

Form 42-248/42-1409(6) Rev. 1/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
JUN 24 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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
43-4058	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: Frank Lucas Living Trust U/A May 6, 2013
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Billy Joe Lucas
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 11213 South Lucas Lane South Jordan UT 84095
Mailing address City State ZIP
- (801) 419-7623 bill.j.lucas@pepsico.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: June 10, 2021
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.

8. Signature: Billy Joe Lucas Owner June 10, 2021
Signature of new owner/claimant Title, if applicable Date
Billy Joe Lucas

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

For IDWR Office Use Only:

Received by SG Date 6/24/21 Receipt No. 5038655 Receipt Amt. \$75.00

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 7-20-21

CASSIA COUNTY

RECORDED FOR:
TITLEONE - TWIN FALLS
01:58:32 PM 06-17-2021

2021-003171

NO. PAGES: 3 FEE: \$15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: EV

Electronically Recorded by Simplifile

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT.

21415869

WARRANTY DEED

FOR VALUE RECEIVED, the Frank Lucas Living Trust U/A dated May 6, 2013, by and through Pauline Teresa Lucas Grant the sole successor trustee, Grantor, does hereby grant, bargain, sell and convey unto Billy Joe Lucas, a married man dealing in his sole and separate property as Grantee, whose current address is 11213 South Lucas Lane, South Jordan, Utah 84095, the following described premises, located in Cassia County, Idaho, to wit:

TOWNSHIP 11 SOUTH, RANGE 29 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 29: SW1/4SW1/4NW1/4, NW1/4NW1/4SW1/4,
S1/2NW1/4SW1/4,

Section 30: E1/2NE1/4,

Together with the portion of License #43-4058 of the Idaho Department of Water Resources for irrigation and stock water appurtenant to the above described parcels, a non-exclusive permanent reciprocal easement over an existing roadway through the property of Cathy Lucas Spratling described below for access to the US Forest Service land and an irrigation easement to allow spring water to flow from the Cathy Lucas Spratling parcels described below through existing water courses.

Subject to easements and rights-of-way which are apparent or of record, property taxes and assessments for 2021, and a permanent reciprocal non-exclusive easement over an existing roadway through the property described above for the use and benefit of the Cathy Lucas Spratling parcels described below.

The Cathy Lucas Spratling property is described as follows:

TOWNSHIP 11 SOUTH, RANGE 29 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 29: NE1/4SW1/4SW1/4, W1/2SE1/4SW1/4,
SE1/4SE1/4SW1/4, SW1/4SW1/4SE1/4, SW1/4SE1/4SW1/4SE1/4

Section 32: SE1/4NE1/4SW1/4NE1/4, N1/2SE1/4NE1/4,
SW1/4NE1/4NE1/4NE1/4, NW1/4NW1/4NE1/4NE1/4,
S1/2NW1/4NE1/4NE1/4, S1/2NE1/4NE1/4,
NW1/4NE1/4, N1/2NE1/4SW1/4NE1/4, NE1/4SW1/4SE1/4NE1/4,
N1/2SE1/4SE1/4NE1/4, SE1/4SE1/4SE1/4NE1/4,

Section 33: SW1/4SW1/4NW1/4NW1//4,
W1/2E1/2SW1/4NW1/4, SE1/4NE1/4SW1/4NW1/4,
W1/2SW1/4NW1/4, N1/2NW1/4NW1/4SW1/4,

To have and to hold the said premises with their appurtenances to the said Grantee, his heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee that Grantor is the owner in fee of said premises, that said premises is free from all encumbrances except as noted and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 10th day of June, 2021.

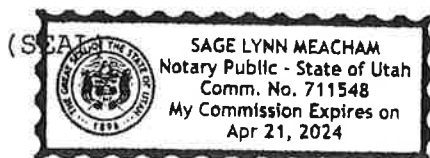
Frank Lucas Living Trust U/A
dated May 6, 2013

By: 
Pauline Teresa Lucas Grant,
successor trustee

STATE OF Utah)
County of Senier) ss.

On this 10th day of June, in the year of 2021,
before me the undersigned notary public in and for said
state, personally appeared Pauline Teresa Lucas Grant, known
or identified to me to be the successor trustee of the Frank
Lucas Living Trust U/A dated May 6, 2013 whose name is
subscribed to the within instrument and acknowledged to me
that she executed the same.

