

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 01 2020

Department of Water Resources  
Eastern 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 #6 of the instructions.

\* Home 5 tendency

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
74-250	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	74-7147	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
74-739	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	74-16008	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
74-740	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	74-735	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
74-741	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	74-1670A *	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
74-742	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	74-736 / 74-737	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Lynn Herbst and Robin Herbst  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Herbst Cattle LLC  
New owner(s) as listed on the conveyance document
- PO Box 78 Tendoy Name connector ☐ and ☐ or ☐ and/or  
Mailing address City ID 83468  
208-756-7083 State ZIP  
Telephone dreherbst@gmail.com 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: January 1, 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):  
     o \$25 per undivided water right. - Already submitted and on file in Idwr office.  
     o \$100 per split water right. **SUPPORT DATA**  
     o No fee is required for pending adjudication claims. **IN FILE # 74-250**  
☐ 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: Drew Herbst sole member, Herbst Cattle LLC 6/18/2020  
 Signature of new owner/claimant Title, if applicable Date

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

**For IDWR Office Use Only:** \* 74-1670A Previously complete w/same legal by JH state office.  
 Received by JB Date 1/16/20 Receipt No. E045569 Receipt Amt. \$275  
 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 JB Date 6/19/20

Instrument # 318565 # Pages: 4  
LEMHI COUNTY, Idaho  
Jan 10, 2020 10:03:40 am Fee: \$ 15.00  
For: BILL ALLEN ACCOUNTING  
BRENDA ARMSTRONG, Recorder  
CMORSE, Deputy

## Warranty Deed

### 1 Date

January 1, 2020

### 2 Parties

Grantors: Lynn A. Herbst and Robin R. Herbst, Husband and Wife.

Current address: 26 Pine Creek Ranch Road, Salmon, ID 83467.

Grantee: Herbst Cattle, LLC, an Idaho limited liability company.

Current address: P.O. Box 78, Tendoy, ID 83468-0078.

### 3 Property

Idaho County: Lemhi

Transferred Interest: All of Grantor's undivided Interest.

See Exhibit A.

Together with: All improvements and appurtenances, including water rights.

Subject to: Rights of way for roads and ditches now existing on the property plus all easements and rights-of-way of record, if any, covenants, restrictions, reservations, applicable building and zoning ordinances, use regulations and restrictions, and accruing taxes.

Taxes and assessments for the current year and all subsequent years.

All facts, rights, claims and interest ascertainable by inspection of the property or by inquiry of persons in possession.

### 4 Consideration

Ten Dollars and other good and valuable consideration, receipt of which is acknowledged.

### 5 Grant

Grantors, for the consideration listed above hereby grant, bargain, sell, convey and confirm to Grantee, its heirs, successors and assigns, the transferred interest in the property described in this deed.

### 6 Warranties

Grantors, for themselves, their heirs, successors and assigns, covenant with Grantee, its heirs, successors and assigns as follows:

Grantors are currently the owners of the property as described in this deed.

Grantors have good right to convey the property described in this deed to Grantees.

The property described in this deed is free from all encumbrances, except as otherwise shown in this deed or of record.

Grantors warrant and will defend the quiet and peaceful possession of the property granted by this deed to Grantee, its heirs, successors and assigns against the lawful claims of all persons.

## 7 Construction

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

Lynn A. Herbst  
Lynn A. Herbst

Robin R. Herbst  
Robin R. Herbst

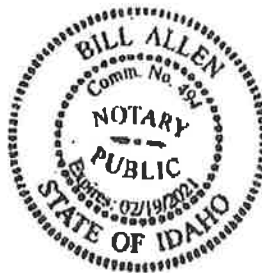
State of Idaho

ss.

County of Lemhi

On this 18<sup>th</sup> day of December, 2019, before me, an Idaho notary public, personally appeared Lynn A. Herbst and Robin R. Herbst, 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.

