

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 28 2020
Department of Water Resources
Laramie, WY

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. **✓ D6**

| Water Right/Claim No. | Split? | Leased to Water Supply Bank? | Water Right/Claim No. | Split? | Leased to Water Supply Bank? |
|-----------------------|---|---|-----------------------|------------------------------|------------------------------|
| 34-328A OK | Yes <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> | 34-328A | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 34-10561 OK | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> | 34-14815 | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> | | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> | | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> | | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: _____

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Mountain States Properties, LLC, in c/o Douglas A. Sayer, Manager

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

1858 W. Bridge Street

Blackfoot

Id

83221

Mailing address

City

State

ZIP

208-782-9103

ssayer@ptius.net; dsayer@ptius.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: 5/17/2019
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):
- ☐ \$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: *Douglas A. Sayer* Attorney 8/25/2020
Signature of new owner/claimant Title, if applicable Date

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

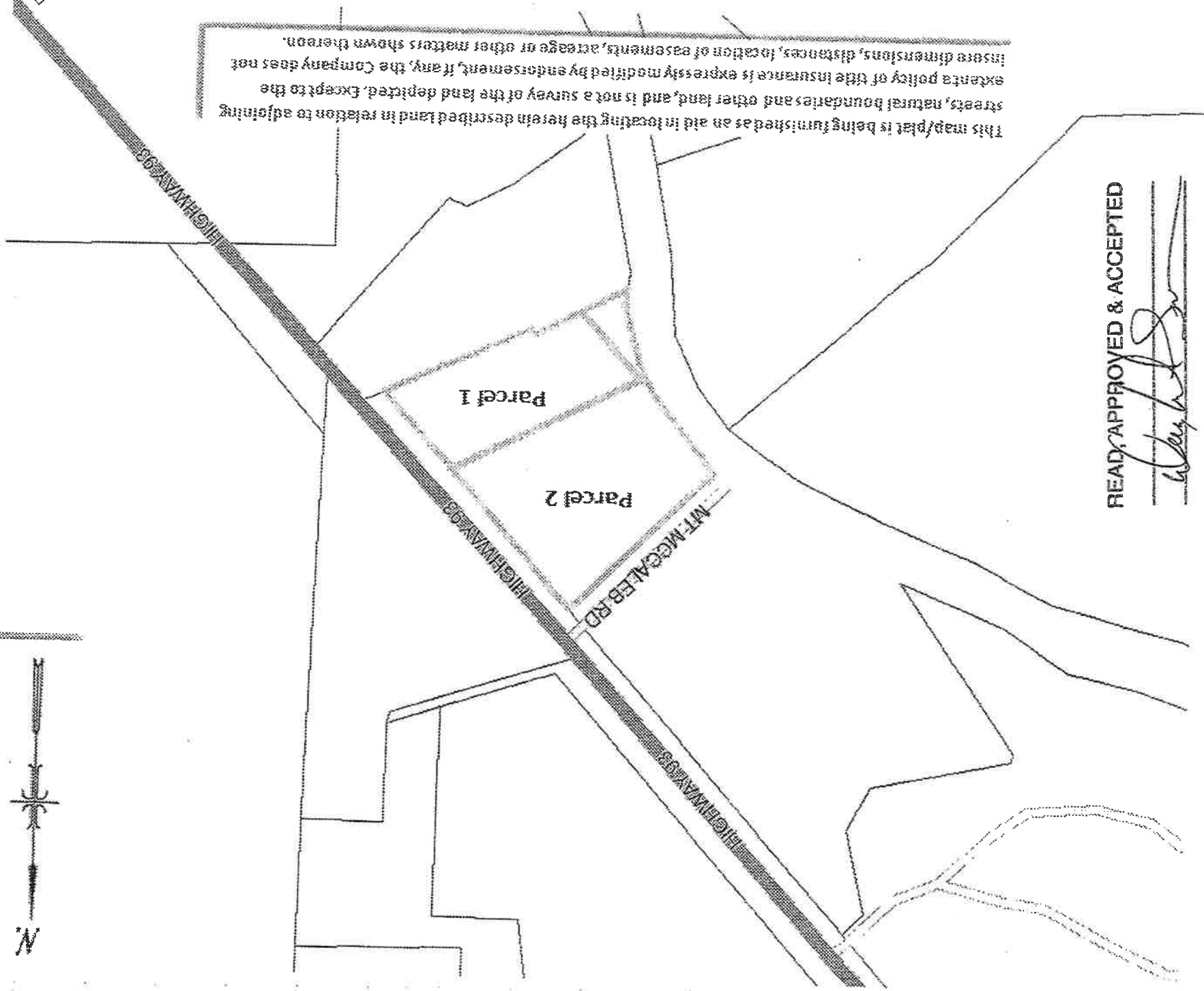
For IDWR Office Use Only:

Received by JB Date 8/28/20 Receipt No. E046230 Receipt Amt. \$125.-
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 JB Processed by JC Date 12/1/20

READ, APPROVED & ACCEPTED

Wayne D. Smith

This map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



WHEN RECORDED MAIL TO:

Randall C. Budge, Attorney
Racine Olson, PLLC
P.O. Box 1391
Pocatello, Idaho 83204-1391

WARRANTY DEED

| <u>Grantor</u> | <u>Grantee</u> |
|---|---|
| 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 | Mountain States Properties, LLC, an Idaho limited liability company, in care of Douglas A. Sayer, Manager, whose address is 1858 W. Bridge Street, Blackfoot, Idaho 83221 |

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the Grantor hereby sells and forever transfers the following parcels of real property (the "Property") to the Grantee, including the Grantor's right, title and interest therein:

- Parcel 1:** A 1.09 acre parcel described in Exhibit A-1 attached hereto and incorporated by reference.
- Parcel 2:** A 1.825 acre parcel described in Exhibit A-2 attached hereto and incorporated by reference, together with a 50 foot easement for ingress and egress described in Exhibit B attached hereto and incorporated by reference.

TOGETHER WITH AND INCLUDING any and all fixtures and improvements, any and all appurtenances, tenements, and hereditaments, and any and all rents, issues, and profits that relate or otherwise pertain to the foregoing parcels of real property.

TO HAVE AND TO HOLD the foregoing parcels of real property unto the Grantee and its successors and assigns forever.

Grantor does hereby covenant with and warrant the Grantee that Grantor is lawfully seized in fee simple of the Property, has good right and lawful authority to sell and convey the Property, and that Grantor fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

SUBJECT TO taxes, levies, and assessments for the current year not yet due and payable and the following items: discrepancies, conflicts in boundary lines, shortage in area, encroachments, easements, right of ways, boundary line agreements, development agreements, water supply agreements, plats, covenants, conditions, restrictions, reservations, all zoning, building and use laws or restrictions; along with any state of facts that an accurate survey or inspection of the Property would show.

IN WITNESS WHEREOF, the Grantors hereunto set their hands this 17 day of May, 2019.

ARDELL AND MARGARET WARNER FAMILY TRUST

By: Terrell R. Warner
TERRELL R. WARNER, Trustee

STATE OF IDAHO)
County of Bingham) ss.

This record was acknowledged before me on this 17 day of May, 2019, by TERRELL R. WARNER, as Trustee of the Ardell and Margaret Warner Family Trust.

(SEAL)

Kassandra Stecklein
NOTARY PUBLIC FOR IDAHO
My Commission Expires: _____

Resides in: Blackfoot, ID
Commission Expires: 2-21-2025

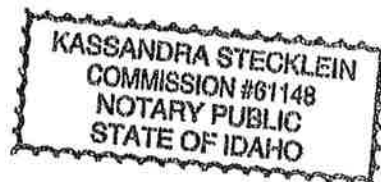


EXHIBIT A-1

Part of the NE ¼ - SE ¼, Section 18, Township 7 North, Range 24 East B.M. Custer County, Idaho described as:

Commencing at the Southeast corner of said Section 18; Thence N 01° 03' 02" E 1341.87 feet along the East line of Section 18 to the Northeast corner of the SE ¼ - SE ¼; Thence N 01° 06' 01" E 132.82 feet (Deed 133.07 feet) to the Southwesterly right of way of U.S. Highway 93; Thence, N 41° 25' 35" W 147.28 feet (Deed 147.25 feet) along said right of way to the South line of a parcel described in Deed Instrument No. 247560 and the Point of Beginning; Thence, S 65° 59' 13." W 250.23 feet along the South line to a West line of said parcel; Thence, N 26° 26' 40" W 9.67 feet along the West line to a South line of said parcel; Thence, S 63° 33' 14" W 80.42 feet along the South line to the West line of said parcel; Thence, N 41° 25' 35" W 140.00 feet along the West line to the North line of said parcel; Thence, N 63° 33' 14" E 325.00 feet along the North line to said right of way; Thence S 41° 25' 35.0" E 161.01 feet along said right of way to the Point of Beginning.

Parcel contains 1.09 acres more or less.

EXHIBIT A-2

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.

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.

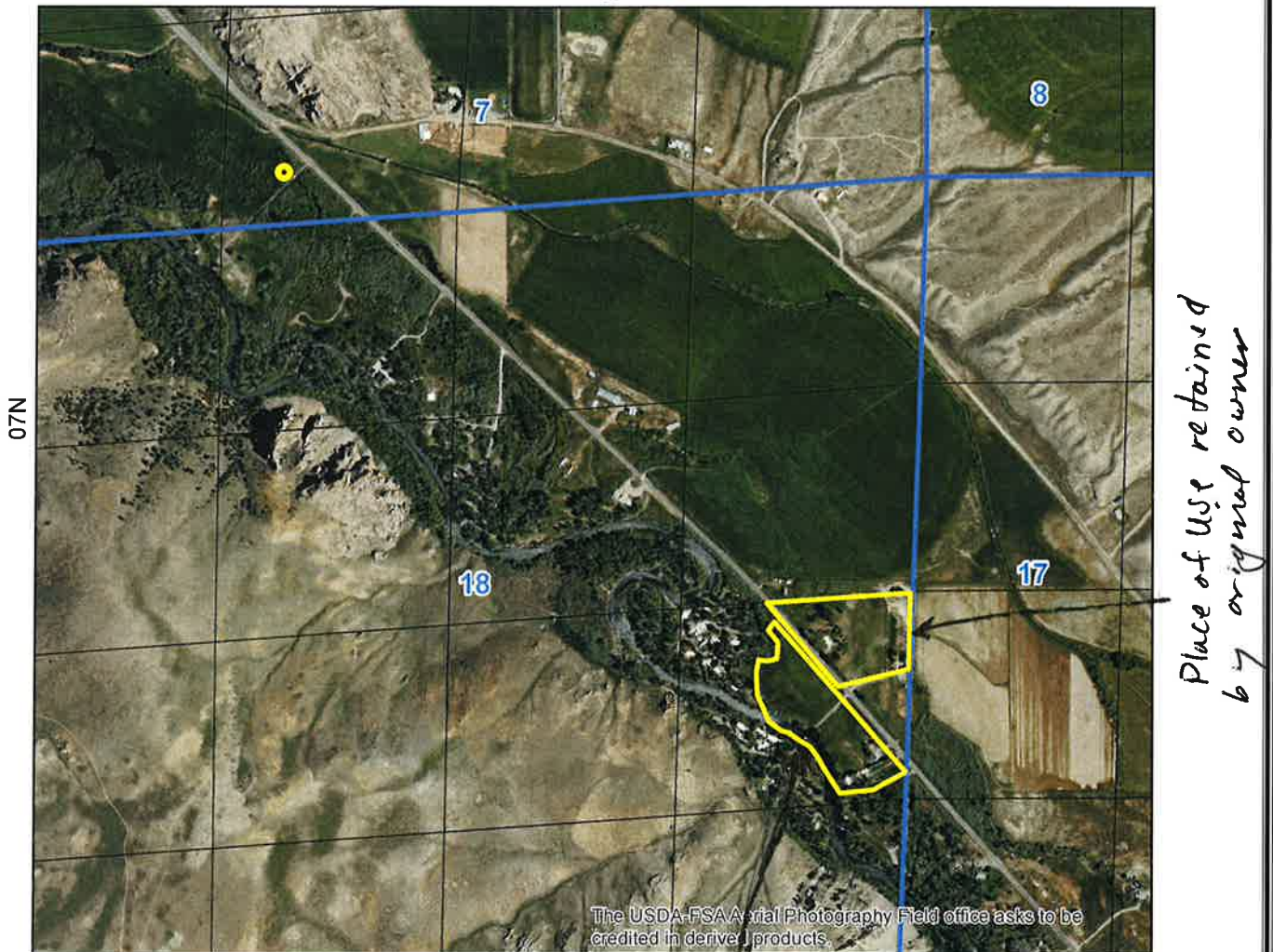
State of Idaho
Department of Water Resources

