

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 12 2024

DEPT. OF WATER RESOURCES
SOUTHERN 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?
37-11578	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: RICHARD & CONSTANCE PORTER
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): SCOTT CAMERON PORTER & MARK E. PORTER
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or
- P.O. BOX 99 HAILEY ID 83333
Mailing address City State Zip
- (208) 800-7061 S PORTER 747 @ PM.ME
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: DECEMBER 22, 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: [Signature] 2-7-24
 Signature of new owner/claimant Title, if applicable Date
SCOTT C. PORTER
 Print name

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

Received by SG Date 2/12/2024 For IDWR Office Use Only: Receipt No. 5040096 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 1W Date 2/23/2024

RETURNED

THE PORTER FAMILY LIVING TRUST

THIS TRUST AGREEMENT ("agreement"), dated April 6, 2004, is among Richard R. Porter and Constance G. Porter, husband and wife, of Blaine County, Idaho (referred to collectively as "grantors" and singularly as "grantor") and Richard R. Porter and Constance G. Porter, husband and wife, of Blaine County, Idaho (referred to collectively as the "trustee").

ARTICLE 1: CREATION OF TRUST

1.1 Initial Trust Estate. By this agreement, grantors assign, convey, transfer and deliver to the trustee the property described on Schedules A and B attached hereto, and the trustee accepts such property as the initial trust estate. The property described on Schedule A is the community property of grantors. The property described on Schedule B is the separate property of grantors and is owned by them in the shares, proportions and interests specified on the schedule. Such property shall be held IN TRUST and shall be administered and distributed upon the terms and conditions set forth in this agreement.

1.2 Additions to Trust. Grantors, either of them, or any other person from time to time may transfer or devise additional property to the trustee upon the terms of this agreement. The trustee may describe the additional property on Schedules A and B.

1.3 Character of Property. All community property transferred to the trust by grantors (referred to as the "community estate") shall retain its character as community property during the joint lifetimes of grantors, and any distributions or withdrawals by grantors from the trust of such property shall be their community property. All separate property of either grantor transferred to the trust (referred to as the "separate estate") shall retain its character as separate property. The trustee shall divide the separate estate into two accounts (referred to as the "separate accounts"), one for each grantor, and shall allocate to each such account the separate property of the grantor for whom such account was established. Grantors intend that neither the

9.3 Substitute Trustee. There shall be at all times at least two qualified persons acting as trustees of each trust created by this agreement. If for any reason a vacancy exists in the office of the trustee, the following persons shall act as substitute trustees, successively in the order named: such person as may be designated by grantors, Scott Cameron Porter of Blaine County, Idaho, and Mark E Porter of San Diego, California, the surviving adult issue of Scott and Mark, all in the successive order stated herein.

9.4 Powers of Substitute Trustees. Every substitute trustee shall have all the title, rights, powers and duties of the original trustee without any act of transfer. No substitute trustee shall be obligated to examine the accounts, records and acts of any previous trustee or to proceed against a previous trustee for any act or omission to act.

9.5 Bonds Waived. Each trustee, including substitutes, shall be permitted to qualify without giving a bond or other undertaking in any jurisdiction for the performance of the trustee's duties, or if any bond shall be required by law, without the necessity of sureties.

9.6 Trustee's Liability.

(a) Individual Trustee's Liability. No individual acting as a trustee hereunder shall be liable for any mistake or error in judgment, but shall be liable only in the case of bad faith or dishonesty. In the absence of bad faith or dishonesty, an individual trustee shall not be liable for any loss which may occur by reason of an operating loss or by reason of depreciation or decline in value of properties at any time belonging to a trust created hereunder.

(b) Corporate Trustee's Liability. A corporate trustee's liability shall be determined in accordance with the terms and provisions of the laws of the State of Idaho, as from time to time amended and in effect, except as otherwise expressly provided herein.

