

WITHDRAWN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
COPY
SEP 12 2024

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGION

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?
63-34036	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: Lily Collias; Stephanos Collias; James J. Gatzolis
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): GC Kuna Land 3, L.C., a Utah limited liability company
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 201 S. Main Street, Suite 2000 Salt Lake City UT 84111
Mailing address City State Zip
- (208) 246-8909 david@gardnercompany.net
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 18, 2023
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:  Manager of KC Gardner Company, L.C., a
Christian Gardner Utah limited liability company, Manager of
Print name Owner 8/28/24
Signature of new owner/claimant Title, if applicable Date

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

Received by CC Date 9-12-24 For IDWR Office Use Only: Receipt No. W052189 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 _____ Date _____



GIFT DEED

THIS INDENTURE, made by Lily Collias also known as Lily Kepros Collias and John G. Collias, wife and husband ("Grantors").

WITNESSETH:

Grantors, in consideration of love and affection, do hereby gift, grant, quitclaim and convey, IN TRUST, to John G. Collias and Lily Kepros Collias, and any successor trustees, as trustees of the Collias Family Trust under agreement dated November 29, 1995, and as amended March 1, 2016 ("Grantee"), whose current address is 3811 W. Clement Road, Boise, Idaho 83704, all right, title and interest of the Grantors in and to the following described real property situate in Ada County, Idaho:

North Half Southeast Quarter, Northeast Quarter Southwest Quarter, Southeast Quarter Southeast Quarter, excepting two acres in Section 1, Township 1 North Range 1 East, B.M.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging in anywise appertaining.

SUBJECT TO all taxes, liens, encumbrances, U.S. patent reservations, irrigation district assessments, subdivision restrictions, and public utility and other easements.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, to be held, administered and distributed in accordance with the provisions of the Collias Family Trust.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 7 day of April, 2016.

GRANTORS

Lily Kepros Collias
Lily Kepros Collias

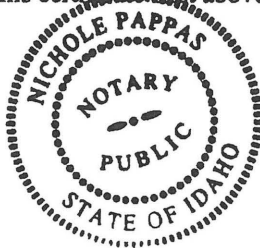
John G. Collias
John G. Collias

Lily Kepros Collias
By Lily Kepros Collias, His Attorney in Fact

STATE OF IDAHO)
) ss.
County of Ada)

On this 7 day of April, 2016, before me, a Notary Public in and for said County and State, personally appeared Lily Collias also known as Lily Kepros Collias, Grantor, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that she executed the same as Grantor for the purposes therein contained.

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

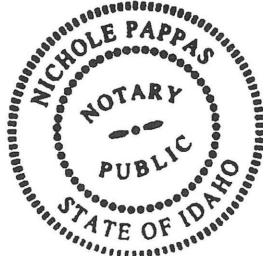


Nichole Pappas
NOTARY PUBLIC for Idaho
Residing at Mendota
My Commission Expires 8/10/2018

STATE OF IDAHO)
) ss.
County of Ada)

On this 7 day of April, 2016, before me, a Notary Public in and for said County and State, personally appeared Lily Collias also known as Lily Kepros Collias known or identified to me to be the person whose name is subscribed to the within and foregoing instrument as attorney in fact of John G. Collias, Grantor, and acknowledged to me that she subscribed the name of John G. Collias thereto as Grantor and her own name as attorney in fact.

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



Nichole Pappas
NOTARY PUBLIC for Idaho
Residing at Mendota
My Commission Expires 8/10/2018

Recording requested by and return to:

Clark Wardle LLP
251 W. Front Street, Suite 310
Boise, Idaho 83702

21433427

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

For value received, the receipt and sufficiency of which is hereby acknowledged:

Stephanos J. Collias and Elsa L. Collias, husband and wife, as to an undivided 75% interest; and Benjamin E. Myers, Trustee of the Benjamin E. Myers Money Purchase Pension Plan and Trust, as to an undivided 25% interest ("**Grantor**")

does hereby bargain, sell and convey unto:

GC Kuna Land 3, L.C., a Utah limited liability company ("**Grantee**"), whose current mailing address is 201 South Main Street, Suite 2000, Salt Lake City, Utah 84111

the following described real property, located in Ada County, Idaho (the "**Property**"):

See **Exhibit A** attached hereto and made a part hereof.

