

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 03 2024

DEPT. OF WATER RESOURCES

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?
78-12171 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
78-12173 ✓	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Fall Creek Mountain Ranch Inc
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Aaron Martin and Jeannette Martin
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 5493 Hwy 95 New Meadows ID 83654
Mailing address City State Zip
- 970-531-5303 dfriscokid@gmail.com
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: 8/29/24
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.

SUPPORT DATA

IN FILE # 78-12171

8. Signature: [Signature] Title, if applicable _____ Date: 08/29/2024
Signature of new owner/claimant
Aaron Martin
Print name
- Signature: [Signature] Title, if applicable _____ Date: 8/29/24
Signature of new owner/claimant
Jeannette Martin
Print name

For IDWR Office Use Only:

Received by DM Date 9-3-24 Receipt No. C118820 Receipt Amt. \$50.00

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 DM Date 9-3-24

Prepared By

Name: Timberline Title & Escrow
Address: 104 Industrial Avenue, PO BOX 6,
Council, ID 83612

Instrument # 145151

COUNCIL, ADAMS, IDAHO

8-29-2024 03:16:35 PM No. of Pages: 4

Recorded for : TIMBERLINE TITLE & ESCROW

SHERRY WARD

Ex-Officio Recorder Deputy

Index to: DEED

Fee: 15.00

Space Above This Line for Recorder's Use

WARRANTY DEED

STATE OF IDAHO
ADAMS COUNTY

FOR VALUE RECEIVED

Earl A. Baumgarten and Janet A. Baumgarten, Trustees of The Baumgarten Family Trust dated March 9, 2011

GRANTOR(S), does (do) hereby GRANT, BARGAIN, SELL AND CONVEY unto:

AARON MARTIN & JEANNETTE MARTIN, husband and wife

GRANTEE(S), whose current address is: 5493 Hwy 95, New Meadows, ID 83654

the following described real property in Adams County, Idaho, more particularly described as follows, to wit:

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s) that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Grantor:

The Baumgarten Family Trust dated March 9, 2011

By: Earl A. Baumgarten

Earl A. Baumgarten, Trustee

By: Janet A. Baumgarten

Janet A. Baumgarten, Trustee

STATE OF IDAHO
COUNTY OF ADAMS

On this 26th day of August, 2024, before me, a notary public, personally appeared Earl A. Baumgarten and Janet A. Baumgarten, known or identified to me to be the persons whose names are subscribed to the within instrument as the Trustees of The Baumgarten Family Trust dated March 9, 2011, and acknowledged to me that they executed the same.

Sandra K Jones
Notary Public

My Commission Expires on 03/23/2026

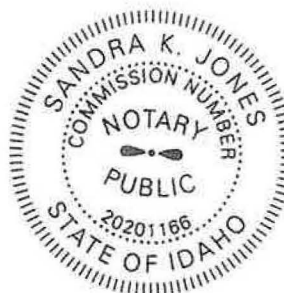


Exhibit 'A'

A portion of the NW1/4NW1/4 of Section 22, Township 22 North, Range 1 East, Boise Meridian, Adams County, Idaho, being designated as Parcel 3 on that certain Record of Survey recorded as Instr. No. 145120 and further described as follows:

Beginning at a point on the Westerly right-of-way of U.S. highway 95 from which the Southwest Section corner of Section 15, T22NR1EBM bears North 62°27'22" West, a distance of 406.26 feet;

Thence along said Westerly right-of-way Southeasterly, along a curve to the left with a radius of 1,859.34 feet, a central angle of 01°27'12", an arc length of 47.16 feet and a chord bearing of South 42°45'17" East, a distance of 47.16 feet;

Thence continuing along said Westerly right-of-way, South 43°28'54" East, a distance of 208.48 feet;

Thence leaving said Westerly right-of-way, South 54°18'45" West, a distance of 267.03 feet;

Thence North 43°16'41" West, a distance of 256.00 feet;

Thence North 54°23'54" East, a distance of 266.77 feet to the POINT OF BEGINNING.