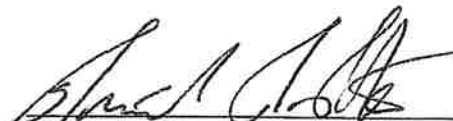
9.7 Majority Decisions. Except as may otherwise be provided herein, the decision of a majority of the trustees of any trust shall control with respect to any matter arising

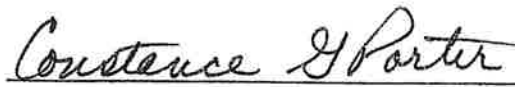
words "pay" and "distribute" shall also mean assign and convey; and the table of contents, headings and paragraph titles are for guidance only and shall have no significance in the interpretation of this agreement.

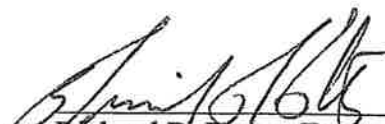
14.13 Internal Revenue Code. References to the Internal Revenue Code shall mean the Internal Revenue Code of 1986, as amended, or the corresponding provisions of any subsequent federal tax law.

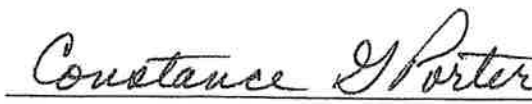
14.14 Qualified Family-Owned Business. The term "qualified family-owned business" shall have the meaning assigned to such term by Section 2057 of the Internal Revenue Code and shall refer to only that property for which the deceased grantor's estate qualifies for the deduction under Section 2057 and for which the personal representative of a deceased grantor's estate makes an election under Section 2057(b)(1)(B) of the Internal Revenue Code and files the agreement required by Section 2057(h) of the Internal Revenue Code.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.


Richard R. Porter, Grantor


Constance G. Porter, Grantor


Richard R. Porter, Trustee

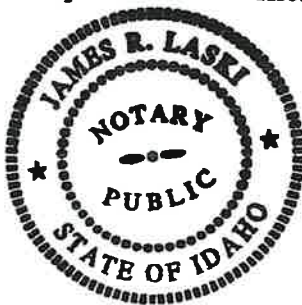

Constance G. Porter, Trustee

STATE OF IDAHO)
) ss.

County of Blaine)

On this 6th day of April, 2004, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Richard R. Porter and Constance G. Porter, known or identified to me to be the persons whose names are subscribed to the within instrument as grantors and acknowledged to me that 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 Idaho
Residing at Blaine County ID

My commission expires on 03/08/05

STATE OF IDAHO)
) ss.

County of Blaine)

On this 6th day of April, 2004, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Richard R. Porter and Constance G. Porter, known or identified to me to be the persons whose names are subscribed to the within instrument as trustees and acknowledged to me that 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 Idaho
Residing at Blaine County ID
My commission expires on 03/08/05

Instrument # 704036

HAILEY, BLAINE, IDAHO

12-22-2023 12:51:46 PM No. of Pages: 3

Recorded for : SCOTT CAMERON PORTER
STEPHEN MCDUGALL GRAHAM Fee: 15.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

**Recording Requested By and When Recorded
Mail Tax Statements To:**

Scott C. Porter
P.O. Box 99
122 Hyndman View Drive
Hailey, ID 83333

(Space Above Line For Recorder's Use)

QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

SCOTT CAMERON PORTER and MARK E. PORTER, Trustees of the Porter Family Living Trust, dated April 6, 2004 do hereby release, convey, remise and forever quitclaims unto:

SCOTT CAMERON PORTER, whose address is 122 Hyndman View Drive, Hailey, ID 83333, and MARK E. PORTER, whose address is 11116 Caminito Inocenta, San Diego, CA 92126, as joint tenants with right of survivorship,

all of their right, title and interest that they now have or may hereafter acquire in the following described real property situated in Blaine County, State of Idaho:

Block 2, Lot 27 of HYNDMAN PEAK SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 208275, records of Blaine County, Idaho.

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise pertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereunder.

To have and to hold the said premises, unto the said grantees, heirs and assigns forever.
DATED this 22 day of December 2023.