Bill Allen  
Notary Public for Idaho  
Residing at: Idaho Falls, Idaho  
Commission Expires: ~~06/20/2022~~  
(Seal) 02/19/2021



**EXHIBIT A****Parcel One**

A tract of land embracing a fraction of the SE1/4 NW1/4 fraction of the SW1/4 NE1/4, fraction of the E1/2 SW1/4, fraction of the W1/2 SE1/4 of Section 17; the W1/2 NW1/4, fraction of the E1/2 NW1/4, the NW1/4 SW1/4, fraction of the E1/2 SW1/4 of Section 20; fraction of the NE1/4 NW1/4 of Section 29; all in Township 19 North, Range 24 East, Boise Meridian, and more particularly described as follows, to-wit:

Beginning at a point 41 feet west of the northeast corner of the SE1/4 NW1/4 of Section 17, run thence South 6 degrees 42' East 800.0 feet; thence South 5 degrees 01' East, 1,410.5 feet; thence South 0 degrees 53' West, 450.2 feet; thence South 8 degrees 23' West, 827.5 feet; thence South 9 degrees 15' West, 507.0 feet, from which point the South one-quarter corner of Section 17 bears North 59 degrees 41' East 37.2 feet; thence continuing South 9 degrees 15' West, 1,225.0 feet; thence South 8 degrees 42' West, 1,472.4 feet; thence South 1 degree 07' East, 856.0 feet; thence South 7 degrees 52' East, 970.5 feet; thence South 17 degrees 11' East, 489.1 feet; thence South 7 degrees 18' East, 584.4 feet; thence South 6 degrees 59' East, 650 feet, more or less to the east line of the NE1/4 NW1/4 of Section 29; thence south to the southeast corner of said NE1/4 NW1/4 of Section 29, thence west to the southwest corner of said NE1/4 NW1/4 of Section 29; thence north to the southeast corner of the NW1/2 SW1/4 of Section 20; thence west to the southwest corner of said NW1/4 SW1/4 of Section 20; thence north to the northwest corner of the NW1/4 NW1/4 of Section 20; thence east to the northeast corner of said NW1/4 NW1/4 of Section 20; thence north to the northwest corner of the SE1/4 NW1/4 of Section 17; thence east to a point 41 feet west of the northeast corner of the SE1/4 NW1/4 of Section 17, the place of beginning, containing 410.30 acres, more or less.

EXCEPTING FROM THE DESCRIBED PREMISES, a tract of land consisting of 30.68 acres, more or less, formerly occupied by the Gilmore and Pittsburg Railroad Company, limited (now abandoned) for right-of-way purposes.

ALSO EXCEPTING THEREFROM, a tract of land consisting of .30 acres, more or less, conveyed by Fred Pattee and Phoebe Pattee to School District No. 8, and recorded in Book W of Deeds, at page 180, records of Lemhi County, Idaho.

ALSO EXCEPTING THEREFROM, a tract of land consisting of 1.00 acres, more or less, conveyed by Fred Pattee and Phoebe Pattee to School District No. 8, and recorded in Book X of Deeds, page 107, records of Lemhi County, Idaho.

ALSO EXCEPTING THEREFROM, a tract of land consisting of .23 acres, more or less, conveyed by Fred Pattee and Phoebe Pattee to Alice R. Reese, and recorded in Book W of Deeds, Page 109, records of Lemhi County, Idaho.

ALSO EXCEPTING, that tract of land heretofore sold to Kenneth Anderson and consisting of about 10 acres and recorded in Book 47 of Deeds, page 13, records of Lemhi County, Idaho.

Meaning and intending to except any tract of land heretofore sold which paid sales are of record in the office of the County Recorder of Lemhi County, Idaho.

Together with all water, water rights, ditch and ditch rights, range and range rights, used in connection therewith.

**Parcel Two**

All of the Southwest  $\frac{1}{4}$  of Section 20, Township 19 North, Range 24 East, Boise Meridian, Lemhi County, Idaho, less that portion of land described as follows:

COMMENCING at the South  $\frac{1}{4}$  corner of Section 20, from which the Southwest corner of Section 20 bears South  $89^{\circ}29'02''$  West 2650.84 feet, the basis of bearing of this description, run:

Thence North  $38^{\circ}05'37''$  West a distance of 2118.39 feet to a point in an existing fence line, said point being the POINT OF BEGINNING.