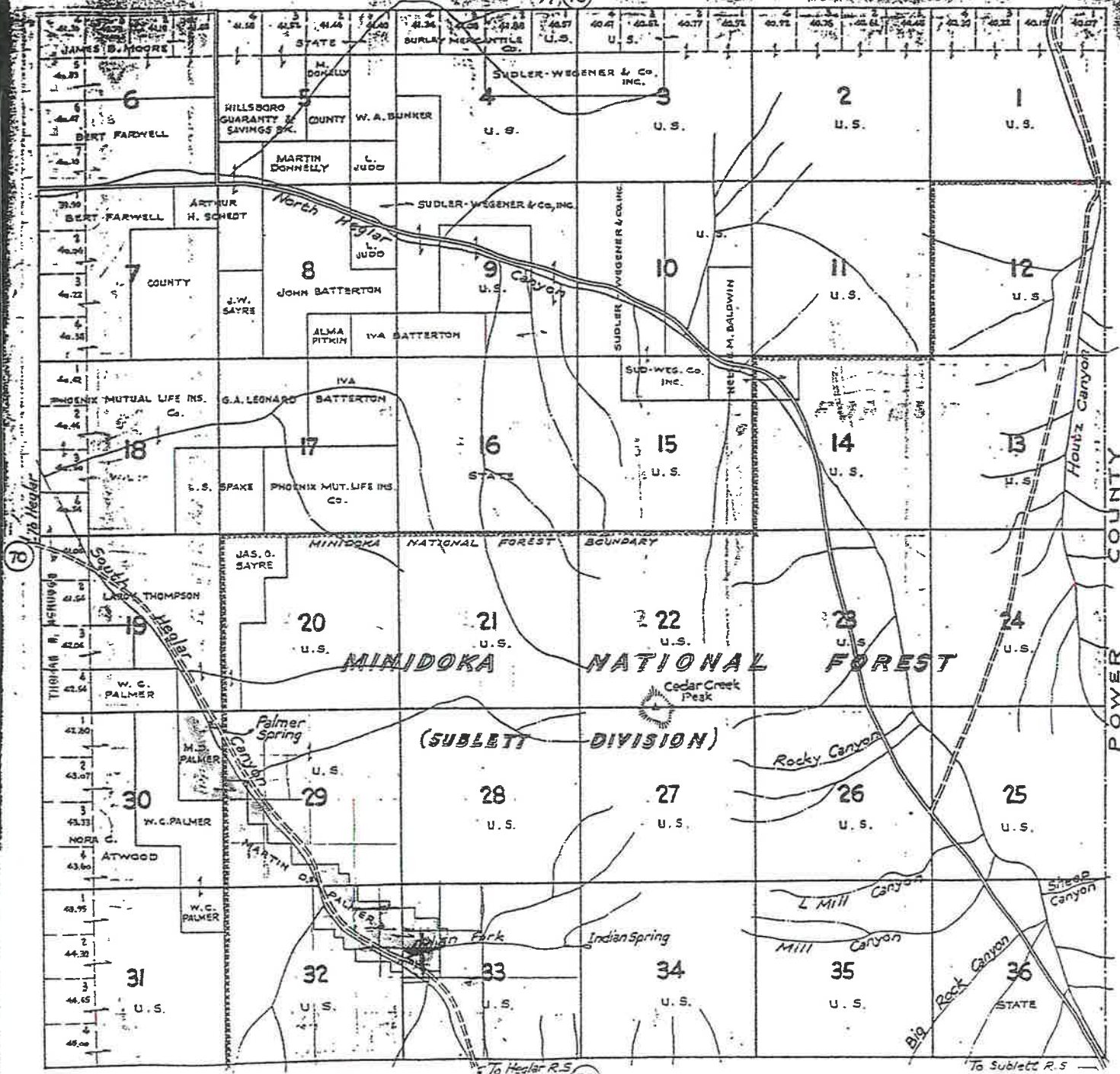
IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal the day and year first above
written.



