

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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OCT 20 2021

WATER RESOURCES
WESTERN 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, 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?
63-20752	Yes ☐	Yes ☐		Yes ☐	Yes ☐
63-33145	Yes ☒	Yes ☐		Yes ☐	Yes ☐
Cancelled 11/30/21	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Fretwell Lands / Trust A of the Lawrence and Barbara Ragains Family Trust
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Gene & Susan Ness Living Trust
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 29986 Sabin Road Parma ID 83660
Mailing address City State Zip
208-989-9196 creative_concrete@hotmail.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: March 2, 2021
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 # 63-20752

8. Signature: [Signature] Title, if applicable: _____ Date: Oct 19, 2021
Signature of new owner/claimant
Gene G Ness
Print name
- Signature: [Signature] Title, if applicable: _____ Date: 10-14-2021
Signature of new owner/claimant
Susan Jay Ness
Print name

For IDWR Office Use Only:

Received by: [Signature] Date: 11.15.2021 Receipt No. W049928 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 ☐

Name on W-9: _____ Approved by: _____ Processed by: _____ Date: _____

Add'l receipt by DL 11/29/2021 W049956 \$100.00 Refunded 11/30/2021

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WATER RESOURCES
WESTERN REGION

Certificate of Trust

The undersigned Trustors and Trustees hereby certify the following:

1. This Certificate of Trust refers to the GENE & SUSAN NESS LIVING TRUST, dated August 05, 2021, and any amendments thereto, executed by GENE NESS and SUSAN NESS as Trustors. Property to be titled in this trust should be transferred to GENE NESS and SUSAN NESS, Trustees, or their successors in trust, under the GENE & SUSAN NESS LIVING TRUST, dated August 05, 2021.
2. The address of the Trustors is 29986 Sabin Rd., Parma, ID 83660.
3. The initial Trustees of the Trust are:

GENE NESS and SUSAN NESS

4. The present Trustees are:

GENE NESS
29986 Sabin Rd.
Parma, ID 83660
SUSAN NESS
29986 Sabin Rd.
Parma, ID 83660

5. Our Trust is a grantor trust under the provisions of Sections 673-677 of the Code. Either GENE NESS's Social Security Number, _____ or SUSAN NESS's Social Security Number, _____, may be used as the tax identification number for our Trust.
6. Our Trustees shall act unanimously when there are two trustees serving and shall act by majority decision when three or more trustees are acting.

Notwithstanding any other provisions of our Trust Agreement, if any of the following is serving as a Co-Trustee of any Trust under our Trust Agreement, such Co-Trustee may make decisions and bind our Trust in the exercise of all powers and discretion granted to the Trustees without the consent of any other Trustee:

GENE NESS
SUSAN NESS

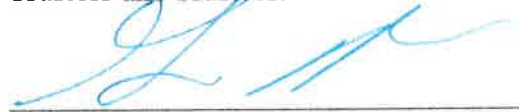
7. Our Trustees under our Trust Agreement are authorized to acquire, sell, convey, encumber, lease, borrow, manage and otherwise deal with interests in real and personal property in our Trust name. Our Trustees shall have full banking powers, including the power to open, close, or modify accounts or other banking arrangements, including, but

not limited to, safe deposit boxes, savings, checking, and CD accounts. All powers of our Trustees are fully set forth in the Trustee Powers Article of our Trust Agreement.

8. Our Trust is revocable and GENE NESS and SUSAN NESS hold the power to revoke the Trust. Our Trust, executed on August 05, 2021, currently exists, has not been revoked, modified, or amended in any manner that would cause the representations contained in this certification of trust to be incorrect. There have been no amendments limiting the powers of our Trustees over trust property.
9. No person or entity paying money to or delivering property to our Trustees shall be required to see to its application. All persons relying on this document regarding our Trustees and their powers over trust property shall be held harmless for any resulting loss or liability from such reliance. A copy of this Certificate of Trust shall be just as valid as the original.