TOGETHER WITH all improvements thereon and all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining to the Property.

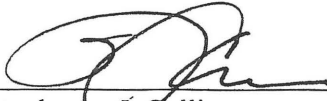
TO HAVE AND TO HOLD the Property unto Grantee and Grantee's successors and assigns forever. Grantor does hereby covenant to Grantee that (a) Grantor owns the Property in fee simple and (b) the Property is free from encumbrances done, made or suffered by Grantor, or any person claiming under Grantor except (a) general taxes and assessments, including utility assessments, for the current year, which are not yet due and payable; (b) matters of record; (c) matters that would appear from a careful survey or inspection of the Property; and (d) matters arising from the acts or omissions of Grantee or its agents; and that Grantor will warrant the same as to Grantor's own acts and none other, from all lawful claims whatsoever.

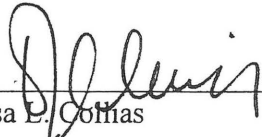
[end of text; signature page(s) follow]

COUNTERPART SIGNATURE PAGE

DATED effective as of the date this Special Warranty Deed is recorded in the real property records of Ada County, Idaho.

“Grantor”


Stephanos J. Collias


Elsa L. Collias

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

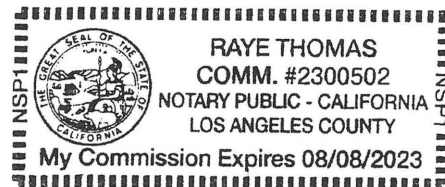
On March 21, 2023, before me, Raye Thomas Notary Public
(insert name and title of the officer)

personally appeared Stephanos J. Collias and Elsa L. Collias,
who proved to me on the basis of satisfactory evidence 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 his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Raye Thomas (Seal)



COUNTERPART SIGNATURE PAGE

DATED effective as of the date this Special Warranty Deed is recorded in the real property records of Ada County, Idaho.

THE BENJAMIN E. MYERS MONEY PURCHASE
PLAN AND TRUST

By:



Benjamin E. Myers, Trustee

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Arizona

County of Maricopa

On MARCH 21, 2023, before me, Kyler Kienholz
(insert name and title of the officer)

personally appeared Benjamin E. Myers,
who proved to me on the basis of satisfactory evidence 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 his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of ~~California~~ Arizona that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)



KYLER KIENHOLZ
Notary Public - Arizona
Maricopa Co. / #573791
Expires 10/31/2023

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

A parcel of land being a portion of Government Lot 2 of Section 1, Township 1 North, Range 1 East, Boise Meridian, City of Kuna, Ada County, Idaho, being more particularly described as follows:

Commencing at the Northeast corner of said Section 1; thence on the North section line of said Section 1

North 89°26'45" West, 1330.73 feet to the Northeasterly corner of said Government Lot 2, marked by a found 5/8 inch iron rod (PLS 7323), lying South 00°10'09" West, 25.12 feet from said Northeasterly corner, from which the North quarter corner of said Section 1 bears North 89°26'45" West, 1330.73 feet and the Point of Beginning; thence leaving said North section

South 00°10'09" West, 1335.90 feet to the Southeasterly corner of said Government Lot 2, marked by a found 5/8 inch iron rod (PLS 7323), lying North 00°10'09" East 3.30 feet from said Southeasterly corner; thence on the South line of said Government Lot 2

North 89°41'51" West, 665.35 feet; thence leaving said South line

North 00°08'30" East, 1338.83 feet, to a point on the North section line of said Section 1; thence on said North section line

South 89°26'45" East, 666.00 feet to the Point of Beginning.