Thence along said fence line the following courses:

South  $09^{\circ}40'48''$  East, 191.00 feet;

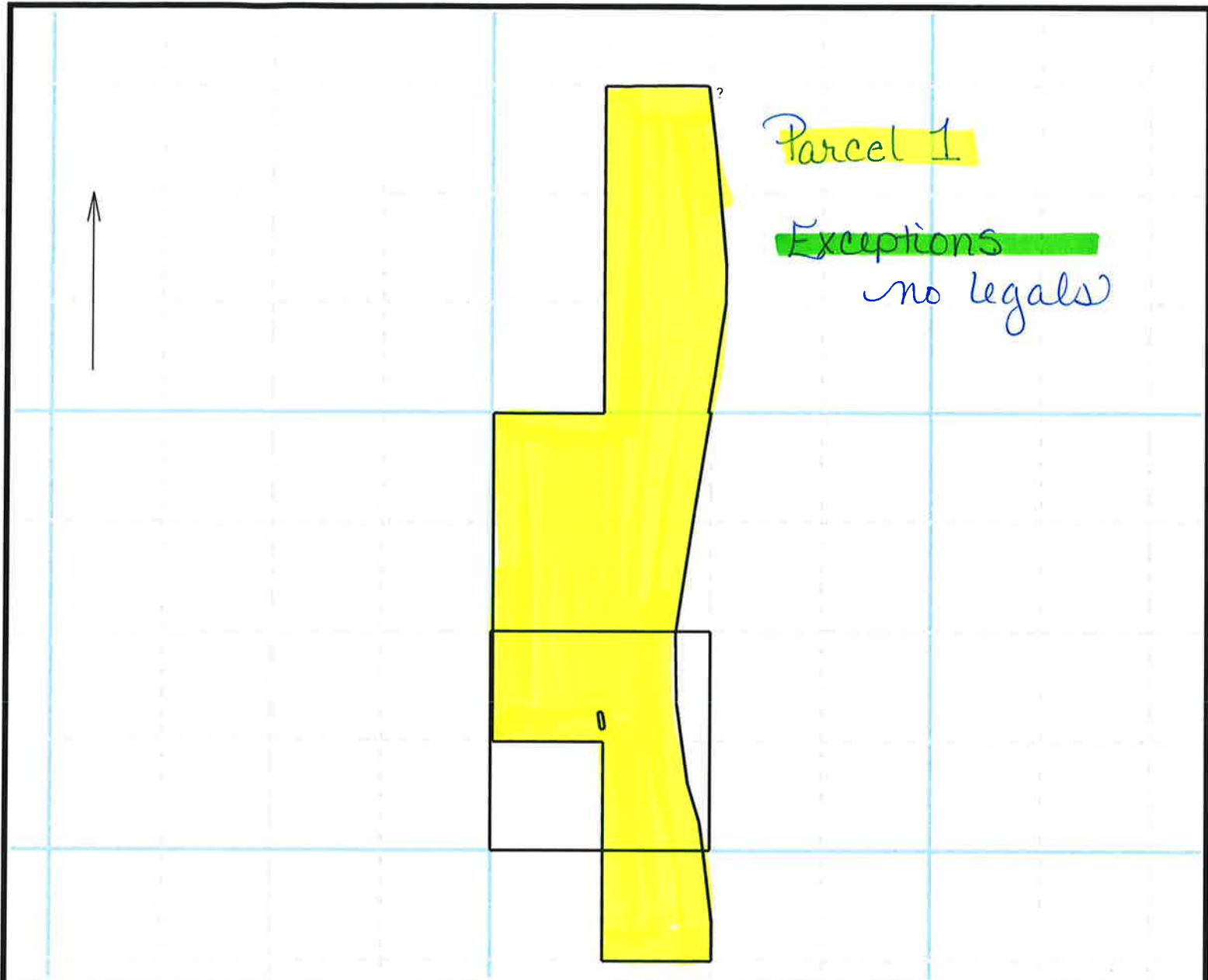
South  $22^{\circ}10'09''$  West 16.08 feet;

Thence leaving said fence line North  $89^{\circ}21'07''$  West, a distance of 51.26 feet to a point in another existing fence line;

Thence North  $07^{\circ}52'03''$  West along said fence line a distance of 206.45 feet;

Thence leaving said fence line South  $87^{\circ}57'11''$  East a distance of 53.50 feet to the POINT OF BEGINNING.





