

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 14 2026

DEPARTMENT 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?
29-7392B	Yes ☒	Yes ☐		Yes ☐	Yes ☐
29-7392B+	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-14613	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Kathleen and Stanley Wistisen

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Duane or Joyce Cunningham

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or

PO Box 153
Mailing address

Bancroft
City

Id
State

83217
Zip

801-391-0967
Telephone

joyce.cunnington@yahoo.com
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: Feb 24, 2020
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.

SUPPORT DATA
IN FILE # 29-7392B

8. Signature: Joyce Cunningham

Signature of new owner/claimant

Title, if applicable

Date

Joyce Cunningham
Print name

- Signature: Duane B. Cunningham

Signature of new owner/claimant

Title, if applicable

Date

Duane B. Cunningham
Print name

For IDWR Office Use Only:

Received by KW Date 9.14.2026

Receipt No. 6128379

Receipt Amt. \$100.00

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 PL

Date 9/22/2026

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
241 S Main Street Suite 1
Soda Springs, ID 83276

Instrument # 204242

CARIBOU COUNTY, IDAHO
02-27-2020 09:30:07 No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE CO, INC - SODA SPRINGS
Denise Horsley Fee: \$15.00
Ex-Officio Recorder Deputy *Denise Horsley*
Index to: WARRANTY DEED

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **883514SOD (ch)**

Date: **February 24, 2020**

For Value Received, **Stanley Wistisen and Kathleen Wistisen, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Duane B Cunningham and Joyce Cunningham, husband and wife**, hereinafter called the Grantee, whose current address is **960 S 225 E, Layton, UT 84041**, the following described premises, situated in **Caribou County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

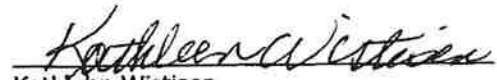
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 02/24/2020

Warranty Deed
- continued

File No.: 883514SOD (ch)


Stanley Wistisen


Kathleen Wistisen

STATE OF Idaho)
COUNTY OF Caribou)
ss.

On this 24th day of February, 2020, before me, a Notary Public in and for said State, personally appeared **Stanley Wistisen and Kathleen Wistisen**, known or identified to me 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.




Notary Public for the State of Idaho
Residing at: Soda Springs, Idaho
My Commission Expires: 9-21-2024

Date: 02/24/2020

Warranty Deed
- continued

File No.: 883514SOD (ch)

EXHIBIT A

Lot 3, Block 1, Bancroft Cedar Hills Subdivision, according to the official plat thereof, as recorded in the office of the County Recorder of Caribou County, Idaho, under Recorder's instrument No. 162741.

NUMBER	DELTA	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD
C1	10°42'32"	260.62	48.71	24.43	48.64	\$ 57
C2	59°22'09"	230.62	238.96	131.46	228.41	\$ 60
C3	35°49'21"	117.82	73.66	38.08	72.47	\$ 18

TOE OF CANAL

CEDAR HILL
AREA

LAST CHANCE
CANAL COMPANY

COLLECTION
POND AREA

GEORGE & BARBARA PAYNE
WARRANTY DEED
INSTRUMENT NO.142643

UTILITY AND IRRIGATION EASEMENT
FOR MAINTAINING AND REPLACING
EXISTING UNDERGROUND IRRIGATION
10" PIPELINE SERVING WATER RIGHTS
EAST OF SUBDIVISION.
NO STRUCTURES IN EASEMENT.