Excepting therefrom that portion deeded to Ada County Highway District by Warranty Deed recorded July 13, 2022 as Instrument No. 2022-063248, records of Ada County, Idaho.

ADA COUNTY RECORDER Trent Tripple
BOISE IDAHO Pgs=3 NIKOLA OLSON
TITLEONE BOISE

2023-022295
04/18/2023 03:13 PM
\$15.00

Recording requested by and return to:

Clark Wardle LLP
251 W. Front Street, Suite 310
Boise, Idaho 83702
21433450

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

For value received, the receipt and sufficiency of which is hereby acknowledged:

Collias Cattle Company LLC, an Idaho limited liability company ("**Grantor**")

does hereby bargain, sell and convey unto:

GC Kuna Land 3, L.C., a Utah limited liability company ("**Grantee**"), whose current mailing address is 201 South Main Street, Suite 2000, Salt Lake City, Utah 84111

the following described real property, located in Ada County, Idaho (the "**Property**"):

See **Exhibit A** attached hereto and made a part hereof.

TOGETHER WITH all improvements thereon and all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining to the Property.

TO HAVE AND TO HOLD the Property unto Grantee and Grantee's successors and assigns forever. Grantor does hereby covenant to Grantee that (a) Grantor owns the Property in fee simple and (b) the Property is free from encumbrances done, made or suffered by Grantor, or any person claiming under Grantor except (a) general taxes and assessments, including utility assessments, for the current year, which are not yet due and payable; (b) matters of record; (c) matters that would appear from a careful survey or inspection of the Property; and (d) matters arising from the acts or omissions of Grantee or its agents; and that Grantor will warrant the same as to Grantor's own acts and none other, from all lawful claims whatsoever.

[end of text; signature page(s) follow]

DATED effective as of the date this Special Warranty Deed is recorded in the real property records of Ada County, Idaho.

"Grantor"

COLLIAS CATTLE COMPANY LLC, an Idaho limited liability company

By:


Stephanos J. Collias, Member

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Los Angeles)

On March 21 2023 before me, Raye Thomas Notary Public
(insert name and title of the officer)

personally appeared Stephanos J. Collias,
who proved to me on the basis of satisfactory evidence 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 his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Raye Thomas (Seal)

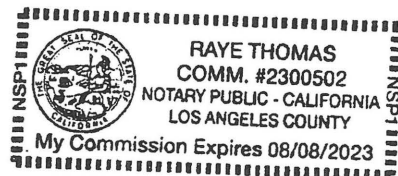


EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

The North half of the Southeast quarter and the Northeast quarter of the Southwest quarter and the Southeast quarter of the Southeast quarter of Section 1, Township 1 North, Range 1 East, Boise Meridian, records of Ada County, Idaho.

Excepting therefrom that portion deeded to Ada County Highway District by Warranty Deed recorded May 3, 1972 as Instrument No. 804791, records of Ada County, Idaho.

Further Excepting therefrom the South 295 feet of the East 295 feet of the Southeast quarter of the Southeast quarter of Section 1, Township 1 North, Range 1 East, Boise Meridian, records of Ada County, Idaho.

ADA COUNTY RECORDER Phil McGrane
BOISE IDAHO Pgs=4 HEATHER LUTHER
ELAM AND BURKE

2021-101290
07/02/2021 01:22 PM
\$15.00

RECORDING REQUESTED BY:

Elam & Burke, P.A.
P.O. Box 1539
Boise, Idaho 83701

SPACE RESERVED FOR RECORDER'S USE

QUITCLAIM DEED

George J. Collias, Tim J. Collias and Stephanos J. Collias as Trustees of The Collias Family Trust created under agreement dated November 29, 1995, amended by the First Amendment to Trust Agreement Establishing the Collias Family Trust on April 7, 2016, and amended by the Second Amendment to Trust Agreement Establishing the Collias Family Trust on July 3, 2018 (Grantors), hereby quitclaim, transfer, and convey to Collias Cattle Company, LLC (Grantee), an Idaho limited liability company, whose current address is 5809 N. Cape Arago Place, Garden City, Idaho 83714-4049, all right, title, and interest of said Trust in and to the following real property situate in Ada County, Idaho, and more particularly described as:

North Half Southeast Quarter, Northeast Quarter Southwest Quarter,
Southeast Quarter Southeast Quarter, excepting two acres in Section 1,
Township 1 North Range 1 East, B.M.

with all appurtenances.