The undersigned certify that the statements in this Certificate of Trust are true and correct and that it was executed in the County of Canyon, Idaho, on August 05, 2021.

Trustors and Trustees:



GENE NESS



SUSAN NESS

STATE OF IDAHO

)
SS

COUNTY OF CANYON

)

On August 05, 2021, before me Ian M. Achey, personally appeared GENE NESS and SUSAN NESS, 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.



Notary Public

Commission Expires: 4-27-2022

Prepared by:
William F. Nichols
White Peterson
5700 E. Franklin Road, Suite 200
Nampa, ID 83687-7901
(208) 466-9272 FAX (208) 466-4405
www.whitepeterson.com



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WATER RESOURCES
WESTERN REGION

COPY

Certificate of Trust

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GENE NESS and SUSAN NESS

4. The present Trustees are:

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29986 Sabin Rd.
Parma, ID 83660
SUSAN NESS
29986 Sabin Rd.
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6. Our Trustees shall act unanimously when there are two trustees serving and shall act by majority decision when three or more trustees are acting.

Notwithstanding any other provisions of our Trust Agreement, if any of the following is serving as a Co-Trustee of any Trust under our Trust Agreement, such Co-Trustee may make decisions and bind our Trust in the exercise of all powers and discretion granted to the Trustees without the consent of any other Trustee:

GENE NESS
SUSAN NESS

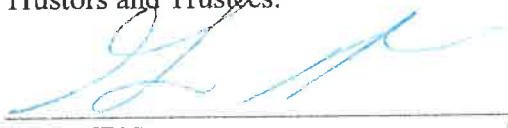
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The undersigned certify that the statements in this Certificate of Trust are true and correct and that it was executed in the County of Canyon, Idaho, on August 05, 2021.

Trustors and Trustees:


GENE NESS


SUSAN NESS

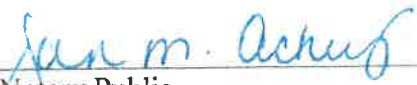
STATE OF IDAHO

)
SS

COUNTY OF CANYON

)

On August 05, 2021, before me Jan M. Achey, personally appeared GENE NESS and SUSAN NESS, 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.


Notary Public
Commission Expires: 4-27-2022

Prepared by:
William F. Nichols
White Peterson
5700 E. Franklin Road, Suite 200
Nampa, ID 83687-7901
(208) 466-9272 FAX (208) 466-4405
www.whitepeterson.com





5680 E. Franklin Rd., Ste. 150
Nampa, ID 83687

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 760668 KC/JB

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WATER RESOURCES
WESTERN REGION

WARRANTY DEED

For Value Received Trust A of the Lawrence and Barbara Ragains Family Trust dated January 18, 1995

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Gene G Ness and Susan J Ness, husband and wife

hereinafter referred to as Grantee, whose current address is 29986 Sabin Rd, Parma ID
83660

The following described premises, to-wit:

That portion of Government Lot 3 and that portion of Government Lot 4, all lying South of the Black Canyon D Line Canal in Section 1, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the 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 U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

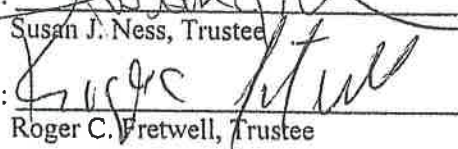
Dated: March 2, 2021

Lawrence and Barbara Ragains Family Trust

By:


Susan J. Ness, Trustee

By:


Roger C. Fretwell, Trustee

This document may be executed in counterparts, each of which shall be deemed an Original regardless of the date of its execution and delivery. All such counterparts together shall constitute one and the same document.

State of Idaho, County of Canyon

This record was acknowledged before me on March 5, 2021 by Susan J. Ness, as trustee of Trust A of the Lawrence and Barbara Ragains Family Trust dated January 18, 1995.

