

RECEIVED

OCT 02 2023

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ORIGINAL

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. DE ✓

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
65-18318 ✓	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: Todd C. Smith and Amanda M. Smith
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): William B. Bennett and Emily Marilyn Bennett
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 1580 Vanderdasson Rd. Emmett ID 83617
Mailing address City State Zip
480.582.8400 bryson@cornerstone-mgt.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: April 25, 2022
6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
☐ 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):
☐ \$25 per *undivided* water right.
☐ \$100 per *split* water right.
☐ 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] 9-6-23
Signature of new owner/claimant Title, if applicable Date
William Bryson Bennett
Print name
- Signature: [Signature] 9-6-23
Signature of new owner/claimant Title, if applicable Date
Emily Bennett
Print name

For IDWR Office Use Only:

Received by KM Date 10.2.23 Receipt No. C117129 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 [Signature] Date 11-30-23

Instrument # 341031

EMMETT, GEM, IDAHO
2022-04-25 11:48:47 AM No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE INSURANCE
SHELLY TILTON Fee: \$15.00
Ex-Officio Recorder Deputy SWright
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

AFTER RECORDING MAIL TO:

William B. Bennett
2506 E. Melrose Street
Gilbert, AZ 85297

WARRANTY DEED

File No.: 4103-3925622 (MB)

Date: April 11, 2022

For Value Received, **Todd C. Smith and Amanda M. Smith, husband and wife**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **William B. Bennett and Emily Marilyn Bennett, husband and wife**, hereinafter referred to as Grantee, whose current address is **2506 E. Melrose Street, Gilbert, AZ, 85297**, the following described premises, situated in **Gem County, Idaho**, to wit:

LEGAL DESCRIPTION: Real property in the County of Gem, State of Idaho, described as follows:

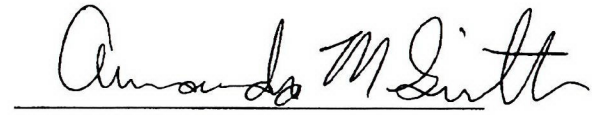
See Attached Exhibit "A"

APN: **RP06N02W056740**

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner 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 Grantor will warrant and defend the same from all claims whatsoever.

Water rights associated with the property including but not limited to Water Right # 65-18318

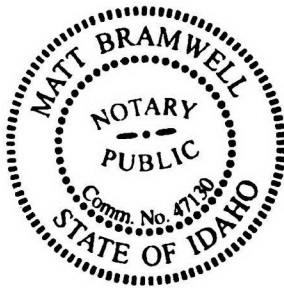

Todd C. Smith


Amanda M. Smith

STATE OF Idaho)
COUNTY OF Ada)
25th

On this 25th day of **April, 2022**, before me, a Notary Public in and for said State, personally appeared **Todd C. Smith and Amanda M. Smith**, 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 the 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.





Notary Public for the State of Idaho
Residing at: Eagle, ID
My Commission Expires:

Residing in: Star, ID
Commission expires: 5/11/2024

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Gem, State of Idaho, described as follows:

A tract of land situate in a portion of U.S. Government Lot 11, Section 5, Township 6 North, Range 2

West, Boise Meridian, Gem County, Idaho, more particularly described as follows:

Commencing at the Section corner common to Sections 4, 5, 8 and 9, Township 6 North, Range 2 West,

Boise Meridian, marked by a 5/8" iron pin and aluminum cap L.S. 4108; thence

North 88°46'49" West, a distance of 2606.06 feet to a set 1/2" iron pin L.S. 4108 at the intersection of

existing fence lines running North and East/West, the Real Point of Beginning; thence

South 89°40'31" West along an existing fence, a distance of 137.56 feet to a set 1/2" iron pin L.S. 4108;

thence

North 02°10'34" East, along an existing fence, a distance of 465.54 feet to a set 1/2" iron pin L.S. 4108

thence

North 23°19'57" West, a distance of 461.35 feet to a point on the Southerly meander line of the Payette

River as said meander line was surveyed in April, 1988 and shown on that certain Record of Survey filed

as Instrument No. 163758, records of Gem County, Idaho; thence

Southeasterly along said meander line as surveyed in April, 1988, the following courses and distances:

South 57°29'01" East, a distance of 96.34 feet;

South 78°33'16" East, a distance of 209.18 feet; thence leaving said meander line

South 01°10'44" East along an existing fence line, a distance of 794.92 feet to the Real Point of Beginning.

