



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

March 22, 2021

Gary Spackman
Director

TRAVIS THAYNE WILLIAMS
HEATHER PAULINE WILLIAMS
2775 N BUCKSKIN LN
GLENN'S FERRY ID 83623-4800

RE: Change in Ownership Water Right Nos: 29-8239, 29-10400, and 29-10552

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received Notices of Change in Water Right Ownership (Notice) from you on January 4, 2021 and February 8, 2021 for the above referenced water rights. The Notices could not be processed because water rights 29-8239 and 29-10552 are not appurtenant to the property described in the quit claim deed you provided. Water right 29-10400 is appurtenant to the property described in the quit claim deed, but that right is in the name of Donald T & Nelda M Williams Trust. The quit claim deed is not sufficient documentation to update water right 29-10400 and requires trust conveyance documents as explained in a previous email conversation (last dated March 19, 2021).

The Department is returning your Notices of Change in Water Right Ownership and the attachments. A refund of \$75 has been requested and will be mailed to Travis T. or Heather Williams 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) 287-4920.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Debbi Judd', is written over a light blue horizontal line.

Debbi Judd
Technical Records Specialist

Enclosures

From: Judd, Debbi
To: [IdwrPayable](#)
Subject: Refund request
Date: Friday, March 19, 2021 1:42:00 PM

TO: Sascha Marston
FROM: Debbi Judd
DATE: March 19, 2021
RE: Refund: Ownership change

Please refund \$75. Ownership change for three water rights was not processed.

NAME: TRAVIS T OR HEATHER WILLIAMS

ADDRESS: 2275 N BUCKSKIN LN
GLENN'S FERRY ID 83623-4800

RECEIPTS #: C109766 & C109898

-
Thank you.

Debbi

Debbi Judd
Technical Records Specialist
debbi.judd@idwr.idaho.gov

Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise, ID 83720-0098
208-287-4920
www.idwr.idaho.gov

From: [Judd, Debbi](#)
To: [Travis and Heather Williams](#)
Subject: RE: trust.pdf
Date: Friday, March 19, 2021 10:06:00 AM

Heather,

The death certificate would have been sufficient to remove Donald as an owner for 29-8239, but that water right is not appurtenant to the property described in the quit claim deed. The ownership for that water right will not be updated. Water rights 29-10400 and 29-10552 are in the name of the trust. Water right 29-10552 is also not appurtenant to the property described in the quit claim deed and also will not be updated. The only water right appurtenant to the property described in the quit claim deed is 29-10400, which is the only right that can be updated according to the quit claim deed property description, but that right can only be updated with the appropriate documents described in the email below. I will be returning the ownership change notices for all water rights on Monday and you can resubmit a notice for 29-10400 when you have the necessary documents. A refund will be requested for the fees paid for all three water rights.

Thanks
Debbi

From: Travis and Heather Williams [mailto:williamsteacupranch@gmail.com]
Sent: Thursday, March 18, 2021 5:13 PM
To: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Subject: Re: trust.pdf

Thank you. This is helpful. You previously said that the death certificate transferred 29-8239, is that still correct? We are currently just working on 29-10400 and 29-10552?

On Thu, Mar 18, 2021 at 4:02 PM Judd, Debbi <Debbi.Judd@idwr.idaho.gov> wrote:

Heather,

This is a somewhat complicated. First, after plotting the property described in the quit claim deed, only one water right is appurtenant to the property. That water right is 29-10400, which is a domestic and stockwater right. I asked one of our attorneys to review the trust for guidance and the following was his determination:

“If Nelda (the Trustee and Surviving Spouse) desires to convey property held in the trust she needs to convey the property out of the trust first. In this case my advice would be that IDWR obtain the written instrument conveying the property pursuant to Article VII, Section 3.

That section requires the following:

1. Surviving Spouse --> Trustee = Instrument in writing describing property to be

withdrawn.

2. Trustee --> Surviving Spouse = Nelda may convey and deliver property.

Obviously, we do have the Quit Claim Deed illustrating the second part of this "transaction." However, we do not have an instrument in writing showing the property being withdrawn from the trust. So, from a legal perspective, Nelda's Quit Claim Deed was conveying trust property, not actually owned by her.

