

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED  
DEC 10 2021  
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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 47-10383              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 47-10384              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: The Don J. Smith Marital Trust  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): C. E. Brackett Cattle Co, an Idaho corporation  
New owner(s) as listed on the conveyance document      Name connector ☐ and ☐ or
- 1290 E 3800 N      Buhl      ID      83316  
Mailing address      City      State      Zip
- 208-731-0135      chetbrackett@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: 12-1-2021
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 # 47-10383

8. Signature: Chet Brackett      Pres      12/2/21  
Signature of new owner/claimant      Title, if applicable      Date  
Chet Brackett  
Print name

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

Received by SG      Date 12/10/21      For IDWR Office Use Only:      Receipt No. 5038982      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 JB      Date 12-23-2021

TWIN FALLS COUNTY  
RECORDED FOR:  
TITLEONE - BURLEY  
03:29:06 PM 12-02-2021  
**2021028277**  
NO. PAGES 4 FEE: \$15.00  
KRISTINA GLASCOCK  
COUNTY CLERK  
DEPUTY: SB  
Electronically Recorded by Simplifile



Order Number: 21435299

## Warranty Deed

For Value Received,

**Debra J. Loughmiller, Successor Trustee of The Don J. Smith Marital Trust, dated June 5, 2007**, the Grantor, does hereby grant, bargain sell and convey unto, **C.E. Brackett Cattle Co., an Idaho corporation**, whose current address is **1290 E. 3800 N, Buhl, ID 83316**, the Grantee, the following described premises, in **Twin Falls County, Idaho**, To Wit:

**See Exhibit A, attached hereto and incorporated herein.**

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 and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, 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.

Remainder of this page intentionally left blank.

2021  
Dated: December 1<sup>st</sup>, ~~2020~~

The Don J. Smith Marital Trust, dated June 5, 2007

BY: Debra J. Loughmiller  
Debra J. Loughmiller, Successor Trustee

State of Idaho, County of Twin Falls, ss.

On this 1<sup>st</sup> day of December in the year of 2021, before me, the undersigned, a notary public in and for said state personally appeared Debra J. Loughmiller, known or identified to me to be the person whose name is subscribed to the within instrument, as Successor Trustee of The Don J. Smith Marital Trust, dated June 5, 2007 and acknowledged to me that he/she executed the same as Successor Trustee.

Annette Roth  
Notary Public

Residing In: Rupert

My Commission Expires: 8-4-2023  
(seal)

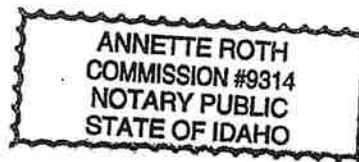


**EXHIBIT A**  
**LEGAL DESCRIPTION OF THE PREMISES**

**PARCEL NO. 1:**  
**TOWNSHIP 10 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,**  
**TWIN FALLS COUNTY, IDAHO**

**Section 27:      S½NW¼ SAVE AND EXCEPT the West 40 feet thereof**

**PARCEL NO. 2:**  
**TOWNSHIP 10 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,**  
**TWIN FALLS COUNTY, IDAHO**

**Section 27:      NW¼SW¼ SAVE AND EXCEPT the West 40 feet thereof**

**PARCEL NO. 3:**  
**TOWNSHIP 10 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,**  
**TWIN FALLS COUNTY, IDAHO**