Kristi Cox
Signature of notary public
Commission Expires:

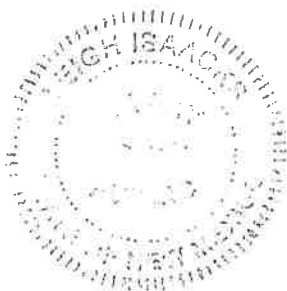
Residing in Middleton, Idaho
Commission Expires: 03-11-2026



State of New Mexico, County of Dona Ana

This record was acknowledged before me on March 3rd, 2021 by Roger C. Fretwell, as trustee of Trust A of the Lawrence and Barbara Ragains Family Trust dated January 18, 1995.

Roger C. Fretwell
Signature of notary public
Commission Expires: October 15th, 2023



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5680 E. Franklin Rd., Ste. 150
Nampa, ID 83687

ELECTRONICALLY RECORDED-DO NOT
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PAGE AS IT IS NOW INCORPORATED AS
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File No. 760668 KC/JB

WARRANTY DEED

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hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Gene G Ness and Susan J Ness, husband and wife

hereinafter referred to as Grantee, whose current address is 29986 Sabin Rd, Parma ID 83660

The following described premises, to-wit:

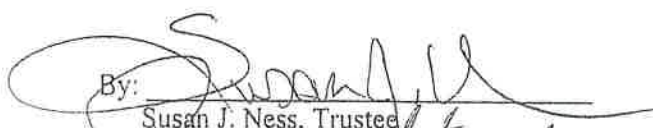
That portion of Government Lot 3 and that portion of Government Lot 4, all lying South of the Black Canyon D Line Canal in Section 1, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the 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 U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

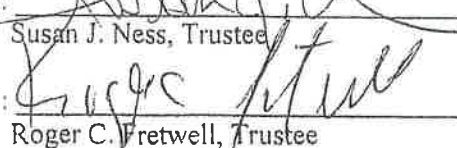
Dated: March 2, 2021

Lawrence and Barbara Ragains Family Trust

By:


Susan J. Ness, Trustee

By:


Roger C. Fretwell, Trustee

This document may be executed in counterparts, each of which shall be deemed an Original regardless of the date of its execution and delivery. All such counterparts together shall constitute one and the same document.

State of Idaho, County of Canyon

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Kristi Cox

Signature of notary public

Commission Expires:

Residing in Middleton, Idaho
Commission Expires: 03-11-2026



State of New Mexico, County of Dona Ana

This record was acknowledged before me on March 3rd, 2021 by Roger C. Fretwell, as trustee of Trust A of the Lawrence and Barbara Ragains Family Trust dated January 18, 1995.