Sage Lynn Meacham
Notary Public
Residing at Richfield, UT 84701
My Commission expires April 21, 2024

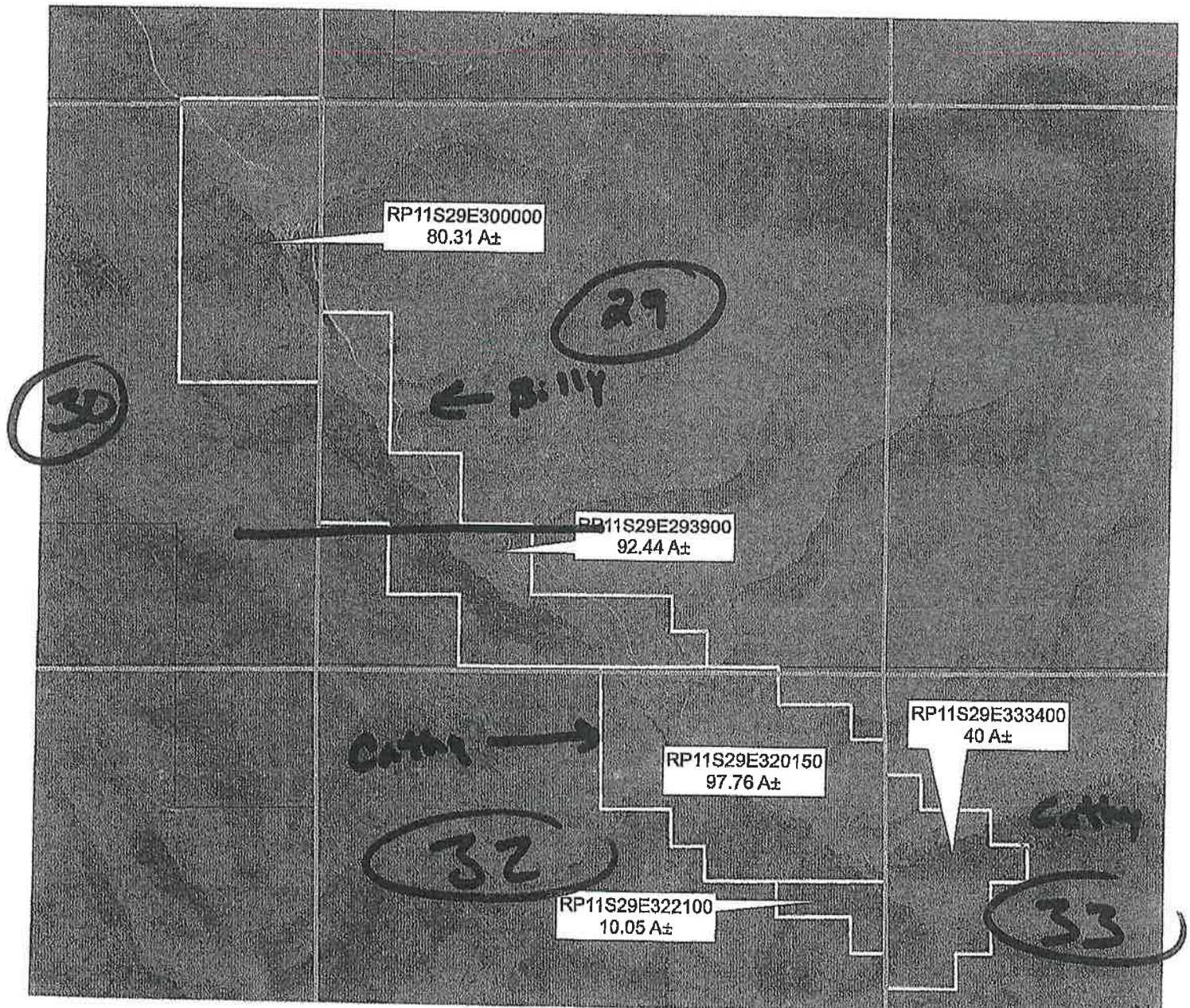
Township 11 South, Range 29 EBM)

11(76)



-LEGEND-
 PAVED ROADS
 STATE HWYS. UNPAVED
 IMPROVED ROADS
 DIRT ROADS
 INTERIOR ROADS
 RAILROADS
 TRAILS
 INTERMITTENT CREEKS

Frank Lucas Living Trust



This Information is for Assessment Purposes Only.
This map is only a representation of the tax code area
boundaries and should not be used for legal or surveying applications.
Cassia County Assumes No Liability Or Responsibility For Errors or Omissions

March 18, 2021





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 20, 2021

BILLY JOE LUCAS
11213 S LUCAS LN
SOUTH JORDAN UT 84095-8444

Re: Change in Ownership for Water Right No(s): 43-4058

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.

