

RECEIVED

SEP 29 2025

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT. 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, of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
72-123	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: City of Challis
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Challis Cementery District
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- P.O. Box 631 Challis ID 83226
Mailing address City State Zip
- 208-879-833-3300 zorallynn65@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: 7/1/25 by attached letter
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: James L. Sugden CHAIRMAN OF BOARD 6/12/2025
 Signature of new owner/claimant Title, if applicable Date
 JAMES L. SUGDEN
 Print name

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

 Print name

For IDWR Office Use Only:
 Received by M. Petter Date 9-29-25 Receipt No. E051182 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 ☐

Public in and for said State, personally appeared SAM HESSED, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

Ralph H. Jones
Notary Public
Residing at Pocatello, Idaho ((SEAL))

Filed for record at the request of Jack B. Furey Feb. 3, 1955 at 30 minutes past 11 o'clock A.M., in Record of Deeds, Book 30, Page 550

Howard Baxter
County Recorder

Recorder's Fees \$1.00

No. 107926

QUITCLAIM DEED

THIS INDENTURE, Made the 8th day of February in the year of our Lord One Thousand Nine Hundred and Fifty-five, between the VILLAGE OF CHALLIS, a municipal corporation of the County of Custer, State of Idaho, acting by and through James C. Baker, Chairman of the Board of Trustees of said Village of Challis and attested thereto by Howard Baxter, Clerk of the Board of Trustees of the Village of Challis, the Party of the First Part, and CHALLIS CEMETERY MAINTENANCE DISTRICT of the County of Custer, State of Idaho, the Party of the Second Part, all pursuant to Ordinance No. 163 heretofore duly passed and published according to law;

W I T N E S S E T H:

That the said Party of the First Part, for and in consideration of the sum of One and No/100 Dollars (\$1.00), lawful money of the United States of America, to it in hand paid by the said Party of the Second Part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever Quitclaim, unto the said Party of the Second Part, and to its successors and assigns, all that certain lot, piece or parcel of land situate, lying and being in Challis, County of Custer, State of Idaho, bounded and particularly described as follows, to-wit:

Commencing at a point South three (3) degrees forty (40) minutes East one hundred twenty (120) feet from the Northwest Corner of Block Seventy-Seven (77) of the Official Plat of the Village of Challis and running thence North Eighty-six (86) degrees twenty (20) minutes East seven hundred twenty (720) feet; thence South three (3) degrees forty (40) minutes East four hundred fifty-seven (457) feet; thence South eighty-six (86) degrees twenty (20) minutes West seven hundred twenty (720) feet, thence North three (3) degrees forty (40) minutes West four hundred fifty-seven (457) feet to the point of beginning.

TOGETHER With all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances, unto the said party of the Second Part, and to its successors and assigns FOREVER.

IN WITNESS WHEREOF, The Party of the First Part has caused its name to be hereunto subscribed by its Chairman and its official seal to be affixed by its Clerk in pursuance to said ordinance the day and year first above written.

VILLAGE OF CHALLIS

By James C. Baker

((SEAL))

Howard Baxter

STATE OF IDAHO)
County of Custer) ss.

On this 8th day of February, in the year 1955, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES C. BAKER and HOWARD BAXTER, known to me to be the Chairman and Clerk, respectively, of the Board of Trustees of the Village of Challis, and known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same on behalf of said Village of Challis.

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

Jack B. Furey
Notary Public for Idaho
Residing at Challis, therein
My commission expires: 4-4-57

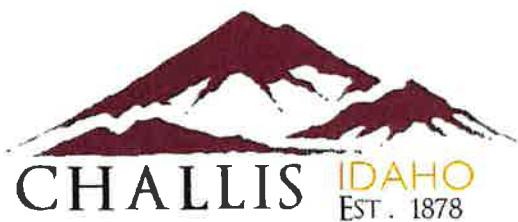
(SEAL)

State of Idaho)
County of Custer) ss.