Instrument # 293909

EMMETT, GEM, IDAHO
2013-09-10 04:26:50 PM No. of Pages: 3
Recorded for: STEWART TITLE - EMERALD OFFICE
SHELLY TILTON Fee: \$16.00
Ex-Officio Recorder Deputy SStewart
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

3pgs
stewart title

01096-6132P0

WARRANTY DEED

For Value Received **Linda A. Fischer, an unmarried person**, the Grantor, hereby grants bargains, sells, conveys and warrants unto **Todd C. Smith and Amanda M. Smith, husband and wife**, the Grantee, whose current address is 1580 Vanderdasson Rd., Emmett, ID 83617, the following described premises, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

Parcel Number: RP00318803

SUBJECT TO: Current General Taxes, a lien in the process of assessments, not yet due or payable. Easements, restrictions, reservations, provisions of record and assessments, if any.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances, unto the said Grantee and to its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated this 10 day of September, 2013

Linda A. Fischer
Linda A. Fischer

State of Idaho

SS.

County of Ada

On this 10 day of September, 2013, before me the undersigned, a Notary Public, in and for said State, personally appeared Linda A. Fischer, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Pamela Draper
Notary Public: Pamela Draper
Residing at: Eagle, Id
My commission expires: April 16, 2015

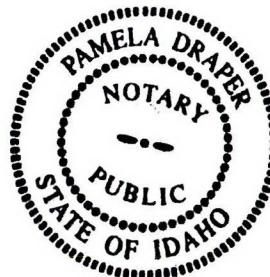


EXHIBIT "A"
LEGAL DESCRIPTION

TRACT I:

A tract of land situate in a portion of U.S. Government Lot 11, Section 5, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follow:

COMMENCING at the Section corner common to Sections 4, 5, 8 and 9, T. 6 N., R. 2 W., B.M., marked by a 5/8" iron pin and aluminum cap L.S. 4108; thence North 88°46'49" West, a distance of 2606.06 feet to a set 1/2" iron pin L.S. 4108 at the intersection of existing fence lines running North and East/West, the REAL POINT OF BEGINNING; thence South 89°40'31" West along an existing fence, a distance of 137.56 feet to a set 1/2" iron pin L.S. 4108; thence North 02°10'34" East, along an existing fence, a distance of 465.54 feet to a set 1/2" iron pin L.S. 4108; thence North 23°19'57" West, a distance of 461.35 feet to a point on the Southerly meander line of the Payette River as said meander line was surveyed in April, 1988 and shown on that certain Record of Survey filed as Instrument No. 163758, records of Gem County, Idaho; thence Southeasterly along said meander line as surveyed in April, 1988, the following courses and distances:
South 57°29'01" East, a distance of 96.34 feet;
South 78°33'16" East, a distance of 209.18 feet; thence leaving said meander line
South 01°10'44" East along an existing fence line, a distance of 794.92 feet to the REAL POINT OF BEGINNING.

TRACT II:

A 40 foot wide Ingress and Egress Easement, the centerline of said Easement being more particularly described as follows:

COMMENCING at the Section corner common to Sections 4, 5, 8 and 9, Township 6 North, Range 2 West, B.M., Gem County, Idaho, marked by a 5/8" iron pin and aluminum cap L.S. 4108; thence North 88°46'49" West, a distance of 2606.06 feet; thence South 89°40'31" West, a distance of 137.56 feet; thence North 02°10'34" East, a distance of 465.54 feet; thence North 23°19'57" West, a distance of 341.31 feet to a point on the centerline of said 40 foot Ingress and Egress Easement, the REAL POINT OF BEGINNING; thence Westerly along the centerline of said Easement, the following courses and distances:
South 80°51'05" West, a distance of 57.86 feet to the beginning of a curve to the right; thence along said curve to the right having a central angle of 50°10'01", a radius of 85.63 feet, an arc length of 74.97 feet and a chord which bears North 62°17'55" West, a distance of 72.60 feet to a reverse curve; thence along said reverse curve to the left having a central angle of 34°30'42", a radius of 180.32 feet, and arc length of 108.61 feet and a chord which bears North 79°49'57" West, a distance of 106.98 feet to a point on a reverse curve; thence along said reverse curve to the right, having a central angle of 58°12'13", a radius of 115.98 feet, an arc length of 117.82 feet and a chord which bears North 56°01'19" West, a distance of 112.82 feet; thence North 30°56'28" West, a distance of 257.79 feet to the beginning of a curve to the left; thence along said curve to the left having a central angle of 20°36'10", a radius of 322.60 feet, an arc length of 116.00 feet and a chord which bears North 37°59'21" West, a distance of 115.38 feet to the beginning of a compound curve to the left; thence along said curve to the left having a central angle of 104°36'13", a radius of 64.09 feet, an arc length of 116.83 feet and a chord which bears South 73°16'08" West, a distance of 101.31 feet; thence South 41°15'24" West, a distance of 194.12 feet to the beginning of a curve to the right; thence along said curve to the right having a central angle of 181°02'00", a radius of 24.54 feet, an arc length of 77.54 feet and a chord which bears North 57°55'04" West, a distance of 49.08 feet to the beginning of a reverse

