

STATE OF IDAHO
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 #6 of the instructions. **DE✓**

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
✓ 34-328A	Yes ☒	Yes ☒	34-328A	Yes ☐	Yes ☐
	Yes ☐	Yes ☐	34-14857	Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: _____
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Terrell Ray Warner
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- P.O. Box 241 Mackay Id 83251
Mailing address City State ZIP
208-589-9847 terrellwarner30@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: 11/20/2018
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
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 #

34-328A

8. Signature: Terrell C. Warner Attorney _____ 9/15/2020
Signature of new owner/claimant Title, if applicable Date
- Signature: _____ Title, if applicable Date
Signature of new owner/claimant

For IDWR Office Use Only:

Received by JB Date 9/18/20 Receipt No. E046301 Receipt Amt. \$100.-
 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 JC/UB Processed by JC Date 1/12/2022

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints Randall C. Budge the law firm of RACINE OLSON, PLLP, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204 (the "Firm"), its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow the Firm to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my behalf.

DATED this 15th day of September, 2020.

Terrell Ray Warner
Terrell Ray Warner

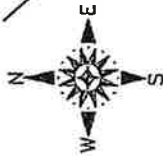
STATE OF IDAHO)
 : ss.
County of Bingham)

This record was acknowledged before me on this 15th day of September, 2020, by Terrell Ray Warner.

(SEAL)



Zachary Julian
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 10/25/22



**PART OF THE NE1/4 OF THE SE1/4 OF
SECTION 18, T. 7 N., R. 24 EAST, B.M.
CUSTER COUNTY, IDAHO**

RECORDER'S CERTIFICATE

I hereby certify that the foregoing record of survey was filed in the Office of the
Recorder of Custer County, Idaho on the _____ day of _____, 2018 at
_____ and recorded as Instrument No. _____

CUSTER COUNTY RECORDER

SURVEYOR'S CERTIFICATE

I, **TERI BROWER**, a duly Licensed Professional Land Surveyor in the State of Idaho, do hereby
certify that the above depicted portion of the survey was made under my direction, and is an accurate
representation of the property surveyed and shown as provided by law.



TERI BROWER, P.L.S., 12222

LEGEND

- SECTION CORNER CONTROL
- PLACED 1/2" X 3/4" IRON ROD WITH CAP MARKED PLS 12222
- FOUND MONUMENT AS NOTED
- FOUND CONCRETE TO BEAT OF WAY MONUMENT WITH BRASS CAP OR AS NOTED
- FOUND P PIPE
- POUL POINT OF BEGINNING
- SECTION LINE
- SURVEYED BOUNDARY LINE
- THE FROM SECTION LINE TO P.O.A.
- U.S. HIGHWAY 89 RIGHT-OF-WAY
- EXISTING FENCE LINE

SHEET

1

OF

3

SHEETS

DRAWN BY

SCR

CHECKED BY

SCR

PROJECT NO.

0054

DATE

12/02/2018

NOTES

THIS SURVEY IS BEING CONDUCTED TO ADJUST CURRENT DEED BOUNDARIES TO BETTER DATE
THE AREA BEING USED BY OCCUPANTS OF THE OVERALL LAND EXAMINED AS BEING
THE FOLLOWING RECORD OF SURVEYS WERE REFERRED TO DURING THIS SURVEY:
2474 OF WILLIAM E. BRONKHORST, L.S., 12000, 12001, 12002, 12003, 12004, 12005, 12006, 12007, 12008, 12009, 12010, 12011, 12012, 12013, 12014, 12015, 12016, 12017, 12018, 12019, 12020, 12021, 12022, 12023, 12024, 12025, 12026, 12027, 12028, 12029, 12030, 12031, 12032, 12033, 12034, 12035, 12036, 12037, 12038, 12039, 12040, 12041, 12042, 12043, 12044, 12045, 12046, 12047, 12048, 12049, 12050, 12051, 12052, 12053, 12054, 12055, 12056, 12057, 12058, 12059, 12060, 12061, 12062, 12063, 12064, 12065, 12066, 12067, 12068, 12069, 12070, 12071, 12072, 12073, 12074, 12075, 12076, 12077, 12078, 12079, 12080, 12081, 12082, 12083, 12084, 12085, 12086, 12087, 12088, 12089, 12090, 12091, 12092, 12093, 12094, 12095, 12096, 12097, 12098, 12099, 12100, 12101, 12102, 12103, 12104, 12105, 12106, 12107, 12108, 12109, 12110, 12111, 12112, 12113, 12114, 12115, 12116, 12117, 12118, 12119, 12120, 12121, 12122, 12123, 12124, 12125, 12126, 12127, 12128, 12129, 12130, 12131, 12132, 12133, 12134, 12135, 12136, 12137, 12138, 12139, 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255866