6/18/2020

Scale: 1 inch= 1800 feet

File:

Tract 1: 0.2629 Acres (11450 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/119499), Perimeter=518 ft.

Tract 2: 160.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=10560 ft.

Tract 3: 409.5821 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=26503 ft.

01 /se,sw,20,19n,24e  
02 /n38.0537w 2118.39  
03 s09.4048e 191.00  
04 s22.1009w 16.08  
05 n89.2107w 51.26  
06 n07.5203w 206.45  
07 s87.5711e 53.50  
08 @0

> Parcel 2  
exception

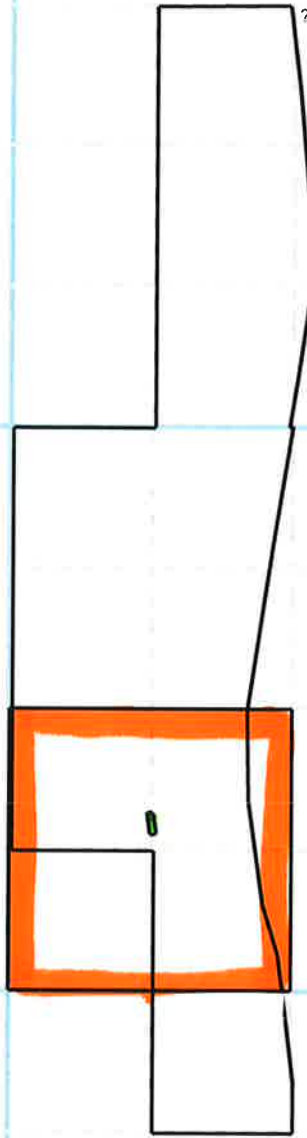
09 /ne,se,nw,20,19n,24e  
10 s0w 2640.00  
11 s90w 2640.00  
12 n0e 2640.00  
13 n90e 2640.00

> PARCEL 2

14 @0  
15 /ne,se,nw,17,19n,24e  
16 /n90w 41  
17 s6.42e 800.00  
18 s5.01e 1410.5  
19 s00.53w 450.2  
20 s8.23w 827.5  
21 s9.15w 507.0  
22 n59.41e 37.2  
23 s9.15w 1225.0

24 s8.42w 1472.4  
25 s1.07e 856.0  
26 s7.52e 970.5  
27 s17.11e 489.1  
28 s7.18e 584.4  
29 s6.59e 650.0  
30 s00e 450  
31 s90w 1320  
32 n00e 2640  
33 n90w 1320  
34 n00e 3960  
35 n90e 1320  
36 n00e 3960  
37 n89.2150e 1252.70

> Parcel 1



6/18/2020

Scale: 1 inch= 1800 feet

File:

Tract 1: 0.2629 Acres (11450 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/119499), Perimeter=518 ft.

Tract 2: 160.0000 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=10560 ft.

Tract 3: 409.5821 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=26503 ft.