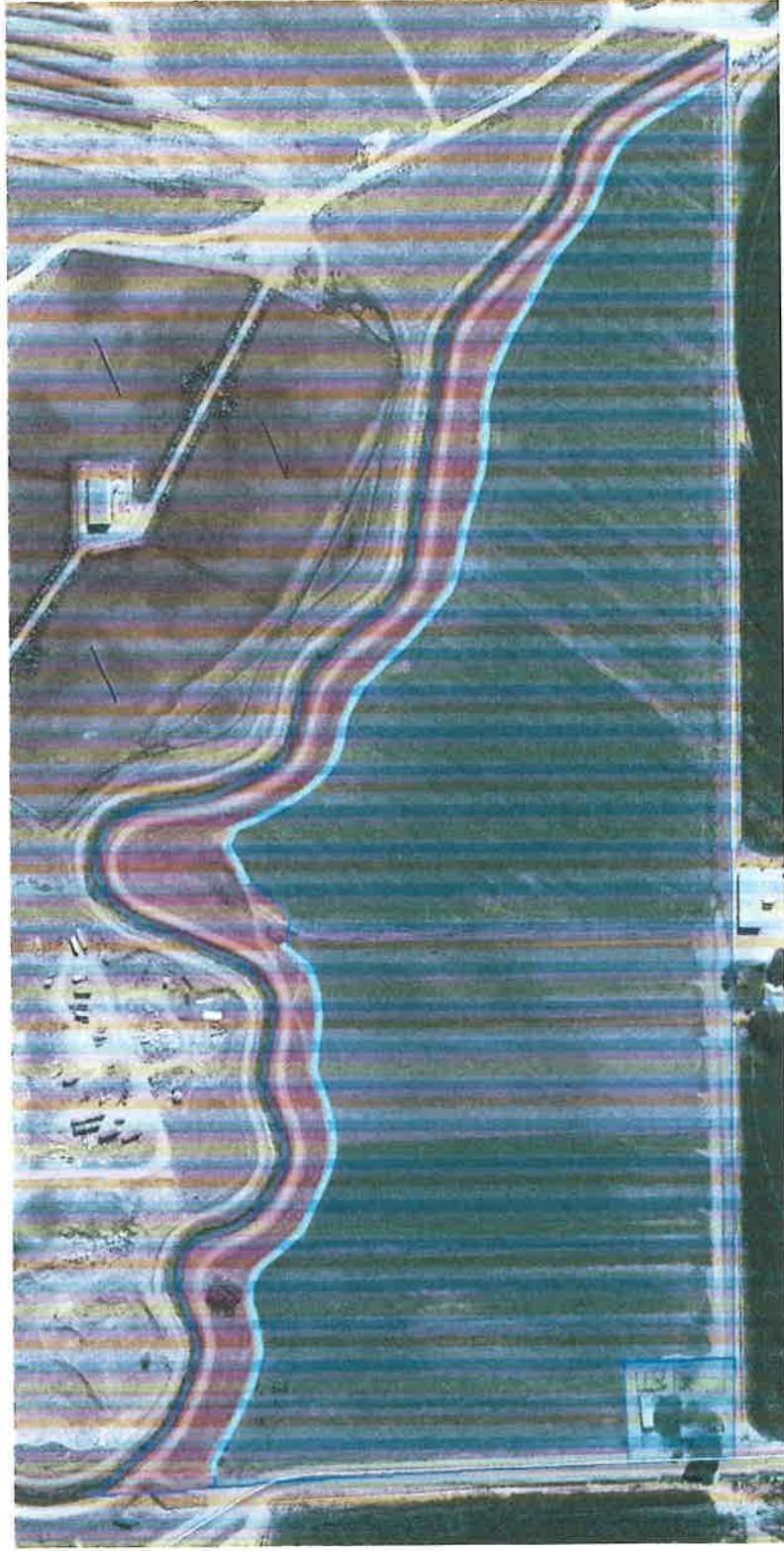
Kristi Cox

Signature of notary public

Commission Expires: October 15th, 2023



Susan & Gene Ness Trust — Farm ground Aerial Photo — Address: 29986 Sabin Road, Parma, Idaho



COPY



This Map and data displayed is a graphic representation derived from the Canyon County Geographic Information System (GIS) data. It was designed and intended for staff use only. It is not guaranteed survey accuracy. This map is based on information available and was compiled from numerous sources which may not be accurate. Users are to field verify this information. Canyon County and Single Point Solutions, Inc are not liable for errors or omissions.





IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 30, 2021

GENE & SUSAN NESS LIVING TRUST
29986 SABIN RD
PARMA ID 83660-6758

RE: Change in Ownership for Water Right No(s): 63-20752, 63-33145

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on October 20, 2021 for the above referenced water rights. The Notice could not be processed because the name of the new owners shown on your submitted Notice does not match the name of the owners shown on your deed, and it has been over 30 days from the date of our first communication with you.

On October 21 and November 16, 2021, the Department contacted you to request the appropriate filing fees for your Notice and documentation showing the Gene & Susan Ness Living Trust as the legal owners of the property. We have received your filing fees, but as of the date of this letter, the Department has not received the required documentation.

Your submitted Certificate of Trust describes the establishment of the trust and the authority of the trustees, but does not describe any property being transferred or titled to the Gene & Susan Ness Living Trust. The Department can only change our water right records to reflect the legal owner(s) of the property and/or water right as shown on a conveyance document such as a warranty deed or quitclaim deed.