SAID PARCEL IS FORMERLY DESCRIBED AS FOLLOWS:

PARCEL 1

Township 22 North, Range 1 East, Boise Meridian, Adams County, Idaho

Section 22: A parcel in the NW1/4NW1/4 described as follows:

Commencing at a point on the Westerly side of the right-of-way of U.S. Highway 95 as it existed in 1954, which is South 43°27' East 74 feet of Station 471+22.6 PC 3° RT of the North and South Highway Survey;

Thence along the Westerly side of said highway right-of-way North 43°27' West 100 feet to a point;

Thence South 54°10' West 272 feet to a point;

Thence South 43°27' East 100 feet to a point;

Thence North 54°10' East 272 feet to the REAL POINT OF BEGINNING.

EXCEPTING the right-of-way of the highway.

PARCEL 2

Township 22 North, Range 1 East, Boise Meridian, Adams County, Idaho

Section 22: A parcel of land situated in the NW1/4NW1/4 described as follows:

Commencing at a right-of-way marker on the Westerly right-of-way line of State Highway 95 which point is marked 471+22.6, PC 3°RT;

Thence South 43°27' East 74.00 feet along said Westerly right-of-way to the REAL POINT OF BEGINNING;

Thence South 43°27' East 100.00 feet along said right-of-way;

Thence South 54°10' West 272.00 feet;

Thence North 43°27' West 100.00 feet;

Thence North 54°10' East 272.0 feet to the REAL POINT OF BEGINNING.

PARCEL 3

Township 22 North, Range 1 East, Boise Meridian, Adams County, Idaho

Section 22: A parcel of land situated in the NW1/4NW1/4 of said Section, Township and

Range, more particularly described as follows:

Commencing at the Right Of way brass cap marked "471 + 22.6 PC 3° RT" on the Westerly right of way line of U.S. Highway 95;

Thence North 43° 27' West 26.0 feet along the tangent of said right of way to a 1/2 inch X 24 inch steel rebar, the REAL POINT OF BEGINNING;

Thence North 43° 27' West 55.0 feet along said tangent;

Thence South 54° 10' West 272.0 feet;

Thence South 43° 27' East 55.0 feet to a 1/2 inch X 24 inch steel rebar;

Thence North 54° 10' East 272.0 feet to the POINT OF BEGINNING.

Irrigation System and Easement Agreement

This irrigation agreement pertains to the following properties:

1. 5493 Highway 95

Parcel No. RP 22N01E223208 A

Water Right 78-12173

1.58 acres

Current Owner: Aaron Martin and Jeanette L. Martin H/W

2. 5497 Highway 95

Parcel RP22N01E223055 A

Water Right 78-12322

5499 Highway 95

Parcel RP 22N01E223000 A

Water Right 78-12322

Total 4 Acres

Current Owner: Earl A. Baumgarten and Janet A. Baumgarten H/W

The irrigation improvements consist of:

The water rights for all three properties originate in Tamarack Creek, with the point of diversion located in T22N R1E NWSESE section 16. The diversion consists of a 5 inch and a 4 inch pipe that are placed into the creek at the beginning of the irrigation season and removed at the end of the season in the fall. The pipes allow water to flow into a ditch for approximately 1046 feet to a ten inch buried pipe. The buried pipe extends for approximately 230 to its outlet and into an additional ditch for approximately 500 feet at which point water is deposited into an unnamed tributary to the Little Salmon River. Water flows down this tributary for approximately 100 feet to point of diversion #2, which consists of a 4 inch PVC pipe that moves water out of the tributary and into a 75 gallon trough. From the trough, a 4 inch pipe continues southerly to the western boundary of all three properties. A T behind each property allows water to flow into that property through a 1 ½ poly pipe and subsequently into that property's distribution system.

