

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 25 2023

Department of Water Resources  
Eastern Region

## 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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 21-7545 <i>OK</i>     | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Dennis Kennedy  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Cowbell Homeowners Association, Inc.  
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- c/o Charles Homer, PO Box 557 Island Park ID 83429  
Mailing address City State Zip  
chomer@holdenlegal.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: June 7, 2023
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: *Robert L. Hannis* Attorney September 18, 2023  
Signature of new owner/claimant Title, if applicable Date

Print name

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

Print name

For IDWR Office Use Only:  
Received by *JB* Date 9/25/2023 Receipt No. E049505 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 *JB* Processed by *JB* Date 10/10/2023

Instrument No. 599646  
18 Day Jul 2023  
At 09 O'Clock 47 AM  
ABBIE MACE  
FREMONT CO RECORDER  
Fee \$15.00  
KF Deputy  
Recorded at Request of  
Holden, Kidwell, Hahn & Crapo,

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Robert L. Harris  
Holden, Kidwell, Hahn & Crapo, P.L.L.C.  
PO Box 50130  
Idaho Falls, ID 83405

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(Space Above for Recorder's Use)

### GRANT DEED FOR WATER RIGHT

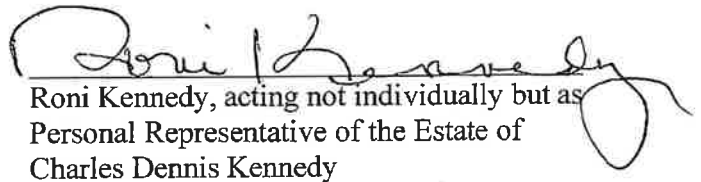
**Roni Kennedy**, acting not individually but as personal representative of the Estate of Charles Dennis Kennedy, (hereinafter "Grantor") does hereby grant, bargain, sell, assign, and convey unto **Cowbell Homeowners Association, Inc.**, an Idaho non-profit corporation, whose address c/o Charles A. Homer, P.O. Box 557, Island Park, Idaho 83429 (hereinafter "Grantee") and to Grantee's successors and assigns forever, all of Grantor's right, title, and interest in the following water right:

**Water Right No. 21-7545**  
(described on Exhibit A attached hereto)

IN WITNESS WHEREOF, the Grantor has caused her name to be hereunto subscribed.

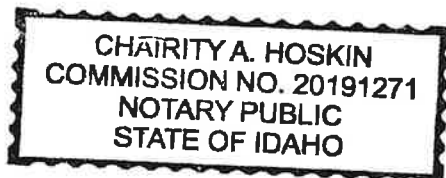
[SIGNATURE AND NOTARY BLOCK ON FOLLOWING PAGE]

DATED this 7 day of June, 2023.

  
Roni Kennedy, acting not individually but as  
Personal Representative of the Estate of  
Charles Dennis Kennedy

STATE OF Idaho )  
 )ss.  
County of Fremont )

This record was acknowledged before me on the 7 day of June, 2023, by  
**Roni Kennedy** acting not individually but in her capacity as personal representative of the Estate  
of Charles Dennis Kennedy.



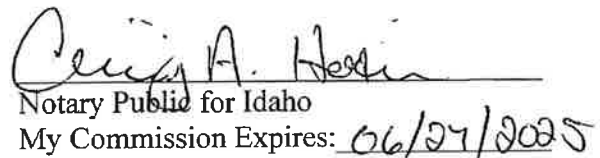
  
Notary Public for Idaho  
My Commission Expires: 06/27/2025

**EXHIBIT A**  
**WATER RIGHT DESCRIPTION**

6/27/22, 2:06 PM

Water Right Report

**IDAHO DEPARTMENT OF WATER RESOURCES**

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**WATER RIGHT REPORT**

6/27/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 21-7545

| <u>Owner Type</u> | <u>Name and Address</u>                                               |
|-------------------|-----------------------------------------------------------------------|
| Current Owner     | DENNIS KENNEDY<br>PO BOX 86<br>MACKS INN, ID 83433-0086<br>2085587542 |

Priority Date: 05/06/1993

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| DOMESTIC              | 01/01       | 12/31     | 0.15 CFS              | 6.6 AFA       |
| Total Diversion       |             |           | 0.15 CFS              | 6.6 AFA       |

Location of Point(s) of Diversion:

GROUND WATER|NESWSE Lt 9|Sec. 08|Township 13N|Range 43E|FREMONT County

DOMESTIC Use:

Number of homes: 5

Number of other uses: 1 small store

Place(s) of use:

Place of Use Legal Description: DOMESTIC FREMONT County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 13N             | 43E          | 8              | 8          | NWSE         |              | 9          | SWSE         |              |            |              |              |            |              |              |

Conditions of Approval:

<https://research.idwr.idaho.gov/apps/waterrights/relateddocs/RightReportAJ.asp?BasinNumber=21&TypeWaterRight=True&SplitSuffix=&Sequence...> 1/3

1. X01 Domestic use is for 5 homes and 1 small store.
2. 070 The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
3. 071 The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
4. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.