This instrument was filed for record at the request of Howard Baxter at 10 o'clock A.M. Feb. 9 1955, and duly recorded in Vol. 30 of Deeds Page 551 Records of Custer County, Idaho

Howard Baxter
Ex-Officio Recorder

Fees \$1.25



P.O. Box 587
414 E. Main Street
Challis, Idaho 83226
Phone: (208) 879-2386

Mayor: Chris Sugden
Clerk/Treasurer: Jessica Szabo

July 1, 2025

Challis Cemetery & Maintenance District
PO Box 132
Challis, ID 83226

SUBJECT: Transfer of Water Right Ownership for 72-123

To Whom It May Concern,

This memorandum has been produced by the City of Challis, with City Council concurrence of the subject and recommendation, for approval via resolution during a public meeting on July 1, 2025. It clarifies rationale for the authorization of transfer of the IRRIGATION surface water right 72-123 from the City to the owner of the land (water point of use) associated with this right. The parcel RPA00120050321 located at 611 S 7th Street and is also referred to as the Challis Cemetery and is owned and operated by the Challis Cemetery & Maintenance District (CCMD).

BACKGROUND:

IRRIGATION water right 72-123 currently shares a point of diversion on Garden Creek with the City Municipal Water right 72-47 for MUNICIPAL use. Both water rights diversion points feed into the "Clear Well" which is used to gravity feed the city municipal water system. The city then delivers the water to the Challis Cemetery through the municipal system. This process comingles the IRRIGATION water quantity with the MUNICIPAL water, which increases costs for the City and places additional and unnecessary demand on the system.

The rationale for this transfer is supported by the CCMD effort to develop an independent delivery channel for the surface water right (e.g. pipeline or canal), to ensure that the 0.14 CFS of irrigation water is delivered to the correct point of use at the cemetery, and that that water is not delivered through the municipal system and comingled as unnecessarily treated potable water.

Once the irrigation and municipal water is comingled at the point of diversion into the Clear Well, it is impossible to separate the diverted quantities because they all run through the same infrastructure. This results in the City collecting, treating, and distributing the water for 72-123, which is intended for irrigation use at the cemetery, throughout the City. This is a concern for the City and the CCMD because the irrigation water from 72-123 is only authorized for exclusive use on RPA00120050321, and the City requires payment for use of the infrastructure for delivery and treatment of the water. *The end result is that the CCMD is currently obligated to purchase its own water back from the City because it is using City infrastructure for delivery.*



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414 E. Main Street
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Mayor: Chris Sugden
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CONCLUSION:

It is in the best interest of the City of Challis and efficient operation of the cemetery for the CCMD to maintain full ownership and control of surface water right 72-123, and therefore the City concurs that the ownership of this water right should be transferred back to the legal owner of the parcel, which is the standard practice for water right holders. The City Council has reached this decision on the basis that:

- The CCMD owns the parcel RPA00120050321 defined as the point of use for water right 72-123, which is the only legal location to utilize the diverted irrigation surface water.
- To use the IRRIGATION water right, the CCMD bears responsibility to revitalize and maintain the point of diversion and water delivery channel or conduit to the authorized point of use, generally located in the Bradbury Ditch, without requiring the use of City resources.
- The CCMD will continue to pay the agreed upon municipal water rates for water supplied through the City's system until the independent irrigation infrastructure is complete and utilized.
- The City will reassess its own point of diversion from Garden Creek and ensure that the diverted quantity is downscaled by 0.14 CFS to accommodate a new independent channel by CCMD.
- For the purpose of fire fighting, Idaho Statute Title 42, Chapter 2, 42-201(3) allows water to be diverted and used at any time, with or without a water right. Therefore, the return of the ownership of water right 72-123 for IRRIGATION to the CCMD will have no effect on fire protection capability for the City.

Signed,

Chris Sugden, Mayor
City of Challis

With concurrence of City Council as affirmed by resolution during a public meeting on July 1, 2025.

Cade Peterson
Dawn Maydole
Terrill Swain
JaNean Bradshaw

Water Right Report : 72-123(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	CITY OF CHALLIS	PO BOX 587	CHALLIS	ID	83226-0587

Water Right Status

Priority Date : 5/15/1884
 Basis : Decreed
 Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GARDEN CREEK		SALMON RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GARDEN CREEK	14N	19E	32	0	NW	NW	NW	CUSTER	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	0.14 CFS	
TOTAL			0.14 CFS	

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (CUSTER county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
14N	19E	33		SW	NW		5.6

Irrigation Totals

Total Acres Acre Limit
 5.60

Conditions

Code Conditions

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.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 72B.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE: 72-00047 AND 72-00123.