01 /se,sw,20,19n,24e

02 /n38.0537w 2118.39

03 s09.4048e 191.00

04 s22.1009w 16.08

05 n89.2107w 51.26

06 n07.5203w 206.45

07 s87.5711e 53.50

08 @0

09 /ne,sw,20,19n,24e

10 s0w 2640.00

11 s90w 2640.00

12 n0e 2640.00

13 n90e 2640.00

14 @0

15 /ne,se,nw,17,19n,24e

16 /n90w 41

17 s6.42e 800.00

18 s5.01e 1410.5

19 s00.53w 450.2

20 s8.23w 827.5

21 s9.15w 507.0

22 n59.41e 37.2

23 s9.15w 1225.0

24 s8.42w 1472.4

25 s1.07e 856.0

26 s7.52e 970.5

27 s17.11e 489.1

28 s7.18e 584.4

29 s6.59e 650.0

30 s00e 450

31 s90w 1320

32 n00e 2640

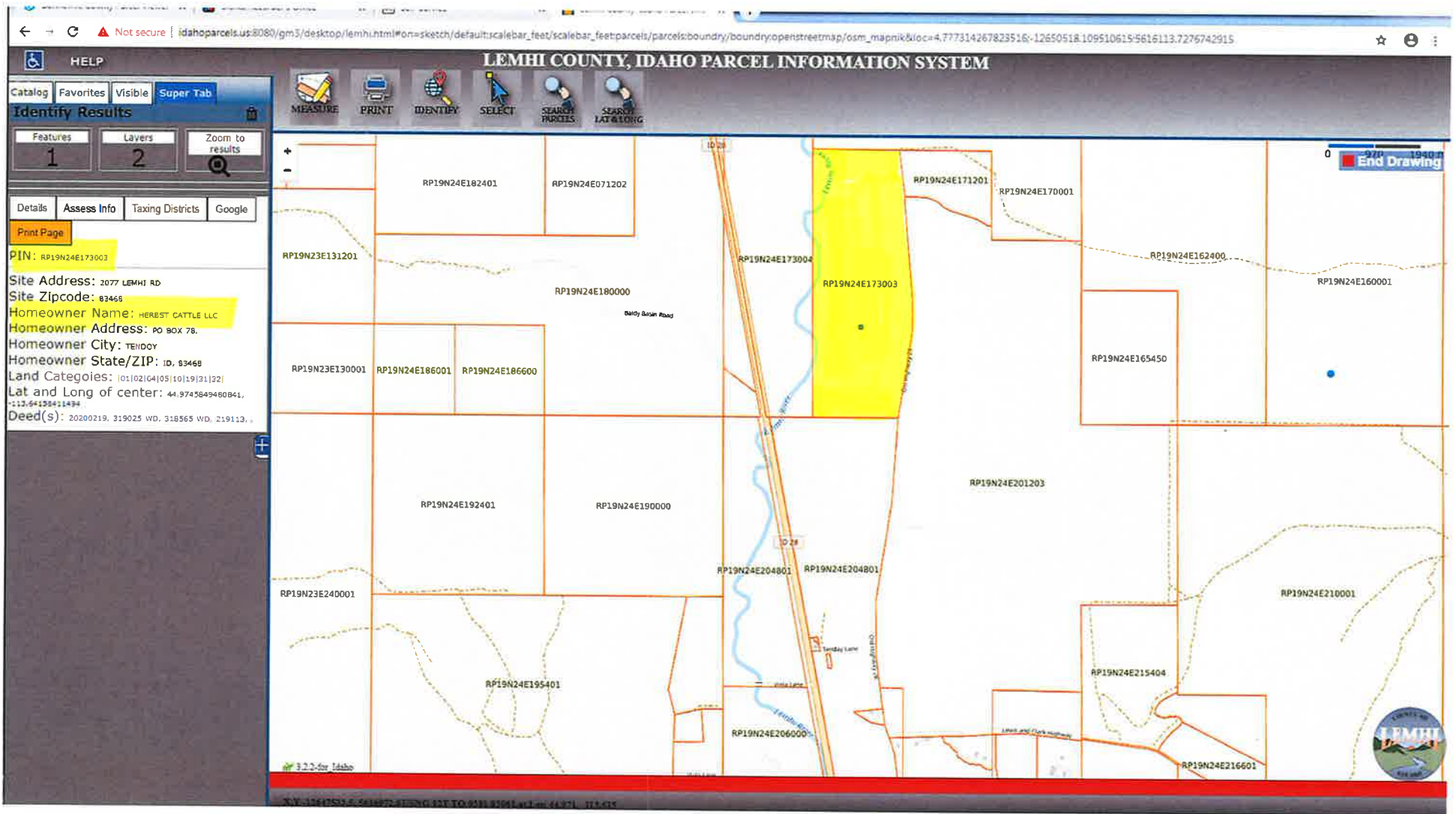
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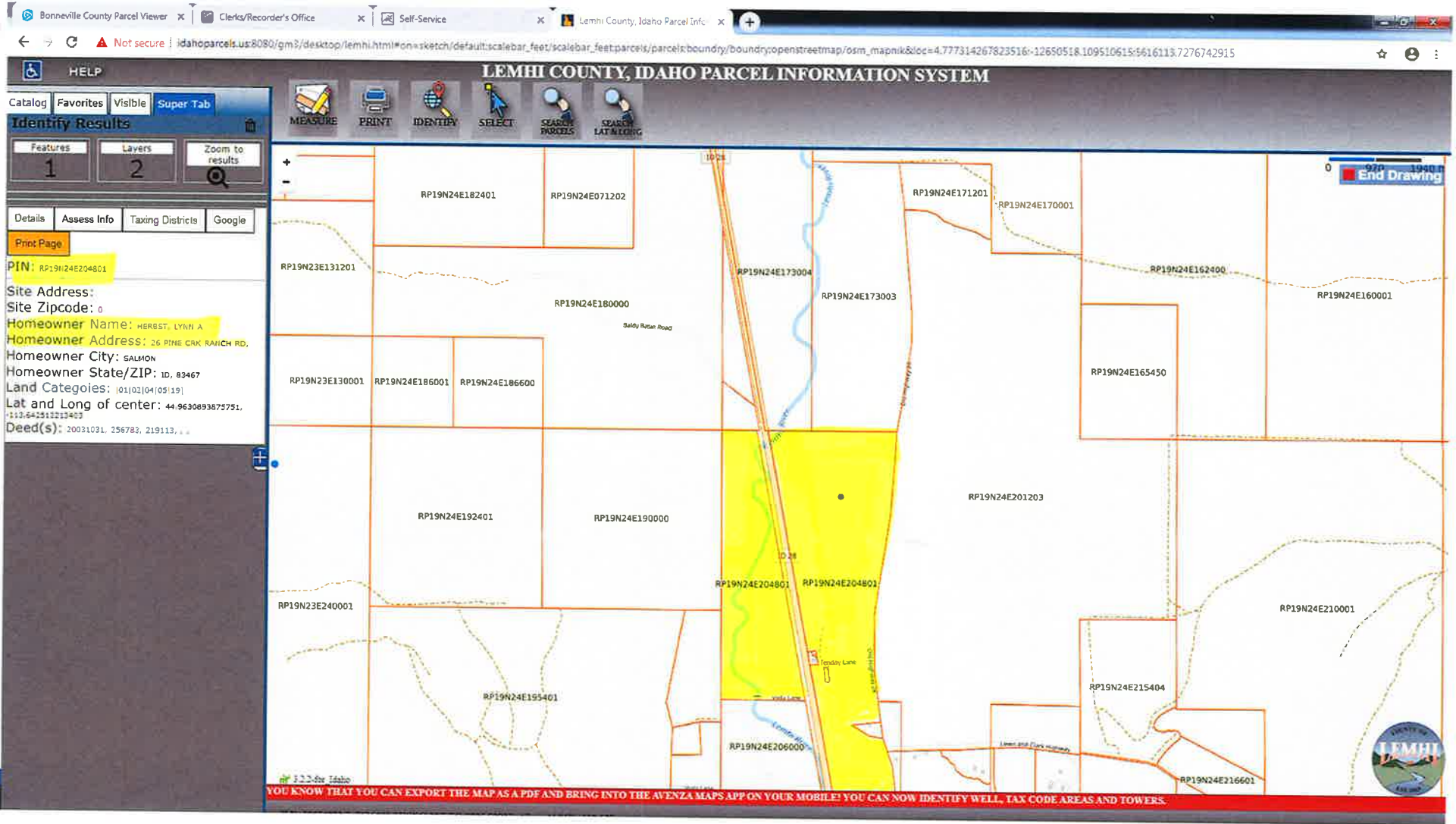
35 n90e 1320