curve; thence along said reverse curve to the left having a central angle of 108°54'39", a radius of 53.39 feet, an arc length of 101.48 feet and a chord which bears North 14°22'40" West, a distance of 86.88 feet; thence

North 74°52'42" West, a distance of 97.75 feet; thence

North 72°57'18" West, a distance of 156.67 feet; thence

North 65°26'44" West, a distance of 77.25 feet; thence

North 61°21'19" West, a distance of 81.06 feet; thence

North 55°39'51" West, a distance of 370.61 feet; thence

North 75°56'32" West, a distance of 260.58 feet; thence

South 54°28'15" West, a distance of 92.45 feet; thence

South 04°34'04" East, a distance of 220.34 feet; thence

South 08°48'32" West, a distance of 39.74 feet to the beginning of a curve to the right; thence along said curve to the right having a central angle of 76°05'57", a radius of 77.58 feet, an arc length of 103.04 feet

and a chord which bears South 45°04'27" West, a distance of 95.63 feet to a point on a reverse curve;

thence along said reverse curve to the left having a central angle of 70°44'13", a radius of 84.09 feet, an arc length of 103.81 feet and a chord which bears South 71°40'41" West, a distance of 97.34 feet; thence

South 45°16'36" West, a distance of 31.58 feet; thence

South 50°41'22" West, a distance of 56.93 feet; thence

South 84°30'54" West, a distance of 42.67 feet; thence

North 64°21'39" West, a distance of 381.33 feet to a point of the centerline of Vanderdasson Road and the TERMINUS OF SAID EASEMENT.

Said Easement was created by Warranty Deed recorded July 20, 1993 as Instrument No. 176785, records of Gem County, Idaho.

State of Idaho
Department of Water Resources

Water Right

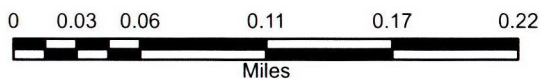
65-18318

STOCKWATER

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: 8/30/2023



Legend

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



State of Idaho
Department of Water Resources

Water Right

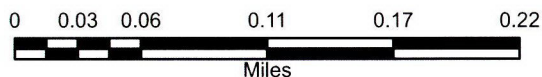
65-18318

DOMESTIC

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: 8/30/2023



Legend

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



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-18318

NAME AND ADDRESS: SHIRLEY FISCHER
1114 VANDERDASSON RD
EMMETT, ID 83617

LINDA FISCHER
1580 VANDERDASSON RD
EMMETT, ID 83617

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS

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

PRIORITY DATE: 11/10/1986

POINT OF DIVERSION: T06N R02W S05 NWSWSE Within Gem County

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

PLACE OF USE:	Stockwater		Within Gem County
	T06N R02W S05	SWSE	
	Domestic		Within Gem County
	T06N R02W S05	SWSE	

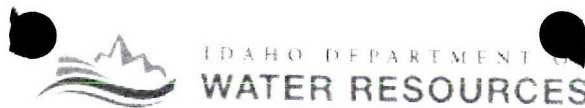
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 Mathew Weaver

November 30, 2023

WILLIAM B BENNETT
EMILY MARILYN BENNETT
1580 VANDERDASSON RD
EMMETT ID 83617-9759

Re: Change in Ownership for Water Right No(s): 65-18318

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.