Dates

Licensed Date :
 Decreed Date : 11/17/2000
 Permit Proof Due Date :
 Permit Proof Made Date :
 Permit Approved Date :
 Permit Moratorium Expiration Date :
 Enlargement Use Priority Date :
 Enlargement Statute Priority Date :
 Application Received Date:
 Protest Deadline Date:

Other Information

State or Federal : S
 Water District Number : 72A
 Generic Max Rate Per Acre : 0
 Generic Max Volume Per Acre : 0
 Civil Case Number :
 Decree Plaintiff :
 Decree Defendant :
 Swan Falls Trust or Nontrust :
 Swan Falls Dismissed :
 DLE Act Number :
 Cary Act Number :
 Mitigation Plan: False

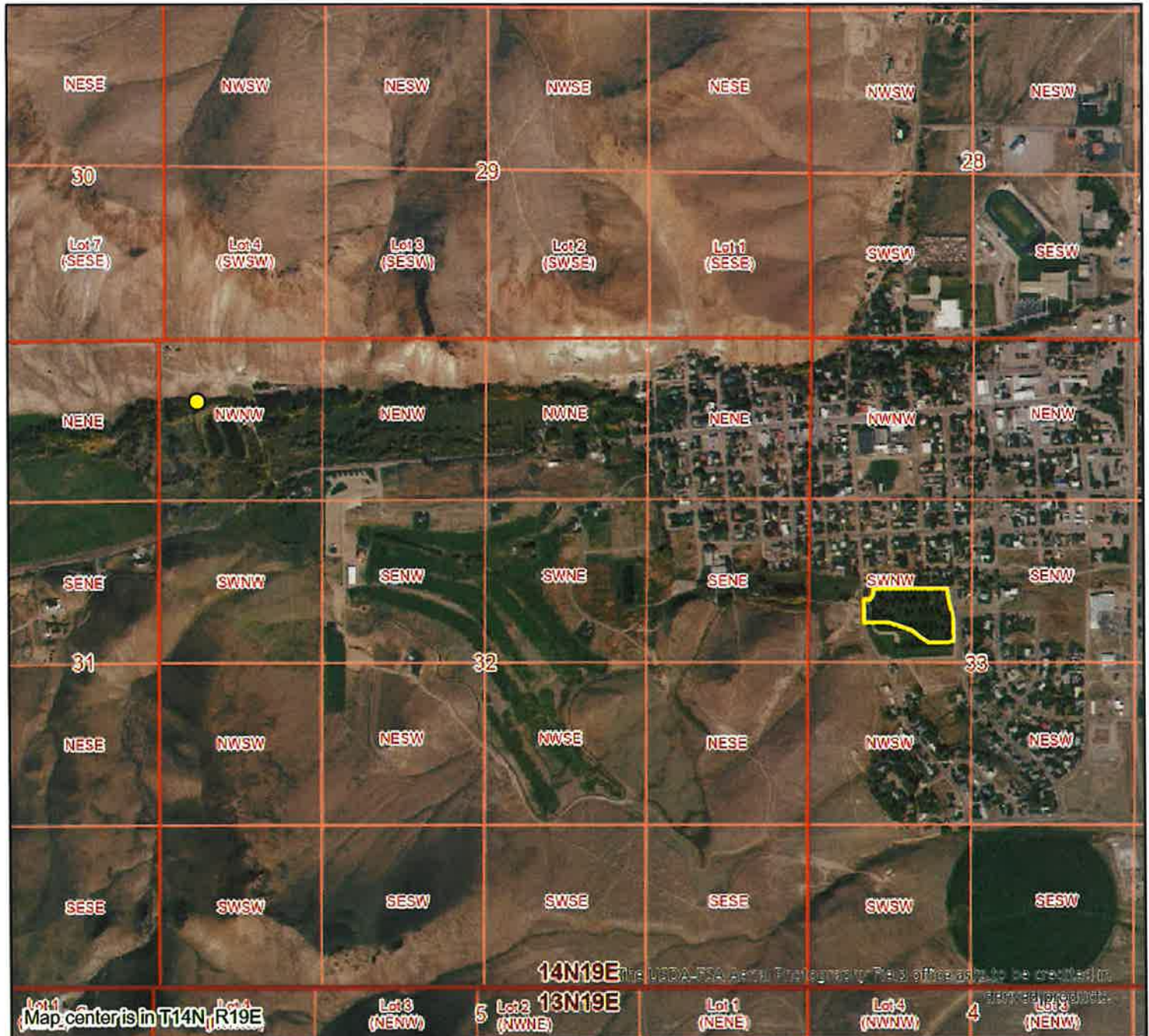
State of Idaho
Department of Water Resources

Water Right

72-123

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 9/25/2025



Legend

- Quarter Quarters
- PLS Sections
- Townships
- Place of Use Boundary
- Point of Diversion