330' WIDE ACCESS
EASEMENT TO CANAL
COLLECTION POND

ACCESS AND UTILITY
EASEMENT INSTRUMENT
NO 162743

GEORGE & BARBARA PAYNE
WARRANTY DEED
INSTRUMENT NO.143814
1246 PAYNE ROAD
BANCROFT, ID 83217
AGRICULTURAL

WISTISEN AND PAYNE BOUNDARY
LINE AGREEMENT INSTRUMENT
NO. 162742

**APPROXIMATE LOCATION OF NATURAL GAS
AND COMMUNICATION LINES FIELD
VERIFY LOCATION PRIOR TO ANY DIGGING.**

**APPROXIMATE
BANCROFT
VERIFY LOG**

என்தங்கய்

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COMBINED PLAT FOR

**BANCROFT
CEDAR HILL SUBDIVISION**

LOCATED IN THE NW 1/4 NE 1/4
OF SECTION 21 T 9 S R 70 E BM

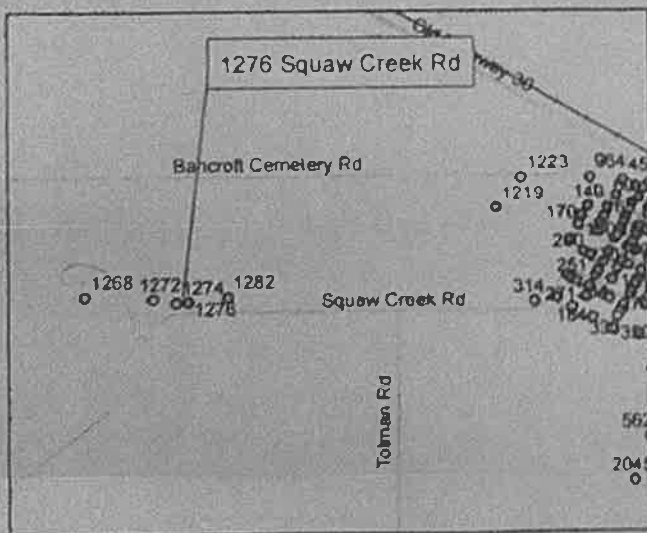
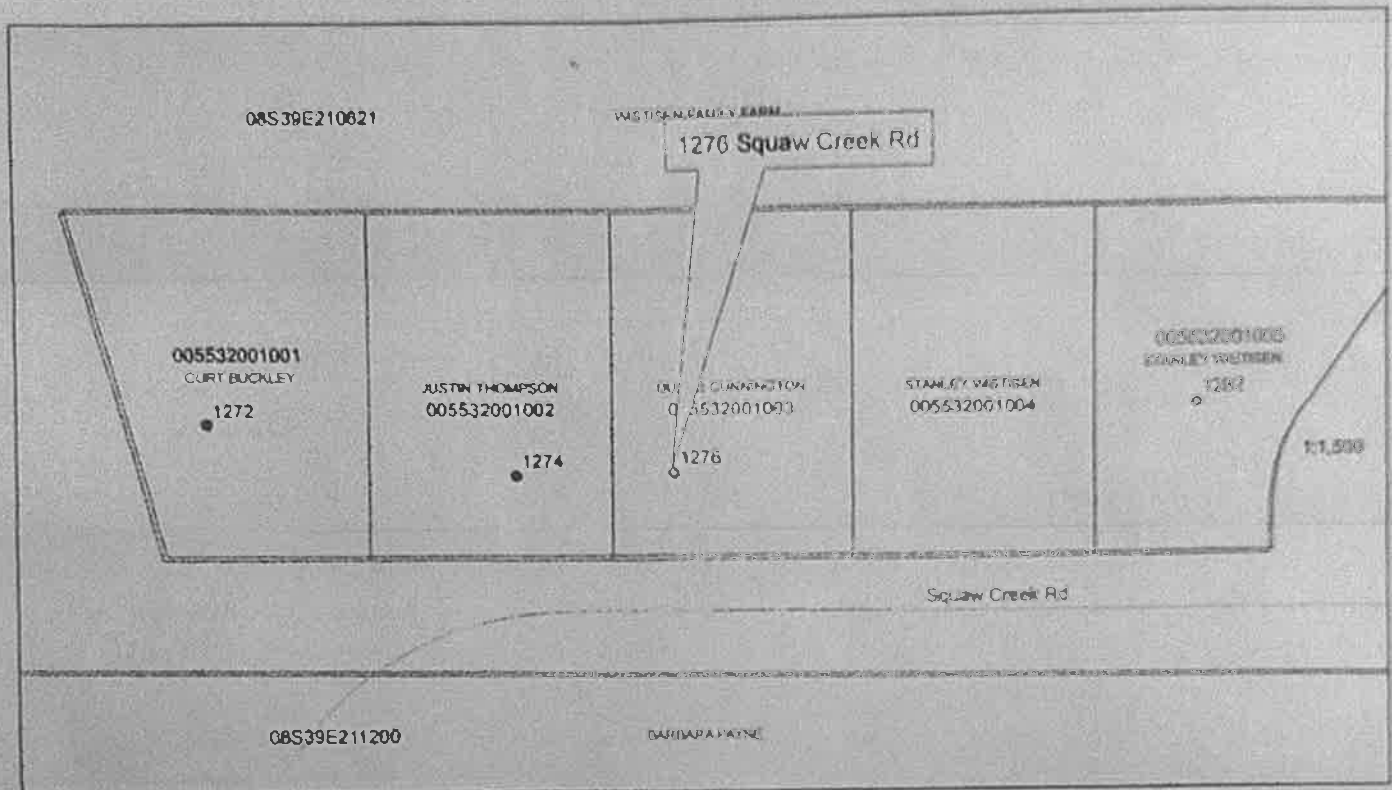
1930 IVINS ROAD
BANCROFT, IDAHO
83217 (208) 425-9035