The Department is cancelling your request and returning your Notice of Change in Water Right Ownership and the attachments. A refund of \$125 has been requested and will be mailed to Gene & Susan Ness under separate cover from the Idaho State Controller's Office. You may re-submit your request with the appropriate documents and fees.

If you have any questions regarding this matter, please contact me at (208) 334-2190.

Sincerely,

Lynne Evans
Office Specialist II

Enclosure(s)

Evans, Lynne

From: Evans, Lynne
Sent: Tuesday, November 30, 2021 12:17 PM
To: IdwrPayable
Subject: Refund Request - Ness Trust

TO: Sascha Marston, Brenda Corbett

FROM: Lynne Evans

DATE: November 30, 2021

RE: Refund: Ownership Change

The Gene & Susan Ness Living Trust submitted a change in ownership, but it could not be processed with the provided documentation.

Please issue a refund of \$125 to:

GENE & SUSAN NESS LIVING TRUST
29986 SABIN RD
PARMA ID 83660-6758

RECEIPT #

W049928 - \$25
W049958 - \$100

Thank you,

Lynne Evans | Office Specialist II
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 16, 2021

GENE & SUSAN NESS LIVING TRUST
29986 SABIN RD
PARMA ID 83660-6758

RE: Change in Ownership for Water Right No(s): 63-20752, 63-33145

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice). We have previously contacted you on October 21, 2021, and we received your Certificate of Trust and \$25 filing fee on November 15, 2021.

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

- Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question
- Filing Fee of \$100 per water right for changes resulting from division of a water right

Your submitted Certificate of Trust does not describe any property being transferred to the ownership of the Gene & Susan Ness Living Trust, or reference the above-mentioned water rights or the property they relate to. Please submit a copy of the deed or other conveyance document that transfers ownership of the water rights and/or property to the Gene & Susan Ness Living Trust.

The \$25 filing fee is not sufficient for both water rights. Because your Notice includes one non-split water right, and one water right that needs to be split, the total filing fee due is **\$125**. Please submit the remaining \$100 filing fee to our office.

Because the Department cannot process the Notice without proper documentation and fees, we will hold any action on your Notice pending receipt of the necessary information and fees. If we do not receive the necessary information within 30 days we will return your Notice and all attachments and your Notice will not be processed.

If you have any questions regarding this matter, please contact me at (208) 334-2190.

Sincerely,

Lynne Evans
Office Specialist II



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

October 21, 2021

GENE & SUSAN NESS LIVING TRUST
29986 SABIN RD
PARMA ID 83660-6758

RE: Change in Ownership for Water Right No(s): 63-20752, 63-33145

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

- Accurate name of New Owner(s) on form

OR

- Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

AND

- Filing Fee of \$25 per whole water right
- Filing Fee of \$100 per split water right for changes resulting from division of a water right

The Warranty Deed submitted with your Notice lists Gene G. Ness and Susan J. Ness as the new owners of the property, but your submitted Notice lists the Gene & Susan Ness Living Trust. The Department can only change the water right records to reflect the name(s) shown on the Warranty Deed. A copy of your submitted deed is enclosed for your reference.

If the property is in the name of the Living Trust, please submit a complete copy of the deed, trust agreement, or other documentation conveying the property from Gene and Susan Ness as individuals to the Gene & Susan Ness Living Trust. Otherwise, please correct the Notice form (enclosed) to reflect the current legal owner(s) of the property and initial beside your change.

Please return the enclosed Notice with the corrections and/or documentation requested above, and the required \$125 processing fee.

Because the Department cannot process the Notice without proper documentation and fees, we will hold any action on your Notice pending receipt of the necessary information and fees. If we do not receive the necessary information and fees within 30 days we will return your Notice and all attachments and your Notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 334-2190.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lynne Evans", with a stylized, flowing script.

Lynne Evans
Office Specialist II

Enclosure(s)