State of Idaho
Department of Water Resources

Water Right

72-123

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 9/25/2025



Legend

- Quarter Quarters
- PLS Sections
- Townships
- Place of Use Boundary



RPA00120050321 Property Detail

Taxes, Levies and Assessments for 2024	
Land and Property Ownership - Physical Address: 611 S 7TH ST (zip code 83226)	
Mailing Address: CHALLIS CEMETERY & MAINTENANCE DISTRICT PO BOX 132 CHALLIS, ID 83226 Deeds	Taxes for 2024 ASSESSSED VALUE \$ 0 : TAX AND SPECIAL CHARGES: \$ 0.00 Taxing Districts Levy COUNTY 0.001630128 CITY OF CHALLIS 0.003561210 SCHL 181 TORT 0.000007680 SCHL 181 BOND 0.000000000 SCHL 181 PLANT 0.000051007 SCHL 181 SPLMT 0.000530099 CHALLIS CEM 0.000100181 N. C. HOSP 0.000216965
Legal Description: TRACT 02-07 (CEMETERY) CHALLIS SOUTHERN ADDITION & CHALLIS ACREAGE	
Tax Code Area: 10000	
Classes (Last appraised in 2020) EXEMPT PROP 9.730 AC \$ 0	This information is provided as a courtesy to our taxpayers. If this parcel has changed code areas, or been split or combined with another parcel, the tax and assessment data shown may not apply or be current. For more information, please contact the appropriate county office.



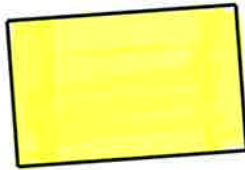
Custer County Idaho

CHALLIS CEMETERY DISTRICT
TRACT 02-07 (CEMETERY) CHALLIS
SOUTHERN ADDITION & CHALLIS
ACREAGE
Tax Code Area: 10000

- Highways
- County Road
- Other Road
- Cities
- BLM
- US Forest Service
- State of Idaho
- 2023 Aerial Photography (2 foot)



This map/data is provided by Custer County, Idaho
Is for display purposes only. Custer County invokes
its sovereign and governmental immunity in
allowing access to or use of this data, and makes
no warranties as to the validity, and assumes no
liability associated with the use or misuse of this
information.
printed 7/7/2025



No. 107926 QCD Village of Challis TO Challis Cemetery
Maintenance District

10/1/2025

Scale: 1 inch= 600 feet

File:

Tract 1: 7.5537 Acres (329040 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=2354 ft.

01 /nw,sw,nw,33,13n,19e

08 n03.40w 457

02 /s00e 650

03 /n90e 442

04 /s03.40e 120

05 n86.20e 720

06 s03.40e 457

07 s86.20w 720



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

October 01, 2025

CHALLIS CEMETERY MAINTENANCE DISTRICT
PO BOX 631
CHALLIS ID 83226-0631

Re: Change in Ownership for Water Right No(s): 72-123

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 208-525-7161.

Sincerely,

Misty Pettis
Office Specialist 2

Enclosure(s)



Custer Soil and Water Conservation District
P.O. Box 305, Challis, Idaho 83226 • 208-879-4428 • www.custerdistrict.org

RECEIVED

SEP 29 2025

DEPT. OF WATER RESOURCES
EASTERN REGION

September 25, 2025

To Whom it May Concern,

The Custer Soil and Water Conservation District (SWCD) has been working with the Challis Cemetery District Board for the past five years to address management and delivery of their surface water irrigation system for the Cemetery. With the potential of grant funding for this project, the board voted in their July 2025 meeting to support this grant to assist the Cemetery with the ability to irrigate the grounds.

In order to proceed the Cemetery District would need to have change of ownership to the rightful owner, the Challis Cemetery Maintenance District that are the owners/caretaker of the land under the recorded place of the water right.

Please see attached the Notice of Change of Ownership form signed by the president, a copy of the water right, including the map of the POU and POD and the recorded deed of the Cemetery where the water right is located. Also attached is a letter from the City of Challis in support of this change of ownership.

Your timely assistance of this change of ownership would be greatly appreciated. If we are successful in securing grant funding to assist the Cemetery District this will need to be completed to move forward in support a project is critical to retain the pristine condition of the Challis Cemetery. I am acting in behalf of the Cemetery and can be reached at 208-940-0406. A personal check for the fee of \$25.00 is also enclosed.

Sincerely,

Karma Bragg, Project Manager