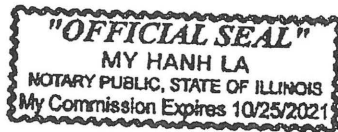
QUITCLAIM DEED - 1
(S Cole Road 118 acres Ada Parcel S210131000)

EXECUTED this 28 day of June, 2021.

George J. Collias
George J. Collias

STATE OF ILLINOIS)
 : ss.
County of Cook)

Signed and sworn to before me on the 28 day of June, 2021 by George J. Collias, as Trustee of the Collias Family Trust.



[Signature]
Notary Public for Illinois
My Commission Expires: 10/25/2021

QUITCLAIM DEED - 2
(S Cole Road 118 acres Ada Parcel S210131000)

EXECUTED this 2nd day of July, 2021.

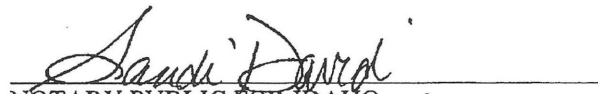

Tim J. Collias

STATE OF IDAHO)
 : ss.
County of Ada)

On this 2nd day of July, 2021, before me, a notary public in and for said state, personally appeared Tim J. Collias, a Trustee of the Collias Family Trust, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same as Trustee.

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




NOTARY PUBLIC FOR IDAHO
My commission expires: 10/03/2023

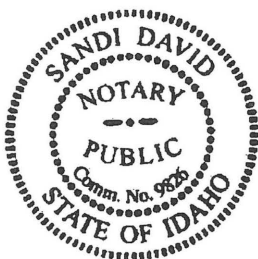
EXECUTED this 10th day of July, 2021.

Stephanos J. Collias

STATE OF IDAHO

County of Ada

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



NOTARY PUBLIC FOR IDAHO

My commission expires: 10/03/2023

OUTCLAIM DEED - 4

(S Cole Road 118 acres Ada Parcel S210131000)



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 23, 2024

CLARK WARDLE
ATTN SARA COUSINEAU
PO BOX 639
BOISE ID 83701-0639

RE: Withdrawal of Change in Ownership Water Right No: 63-34036

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a cancellation notice from Sara Cousineau, October 18, 2024, regarding the Notice of Change in Water Right Ownership (Notice) for the above-referenced water rights. The reason for cancellation is lack of documentation of ownership chain of title.

Copies of the Notices are enclosed. You may resubmit these Notices when you have the required documentation. For additional information on submitting the Notices and other water right matters administered by the Department, please visit our website, idwr.idaho.gov/form/water-rights-forms. Filing fees received with the Notices have been requested and will be mailed to the payee.

If you have any questions regarding this matter, please contact our office, (208) 605-4620.

Sincerely,

Susy Hobson
Technical Records Specialist 1

Enclosure

cc: GC Kuna Land 3 LC

Hobson, Susy

From: Sara Cousineau <scousineau@clarkwardle.com>
Sent: Friday, October 18, 2024 10:10 AM
To: Evans, Lynne
Cc: Hobson, Susy
Subject: RE: Ownership Change for Water Right No. 63-7864 *+ 63-34036*

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.

Hi Lynne, thank you for checking in. Please cancel both submittals for now – we are working with the previous owners but don't believe we'll have the deeds ready by then.
We will resubmit once we have all the documentation.

Thank you!