To rectify this, my advice would be for IDWR to, again, obtain the written conveyance from Nelda acting as Trustee to Nelda as the Surviving Spouse. This would also necessitate a new quit claim, as only then would the property be Nelda's individual ("free of trust") property to convey."

I think his explanation is better than my trying to explain what his conclusions are. You may need legal assistance with this as it is fairly complicated.

Thanks,
Debbi

From: Travis and Heather Williams [mailto:williamsteacupranch@gmail.com]
Sent: Thursday, March 18, 2021 3:39 PM
To: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Subject: Re: trust.pdf

Hi Debbi,

Can you give me an update on where we are with these water rights? Thanks, Heather

On Thu, Feb 4, 2021 at 12:44 PM Judd, Debbi <Debbi.Judd@idwr.idaho.gov> wrote:
Thank you for letting me know, I'll be watching for it.

Debbi

From: Travis and Heather Williams [mailto:williamsteacupranch@gmail.com]
Sent: Thursday, February 04, 2021 12:02 PM
To: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Subject: Re: trust.pdf

I put a copy in the mail, along with the additional water right Change of Ownership form and \$25. Thanks!

On Tue, Feb 2, 2021 at 11:51 AM Judd, Debbi <Debbi.Judd@idwr.idaho.gov> wrote:

I'm not able to download, save, or print the document. You might try reducing the size of the pdf. In Adobe: File-Save as Other-Reduced Size pdf. I'm not sure it will work. The other options are to send them a few pages at a time or mail hard copies. Sorry I can't be of more help.

From: Travis and Heather Williams [mailto:williamsteacupranch@gmail.com]

Sent: Tuesday, February 2, 2021 10:35 AM

To: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>

Subject: Re: trust.pdf

You should be able to download it to your computer and then save it or print it. There is not a conveyance document other than the Trust. In the terms of the Trust the property became Nelda's upon Donald's death. It appears she just took the death certificate and the Trust to the county and they transferred the property to her name back in 2002.

On Tue, Feb 2, 2021 at 10:22 AM Judd, Debbi <Debbi.Judd@idwr.idaho.gov> wrote:

I am able to read this document, but I can't save or print it. Also, we need a conveyance document from the trust to Nelda.

From: Travis and Heather Wil... (via Google Drive)

[mailto:williamsteacupranch@gmail.com]

Sent: Tuesday, February 2, 2021 10:10 AM

To: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>

Subject: trust.pdf

williamsteacupranch@gmail.com has shared the following file:


[trust.pdf](#)

 Hi Debbi,

I am not able to email this attachment because of the size, therefore I am sharing it through Google Drive. Thanks, Heather Williams

[Open](#)

This email grants access to this item without logging in. Only forward it to people you trust.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED DE

JAN 04 2021

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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-10400	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-8239	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Donald T. and Nelda M. Williams Trust; Nelda M. Williams; Donald Williams;
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Travis Thayne and Heather Pauline Williams
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 2775 N Buckskin Lane Glenns Ferry ID 83623
Mailing address City State ZIP
- 208-316-6205 williamsteacupranch@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: 12/23/2019
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):
 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.

8. Signature: Travis T. Williams Title, if applicable _____ Date 12/29/20
 Signature of new owner/claimant

Signature: Heather P. Williams Title, if applicable _____ Date 12/29/2020
 Signature of new owner/claimant

For IDWR Office Use Only:

Received by ku Date 1-4-21 Receipt No. C109766 Receipt Amt. \$ 50 -

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 _____

RECORDING REQUESTED BY:
Travis Thayne and Heather Pauline Williams

Instrument # 215276
POWER COUNTY, IDAHO
12-31-2019 01:30:31 PM No. of Pages: 3
Recorded for : HEATHER WILLIAMS
SHAREE SPRAGUE Fee: 16.00
Ex-Officio Recorder Deputy Amiles

RETURN DEED TO:
Travis Thayne and Heather Pauline Williams,
2775 N Buckskin Lane
Glenns Ferry, Idaho 83623