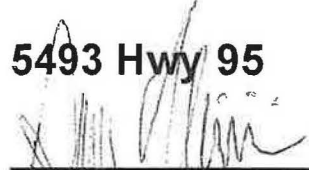
Use and Maintenance

1. The water use at each property is subject to the amounts allotted by the State of Idaho Department of Water Resources and is attached specifically to the legal description of that parcel. When property changes hands, it is the new property owners responsibility to obtain a change of water right ownership form from the State which will initiate the updating process on the water right.
2. The majority of the water conveyance system is located on land owned by the State of Idaho. This includes point of diversion #1 and #2, the ditches, buried pipelines, collection trough and four inch distribution line to the section 16 southern boundary. A permanent easement has been purchased from the State which authorizes these improvements. When property changes hands, it is the responsibility of the new owner to contact the Department of Lands in McCall, and initiate the process to have their joint ownership of the lease transferred into their name.
3. Use of the water provided by the jointly owned distribution system is for irrigation purposes only, at the rates and location outlined in the water right.
4. All portions of the main distribution system that is common to all three properties shall be maintained jointly by all property owners.
5. Costs associated with labor and materials shall be shared equally between property owners.
6. Each property owner is granted the right to an easement across all three properties for the purpose of maintaining and repairing any portion of the system. This includes distribution lines specific to any individual property.

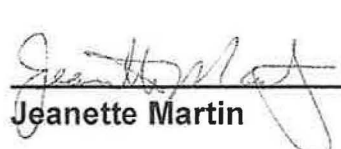
Acceptance

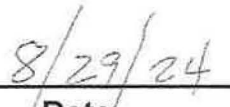
By signature, I accept the terms and stipulations listed above:

5493 Hwy 95


Aaron Martin

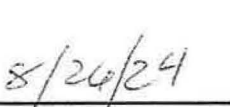

Date

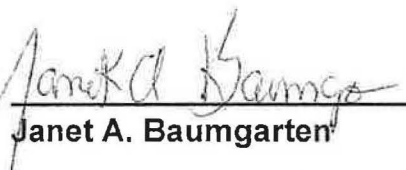

Jeanette Martin

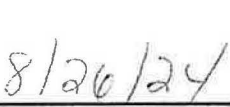

Date

5497 & 5499 Hwy 95


Earl A. Baumgarten

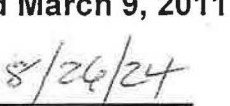

Date

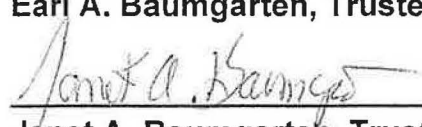

Janet A. Baumgarten

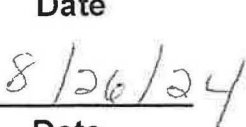

Date

The Baumgarten Family Trust dated March 9, 2011


Earl A. Baumgarten, Trustee


Date


Janet A. Baumgarten, Trustee


Date

STATE OF Idaho)
COUNTY OF Adams) : ss

On this 29th day of August, in the year of 2024, before me, a Notary Public in and for said State, personally appeared AARON MARTIN and JEANNETTE MARTIN, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Sandra K Jones

Notary Public
Residing at: Council ID
Commission expires: 03/23/2026

STATE OF Idaho)
COUNTY OF Adams) : ss

On this 26th day of August, in the year of 2024, before me, a Notary Public in and for said State, personally appeared EARL A. BAUMGARTEN and JANET A. BAUMGARTEN, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Sandra K Jones

Notary Public
Residing at: Council ID
Commission expires: 03/23/2026

STATE OF Idaho)
COUNTY OF Adams) : ss

On this 26th day of August, in the year of 2024, before me, a Notary Public in and for said State, personally appeared EARL A. BAUMGARTEN and JANET A. BAUMGARTEN, known or identified to me to be the persons whose names are subscribed to the within instrument as the trustees of THE BAUMGARTEN FAMILY TRUST dated March 9, 2011, and acknowledged to me that they executed the same as such Trustees.



Sandra K Jones

Notary Public
Residing at: Council ID
Commission expires: 03/23/2026



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 04, 2024

AARON MARTIN
JEANNETTE MARTIN
5493 HIGHWAY 95
NEW MEADOWS ID 83654-5056

Re: Change in Ownership for Water Right No(s): **78-12171, 78-12173**

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)287-4800.