Sara C. Cousineau, Paralegal

251 E Front Street, Suite 310 | PO Box 639 | Boise, Idaho 83701
scousineau@clarkwardle.com | Direct 208.388.0035 | Fax 208.388.1001

From: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>
Sent: Friday, October 18, 2024 9:26 AM
To: Sara Cousineau <scousineau@clarkwardle.com>
Cc: Hobson, Susy <susy.hobson@idwr.idaho.gov>
Subject: RE: Ownership Change for Water Right No. 63-7864

Good morning Sara,

It's been about a month, so I wanted to check in and see where you're at on the deeds for these ownership changes. Do you think you'll have those ready to submit within the next week or two, or should we go ahead and cancel for now so you can resubmit the request once the documents are ready?

Thank you,



Lynne Evans (she/her)
Administrative Assistant I
IDWR – Western Region
2735 W Airport Way, Boise ID 83705
lynne.evans@idwr.idaho.gov | (208) 605-4622

From: Sara Cousineau <scousineau@clarkwardle.com>
Sent: Tuesday, September 17, 2024 10:19 AM
To: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>
Cc: Hobson, Susan <susy.hobson@idwr.idaho.gov>
Subject: RE: Ownership Change for Water Right No. 63-7864

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.

Yes, please put both on hold. I'm not sure what the time frame will be to arrange the deeds but as soon as we can have that discussion and I have a better idea I'll let you know if it would be best to cancel/resubmit.

Thank you for your help!

Sara C. Cousineau, Paralegal

251 E Front Street, Suite 310 | PO Box 639 | Boise, Idaho 83701
scousineau@clarkwardle.com | Direct 208.388.0035 | Fax 208.388.1001

From: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>
Sent: Tuesday, September 17, 2024 10:13 AM
To: Sara Cousineau <scousineau@clarkwardle.com>
Cc: Hobson, Susan <susy.hobson@idwr.idaho.gov>
Subject: RE: Ownership Change for Water Right No. 63-7864

Hi Sara,

Yep, that would be exactly what we're looking for! The deeds don't necessarily need to convey the land involved, just the water right, since that's the part we're lacking a clear chain of title for. The example water right quitclaim deed you sent me in your other email would work just fine for this one as well.

We can put both of these ownership change requests on a 30-day hold while you look into getting the quitclaim deeds arranged. However, if you think it might take much longer than 30 days, it might be best for us to cancel and refund the requests for now, so you can re-file them later with the complete documentation. Do you have any idea of a timeline yet?

Thank you for your prompt responses and the thorough documentation you've already submitted. It's been very helpful for getting these water rights straightened out.



Lynne Evans (she/her)
Administrative Assistant I
IDWR – Western Region
2735 W Airport Way, Boise ID 83705
lynne.evans@idwr.idaho.gov | (208) 605-4622

From: Sara Cousineau <scousineau@clarkwardle.com>
Sent: Monday, September 16, 2024 12:24 PM
To: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>
Cc: Hobson, Susan <susy.hobson@idwr.idaho.gov>
Subject: RE: Ownership Change for Water Right No. 63-7864

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.

Lynne,

Just like with Water Permit 63-34036 we included all documentation we received from the title company search for the two parcels.

If I'm understanding correctly, you'd need the following:

For Parcel S2101130000 (Owned by GC Kuna Land & GC Kuna Land 2):

Quitclaim deed from J.G. Collias, Lily Collias (her estate), J. J. Gatziolis, and M.K. Gatziolis Trust to GC Kuna Land and GC Kuna Land 2, quitclaiming any ownership in that particular parcel, along with ownership of the water right pertaining to that particular parcel.

For Parcel S2101310000 (Owned by GC Kuna Land 3):

Quitclaim deed from J.J. Gatziolis, and M.K. Gatziolis Trust to GC Kuna Land 3, quitclaiming any ownership in that particular parcel, along with ownership of the water right pertaining to that particular parcel.