The total fee paid for the Cathy Lucas Spratling and Billy Joe Lucas ownership changes was \$150.00, and the actual fee owed was \$125.00, so the extra \$25.00 paid will be refunded back to the payer, TitleOne.

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) 293-9909.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: TitleOne, Burley- File #21415869; Donald J. Chisholm

Bitzenburg, James

From: Bitzenburg, James
Sent: Tuesday, July 20, 2021 2:31 PM
To: IdwrPayable
Subject: Request for refund

IDWR Payable-

On June 24, 2021, our office received two *Notice of Change in Water Right Ownership* forms from TitleOne in Burley. One Notice was in the name of Billy Joe Lucas and the other was in the name of Cathy Lucas Spratling and they were submitted as companion Notices. The Notices were each accompanied by a \$75.00 fee, for a total of \$150.00, and the actual fee for the two Notices was only \$125.00. As a result, \$25.00 extra was paid in fees. Could you issue a refund for the \$25.00 fee? The fee was paid by TitleOne in Burley. Their address is:

**TITLEONE CORPORATION
PO BOX 177
BURLEY ID 83318-0177**

They paid for the Notices with two checks: check #35815, IDWR receipt #S038654 (Cathy Lucas Spratling OC) and check #35819, IDWR receipt #S038655 (Billy Joe Lucas OC). Thank you, and let me know if you need any more information.

Jim

**Jim Bitzenburg
Senior Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov**



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 Ave. W.
Suite 500
Twin Falls, ID 83301

RECEIVED

JUN 24 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

Date: June 22, 2021

Escrow No. 21415869

Greetings,

Enclosed please find the following:

- TitleOne Check No. 35819 in the amount of \$75.00 for Notice of Change of Water Right Ownership
- Original executed Notice of Change of Water Right Ownership form
- Copy of original executed Warranty Deed recorded on 06/17/21 as Instrument No. 2021-003171, records of Cassia Co., ID

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

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

Bitzenburg, James

From: chisholm@pmt.org
Sent: Tuesday, June 8, 2021 9:37 AM
To: Bitzenburg, James
Subject: Fwd: Xerox Scan License 43-4058 proposed transfer documents Lucas-Lucas and Spratling
Attachments: Xerox Scan_06082021102810.pdf

Jim,

Attached are the proposed transfer of ownership documents for transfer of the Frank Lucas land and water rights to Billy Joe Lucas and Cathy Lucas Spratling. I noticed that Frank Lucas had not transferred ownership of the water rights from himself to his living trust in 2013, so I made up a transfer form for the current trustee to sign transferring ownership of the water rights to the Frank Lucas Living Trust.

I have the split occurring on the transfer of part of the water rights to Cathy and no split on transfer of the remaining water rights to Billy Joe.

Copies of the proposed deeds are attached for those transfers.

Please let me know if any changes are needed.

I am copying Annette Roth of TitleOne in Burley on this email, because she is handling the closing.

Don

----- Original Message -----

Subject: Xerox Scan

Date: Tue, 08 Jun 2021 10:28:25 -0600

From: chisholm@pmt.org

To: chisholm@pmt.org

Please open the scanned attachment

Number of Images: 10

Attachment File Type: PDF

Device Name: VersaLink B605

Device Location:

Bitzenburg, James

From: Bitzenburg, James
Sent: Wednesday, May 26, 2021 1:57 PM
To: 'chisholmlaw@pmt.org'
Subject: Change in Water Right Ownership for right 43-4058

Mr. Chisholm-

I did an analysis of the split of water right 43-4058 and the assumptions in your letter are correct. Assuming that the conveyance documents convey ownership of the lands as shown on the map you provided, Billy Lucas would end up with 23.2 acres of the right and Cathy Spratling would get 26.8 acres. This split would produce a proportionate division of the irrigation flow rate that would provide Billy Lucas with 0.46 cfs and Cathy Spratling with 0.54 cfs. We would split the stockwater component down the middle, with each party receiving 0.01 cfs; the two split stockwater portions together would be limited to a combined 13,000 gallons per day.

