

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 31 2021

Notice of Change in Water Right Ownership

Department of Water Resources
Eastern 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. **DEV**

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
✓ 34-512 ok	Yes ☒	Yes ☒	34-512	Yes ☐	Yes ☐
	Yes ☐	Yes ☐	34-14036	Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Brett & Darla Beard
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): James Rusty Johnson
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 112 Arthur Road Rebecca GA 31783
Mailing address City State ZIP
- 229-445-1388 rjcritter@bellsouth.net
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: October 2020
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: James Rusty Johnson 3-31-21
Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by JB Date 3/31/2021 Receipt No. E046787 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 Processed by JC Date 7/14/2021

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

Instrument # 259093
CHALLIS, CUSTER, IDAHO
11-06-2020 12:42:27 No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - BLACKFOOT
Lura H. Baker Fee: \$15.00
Ex-Officio Recorder Deputy: KW

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **929832-B (jcm)**

Date: **October 27, 2020**

For Value Received, **D. Brett Beard and Darla J. Beard, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **James Rusty Johnson, a single person**, hereinafter called the Grantee, whose current address is **112 Arthur Road, Rebecca, GA 31783**, the following described premises, situated in **Custer County, Idaho**, to-wit:

A PARCEL OF LAND GENERALLY DESCRIBED AS BEING A PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 15 OF TOWNSHIP 5 NORTH, RANGE 25 EAST OF THE BOISE MERIDIAN, CUSTER AND BUTTE COUNTIES, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER SECTION CORNER OF SAID SECTION 15, A FOUND 1912 BRASS CAPPED MONUMENT (RECORDED – INSTRUMENT NO. 224390), WHEREAS THE NORTHEAST CORNER OF SECTION 15 BEARS N. 89°52'09" E. A DISTANCE OF 2625.08 FEET AND IS A 1912 BRASS CAPPED MONUMENT (RECORD – INSTRUMENT NO. 37895); THENCE S. 00°15'40" W. FROM SAID NORTH QUARTER SECTION CORNER A DISTANCE OF 2648.45 FEET TO THE CENTER QUARTER SECTION CORNER OF SAID SECTION 15; THENCE N. 89°59'22" E. A DISTANCE OF 207.00 FEET TO A FOUND IRON ROD, POINT BEING THE POINT OF BEGINNING.

THENCE N. 00°15'43" E. 723.21 FEET TO A FOUND IRON ROD ON THE APPROXIMATE SOUTHERLY RIGHT-OF-WAY LINE OF ANTELOPE ROAD; THENCE CONTINUING N. 00°15'43" E. A DISTANCE OF 41.04 FEET TO THE APPROXIMATE CENTERLINE OF SAID ANTELOPE ROAD; THENCE N. 44°54'50" E. ALONG SAID CENTERLINE OF ANTELOPE ROAD A DISTANCE OF 568.04 FEET TO A POINT; THENCE N. 42°07'06" E. 54.93 FEET TO A POINT ON A CURVE WITH A RADIUS OF 550.00 FEET AND A CHORD BEARING N. 34°38'21" E. 143.18 FEET; THENCE IN A NORTHERLY DIRECTION TO THE LEFT ALONG SAID APPROXIMATE CENTERLINE OF ANTELOPE ROAD A DISTANCE OF 143.59 FEET THROUGH A CENTRAL ANGLE OF 14°57'29" TO A POINT ON THE NORTH SIXTEENTH LINE OF SAID SECTION 15; THENCE N. 89°55'48" E. ALONG SAID SIXTEENTH LINE A DISTANCE OF 29.21 FEET TO A FOUND ½ INCH IRON ROD, LS 12222; THENCE CONTINUING N. 89°55'48" E. ALONG SAID SIXTEENTH LINE A DISTANCE OF 1606.63 FEET TO A FOUND ½ INCH IRON ROD; THENCE S. 49°23'12" W. A DISTANCE OF 1367.21 FEET TO A FOUND ½ INCH IRON ROD AND LYING ON THE EAST SIXTEENTH LINE OF SECTION 15; THENCE S. 00°04'45" E. ALONG SAID SIXTEENTH LINE A DISTANCE OF 436.87 FEET TO A POINT ON THE CENTER SIXTEENTH LINE OF SECTION 15; THENCE S. 89°59'22" W. ALONG SAID SIXTEENTH LINE A DISTANCE OF 1121.36 FEET MORE OR LESS TO THE POINT OF BEGINNING.

Date: **10/27/2020**

Warranty Deed
- continued

File No.: **929832-B (jcm)**

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: 10/27/2020

Warranty Deed
- continued

File No.: 929832-B (jcm)

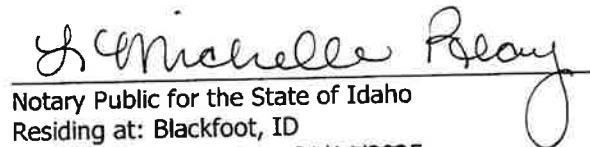

D. Brett Beard


Darla J. Beard

STATE OF Idaho)
COUNTY OF Custer)
SS.

On this **28th of October, 2020**, before me, a Notary Public in and for said State, personally appeared **D. Brett Beard and Darla J. Beard**, 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: Blackfoot, ID
My Commission Expires: ~~01/14/2025~~
09/04/2024

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/31/2021

Water Right 34-512

Owner Type **Name and Address**
Current Owner DARLA J BEARD
 3121 N 3350 W
 MOORE, ID 83255-8760

Current Owner D BRETT BEARD
 3121 N 3350 W
 MOORE, ID 83255-8760

Priority Date: 5/12/1909

Basis: Decreed

Status: Active

Source
ANTELOPE CREEK

Tributary
BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	1.060 CFS	
	<u>Total Diversion</u>		1.060 CFS	

Source and Point(s) of Diversion

ANTELOPE CREEK NWSENE Sec. 21, Twp 05N, Rge 25E, CUSTER County

Place of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	25E	15	11.7	4.0	14.3	15.0													45.0

POU Total Acres: 45.0

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. 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.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. WATER DELIVERED THROUGH HANRAHAN DITCH.



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

July 22, 2021

JAMES RUSTY JOHNSON
112 ARTHUR RD
REBECCA GA 31783-3248

Re: Change in Water Right Ownership: 34-512 (Split into 34-512 and 34-14836),

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: DARLA J BEARD
D BRETT BEARD
WATER DISTRICT 34