Once those two documents are executed/recorded, the ownership of Water Right 63-7864 can be updated to reflect GC Kuna Land, GC Kuna Land 2, and GC Kuna Land 3 as the only owners of the Water Right?

Please let me know if that is correct, or if I'm completely off track. I appreciate your help.

Thanks,

Sara C. Cousineau, Paralegal

251 E Front Street, Suite 310 | PO Box 639 | Boise, Idaho 83701
scousineau@clarkwardle.com | Direct 208.388.0035 | Fax 208.388.1001

From: Evans, Lynne <Lynne.Evans@idwr.idaho.gov>

Sent: Thursday, September 12, 2024 1:52 PM

To: Sara Cousineau <scousineau@clarkwardle.com>

Cc: Hobson, Susan <susy.hobson@idwr.idaho.gov>

Subject: Ownership Change for Water Right No. 63-7864

Good afternoon Sara,

We received a Notice of Change in Water Right Ownership for water right no. 63-7864 on August 29, 2024, changing the owner of that right to GC Kuna Land LC, GC Kuna Land 2 LC, and GC Kuna Land 3 LC. There are a couple of discrepancies in the documentation for that ownership change that I hoped you could help me resolve.

The water right decree issued in 2007 (attached) names J.G. Collias, Lily Collias, J.J. Gatziolis, M.K. Gatziolis Trust as the water right owners. However, all four owners don't seem to be accounted for in the chain of title you submitted.

The chain of title documents for the property owned by GC Kuna Land and GC Kuna Land 2 is conveyed from Matina Gatziolis to the Matina Gatziolis Trust, and then to Narragansett Properties LLC in 2005. Because the water right was decreed in 2007, after the property was conveyed to Narragansett Properties, the water right could not have been included as an appurtenance to the property when Narragansett Properties conveyed it to GC Kuna in 2023. Additionally, none of the parties in that chain of title are the individuals named on the water right decree, so they also could not have conveyed the water right in any case.

The chain of title documents for the property owned by GC Kuna Land 3 goes back to 2016 beginning with Lily and J.G. Collias. The chain of title from those two owners is complete, but does not account for the ownership of J.J. Gatziolis or the M.K. Gatziolis Trust. Without any documentation from those two parties conveying the property or water right to GC Kuna Land 3, we would have to maintain them as current owners of the water right in addition to GC Kuna Land 3.

Since GC Kuna Land 3 only owns the land in the southern half of the water right, we also cannot process their half of this ownership change without splitting the water right. If you would like all three GC Kuna entities to be equal owners of the original water right, all portions of the chain of title must be complete.

Do you have any additional context or documentation that can help resolve these ownership questions? If not, I can provide some additional guidance on how to remedy the discrepancies.

Thank you,



Lynne Evans (she/her)
Administrative Assistant I
IDWR – Western Region
2735 W Airport Way, Boise ID 83705
lynne.evans@idwr.idaho.gov | (208) 605-4622

Hobson, Susan

From: Evans, Lynne
Sent: Friday, September 13, 2024 3:24 PM
To: scousineau@clarkwardle.com
Cc: Hobson, Susan
Subject: RE: Ownership Change for Water Right No. 63-7864

Good afternoon Sara,

We've just reviewed your ownership change for **Water Permit 63-34036**, which we received yesterday, September 12. We're running into a similar issue of documentation for this one. James J. Gatziolis is named as one of the permit owners, but I'm not seeing any conveyance from him of any of the relevant property. The chain of title submitted for the south-most parcel begins with a gift deed in 2016 from Lily K. and John G. Collias, but none of these documents refer to the water permit specifically. Prior to the change of statute IC § 55-617 in 2022, water permits were considered personal property, not appurtenances in land transactions.

We'll need to see evidence that Lily Collias and James Gatziolis's interest in the water permit have also been conveyed to GC Kuna Land 3.

