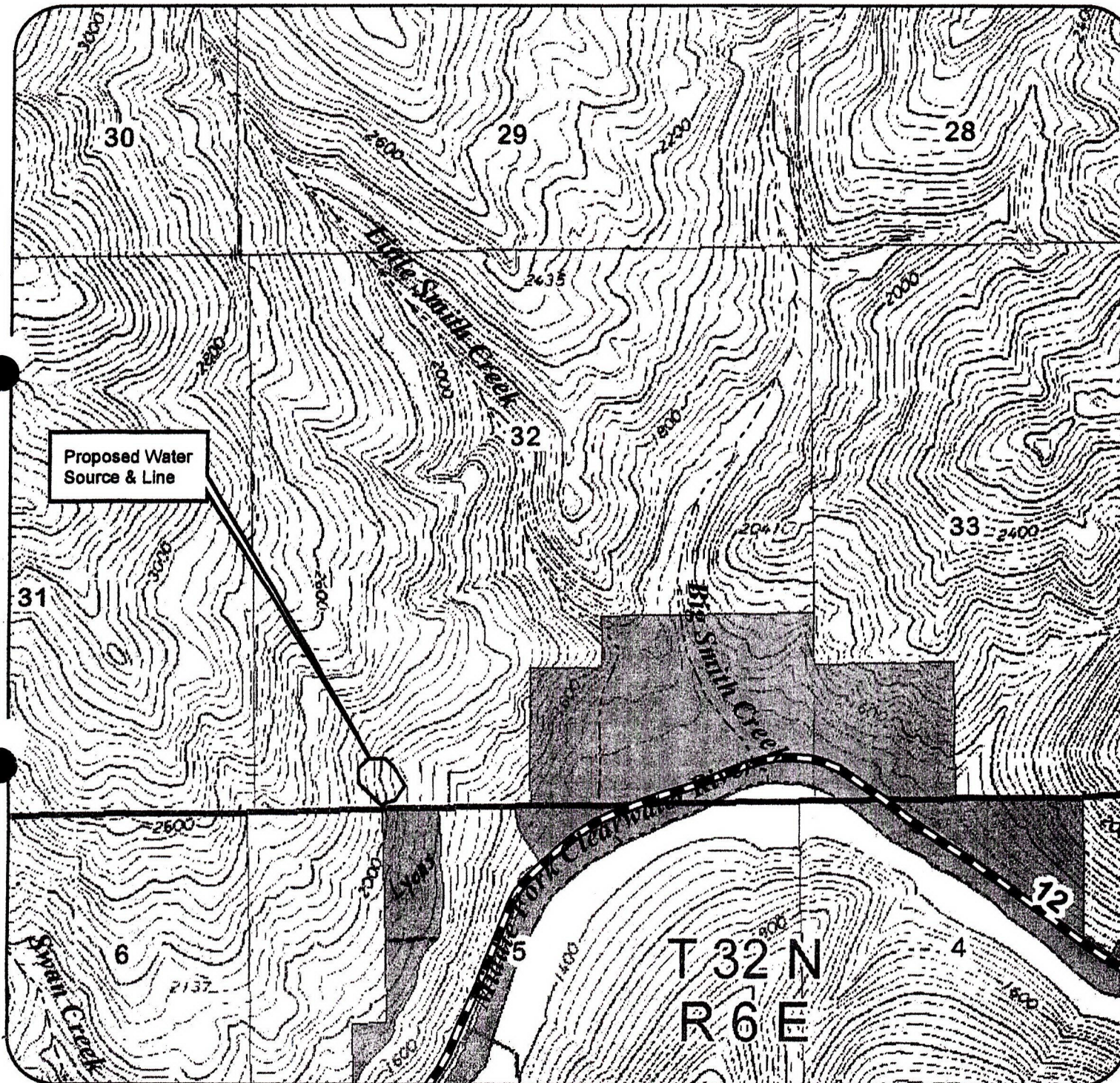
Ownership

■ Private Lands

□ Forest Service Lands



Prepared by: M Kirkeminde 15 April 2012
Reviewed by: KK Edwards
Approved by:





Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 30, 2023

JIM KERN
LINDA KERN
105 RAPID RIVER CT
RIGGINS ID 83549-5038

Re: Change in Ownership for Water Right No(s): 81-7112

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) 762-2813.

Sincerely,

Natalie Steading
Natalie Steading
Tech Records Specialist 1

Enclosure(s)

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JAN 30 2023