DEVELOPER

STANLEY AND KATHLEEN WISTISEN
15 SOUTH 1ST WEST
BANCROFT, IDAHO 83217
(208) 648-7647

ORIGINAL 18 SEPT, 2000
 REVISED 2 OCT, 2000
 SHEET
 1 OF 1

New Address Notification



Purpose: New Address
Date: 4/20/2021
Name: Joyce Cunnington
Address: 1276 Squaw Creek Rd
 Bancroft, ID 83217
Parcel#: 005532001003
Note:

Created by: AC

- Legend**
- Address/Location
 - All other values
 - US Highway
 - State Highway
 - Primary
 - Secondary
 - General
 - Other
 - Supplemental
 - Railroad
 - Tax Parcels



Water Right Report : 29-7392-B (Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	WISTISEN, STANLEY	PO BOX 116 165 S 1ST W	BANCROFT	ID	83217
Current Owner	WISTISEN, KATHLEEN	PO BOX 116	BANCROFT	ID	83217

Water Right Status

Priority Date : 5/21/1977

Basis : Decreed

Status : Active

Water Source

Source Source Qualifier Tributary Tributary Qualifier

GROUND WATER

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	08S	39E	21	0	SE	NW	NE	CARIBOU	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/15	1.26 CFS	372.00 AFA
TOTAL			1.26 CFS	372.00 AFA

Places of Use

Printable View

Paged View

Place of Use Legal Description : IRRIGATION (CARIBOU county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
08S	39E	16		SE	SW		36.0
08S	39E	16		SW	SE		40.0
08S	39E	21		NW	NE		35.0
08S	39E	21		NE	NW		13.0

Irrigation Totals

Total Acres Acre Limit

124.00

Conditions

Code Condions

- S41 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
- 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 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.

Dates

Licensed Date :
Decreed Date : 3/22/2004
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 :
Water District Number : 13T
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

IDAHO DEPARTMENT OF WATER RESOURCES

7/29/2026

RESTRICTIVE COVENANTS
Bancroft Cedar Hill Subdivision

**PLAT RECORDING
INFORMATION:**

Dated:
Recorded:
Instrument No:
Records of Caribou County, Idaho.

Instrument # 174963

2006-01-20 04:33:17 No. of Pages: 3

Recorded for : STANLEY WISTISEN

EDIE BUSH

Ex-Officio Recorder Deputy

Index to: MISC RECORDINGS

Fee: 9.00

Sandra J. Holm

KNOW ALL MEN BY THESE PRESENTS: That Whereas Stanley Wistisen and Kathleen Wistisen husband and wife and owners of the following described property in Caribou County, State of Idaho, to-wit:

A parcel of land located in the Northwest quarter of the Northeast quarter of Section 21, Township 8 South, Range 39 East, Boise Meridian, Caribou County, Idaho and further described as follows:

Commencing at the Southeast corner of Section 21, Township 8 South, Range 39 East, Boise Meridian, the same being on a line South 00°11'27" West 10530.98 feet from the Northeast corner of Section 16, basis of bearings this survey;

Thence North 00°11'27" East along said line for a distance of 3953.08 feet to a point on the centerline of Squaw Creek Road; thence North 89°48'50" West along said centerline for a distance of 1583.54 feet to the true point of beginning; thence continuing along said centerline North 89°48'50" West for a distance of 710.86 feet; thence North 24°31'07" West 33.02 feet; thence North 89°48'50" West 74.27 feet; thence North 15°54'19" West 259.06 feet; thence South 89°48'50" East 999.57 feet; thence South 36°00'30" West 182.04 feet to the beginning of a 117.82 foot radius tangent curve concave Southeasterly; thence Southwesterly along said curve through a central angle of 35°49'21" for an arc distance of 73.66 to the point of tangency (chord bears South 18°05'50" West 72.47 feet); thence South 00°11'10" West 62.35 feet to the true point of beginning.

Total combined lots contain 5.5 acres of land.

This said described property shall form a subdivision known as Bancroft Cedar Hill Subdivision, and include the following lots; Lots 1 through 5;

And WHEREAS, the said owners desire and intend to sell and convey said lots, having developed an overall plan for the use and development of said subdivision, and for the purpose of making a more desirable residential area, therefore;

Restrictive Covenants:

The covenants are to run with the land and be binding upon all parties and all persons claiming under them, until the First of January 2020, at which time said covenants shall be automatically extended for successive periods of ten years, unless by a vote of the

majority of the then owners of the parcels of the above described property, it is agreed to change said covenants and restrictions in whole or in part.