(Above reserved for official use only)

SEND TAX STATEMENTS TO:
Travis Thayne & Heather Pauline
Williams,
2775 N Buckskin Lane
Glenns Ferry, Idaho 83623

QUIT CLAIM DEED FOR IDAHO

STATE OF IDAHO
COUNTY OF POWER

THIS DEED is made this day of 12/13/2019 by and between the "Grantor,"

Nelda M. Williams, an unmarried individual residing at 1554 Bowen Lane, Arbon , Idaho
83212

AND the "Grantee,"

Travis Thayne and Heather Pauline Williams, husband and wife, residing at 2775 N
Buckskin Lane, Glenns Ferry, Idaho 83623

FOR CONSIDERATION of ten and no/100 dollars, and other valuable considerations, the receipt
and sufficiency of which is hereby acknowledged, Grantor hereby quitclaims to Grantee and
Grantee's heirs and assigns forever, all of Grantor's rights, titles, interests, and claims in or to the
following described real estate (the "**Property**"), together with all hereditaments and
appurtenances belonging thereto, located in Power county, Idaho, subject to any restrictions herein:

Property Address: 1554 Bowen Lane , Arbon , Idaho 83212

Legal Description: located in the west 1/2 and part of the northwest 1/4 northeast 1/4, Section 9,
Township 11 South Range 33 East B.M. Power County, Idaho described as: Commencing at the
Northwest corner of said Section 9: Thence S 89°56'14"E 1320.46 feet along the North line of said
Section to the Point of Beginning; Thence, S 89°56'14"E 1320.46 feet along said North line to the
North 1/4 corner of said Section; Thence S 89°56'31" E 175.03 feet along the North line of said
Section to the East line of the West 175.00 feet of the Northwest 1/4 Northeast 1/4 of said Section;

Thence S 00°00'14" W 1320.79 feet along the East line to the South line of said West 175 feet; Thence S 89°42'50" W 175.09 feet along said South line to the North-South 1/4 line of said Section; Thence S 00°00'23"W 3249.47 feet along the North-South 1/4 line to an existing fence line; Thence along said fence line for the following nine (9) courses, (1) N 59°26'08" W 133.22 feet; (2) Thence, N 59°30'11" W 288.79 feet; (3) Thence, N 15°36'23" W 438.93 feet; (4) Thence, N 49°43'44" W 652.65 feet; (5) Thence, N 28°32'43" W 522.11 feet; (6) Thence, N 02°08'47" W 1296.27 feet; (7) Thence, N 01°21'38" W 915.50 feet; (8) Thence, N 01°24'48" W 373.56 feet; (9) Thence, N 01°22'43" W 471.28 feet to the Point of Beginning. Parcel contains 118.75 acres more or less.

[SIGNATURE PAGE FOLLOWS]

NOTARY ACKNOWLEDGMENT

IDAHO

COUNTY OF Bannock

On 12/23/2019 before me, Jill M Bright, personally appeared **Nelda M. Williams**, personally known to me or proved on the basis of satisfactory evidence 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 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Commission Expires: 06/06/2020

