

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

DEC 09 2022

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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 22-14477 <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: Gary and Shannon Summers  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Charles Gaudet  
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- PO Box 788 Victor ID 83455  
Mailing address City State Zip  
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: November 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:  Title, if applicable  Date 11/17/2022  
 Signature of new owner/claimant  
Charles G. Gaudet  
 Print name

Signature:  Title, if applicable  Date   
 Signature of new owner/claimant  
  
 Print name

For IDWR Office Use Only:  
 Received by M. Pottier Date 12-9-22 Receipt No. E048766 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 JB Processed by JB Date 12/14/2022

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Kristin Moore  
Rocky Mountain Environmental Associates, Inc.  
482 Constitution Way, Suite 303  
Idaho Falls, ID 83402

PTC 820766

(Space Above for Recorder's Use)

**SPECIAL WARRANTY DEED FOR WATER RIGHTS**

**GARY SUMMERS AND SHANNON SUMMERS**, husband and wife, whose address is 1177 E 9<sup>th</sup> N, Rexburg, ID, 83440 (hereinafter "Grantor") does hereby grant, bargain, sell, assign, and convey unto **CHARLES G. GAUDET**, whose address is PO Box 788, Victor, ID 83455 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in water right described on Exhibit A attached hereto (hereinafter the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 10<sup>th</sup> day of November, 2022.

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

ID: 278845  
County: TETON  
Date: 11-29-22 Time: 11:30 AM

Kristin Moore  
Rocky Mountain Environmental Associates, Inc.  
482 Constitution Way, Suite 303  
Idaho Falls, ID 83402

PTC 820766

(Space Above for Recorder's Use)

### SPECIAL WARRANTY DEED FOR WATER RIGHTS

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- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 10<sup>th</sup> day of November, 2022.

**"GRANTOR"**

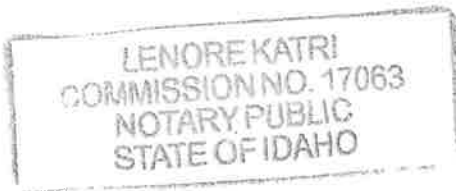
Gary Summers  
Gary Summers

Shannon Summers  
Shannon Summers

STATE OF IDAHO )

County of Bonneville )ss.

This record was acknowledged before me on the 10<sup>th</sup> day of November, 2022, by **Gary Summers.**



Lenore Katri

Notary Public for Idaho

My Commission Expires:

Residing at Idaho Falls, ID  
My Commission Expires: 1-30-2027

STATE OF IDAHO )

County of Bonneville )ss.

This record was acknowledged before me on the 10<sup>th</sup> day of November, 2022, by **Shannon Summers.**



Lenore Katri

Notary Public for Idaho

My Commission Expires:

Residing at Idaho Falls, ID  
My Commission Expires: 1-30-2027

# EXHIBIT A

## WATER RIGHT DESCRIPTION

Page 3 of 4

### WATER RIGHT NO. 22-14477

As Modified by Transfer No. 86396

In accordance with the approval of Transfer No. 86396, Water Right No. 22-14477 is now described as follows:

**Right Holder:** SHANNON SUMMERS AND  
GARY SUMMERS  
1177 E 9TH N  
REXBURG, ID 83440

**Priority Date:** 6/19/1961

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u>    | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|--------------------------|-------------|-----------|-----------------------|-------------------------|
| AESTHETIC STORAGE        | 01/01       | to 12/31  |                       | 2.0 af                  |
| DIVERSION TO STORAGE     | 04/15       | to 10/15  | 0.010 cfs             |                         |
| FISH PROPAGATION STORAGE | 01/01       | to 12/31  |                       | 2.0 af                  |
| WILDLIFE STORAGE         | 01/01       | to 12/31  | 0.010 cfs             | 2.0 af                  |

#### LOCATION OF POINT(S) OF DIVERSION

|              |      |                        |              |
|--------------|------|------------------------|--------------|
| GROUND WATER | SWNW | Sec 11 Twp 04N Rge 45E | TETON County |
| GROUND WATER | SWNW | Sec 11 Twp 04N Rge 45E | TETON County |
| GROUND WATER | SWNW | Sec 11 Twp 04N Rge 45E | TETON County |

#### PLACE OF USE: AESTHETIC STORAGE

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 45E | 11  |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    | 0.0    |

#### PLACE OF USE: FISH PROPAGATION STORAGE

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 45E | 11  |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    | 0.0    |

#### PLACE OF USE: WILDLIFE STORAGE

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 45E | 11  |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    | 0.0    |

Transfer No. 86396

**WATER RIGHT NO. 22-14477**  
**As Modified by Transfer No. 86396**

**CONDITIONS OF APPROVAL**

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. The two ponds established by the storage of water under this right shall not exceed a total capacity of 3.7 acre-feet or a total surface area of 1.5 acres. Initial fill for the ponds is supplied by a Water Supply Bank rental.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 86396



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 Gary Spackman**

December 14, 2022

CHARLES GAUDET  
PO BOX 788  
VICTOR ID 83455-0788

Re: Change in Ownership for Water Right No(s): 22-14477

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 Barg  
Technical Records Specialist 1

Enclosure(s)