## Dates:

Licensed Date: 05/02/2003

Decreed Date:

Permit Proof Due Date: 7/1/1998

Permit Proof Made Date: 5/7/1998

Permit Approved Date: 7/13/1993

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 05/06/1993

Protest Deadline Date:

Number of Protests: 0

## Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:



Holden Kidwell  
Hahn & Crapo P.L.L.C.  
L A W O F F I C E S

*Established 1899*  
1000 Riverwalk Drive, Suite 200  
PO Box 50130  
Idaho Falls, Idaho 83405  
Tel: (208) 523-0620  
Fax: (208) 523-9518  
www.holdenlegal.com  
lmarchant@holdenlegal.com

August 22, 2023

[ADDRESS]

***Re: Notice of Change of Water Right No. 21-7545.***

Dear Cowbell Subdivision Lot Owner:

Holden Kidwell Hahn & Crapo, P.L.L.C. represents Cowbell Homeowners Association, Inc. (the "HOA"). Your residential lot was originally owned and eventually developed by Dennis Kennedy as part of the Cowbell Subdivision. At the time the plat for Cowbell Subdivision was approved, Mr. Kennedy applied for a water right to authorize the diversion of water for the culinary water system in the subdivision. The water right was eventually licensed as Water Right No. 21-7545 and includes your property in the Cowbell Subdivision as part of its broadly described place of use. It was recently discovered that ownership of the water right was not transferred to the HOA even though the water system is owned and operated by the HOA. Idaho Code § 42-248 requires water right ownership to be updated, and therefore, to remedy this issue, a deed from the Dennis Kennedy estate conveying title to Water Right No. 21-7545 to the HOA was executed and recorded.

Due to a recent statutory amendment, and as part of the process to update ownership on the records of the Idaho Department of Water Resources, Idaho Code § 42-248(6) now requires that when ownership of a water right is changed, written notice must be provided to all the landowners within the place of use of that water right if the water right owner is different than the owner of the land described within the place of use. We are providing this notice to you as required by the statute because the water right is owned by the HOA and not the individual lot owners in the Cowbell Subdivision. Let me know if you have any questions. My phone number is 208-523-0620. You can also contact Chuck Homer with any questions at 208-709-7118.

Best Regards,

Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.



Holden Kidwell  
Hahn & Crapo P.L.L.C.  
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200  
PO Box 50130  
Idaho Falls, Idaho 83405  
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Fax: (208) 523-9518  
www.holdenlegal.com  
lmarchant@holdenlegal.com

August 22, 2023

M&R Family Trust  
1741 E Cornell Cir  
Salt Lake City, UT 84108-1801

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Best Regards,

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lmarchant@holdenlegal.com

August 22, 2023

Dave Chugg  
1780 E Bear Crk Way  
Fort Mohave, AZ 86426-6543

***Re: Notice of Change of Water Right No. 21-7545.***

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Best Regards,

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HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.



Holden Kidwell  
Hahn & Crapo P.L.L.C.  
LAW OFFICES

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lmarchant@holdenlegal.com

August 22, 2023

Carl and Laurie Butler  
P O Box 332  
Island Park, ID 83429-0332

***Re: Notice of Change of Water Right No. 21-7545.***

Dear Cowbell Subdivision Lot Owner:

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Best Regards,

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August 22, 2023

Homer Family Cabin LLC  
P O Box 557  
Island Park, ID 83429-0557

**Re: Notice of Change of Water Right No. 21-7545.**

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Best Regards,

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www.holdenlegal.com  
lmarchant@holdenlegal.com

August 22, 2023

Ora Wayne Johnson  
P O Box 658  
Ririe, ID 83443-0658

***Re: Notice of Change of Water Right No. 21-7545.***

Dear Cowbell Subdivision Lot Owner:

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Best Regards,

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HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.



Holden Kidwell  
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L A W O F F I C E S

*Established in 1896*  
1000 Riverwalk Drive, Suite 200  
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lmarchant@holdenlegal.com

August 22, 2023

Brock and Destiny Besner  
4180 E 1150 S  
Heber City, UT 84032-3918

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www.holdenlegal.com  
lmarchant@holdenlegal.com

August 22, 2023

Vern E Harris  
P O Box 223  
Island Park, ID 83429-0223

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lmarchant@holdenlegal.com

August 22, 2023

Larsen Family Trust  
173 W Country Spring Dr  
Bountiful, UT 84010-5966

**Re: Notice of Change of Water Right No. 21-7545.**

Dear Cowbell Subdivision Lot Owner:

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Robert L. Harris

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Holden Kidwell  
Hahn & Crapo P.L.L.C.  
LAW OFFICES