Jill M Bright
Notary Public, Idaho



Nelda M Williams

12/23/2019

STATE OF IDAHO
DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS

Date Filed **NOVEMBER 13, 2001**

CERTIFICATE OF DEATH

State File No. **2001-07900**

DECEDENT - NAME DONALD THAYNE WILLIAMS				AGE 79 YEARS	
DATE OF DEATH NOV. 01, 2001		SEX MALE	SOCIAL SECURITY NUMBER [REDACTED]	DATE OF BIRTH OCT. 30, 1922	BIRTHPLACE IDAHO
WAS DECEDENT EVER IN U.S. ARMED FORCES? YES		MARRITAL STATUS MARRIED		SURVIVING SPOUSE (If wife, maiden name) NELDA MARIE WARD	
CITY, TOWN OR LOCATION OF DEATH POCATELLO, IDAHO		RESIDENCE STATE IDAHO			
CITY, TOWN OR LOCATION ARBON		FATHER - NAME EDWARD GLEED WILLIAMS			
BIRTHPLACE IDAHO		MOTHER - FULL MAIDEN NAME MARTHA BLAISDELL			
BIRTHPLACE UTAH		NAME AND ADDRESS OF MORTUARY COLONIAL FUNERAL HOME, POCATELLO, IDAHO			
FUNERAL SERVICE LICENSEE CRAIG W BARNES					
METHOD OF DISPOSITION BURIAL		TIME OF DEATH 11:08 A.M.		MANNER OF DEATH ACCIDENT	
CAUSE OF DEATH (underlying cause last) a. PULMONARY FIBROSIS					Approximate Interval Between Onset and Death 2 WEEKS
DUE TO (or as a consequence of): b. PNEUMONIA					2 WEEKS
DUE TO (or as a consequence of): c. QUADRIPLÉGIA					7 YEARS
DUE TO (or as a consequence of): d. SNOW MOBILE ACCIDENT					7 YEARS
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE LISTED					AUTOPSY PERFORMED? NO
NAME OF CERTIFIER CORWIN P. GROOM, M.D.				TITLE OF CERTIFIER PHYSICIAN	
CORONER REVIEW AREA					
ACTION				NAME JOHN CLYDE BROSA	
EXTERNAL CAUSES ONLY					
DATE OF INJURY MARCH 14, 1994		HOUR OF INJURY 4:00 P.M.		INJURY AT WORK? NO	
DESCRIPTION OF HOW INJURY OCCURRED SNOWMOBILE ACCIDENT FRACTURING HIS NECK					
PLACE OF INJURY FARM		LOCATION OF INJURY RURAL ARBON VALLEY, IDAHO			

SUPPLEMENTAL INFORMATION ADDED: 12/20/2001

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

NOVEMBER 13, 2008

DATE ISSUED:

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

Jane S. Smith
JANE S. SMITH
STATE REGISTRAR



ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

June 8, 2021

RECEIVED

JUN 14 2021

DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

Re: Donald T. and Nelda M. Williams Trust

To whom it may concern:

I do legal work for the family of Donald T. (deceased) and Nelda M. Williams. As a part of their estate plan the Donald T. and Nelda M. Williams Trust was established pursuant to Trust Agreement dated December 4, 1998. The current co-trustees of the Trust are Nelda M. Williams, and grandsons Travis T. Williams, and Justin E. Williams. Enclosed please find a copy of the Certificate of Trust which evidences the existence of the Trust and the authority of the co-trustees in accordance with Idaho law.

It has come to our attention that a copy of the entire Trust Agreement is posted on the public's site at the following IDWR link:

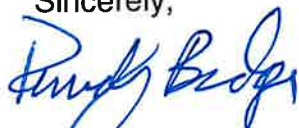
<https://idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=29&Sequence=10400&SplitSuffix=>

https://idwr.idaho.gov/apps/ExtSearch/DocslImages/t5x601_.PDF

The Trust Agreement incorrectly and inadvertently became a part of the public record after it was provided by email dated 2/2/2021 from Travis and Heather Williams to IDWR employee Debbi Judd in conjunction with a change of water rights ownership. Notwithstanding, it is the desire of the family to protect their privacy by removing this document from public record and substituting in its place the attached Certificate of Trust.

Please address this at your earliest convenience and contact me if you have any questions.

Sincerely,



RANDALL C. BUDGE

RCB:ts

c: Nelda Williams, Co-Trustee
Travis Williams, Co-Trustee
Justin Williams, Co-Trustee

CERTIFICATE OF TRUST

The undersigned trustees hereby certify the following:

1. This Certificate of Trust relates to the DONALD T. AND NELDA M. WILLIAMS TRUST dated December 4, 1998 (the "trust") created by trust agreement (the "trust agreement").
2. The names of the grantors are DONALD T. WILLIAMS and NELDA M. WILLIAMS.
3. Grantor DONALD T. WILLIAMS died on November 1, 2001.
4. The qualified and acting Co-Trustees established pursuant to Trust Agreement dated December 4, 1998 are NELDA M. WILLIAMS, TRAVIS T. WILLIAMS, and JUSTIN E. WILLIAMS.
5. The name and address of each trustee empowered to act under the trust agreement at the time of the execution of this Certificate of Trust are:

Primary Co-Trustee: NELDA M. WILLIAMS
1554 Bowen Lane
Arbon, Idaho 83212

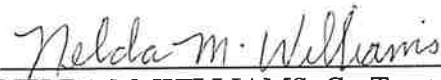
Primary Co-Trustee: TRAVIS T. WILLIAMS
2775 N. Buckskin Lane
Glenns Ferry, Idaho 83623

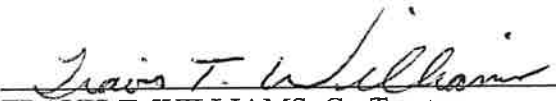
Primary Co-Trustee: JUSTIN E. WILLIAMS
4360 Eph Lane
Arbon, Idaho 83212

First Successor: The Survivor of the above-named Trustees

6. The trustee(s) are authorized by the trust agreement to have all the rights, powers and authority to deal with and manage the assets of this trust that an individual owner would have if there were no trust and the trustee(s) were acting as legally competent individual(s) dealing with their own property. This includes, but is by no means limited to the right to borrow against or pledge any of the trust assets, including the right to mortgage real estate and margin stocks or other securities owned by the trust. This includes all powers now or hereafter conferred upon trustee(s) by applicable state law, and also those powers appropriate to the orderly and effective administration of the trust.

6. The undersigned hereby represent that the statements contained in this Certificate of Trust are true and correct, and that there are no other provisions in the trust agreement or amendments to it that limit the powers of the trustee(s) to sell, convey, pledge, mortgage, lease, manage, operate, control, transfer title, divide, convert, allot, or sell upon deferred payments trust property, including real and personal property, that would create liability for any third party relying on this document as authorization for trustee(s)' authority.
7. This trust has not been revoked, modified, or amended in any manner which would cause the representations in this certification of trust to be incorrect. This Certificate of Trust is being signed by all currently acting trustees of the trust.
8. Pursuant to Idaho Code Section 68-114 a trustee may present a certification of trust to any person in lieu of any trust instrument to establish the existence or terms of the trust.


NELDA M. WILLIAMS, Co-Trustee


TRAVIS T. WILLIAMS, Co-Trustee


JUSTIN E. WILLIAMS, Co-Trustee

STATE OF IDAHO)
 : SS.
County of Power)

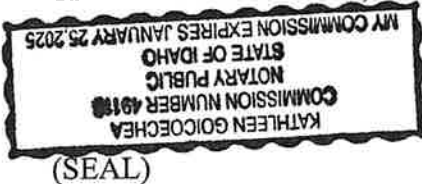
This record was acknowledged before me on this 1st day of June, 2021, by
NELDA M. WILLIAMS, as Co-Trustee of the Donald T. and Nelda M. Williams Family Trust.



Beth A. Curry
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 8/12/2022

STATE OF IDAHO)
 : SS.
County of Gooding)

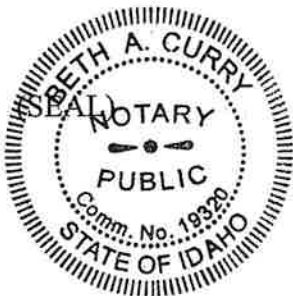
This record was acknowledged before me on this 18 day of May, 2021, by
TRAVIS T. WILLIAMS, as Co-Trustee of the Donald T. and Nelda M. Williams Family Trust.



Kathleen Goicoechea
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 1/25/2025

STATE OF IDAHO)
 : SS.
County of Power)

This record was acknowledged before me on this 1st day of June, 2021, by
JUSTIN E. WILLIAMS, as Co-Trustee of the Donald T. and Nelda M. Williams Family Trust.



Beth A. Curry
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 8/12/2022

This instrument was drafted by
Randall C. Budge, Attorney-at-Law
201 E. Center Street, Pocatello, Idaho 83201