1. **Architectural Control Committee:** An Architectural Control Committee shall be formed to approve all building plans, to consider any questions that may arise regarding the conformity of a lot owner to these restrictive covenants, or to approve any exceptions to these restrictive covenants. This committee shall be composed of Stanley Wistisen, or Kathleen Wistisen who reside in Bancroft, Idaho, and two other members who own lots in the said subdivision. The majority of the committee may act on any particular case or matter that may come before the committee.

In event that any member of the committee is no longer able to function on the committee, the remaining members shall have full authority to designate a successor. No member of this committee shall be entitled to receive any compensation for services performed pursuant to this covenant.

2. **Procedure:** The committee's approval or disapproval as required in these covenants shall be in writing.

3. **Enforcement:** Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violation or to recover damages.

4. **Architectural Control:** No building shall be erected, placed or altered on any lot until the construction plans, specifications, and a plan showing the location of the structure on said lot has been approved by the Architectural Control Committee, and the Caribou County Building Inspector.

5. **Land use and Building type:** No lot shall be used except its primary purpose shall be for residential purposes. Each property owner shall be restricted to one house per lot. Any outbuildings such as barns, sheds, shops, etc. must be of good quality lumber or metal on cement foundations. The exterior of any outbuilding shall be finished in such a manner as to compliment the house on the lot. All houses to be placed or constructed in this subdivision must be of new construction, not less than 1050 square feet of finished area above ground, not to exceed two stories in height with a one car garage or carport attached to the house, and must conform to the requirements of FHA or HUD.

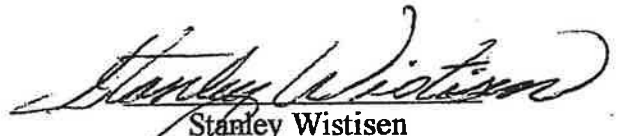
6. **Fences, Maintenance and Livestock:** Fences to be constructed along property lines may be made with netting wire or barbed wire or some other means as long as the material is of good clean quality. Lot owners shall be expected to maintain their lots either by "pasturing" the property or by "farming" the lot. Livestock shall be limited in number to the ability of the lot to sustain the livestock for grazing. No feedlots shall be permitted. Corrals shall be kept to a minimum. No swine shall be allowed on any lot. No loud, offensive, or odoriferous animals, specifically including, but not limited to, turkeys, emus, ostriches, and peacocks shall be allowed on any lot. The intent is that each lot owner maintains an attractive appearance.

7. **Oil and Mining operations:** No oil drilling, oil development operations, quarrying or mining operations of any kind shall be permitted upon or in any lot.

8. **Abandoned Vehicles, Garbage and Refuse Disposal:** No lot shall be used, or maintained as a dumping ground for abandoned vehicles, rubbish, trash, garbage or other waste. Rubbish, trash, garbage, and other waste shall be kept in sanitary containers.

9. **Agricultural Zoned:** The owners acknowledge that the Property is located in a predominantly agricultural area. The purchasers of the lots hereby acknowledge that the lots are located near agricultural property and waive any objection they may have to the use of the surrounding property for agricultural purposes.

10. **Severability:** Invalidation of any one of these covenants by judgment or court order shall in nowise affect any of the other provisions hereof, all of which remain in full force and affect.


Stanley Wistisen

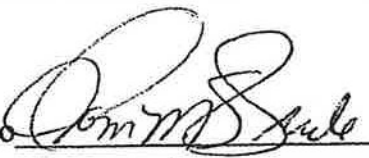
Kathleen Wistisen

STATE OF IDAHO)
) ss:
County of Caribou)

On this 20th day of January, 2006, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Stanley Wistisen and Kathleen Wistisen, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, 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 first above written.



Notary Public for Idaho 
Residing at Lava Hot Springs, Id
My Commission Expires 8/21/08



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 22, 2026

DUANE B. CUNNINGTON
JOYCE CUNNINGTON
P O BOX 153
BANCROFT ID 83217

Re: Change in Water Right Ownership: 29-7392 B (Split into 29-7392 B and **29-14613**),

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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 208-287-4978.

Sincerely,

Petula Lee

Technical Records Specialist 1

Enclosure(s)

c: STANLEY WISTISEN KATHLEEN WISTISEN
c: WATER DISTRICT 13T