The Department updated the ownership of this right based on the chain of title provided. The water right was decreed in T06N, R03W, Sec 5 SWSE. The documents in the adjudication backfile list an old parcel number that is in T06N, R03W, Sec 5, SESW. The options to fix this are to file a transfer to correct the place of use or you could petition the Snake River Basin Adjudication (SRBA) Court to set aside the partial decree and issue a new decree with the correct legal description.

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,

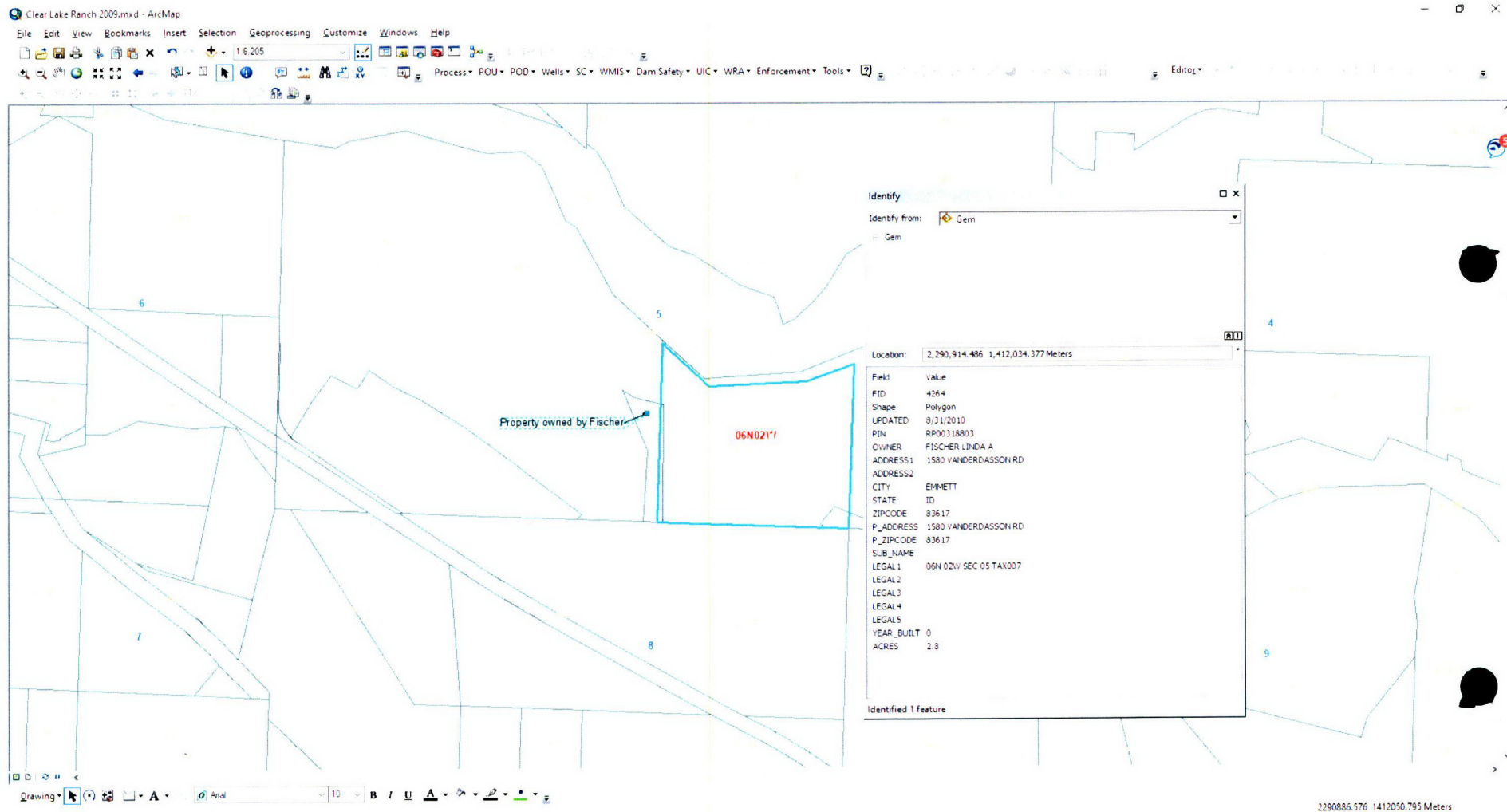
A handwritten signature in black ink that reads "Jean Hersley". The signature is fluid and cursive, with the first name "Jean" being more prominent.

