

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
DEC 11 2023
DEPT OF WATER RESOURCES
SOUTHERN 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?
71-10121	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: Marilyn J Miller
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): MARK AND KELLY KELLY TRUST DATED DECEMBER 18, 1997
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 105 ALEUT LANE HAILEY ID 83333
Mailing address City State Zip
- (949) 633-5770 mark @ triumphgroup. co
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: 2/7/2022
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: [Signature] TRUSTEE 12/6/23
Signature of new owner/claimant Title, if applicable Date

Print name: MARK KELLY

Signature: [Signature] TRUSTEE 12/6/23
Signature of new owner/claimant Title, if applicable Date

Print name: KELLY KELLY

Received by: S6 Date: 12/11/2023 For IDWR Office Use Only: Receipt No. 5040018 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: [Signature] Processed by: [Signature] Date: 1-18-2024



Instrument # 262084

CHALLIS, CUSTER, IDAHO

02-07-2022 12:32:38 No. of Pages: 3

Recorded for: BLAINE COUNTY TITLE

Lura H. Baker Fee: \$15.00

Ex-Officio Recorder Deputy: KW

WARRANTY DEED

FOR VALUE RECEIVED

Dick Waite Family, LLC, an Idaho limited liability company, who acquired title as Dick Waite Family Limited Partnership, an Idaho limited partnership

the Grantor, hereby grants, bargains, sells, conveys and warrants unto

Mark D. Kelly and Kelly Kelly, Trustees of the Mark and Kelly Kelly Trust, dated December 18, 1997

the Grantee, whose current address is: 105 Aleut Lane, Hailey, ID 83333

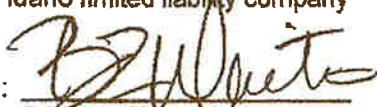
the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject to and those made, suffered or done by the Grantee; and subject to all existing patent reservations; restrictions in railroad deeds of record; easements and rights of way established and of record; protective covenants of record; zoning ordinances and applicable building codes, use restrictions, ordinances, laws and regulations of any governmental unit; general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable; and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated this 12th day of February, 2022.

DICK WAITE FAMILY, LLC
an Idaho limited liability company

By: 

Betty Z. Waite, Manager

State of Idaho
County of Blaine

This record was acknowledged before me on 7th day of February, 2022, by Betty Z. Waite, as Manager of Dick Waite Family, LLC.



Notary Public
My Commission Expires: 7-26-2023

(STAMP)



File No. 595510

Exhibit 'A'

The North Half of Lot 14 and all of Lot 15 of Fisher Creek Subdivision Custer County, Idaho, as shown on the official plat thereof, on file in the office of the said County Recorder.



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

January 18, 2024

MARK & KELLY KELLY TRUST
MARK D KELLY, TRUSTEE
KELLY KELLY, TRUSTEE
105 ALEUT LN
HAILEY ID 83333-5501

Re: Change in Ownership for Water Right No(s): 71-10121

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) 293-9908.

Sincerely,

Denise Maline
Administrative Assistant 1

Enclosure(s)



IDAHO DEPARTMENT OF
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Governor Brad Little

Director Mathew Weaver

November 9, 2023

MARK KELLY, ET AL
105 ALEUT LN
HAILEY ID 83333-5501

Re: Current Ownership for Water Right No(s). 71-10121

Dear Property Owner(s):

The Department is working to clean up water right records and has discovered that the ownership may need to be updated for the water right(s) referenced above. The water right reference above is currently in the name of Marilyn J Miller, however after further research, it was discovered that the ownership may need to be updated for the water right(s) associated with the property referenced above. Enclosed is additional information for your review.

In order to update our records to reflect your ownership of this water right, you will need to file the enclosed Notice of Change in Water Right Ownership. Please complete the form and return to this office with all of the required information within sixty (60) days of the date of this letter.

Thank you in advance for your cooperation. If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosures

Ownership change request sent to all parties listed above 11-9-2023