SCOTT CAMERON PORTER

☐


MARK E. PORTER

☐

STATE OF IDAHO)

) ss.

County of Blaine)

On this 22nd day of December 2023 before me, a Notary Public in and for said State, personally appeared SCOTT CAMERON PORTER, known to me to be person that executed the within instrument and acknowledged to me that he executed the same.

See Attached Certificate

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

Date Filed NOVEMBER 07, 2023

State File No. 2023-13565

DECEDENT - LEGAL NAME

RICHARD R PORTER

SEX

MALE

SOCIAL SECURITY NUMBER

AGE

88 YEARS

DATE OF BIRTH

FEBRUARY 22, 1935

BIRTHPLACE

OMAHA, NEBRASKA

PLACE OF RESIDENCE

HAILEY, IDAHO

MARITAL STATUS AT TIME OF DEATH

WIDOWED

NAME OF SURVIVING SPOUSE (If wife, maiden name)

WAS DECEDENT EVER IN
U.S. ARMED FORCES?

YES

FATHER - NAME

ELMER RAYMOND PORTER JR

BIRTHPLACE

NEBRASKA

MOTHER - MAIDEN NAME

MARIAN LANDON GRAY

BIRTHPLACE

IOWA

METHOD OF DISPOSITION

CREMATION

FUNERAL SERVICE LICENSEE

RUSSELL D. MIKEL

NAME AND ADDRESS OF FUNERAL FACILITY

WOOD RIVER CHAPEL, HAILEY, IDAHO

DATE OF DEATH

OCT. 21, 2023

TIME OF DEATH

4:00 P.M.

CITY, TOWN OR LOCATION OF DEATH

HAILEY, IDAHO

COUNTY OF DEATH

BLAINE

CAUSE OF DEATH (underlying cause last)

a. OLD AGE

Approximate Interval Between
Onset and Death

DUE TO (or as a consequence of):

b.

DUE TO (or as a consequence of):

c.

DUE TO (or as a consequence of):

d.

OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above

NONE STATED

WAS AN AUTOPSY
PERFORMED?

NO

MANNER OF DEATH

NATURAL

NAME OF CERTIFIER

DAN S. FAIRMAN, M.D.

TITLE

PHYSICIAN

CORONER SUBSEQUENT CERTIFICATION IF NECESSARY

EXTERNAL CAUSES ONLY

DATE OF INJURY

TIME OF INJURY

PLACE OF INJURY

INJURY AT
WORK?

LOCATION WHERE INJURY OCCURRED

DESCRIPTION OF HOW INJURY OCCURRED

This is a true and correct reproduction of the document officially registered and placed
on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

DATE ISSUED:

NOVEMBER 08, 2023

This copy is not valid unless prepared on engraved border
displaying state seal and signature of the Registrar.

Rev. 07/28/20

JAMES B. AYDELOTTE
STATE REGISTRAR

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

Date Filed JANUARY 29, 2019

State File No. 2019-00871

DECEDENT - LEGAL NAME CONSTANCE G PORTER			
SEX FEMALE	SOCIAL SECURITY NUMBER	AGE 81 YEARS	DATE OF BIRTH NOVEMBER 06, 1937
BIRTHPLACE ROCK SPRINGS, WYOMING		PLACE OF RESIDENCE HAILEY, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (if wife, maiden name) RICHARD RAYMOND PORTER	WAS DECEDENT EVER IN U.S. ARMED FORCES? NO
FATHER - NAME ELMER GRIGGS			BIRTHPLACE WYOMING
MOTHER - MAIDEN NAME SHIRLEY JOSEPHINE SAWLEY			BIRTHPLACE WYOMING
METHOD OF DISPOSITION CREMATION		FUNERAL SERVICE LICENSEE KEVIN L. ROSENAU	
NAME AND ADDRESS OF FUNERAL FACILITY ROSENAU FUNERAL HOME AND CREMATORY, TWIN FALLS, IDAHO			
DATE OF DEATH JAN. 24, 2019	TIME OF DEATH 9:00 P.M.	CITY, TOWN OR LOCATION OF DEATH TWIN FALLS, IDAHO	COUNTY OF DEATH TWIN FALLS
CAUSE OF DEATH (underlying cause last) a. RENAL FAILURE			Approximate Interval Between Onset and Death 6 MONTHS
b. DUE TO (or as a consequence of): CHRONIC KIDNEY DISEASE			YEARS
c. DUE TO (or as a consequence of):			
d. DUE TO (or as a consequence of):			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER CAMILLE SMITH, D.O.		TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