Jean Hersley

Technical Records Specialist 2

Enclosure(s)

c: Parsons Behle & Latimer



Parcel number RP00318803 matches the parcel number in the adjudication backfile for water right 65-18318. This right appears to have been decreed in the wrong QQ.

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, November 30, 2023 3:29 PM
To: Janelle Finfrock
Cc: Bryson Bennett; Norman M. Semanko
Subject: RE: Notice of Change in Water Right Ownership for Bennett 65-18318

I'm working on this right now. I think I have everything I need.

 *Jean Hersley*
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

From: Janelle Finfrock <JFinfrock@parsonsbehle.com>
Sent: Thursday, November 30, 2023 2:43 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Cc: Bryson Bennett <bryson@cornerstone-mgt.com>; Norman M. Semanko <NSemanko@parsonsbehle.com>
Subject: RE: Notice of Change in Water Right Ownership for Bennett 65-18318

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hello Jean,
I'm following up on the below communication.

Please let me know if you need additional information from us.

Thank you,

Janelle Finfrock



A Professional
Law Corporation

Janelle Finfrock
Paralegal
Parsons Behle & Latimer
800 West Main Street, Suite 1300 • Boise, Idaho 83702
Main +1 208.562.4900 • Direct +1 208.562.4866 • Fax +1 208.562.4901

parsonsbehle.com • JFinfrock@parsonsbehle.com • [vCard](#)

CONFIDENTIALITY NOTICE: This electronic mail message and any attachment(s) are confidential and may also contain privileged attorney-client information or work product. The message is intended only for the use of the addressee. If you are not the intended recipient, or the person responsible

to deliver it to the intended recipient, you may not use, distribute, or copy this communication. If you have received the message in error, please immediately notify us by reply electronic mail or by telephone at +1 801.532.1234, and delete this original message.

From: Janelle Finfrock <JFinfrock@parsonsbehle.com>
Sent: Friday, November 17, 2023 2:35 PM
To: Jean.Hersley@idwr.idaho.gov
Cc: Bryson Bennett <bryson@cornerstone-mgt.com>; Norman M. Semanko <NSemanko@parsonsbehle.com>
Subject: FW: Notice of Change in Water Right Ownership for Bennett 65-18318

Good Afternoon Jean,
I wanted to follow-up on this notice. Can you please let me know if this will suffice for the chain of title?

If it does not, please let me know what you need and I'll get it to you.

Thank you,

Janelle Finfrock



Janelle Finfrock
Paralegal
Boise • Direct +1 208.562.4866

From: Janelle Finfrock <JFinfrock@parsonsbehle.com>
Sent: Thursday, November 9, 2023 2:04 PM
To: Jean.Hersley@idwr.idaho.gov
Cc: Bryson Bennett <bryson@cornerstone-mgt.com>; Norman M. Semanko <NSemanko@parsonsbehle.com>
Subject: FW: Notice of Change in Water Right Ownership for Bennett 65-18318

Good Afternoon Jean,
Attached, are the Deed of Trust, and Warranty Deed from the Smiths to the Fischers. Please let me know if this is sufficient for the chain of title requirement referenced below.

Thank you,

Janelle Finfrock



Janelle Finfrock
Paralegal
Boise • Direct +1 208.562.4866

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Date: Thursday, October 19, 2023 at 11:06 AM
To: Bryson Bennett <bryson@cornerstone-mgt.com>
Subject: Notice of Change in Water Right Ownership for Bennett 65-18318

The Department of Water Resources received a request for a Notice of Change in Water Right Ownership for water right 65-18318 in the name of Willaim B Bennett and Emily Marilyn Bennett. After reviewing the request, it was determined that additional information will be needed to complete this request.

The place of use (POU) for water right 65-18318 is Township 06N, Range 02W, Section 5, SWSE. The Bennett's property is in Township 06N, Range 02W, Section 5, SESW. I have attached a map showing the POU for the water right and the Bennett's property.

The current owners of the water right are listed as Shirley Fischer and Linda Fischer, who are the decreed owners. The Department will need a chain of title from the Fischer's to Todd and Amanda Smith. Even though the water right is specified on the deed, the Department has to make sure the water right is appurtenant to the property or has always been used on the Bennett property.

Please provide the requested information within 30 days. If the information is not received within 30 days, the Department will return the request unprocessed. Contact me with any questions. Thank you.



*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*