Thank you,



Lynne Evans (she/her)
Administrative Assistant I
IDWR – Western Region
2735 W Airport Way, Boise ID 83705
lynne.evans@idwr.idaho.gov | (208) 605-4622

From: Evans, Lynne
Sent: Thursday, September 12, 2024 1:52 PM
To: scousineau@clarkwardle.com
Cc: Hobson, Susan <susy.hobson@idwr.idaho.gov>
Subject: Ownership Change for Water Right No. 63-7864

Good afternoon Sara,

We received a Notice of Change in Water Right Ownership for water right no. 63-7864 on August 29, 2024, changing the owner of that right to GC Kuna Land LC, GC Kuna Land 2 LC, and GC Kuna Land 3 LC. There are a couple of discrepancies in the documentation for that ownership change that I hoped you could help me resolve.

The water right decree issued in 2007 (attached) names J.G. Collias, Lily Collias, J.J. Gatziolis, M.K. Gatziolis Trust as the water right owners. However, all four owners don't seem to be accounted for in the chain of title you submitted.

The chain of title documents for the property owned by GC Kuna Land and GC Kuna Land 2 is conveyed from Matina Gatziolis to the Matina Gatziolis Trust, and then to Narragansett Properties LLC in 2005. Because the water right was decreed in 2007, after the property was conveyed to Narragansett Properties, the water right could not have been included as an appurtenance to the property when Narragansett Properties conveyed it to GC Kuna in 2023. Additionally, none of the parties in that chain of title are the individuals named on the water right decree, so they also could not have conveyed the water right in any case.

The chain of title documents for the property owned by GC Kuna Land 3 goes back to 2016 beginning with Lily and J.G. Collias. The chain of title from those two owners is complete, but does not account for the ownership of J.J. Gatzolis or the M.K. Gatzolis Trust. Without any documentation from those two parties conveying the property or water right to GC Kuna Land 3, we would have to maintain them as current owners of the water right in addition to GC Kuna Land 3.

Since GC Kuna Land 3 only owns the land in the southern half of the water right, we also cannot process their half of this ownership change without splitting the water right. If you would like all three GC Kuna entities to be equal owners of the original water right, all portions of the chain of title must be complete.

Do you have any additional context or documentation that can help resolve these ownership questions? If not, I can provide some additional guidance on how to remedy the discrepancies.

Thank you,



Lynne Evans (she/her)
Administrative Assistant I
IDWR – Western Region
2735 W Airport Way, Boise ID 83705
lynne.evans@idwr.idaho.gov | (208) 605-4622

Sara C. Cousineau, Paralegal
(208) 388-0035
scousineau@clarkwardle.com

September 9, 2024

Idaho Department of Water Resources
Western Regional Office
2735 W. Airport Way
Boise, ID 83705-5082

**Re: Water Permit 63-34036
CW File No. 23297.72**

Enclosed is a Notice of Change in Water Right Ownership for the above-referenced water rights on behalf of GC Kuna Land 3, L.C., along with a check in the amount of \$25.00 for filing fees.

Once the ownership has been updated, please send confirmation to GC Kuna Land 3 at the address on the form, as well as to the undersigned. If you have any questions, please do not hesitate to call.

Thank you for your assistance with this matter.

Sincerely,



Sara C. Cousineau
Paralegal

Enclosures

RECEIVED

SEP 12 2024

WATER RESOURCES
WESTERN REGION

Hobson, Susy

To: IdwrPayable
Subject: Refund: Withdrawal of Change in Ownership

Please issue a refund of \$50 for the withdrawal of two Change in Ownership Notices. WR#s 63-7864 & 63-34036

NAME: CLARK WARDLE

ADDRESS: 251E FRONT ST SUITE 310
BOISE ID 83701-0639

RECEIPTS: W052170 & W052189

Thank you,

Susy



Susy Hobson
Technical Records Specialist
IDWR – Western Region
2735 W. Airport Way, Boise ID 83705
(208) 605-4631 susy.hobson@idwr.idaho.gov