#

Custer County Reg. of

WARRANTY DEED

Teci Brower

Time 10:39 AM Date 1/15/2019

Laura H. Baker, Clerk

J. Hutton \$15.00
Deputy

WARRANTY DEED, made this 20th day of November 2018, by and between:

For valuable consideration received, Arva Jean Hodge, as Trustee of the Orveata P. Warner Revocable Family Trust, (hereinafter the **GRANTOR**), whose address is 673 Packard, Pocatello, Idaho 83201, hereby grant, bargain, sell and convey unto Terrell Ray Warner, the **GRANTEE**, whose current address is 204 S McCaleb, Mackay, Idaho 83251, the following premises located in the County of Custer, State of Idaho described as follows:

A parcel of land located in the NE1/4 of the SE1/4 of Section 18, Township 7 North, Range 24 East of the Boise Meridian, Custer County, Idaho, more particularly described as:

Commencing at the northeast corner (5/8" iron rod with aluminum cap stamped LS 907) of the NE1/4 of the SE1/4 of Section 18 from which the southeast corner (1" pipe) thereof bears S 00°53'06" W 1341.21 feet, the basis of bearings for this description;
Thence S 00°53'06" W 229.51 feet along the east line of said SE1/4 to a point being marked by a 1/2" iron rod with plastic cap stamped PLS 12222, said point being the POINT OF BEGINNING;
Thence continuing along said east line S 00°53'06" W 197.49 feet to the northeast corner of Deed Instrument No. 221453 which is marked by a 5/8" iron rod with cap stamped PLS 3577;
Thence along the boundary of Deed Instrument No. 221453 the following 3 courses:
1) N 89°05'51" W 127.13 feet to a 1/2" iron rod with cap stamped PLS 12222;
2) S 00°54'11" W 155.00 feet to a 1/2" iron rod with cap stamped PLS 12222;
3) S 71°51'23" W 86.28 feet to a 1/2" iron rod with cap stamped PLS 12222;

Thence N 00°54'07" E 325.62 feet;
thence N 89°05'56" W 135.66 feet;
thence N 07°21'50" W 90.32 feet;
thence N 46°38'45" W 143.13 feet;
thence N 90°00'00" W 160.16 feet;
thence N 01°01'50" W 80.00 feet to a point on the north line of NE1/4 of the SE1/4 being marked by a 1/2" iron rod with cap stamped PLS 12222;
Thence N 88°58'10" E 368.84 feet along said north line to a point being marked by a 5/8" iron rod with cap stamped PLS 3577;
Thence S 00°54'11" W 229.51 feet to a point being marked by a 1/2" iron rod with cap stamped PLS 12222;
Thence N 88°58'10" E 257.24 feet to the POINT OF BEGINNING.

Containing 2.540 acres

and **BE SUBJECT TO the following described 30-foot ingress/egress easement** and also being attached to a 20-foot ingress/egress easement recorded as Instrument No. 236473:

Commencing at the northeast corner (5/8" iron rod with aluminum cap stamped LS 907) of the NE1/4 of the SE1/4 of Section 18 from which the southeast corner (1" pipe) thereof bears S 00°53'06" W 1341.21 feet, the basis of bearings for this description;
Thence S 00°53'06" W 229.51 feet along the east line of said NE1/4 to a point being marked by a 1/2" iron rod with plastic cap stamped PLS 12222;
Thence S 88°58'10" W 141.30 feet along the south line of the above described parcel to the POINT OF BEGINNING;
Thence S 00°31'42" W 351.83 feet to a point on the north line of an existing ingress/egress easement recorded as Instrument No. 236473;
Thence S 71°51'59" W 31.66 feet along said north line;
Thence N 00°31'42" E 361.15 feet to the south line of the above described parcel;
Thence N 88°58'10" E 30.01 feet along said south line to the POINT OF BEGINNING

255864

SUBJECT TO: Reservations in the United States Patent, existing and recorded rights-of-way, easements and ditch and ditch rights, zoning and building ordinances, and taxes and assessments as prorated between the parties hereto, and a **first right of refusal** per Orveata P. Warner for John Brower Family option to purchase the parcel before being sold to any other buyer.

TOGETHER WITH: The following Easement shown on Custer County Instrument #236473 a 20' Easement and all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto said Grantees, their heirs and assigns forever. And the Grantor hereby covenants to and with the said Grantees that it is the owner in fee simple of said premises; that said premises are free and clear from all encumbrances except as hereinabove set forth, and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first written below as their free act and deed.