1000 Riverwalk Drive, Suite 200  
PO Box 50130  
Idaho Falls, Idaho 83405  
Tel: (208) 523-0620  
Fax: (208) 523-9518  
www.holdenlegal.com  
lmarchant@holdenlegal.com

August 22, 2023

Stacey & Leann Fredrickson Trust  
3185 E Layton Ridge Dr  
Layton, UT 84040-7125

**Re: Notice of Change of Water Right No. 21-7545.**

Dear Cowbell Subdivision Lot Owner:

Holden Kidwell Hahn & Crapo, P.L.L.C. represents Cowbell Homeowners Association, Inc. (the "HOA"). Your residential lot was originally owned and eventually developed by Dennis Kennedy as part of the Cowbell Subdivision. At the time the plat for Cowbell Subdivision was approved, Mr. Kennedy applied for a water right to authorize the diversion of water for the culinary water system in the subdivision. The water right was eventually licensed as Water Right No. 21-7545 and includes your property in the Cowbell Subdivision as part of its broadly described place of use. It was recently discovered that ownership of the water right was not transferred to the HOA even though the water system is owned and operated by the HOA. Idaho Code § 42-248 requires water right ownership to be updated, and therefore, to remedy this issue, a deed from the Dennis Kennedy estate conveying title to Water Right No. 21-7545 to the HOA was executed and recorded.

Due to a recent statutory amendment, and as part of the process to update ownership on the records of the Idaho Department of Water Resources, Idaho Code § 42-248(6) now requires that when ownership of a water right is changed, written notice must be provided to all the landowners within the place of use of that water right if the water right owner is different than the owner of the land described within the place of use. We are providing this notice to you as required by the statute because the water right is owned by the HOA and not the individual lot owners in the Cowbell Subdivision. Let me know if you have any questions. My phone number is 208-523-0620. You can also contact Chuck Homer with any questions at 208-709-7118.

Best Regards,

Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Mathew Weaver**

October 10, 2023

COWBELL HOMEOWNERS ASSOCIATION INC  
PO BOX 557  
ISLAND PARK ID 83429-0557

Re: Change in Ownership for Water Right No(s): 21-7545

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) 497-3787.

Sincerely,

Jonie Baily  
Technical Records Specialist 1

Enclosure(s)

cc: WATER DISTRICT 01

**From:** [Baily, Jonie](#)  
**To:** [Rob Harris](#)  
**Subject:** Ownership Change Cowbell Homeowners Association  
**Date:** Monday, September 25, 2023 2:38:00 PM

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RE: Change in Ownership Water Right No. 21-7545

Dear Sir/Madam:

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 we can process the change. The information required is indicated below:

\*\*\*\* **Application:** The department received your cover letter and a copy of a Grant Deed; however, the Notice of Change in Water Right Ownership Application was not attached. Please supply the application.

\*\*\*\* **Notification to property owners:** As mentioned in your cover letter a template letter was mailed to each of the Cowbell Subdivision lot owners. Please supply a copy of the letter mailed to the property owners and a list of who it was sent to in order to satisfy the requirement of Idaho Code 42-2448 (6).

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. **If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.**

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Please feel free to contact the Department if you have any questions.

Sincerely,



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

**Jonie Baily | Technical Records Specialist**

900 N Skyline Drive Ste. A, Idaho Falls, ID 83402

Phone number: (208) 525-7161

Fax number: (208) 525-7177

Email: [jonie.baily@idwr.idaho.gov](mailto:jonie.baily@idwr.idaho.gov)

Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)



Holden Kidwell  
Hahn & Crapo P.L.L.C.  
LAW OFFICES

RECEIVED

SEP 25 2023

Department of Water Resources  
Eastern Region

*Established in 1896*

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Idaho Falls, Idaho 83405  
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www.holdenlegal.com  
rharris@holdenlegal.com

September 21, 2023

Jonie Baily  
Eastern Region Office  
Idaho Department of Water Resources  
900 N. Skyline Dr., Ste. A  
Idaho Falls, ID 83402

**RE: Notice of Change in Water Right Ownership for WR 21-7545.**

Dear Jonie:

Enclosed for processing is a completed *Notice of Change in Water Right Ownership* for the above-referenced water right. Also included is:

1. The recorded *Grant Deed for Water Right* recorded as Instrument No. 599646 on the records of Fremont County, Idaho, which conveys the water right from Roni Kennedy, the Personal Representative of Charles Dennis Kennedy, to Cowbell Homeowners Association, Inc.
2. The required \$25.00 filing fee.
3. The template letter that was mailed today each of the Cowbell Subdivision Lot Owners to satisfy the requirements of Idaho Code § 42-248(6).

Also enclosed are copies of letters sent to the landowners of record where the water right owner is different than the owner of the lands described within the place of use, as required by Idaho Code § 42-248(6).

If you have any questions or concerns, or need any additional information, please let me know.

Best regards,

Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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