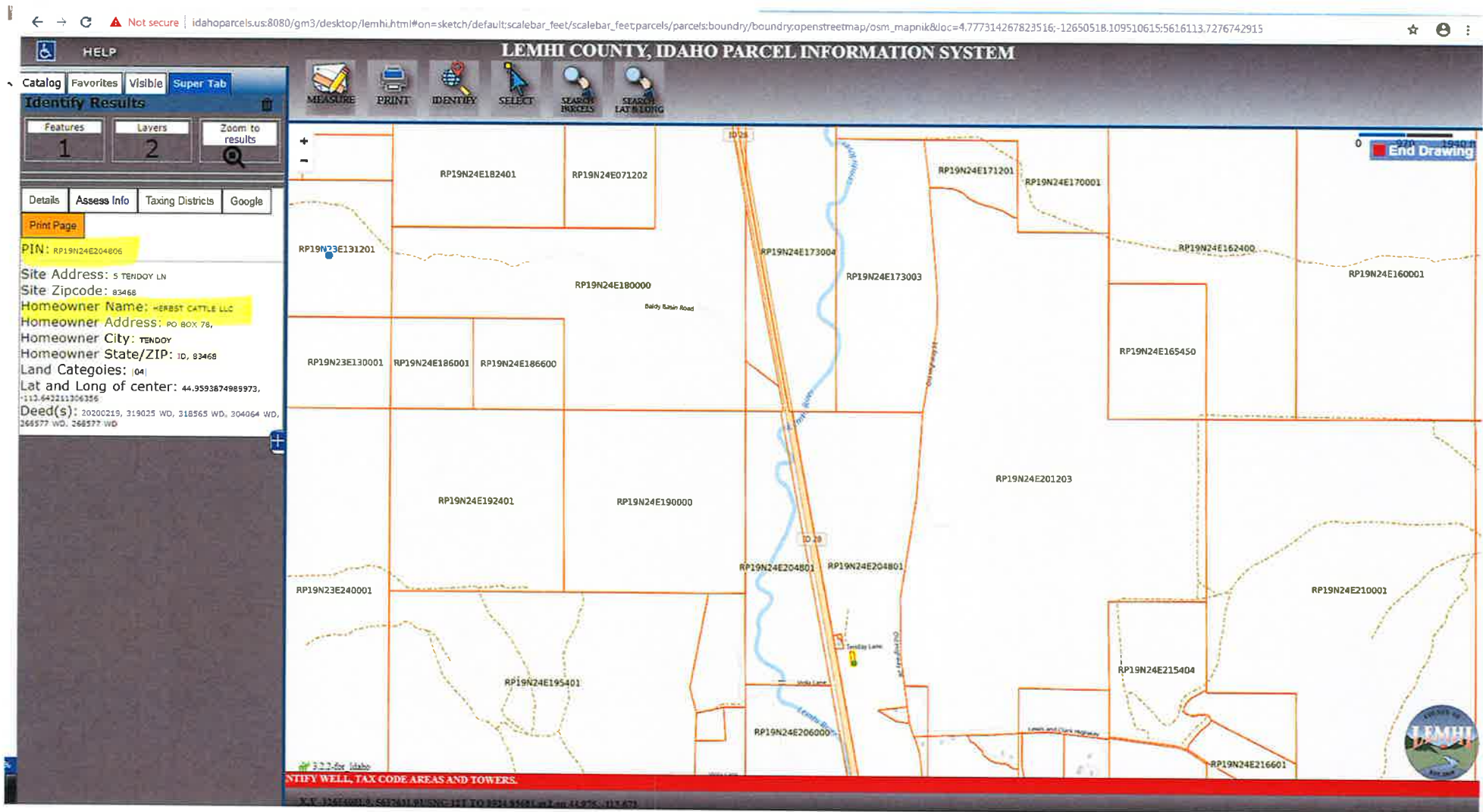
36 n00e 3960

37 n89.2150e 1252.70











**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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

June 22, 2020

HERBST CATTLE LLC  
PO BOX 78  
TENDON ID 83468-0078

Re: Change in Ownership for Water Right No(s): 74-250, 74-735, 74-736, 74-737, 74-739, 74-740, 74-741, 74-742, 74-1670A, 74-7147 and 74-16008

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.

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: Water District 74  
Water District 74M