You will need to submit two *Notice of Change in Water Right Ownership* forms; one form will list one of the children and right 43-4058 with the split box marked. A fee of \$100.00 will be needed with this form, in addition to the conveyance document. This ownership change will split the right and convey ownership of the split portion to the child listed on the form. The other form will list the other child and will show right 43-4058 in the water right list, but the split box will not be checked. The fee for this change will be \$25.00 and it will change the ownership of the remainder of right 43-4058 to the listed child. The conveyance document for that child will need to be included with the form and fee. The deeds conveying the property will determine the proportions of the splits and how the names are listed on the water rights after the ownership changes are processed.

Thank you and let me know if you have any questions.

Jim

Jim Bitzenburg
Senior Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov

Donald J. Chisholm
Attorney at Law
223 East Main Street
P.O. Box 1118
Burley, Idaho 83318
Telephone (208) 678-9181
Fax: (208) 878-4998
Email: chisholmlaw@pmt.org

RECEIVED

MAY 21 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

May 19, 2021

Idaho Department of Water Resources
Southern Regional Office
650 Addison Ave. W., Ste 500
Twin Falls, Idaho 83301-5858

Re: Division of Water Rights for Frank Lucas Living Trust Property
in Cassia County, Idaho - IDWR License 43-4058

Dear Sir or Madam:

The trustee and beneficiaries of the Frank Lucas Living Trust have reached an agreement to divide the property owned by the Frank Lucas Living Trust between two of the children. I am enclosing a copy of a Cassia County Assessor's map which identifies the parcels in Sections 29 and 30 which are to go to Billy Joe Lucas and the parcels in Sections 29, 32 and 33 which are to go to Cathy Spratling. I have enclosed a copy of the water rights for the Frank Lucas Living Trust property license no. 43-4058.

To close the transaction, we want to make sure the water rights are appropriately allocated between the parcels. There appear to be no problem with the water rights for the property located in Sections 30, 32 and 33, because Billy Lucas will receive the parcels in Section 30 and Cathy Spratling will receive the parcels in Section 32 and 33.

With respect to the parcels in Section 29, there appears to be less certainty. It appears that Billy would receive the right for 3.8 acres in the southwest quarter of the northwest quarter and 4

acres in the northwest quarter of the southwest quarter of Section 29, then Cathy would receive the 1 acre in the southwest quarter of the southwest quarter, 8 acres in southeast quarter of the southwest quarter and 1.2 acres in the southwest quarter of the southeast quarter of Section 29.

I could not determine how the stock water rights might be allocated.

I would appreciate your letting me know if the foregoing analysis regarding the irrigation water rights is correct and any information you can provide as to how the stock water rights would be allocated. I assume on the application for changes of the water rights we would simply list the parcels to which the water rights apply and insert the acreages of water rights for the respective parcels.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "Donald J. Chisholm", written in a cursive style.

Donald J. Chisholm

DJC/cmr
Enc.

Recording requested by
FRANK LUCAS
When Recorded mail to
3440 West 11400 South
South Jordan, UT 84095

Space above this line for Recorders Use

Mail tax statements to:

FRANK LUCAS, Trustee
By
Title

WARRANTY DEED

I, FRANK LUCAS, Grantor, of 3440 West 11400 South, South Jordan, UT 84095 hereby convey and warrant to FRANK LUCAS, Trustee, of the FRANK LUCAS LIVING TRUST, dated the 6th day of May, 20013, Grantee, of 3440 West 11400 South, South Jordan, UT 84095 for the sum of ten dollars (\$10.00) and other valuable consideration, the following described tract of land in Cassia County, Idaho, to wit:

TOWNSHIP 11 SOUTH, RANGE 29 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 29: SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 30: E $\frac{1}{2}$ NE $\frac{1}{4}$

Section 32: SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 33: SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the Grantee's heirs and assigns forever.

Executed on the 17th day of July, 2013, in the County of Salt Lake, State of Utah.

State of Utah

Salt Lake County

ss

FRANK LUCAS

On the 17th day of July, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared FRANK LUCAS personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

Signature

Notary Public

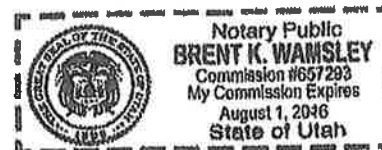


EXHIBIT A