Dated November 20 2018 at Pocatello, Idaho

ORVEATA P. WARNER REVOKABLE FAMILY TRUST

By: Arva Jean Hodge Trustee Grantor
ARVA JEAN HODGE, Trustee Grantor

STATE of IDAHO }
: ss
County of BANNOCK

On this 20th day of Nov, 2018, before me DAVID WINN the undersigned Notary Public in and for state, personally appeared Arva Jean Hodge, Trustee known or identified to me to be the persons whose names are subscribed to the within instrument as Grantor and acknowledged to me that she executed the same as such.

IN WITNESS whereof, I have here unto set my hand and seal the day and year first above written.

David Winn
Notary Public
State of Idaho
Commission No. 2018-0642

David Winn
NOTARY PUBLIC FOR IDAHO

Residing at: BANNOCK ID

256199

#

Custer County Reg. of

Teri Brower

Time 11:07 AM Date 2/26/2019

Lura H. Baker, Clerk

Tina Hawkins \$15.00
Deputy

TRUSTEE'S CONVEYANCE DEED

THIS DEED, made by ARVA JEAN HODGE, as Trustee of the Orveata P. Warner Revocable Family Trust, whose address is 673 Packard, Pocatello, Idaho 83201 (hereinafter "Grantor"), to the ARDELL AND MARGARET WARNER FAMILY TRUST, established by Trust Agreement dated July 9, 2013, in care of Terrell R. Warner, Trustee, whose address is P.O. Box 241, Mackay, Idaho 83251 (hereinafter "Grantee").

RECITALS

WHEREAS, Arva Jean Hodge is the duly qualified and acting Trustee of the Orveata P. Warner Revocable Family Trust, established pursuant to Trust Agreement dated July 20 1982; and

WHEREAS, Ardell Warner is a beneficiary of the Orveata P. Warner Revocable Family Trust and died on January 2, 2018 by reason of which all of his assets are held and administered pursuant to the Ardell and Margaret Warner Family Trust, established by Trust Agreement dated July 9, 2013; and

WHEREAS, pursuant to said Trust Agreements, Grantor intends to distribute Grantee a 1.825 acre parcel of unimproved real property, together with a 50 foot easement for ingress and egress being part of the SE1/4 of Section 18, Township 7 North, Range 24 East, Boise Meridian, Custer County, Idaho.

THEREFORE, pursuant to the foregoing, Grantor hereby transfers and conveys to Grantee, the real property in Custer County, Idaho, described in Exhibit A attached hereto and incorporated by reference, together with a 50 foot easement for ingress and egress as described in Exhibit B attached hereto and incorporated by referend.

DATED this 25 day of February, 2019.



ORVEATA P. WARNER REVOCABLE FAMILY
TRUST

By: Arva Jean Hodge Trustee
ARVA JEAN HODGE, Trustee

256199

STATE OF IDAHO

)
: ss
)

County of

This record was acknowledged before me on this 5th day of February, 2019
by ARVA JEAN HODGE, as Trustee of the Orveata P. Warner Revocable Family Trust.



Jaime Lish
NOTARY PUBLIC FOR IDAHO,
My Commission Expires: 2/12/2024

EXHIBIT A

Part of the SE1/4 of Section 18, Township 7 North, Range 24 East of the Boise Meridian, Custer County, Idaho, more particularly described as:

Commencing at the northeast corner (5/8" iron rod with aluminum cap stamped LS 907) of the SE1/4 of Section 18 from which the southeast corner of the NE1/4 of the SE1/4 (1" pipe) bears S 00°53'06" W 1341.21 feet, the basis of bearings for this description;

Thence S 00°53'06" W 770.76 feet along the east line of said NE1/4 of the SE1/4;

Thence N 89°05'49" W 401.06 feet to a point on the westerly right of way of U.S. Highway 93 which is marked by a 1/2" iron rod with cap stamped PLS 12222, said point being the POINT OF BEGINNING;

Thence S 41°38'56" E 285.37 feet along said right of way to a point being marked by a 1/2" iron rod with cap stamped PLS 12222 marks the northeasterly corner of Deed Instrument No. 247560;

Thence along aforementioned deed instrument number the following 2 courses:

1) S 63°21'04" W 325.00 feet to the northwesterly corner which is marked by a 1/2" iron rod with cap stamped PLS 12222;

2) S 41°38'56" E 140.00 feet along the westerly line to the southwesterly corner which is marked by a 1/2" iron rod with cap stamped PLS 12222 and being coincident with the northerly line of Deed Instrument No. 225960;

Thence S 63°21'04" W 79.67 feet along said northerly line of Deed Instrument No. 225960 to its intersection with the left (East) bank of the Big Lost River;

Thence along said left bank the following 4 courses:

1) N 08°07'12" E 25.91 feet;

2) N 15°26'16" W 95.19 feet;

3) N 26°57'10" W 54.42 feet;

4) N 39°04'38" W 153.50 feet to a point being marked by a 1/2" iron rod with cap stamped PLS 12222;

Thence N 46°01'40" E 308.61 feet to the POINT OF BEGINNING;

Containing 1.825 acres and being attached to an existing 50-foot ingress/egress easement which is appurtenant to and grants ingress/egress to the lands on the easterly and westerly banks of the Big Lost River.