JANUARY 30, 2019

DATE ISSUED:

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

James B. Aydelotte
JAMES B. AYDELOTTE
STATE REGISTRAR

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

February 23, 2024

SCOTT CAMERON PORTER
PO BOX 99
HAILEY ID 83333-0041

RE: Water Right Change in Ownership No(s): 37-11578

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on February 12, 2024 for the above referenced water rights. The Notice could not be processed because the conveyance from Richard Porter and Constance Porter, the current owners listed on the water right, to Scott C. Porter and Mark E. Porter, the new owners, could not be fully established.

The Department is returning your Notice of Change in Water Right Ownership and the attachments. A refund of \$25 has been requested and will be mailed to Scott C. Porter under separate cover from the Idaho State Controller's Office. You may re-submit your request with the appropriate documents and fees.

If you have any questions regarding this matter, please contact me at (208) 293-9912.

Sincerely,

Tyler Wallace
Engineer Intern

Enclosure(s)

Wallace, Tyler

From: Wallace, Tyler
Sent: Friday, February 23, 2024 1:58 PM
To: IdwrPayable
Subject: Request for Refund

IDWR Payable-

On February 12, 2024 the Department received a *Notice of Change in Water Right Ownership* from Scott Porter and Mark Porter. The Notice was accompanied with a \$25.00 fee for changing the ownership on one water right. After review, it was determined that conveyance of the water right from the previous owner to the new owner could not be fully established. Therefore, the ownership change was returned. Could you issue a refund for the extra \$25.00 in fees? The fee was paid by Scott C. Porter and Mark E. Porter. Their address is:

PO BOX 99
HAILEY ID 83333

They paid for the notice with check #2002, and the IDWR receipt number is S040096. Thank you and let me know if you need any more information.

-Tyler Wallace



Tyler Wallace, Associate Engineer
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 736-3033
tyler.wallace@idwr.idaho.gov

Scott Cameron Porter
P.O. Box 99
Hailey, ID 83333

RECEIVED

FEB 12 2024

DEPT. OF WATER RESOURCES
SOUTHERN REGION

February 7, 2024

IDWR
Attn: Tyler Wallace

Included with this letter are copies of pertinent pages from the Porter Family Living Trust and the death certificates for my mom and dad, Constance and Richard Porter.

Hopefully this documentation will satisfactorily connect the dots for you and substantiate that the Richard and Constance Porter, now deceased, that own right 37-11578 for the domestic well are the same people that own right 37-22764 for the 1884 water right held in the Porter Family Living Trust.

Both of these rights are appurtenant to the same family home and property at 122 Hyndman View Drive, Hailey, which we have owned since the mid 1980's. I believe it was a simple oversight that the domestic well right was not also placed in the Trust at the same time as the 1884 right. I don't think they knew of its existence since many, if not most, properties don't have the domestic well formalized with a right number.

The pages I provided from the Trust verify that Scott and Mark Porter are the successor trustees of the Trust, refer to section 9.3, and are authorized to make these transfers. This documentation allowed us to successfully transfer ownership of the 122 Hyndman property with the County Recorder's Office and by extension, water right 37-22764. If it was good enough to do all that, it should be good enough to transfer 37-11578 as well.

Let me know if you have any questions or need any further information.

Thanks, Scott Porter.

A handwritten signature in black ink, appearing to read 'Scott Porter', with a stylized, flowing script.