

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 23 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?
22-13814 <i>transfer</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
22-13816 <i>OK 24</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
<u>22-13816</u>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
22-14573	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: BMCS DEVELOPMENT LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): STUARTS COOK & ELIZABETH DONALDSON
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or

633 BUFFALO JUNCTION LOOP DRUGGS ID 83422
Mailing address City State Zip
512-461-7345 #14
Telephone Email SSCOOKTX@GMAIL.COM

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: _____
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.

SUPPORT DATA

IN FILE # 22-13814

8. Signature: Stuart Cook 8/23/23
Signature of new owner/claimant Title, if applicable Date
STUARTS COOK
Print name
- Signature: Elizabeth Donaldson 8/23/23
Signature of new owner/claimant Title, if applicable Date
Elizabeth Donaldson
Print name

Received by JB Date 8/23/2023 For IDWR Office Use Only: Receipt No. E049442 Receipt Amt. \$200. - for this app
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 9/7/2023
22-13814 will be complete in the transfer process.

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:402679

FOR VALUE RECEIVED

BMCS Development, LLC

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

Randy Davis and Michele W Davis, husband and wife

whose current address is

109 Bocage Ct
Hattiesburg, MS 39402

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

Lot 1 Final Plat The Vistas Subdivision, Teton County, Idaho, as per the recorded plat on September 26, 2007, as Instrument No. 191918.

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.

Dated: July 27, 2018

BMCS Development, LLC

Beric Christiansen, Managing Member

State of Colorado ss
County of El Paso

On this 27 day of July, 2018, before me, Teresa Minnett, a Notary Public in and for said state, personally appeared Beric Christiansen known or identified to me to be the Managing Member in the Limited Liability Company known as BMCS Development, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

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 Colorado
Residing at: 205 Chamberlain Eagle
Commission Expires: June 7, 2019

TERESA MINNETT
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20044003655
MY COMMISSION EXPIRES 06/07/2019

Instrument # 279512

TETON COUNTY, IDAHO

02-08-2023 13:28:00 No. of Pages: 1

Recorded for: ALLIANCE TITLE - DRIGGS OFFICE

KIM KEELEY

Fee: \$15.00

Ex-Officio Recorder Deputy, Kim Keeley

Index to: DEED, WARRANTY



WARRANTY DEED

Alliance Title & Escrow, LLC Order No.: 630018

FOR VALUE RECEIVED

Randy Davis and Michele W Davis, husband and wife

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

Stuart Cook and Elizabeth Donaldson, husband and wife

whose current address is

**633 Buffalo Junction Loop Unit 14
Driggs, ID 83422**

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

**Lot 1 Final Plat The Vistas Subdivision, Teton County, Idaho, as per the recorded
plat on September 26, 2007, as Instrument No. 191918.**

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.

Dated: February 1, 2023

Randy Davis

Michele W Davis

State of Mississippi } ss

County of Lamar }

On this 1 day of February, 2023, before me, Kelsey Brown, a Notary Public in and for said state, personally appeared Randy Davis and Michele W Davis, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument.

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

Kelsey Brown

Notary Public for the State of Mississippi

Residing at: 1210 16th Main St. Columbia MS 39424

Commission Expires: 05/10/2024





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 • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 07, 2023

STEWART COOK
ELIZABETH DONALDSON
633 BUFFALO JUNCTION LOOP
DRIGGS ID 83422-4818

Re: Change in Water Right Ownership: 22-13816 (Split into 22-13816 and 22-14573)

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

The department also acknowledges that water right number 22-13814 was also listed on your ownership change application. However, a transfer was also filed for that water right. The ownership change for that number will be processed within the transfer application. You will receive correspondence regarding the ownership change for that water right number once the transfer process is complete.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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: BMCS DEVELOPMENT LLC
SEAN R MOULTON
WATER DISTRICT 01

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/7/2023

Water Right 22-13816 *After Split*

Owner Type **Name and Address**
Current Owner BMCS DEVELOPMENT LLC
 C/O BERIC CHRISTIANSEN PO BOX
 1508
 GYPSUM, CO 81637

Priority Date: 4/1/1889

Basis: Decreed

Status: Active

Source
SOUTH LEIGH CREEK

Tributary
TETON RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	0.750 CFS	
	Total Diversion		0.750 CFS	

Source and Point(s) of Diversion:

SOUTH LEIGH CREEK NWNWSW Sec. 32, Twp 06N, Rge 46E, TETON County

Place Of Use:

IRRIGATION within TETON 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	
06N	45E	35												37.6					37.6

POU Total Acres: 37.6

Conditions of Approval:

1. F01 Water is delivered through Desert Ditch.
2. 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.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. E56 The rights listed below are limited to the irrigation of a combined total of 37.6 acres in a single irrigation season. Combined Right Nos.: 22-13814, 22-13816.

Comments:

3 jbailey 9/7/2023 Ownership Change
Water right 22-13816 was split into 22-13816 & 22-14573.