256199

EXHIBIT B

50-Foot Ingress/Egress Easement:

Part of the SE1/4 of Section 18, Township 7 North, Range 24 East of the Boise Meridian, Custer County, Idaho, more particularly described as:

Commencing at the northeast corner (5/8" iron rod with aluminum cap stamped LS 907) of the SE1/4 of Section 18 from which the southeast corner of the NE1/4 of the SE1/4 (1" pipe) bears

S 00°53'06" W 1341.21 feet, the basis of bearings for this description;

Thence S 00°53'06" W 772.53 feet along the east line of said NE1/4 of the SE1/4;

Thence N 89°05'49" W 401.06 feet to a point on the westerly right of way of U.S. Highway 93 which is marked by a 1/2" iron rod with cap stamped PLS 12222, said point being the POINT OF BEGINNING;

Thence S 46°01'40" W 377.66 feet to a point on the right (West) bank of the Big Lost River;

Thence along said right (West) bank the following 2 courses:

1) N 53°09'10" W 32.31 feet;

2) N 57°11'37" W 18.60 feet;

Thence N 46°01'40" E 389.10 feet to the westerly right of way of U.S. Highway 93;

Thence S 41°38'56" E 50.04 feet along said right of way to the POINT OF BEGINNING.



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 Gary Spackman

January 12, 2022

TERRELL WARNER
PO BOX 241
MACKAY ID 83251-0241

Re: Change in Water Right Ownership: 34-328 A (Split into 34-328 A and 34-14857),

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) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: THE BROWER FAMILY TRUST
WATER DISTRICT 34
RACINE OLSON



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

January 28, 2021

THE BROWER FAMILY TRUST
4550 N US HWY 93
MACKAY ID 83251-4400

Re: Change in Ownership for Water Right No(s): 34-328A

Dear Water Right Holder(s):

The Department of Water Resources (Department) received correspondence changing ownership a portion of the above referenced water right(s) to Terrell Ray Warner, however in 2019 an ownership change was complete for all of the above mentioned water right going to The Browner Family Trust.

According to the review conducted by the department for ownership change received on September 18, 2020, the evidence of ownership, the deed for the property sold to Terrell Ray Warner predated the Deed of water right submitted for The Brower Family Trust. Because the deed to Mr. Warner came before your deed for the water right only a split would be required. There are 2 other parcels in question owned by Mountain States Properties LLC and Lost Water LLC, please provide copies of those deeds as well in order for the department to determine whether or not they would also be entitled to portion of the water right listed above.

If you believe you are entitled to the entire water right, additional evidence of ownership indicating your ownership in the entire water right prior to Terrell Ray Warner being deeded his property will be require. Also a transfer application may be required to move the water right solely on your property.

The department will hold processing this application until you have a chance to review the information. If you feel this is an error please provide the department with additional evidence of ownership or this water right will be split. Please contact our office within 30 days so our office can process the information that has been provided. If the department does not hear from you within 30 days the water right listed above will be split to give Terrell Ray Warner his proportionate share of the 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.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: Terrell Ray Warner
Racine Olson

SCANNED

JAN 29 2021



RECEIVED
SEP 18 2020
Department of Water Resources

RANDALL C. BUDGE
randy@racineolson.com
Tessa Sparrow, Legal Assistant
tessa@racineolson.com

September 15, 2020

Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Notice of Change in Water Right Ownership

To whom it may concern:

Enclosed please find the original and two copies of a Notice of Change in Water Right ownership, together with a check in the amount of \$100 for the filing fee. Please file the original and conform stamp the copies and return one to me and one to Terrell Ray Warner in the enclosed stamped and addressed return envelopes.

Mr. Warner owns parcel no. 2 - 2.540 acres of pasture described in the attached Warranty Deed Instrument No. 25586 and outlined in yellow on the survey attached. As the access easement is not irrigated it is estimated that two acres are irrigated for which 0.04 cfs should be split to this property.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Randall C. Budge'.

RANDALL C. BUDGE

RCB:ts
Enclosures
cc: Terrel Warner