Sincerely,

Debra Mansfield
Technical Records Specialist 1

Enclosure(s)

IDAHO DEPARTMENT OF WATER RESOURCES

9/3/2024

Proof Report

Water Right 78-12171

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AARON MARTIN 5493 HIGHWAY 95 NEW MEADOWS, ID 83654-5056 dfriscokid@gmail.com
Current Owner	JEANNETTE MARTIN 5493 HIGHWAY 95 NEW MEADOWS, ID 83654-5056 dfriscokid@gmail.com
Original Owner	RMC WATER CO HC 75 BOX 3618 NEW MEADOWS, ID 83654 (208) 628-3364
Previous Owner	FALL CREEK MOUNTAIN RANCH INC 5493 HWY 95 NEW MEADOWS, ID 83654 (208) 628-4107

Priority Date: 7/1/1978**Basis:** Decreed**Status:** ActiveSource

GROUND WATER

TributaryBeneficial Use

DOMESTIC

From

01/01

To

12/31

Diversion Rate

0.020 CFS

VolumeTotal Diversion

0.020 CFS

Source and Point(s) of Diversion:

GROUND WATER

NWNW

Sec. 22, Twp 22N, Rge 01E, ADAMS County

Place Of Use:

DOMESTIC within ADAMS 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	
22N	01E	22						X											

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | 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. |
| 2. | N11 | The quantity of water decreed for this water right is not a determination of historical beneficial use. |
| 3. | N13 | The quantity of water under this right shall not exceed 2,500 gallons per day. |

Dates and Other Information:

Decreed Date: 11/6/2007
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: NWD
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Water Right 78-12173

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FALL CREEK MOUNTAIN RANCH INC 5493 HWY 95 NEW MEADOWS, ID 83654 (208) 628-4107
Directors Report Owner	LOUISE CLAUSEN HC75 BOX 3620 NEW MEADOWS, ID 83654
Directors Report Owner	GEORGIA CANON 1275 DUNBAR DR CARSON CITY, NV 89704-9202 (702) 849-9794
Directors Report Owner	WILBUR M ROBERTS NEW MEADOWS, ID
Directors Report Owner	COLLEEN R WALLACE 16753 CRYSTAL LN WILDER, ID 83676 (208) 337-4850
Directors Report Owner	HOWARD D WALLACE 16753 CRYSTAL LN WILDER, ID 83676 (208) 337-4850
Directors Report Owner	WAYNE A CANON 1275 DUNBAR DR CARSON CITY, NV 89704-9202 (702) 849-9794
Original Owner	HARVEY M RUFFRIDGE 5495 HWY 95 NEW MEADOWS, ID 83654-5056

Priority Date: 5/1/1904

Basis: Decreed

Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Source

UNNAMED STREAM

Tributary

LITTLE SALMON RIVER

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

0.060 CFS

Volume

Total Diversion

0.060 CFS

Source and Point(s) of Diversion:

UNNAMED STREAM	SESESE	Sec. 16, Twp 22N, Rge 01E, ADAMS County(I)
UNNAMED STREAM	NWSESE	Sec. 16, Twp 22N, Rge 01E, ADAMS County
UNNAMED STREAM	SESESE	Sec. 16, Twp 22N, Rge 01E, ADAMS County(R)
UNNAMED STREAM	SESESE	Sec. 16, Twp 22N, Rge 01E, ADAMS County

Place Of Use:

IRRIGATION within ADAMS 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	
22N	01E	22							1.6										1.6

POU Total Acres: 1.6

Conditions of Approval:

1. 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.
2. P21 This right is a split from former right 78-255.
3. G01 Point of injection into and point of rediversion from unnamed stream.

Dates and Other Information:

Decreed Date: 3/12/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: NWD
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

SubCaseNumber: 78-12173
Class: 1
SF5 Filed Date:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 5/8/2007
Objection Status: Active

Water Supply Bank:

N/A