Water Right
34-328A

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

24E



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.125 0.25 0.5 Miles

*Place of Use - split to
Mountain States Properties, LLC*





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WATER RIGHT REPORT

6/9/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-328A

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|--|
| Current Owner | THE BROWER FAMILY TRUST 4550 N US HIGHWAY 93 MACKAY, ID 83251-4400 2085892589 |
| Original Owner | ORVEATA P WARNER 666 W DAY #309 POCATELLO, ID 83201 2082336477 |

Priority Date: 06/01/1905

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| SPRING | BIG LOST RIVER |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION | 5/01 | 10/15 | 0.715 CFS | |
| Total Diversion | | | 0.715 CFS | |

Location of Point(s) of Diversion:

SPRING|SWSESW|Sec. 07|Township 07N|Range 24E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 07N | 24E | 18 | | NESE | 20 | | | | | | | | | |

Total Acres: 20

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. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. RIGHT NO. 34-00328B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

State of Idaho
Department of Water Resources






Water Right
34-10561

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

24E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles

*For change of Ownership
to Mountain States Properties, LLC*



IDAHO Department of Water Resources



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WATER RIGHT REPORT

6/9/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-10561

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner | ARDELL G WARNER |
| Current Owner | MARGARET WARNER |
| | STAR RT |
| | MACKAY, ID 83251 |
| | 2085883366 |

Priority Date: 05/06/1966

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER | |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| DOMESTIC | 1/01 | 12/31 | 0.04 CFS | |
| Total Diversion | | | 0.04 CFS | |

Location of Point(s) of Diversion:

GROUND WATER|SENESE|Sec. 18|Township 07N|Range 24E|CUSTER County

Place(s) of use:

Place of Use Legal Description: DOMESTIC CUSTER County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 07N | 24E | 18 | | NESE | | | | | | | | | | |

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP07N24E187240

Dates:

Licensed Date:

Decreed Date: 11/15/1996

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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 its behalf.

DATED this 18 day of August, 2020.

Mountain States Properties, LLC

By: 

Douglas A. Sayer, Manager
1858 W. Bridge Street
Blackfoot, Idaho 83221
208-782-9103

STATE OF IDAHO)
 : ss.
County of Bingham)

This record was acknowledged before me on this 18 day of August, 2020, by Douglas A. Sayer, as Manager of Mountain States Properties, LLC.

(SEAL)




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



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

December 01, 2020

MOUNTAIN STATES PROPERTIES LLC
1858 W BRIDGE RD
BLACKFOOT ID 83221-5115

Re: Change in Water Right Ownership: 34-328 A (Split into 34-328 A and 34-14815)

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
RACINE OLSON
WATER DISTRICT 34



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

August 25, 2020

RECEIVED
AUG 28 2020
Department of Water Resources
Eastern Region

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 \$125 for the filing fee. Please file the original and conform stamp the copies and return one to me and one to Mountain States Properties, LLC in the enclosed stamped and addressed return envelopes.

Please note in the map attachments we have identified the place of use for the outside irrigation around the home for purposes of the domestic water right no. 34-10581 for which ownership is changed in its entirety. We have also identified the place of use for the irrigation right no. 34-328A to be split. This provides for 0.04 cfs to be transferred to Mountain States Properties, LLC for an estimated 2 acres. If your mapping software has the ability to more accurately identify this place of use the split can be modified accordingly.

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

Sincerely,

A handwritten signature in blue ink that reads 'Randy Budge'.

RANDALL C. BUDGE

RCB:ts
Enclosures
cc: Mountain States Properties, LLC
% Douglas and Shelly Sayer