**Section 27:      A parcel of land located in the SW¼, more particularly described as follows:**

Commencing at the South ¼ Corner of said section being marked by a ¾ inch bolt, from which the SW¼ of said section, being marked by a ¾ inch bolt bears South 89°41'10" West, a distance of 2643.42 feet; Thence South 89°41'10" West along the south section line a distance of 749.17 feet to a point on the northerly right-of-way of State Highway 74, said point being the TRUE POINT OF BEGINNING;  
Thence continuing along said south line South 89°41'10" West, a distance of 227.54 feet to a point;  
Thence departing said south line North 00°08'50" West, a distance of 296.98 feet to a point;  
Thence North 89°59'25" West, a distance of 345.05 feet to a point of intersection with the West 1/16th line of said Section 27;  
Thence South 00°08'50" East along said West 1/16th line a distance of 298.93 feet to the South 1/16th corner between Section 27 and Section 34;  
Thence South 89°41'10" West along the south section line of said Section 27, a distance of 1281.49 feet to a point of the Easterly right-of-way of US Highway 93;  
Thence North 00°03'45" West along said Easterly right-of-way a distance of 1323.87 feet to a point on the South 1/16th line;  
Thence departing said Easterly right-of-way and along said South 1/16th line North 89°45'20" East a distance of 1279.53 feet to a point of intersection with the West 1/16th line of said Section 27;  
Thence North 00°08'50" West along said West 1/16th line a distance of 1322.04 feet to a point of intersection with the center of section line of said Section 27;  
Thence North 89°50'14" East along said center of section line a distance of 1317.57 feet to the center of said Section 27;  
Thence South 00°14'16" East along the center of section line a distance of 1991.89 feet to a point of intersection with the Southeasterly abandoned railroad right-of-way boundary;  
Thence along said Southeasterly abandoned railroad right-of-way having a curve to the left, said curve having a length of 217.54 feet with a radius of 5679.60 feet, delta angle of 2°11'40" and a chord bearing and distance of South 55°36'07" West, 217.53 feet;  
Thence departing said railroad right-of-way South 00°14'20" East, a distance of 494.05 feet to a point of intersection with the Northerly right-of-way of said State Highway 74;  
Thence South 89°41'10" West along said Northerly right-of-way, a distance of 371.95 feet to a point of curvature to the left;

Thence continuing along said Northerly right-of-way having a curve length of 200.91 feet, with a radius of 606.00 feet, a delta angle of  $18^{\circ}59'44''$  and a chord bearing and distance of South  $80^{\circ}11'19''$  West 199.99 feet, said point being the TRUE POINT OF BEGINNING.



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 Gary Spackman

December 23, 2021

C E BRACKETT CATTLE CO  
1290 E 3800 N  
BUHL ID 83316-6034

Re: Change in Ownership for Water Right No(s): 47-10383 & 47-10384

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 (Notice), 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.

**In processing the change of ownership, it was noted that the place of use (POU) of right 47-10384 is listed as the NESW of Section 27, T10S, R16E. In examining aerial imagery dating back to 1987, it appears that no home has existed in that QQ, while a home does exist in the SESW, where the point of diversion (well) is shown to be located. It is possible that an error in the adjudication claim or in the adjudication may have occurred, and that the actual POU may be the house located in the SWSESW of Section 27, which was not conveyed in the documentation submitted with the Notice. If an error did occur, it is possible to correct the issue with a water right place of use transfer.**

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) 293-9909.

Sincerely,

Jim Bitzenburg  
Senior Water Resource Agent

Enclosure(s)

CC: TitleOne, Burley- File #21435299



211 West 13th Street  
Burley, ID 83318  
Ph. (208) 881-0087  
Fx. (866) 582-7546  
www.titleonecorp.com

Idaho Department of Water Resources  
650 Addison Avenue West  
Suite 500  
Twin Falls, ID 83301

RECEIVED

DEC 10 2021

DEPT OF WATER RESOURCES  
SOUTHERN REGION

Date: December 8, 2021

Escrow No. 21435299

Greetings,

Enclosed please find the following:

- TitleOne Check No. 39062 in the amount of \$50.00 for Notice of Change of Ownership
- Original executed Notice of Change of Water Right Ownership
- Copy of original executed Warranty Deed recorded on 12/02/21 as Instrument No. 2021028277, records of Twin Falls Co., ID

Please make the necessary changes to your records to reflect new owner and please send receipted copy to TitleOne, Attn: Ashley Martinkus, 211 W. 13<sup>th</sup> St., Burley, ID 83318.

Please feel free to contact us at the number above should you have any questions.

Best Regards,  
TITLEONE

Ashley Martinkus  
Ag Escrow Assistant

AR/am  
Enc.  
FedEx