

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 10 2020

DEPT OF WATER RESOURCES  
SOUTHERN 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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37-11027	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
37-10784	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"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Frank A. + Dorothy E. Borneman Family Partnership / Frank + Dorothy Borneman Trust  
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): William C. + Donna L. Borneman  
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or

2242 E 1700S.GoodingId83330

Mailing address

City

State

ZIP

208-934-5098bornemanfarms@yahoo.com

Telephone

Email

(Please Phone  
check e-mail  
once a month  
or less)

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: 12-9-19

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.

SUPPORT DATA

IN FILE # 37-10784

8. Signature: William C. Borneman 1-10-2020  
Signature of new owner/claimant Title, if applicable Date
- Signature: Donna L. Borneman 1-10-2020  
Signature of new owner/claimant Title, if applicable Date

### For IDWR Office Use Only:

Received by DM Date 1-10-2020 Receipt No. 8037693 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 \_\_\_\_\_ Processed by KA Date 01/23/2020

**COPY**

Instrument # 266991

GOODING, GOODING, IDAHO

12-9-2019 08:15:25 AM No. of Pages: 3

Recorded for : STEPHAN KVANVIG STONE & TRAINOR

DENISE M. GILL

Ex-Officio Recorder Deputy Fee: 15.00

*John Medley*

**CORRECTED**

**PARTNERSHIP GRANT DEED**

(Corrected to replace Instrument # 266695)

This deed made this 2nd day of December, 2019 between **FRANK**

**A. BORNEMAN AND DORTHY E. BORNEMAN FAMILY PARTNERSHIP, L.P.** (An Idaho Limited Partnership), **WILLIAM CHARLES BORNEMAN AND KATHRYN R. SPOONER**, Successor General Partners, Grantor, and **WILLIAM CHARLES BORNEMAN**, a married man dealing in his sole and separate property whose mailing address is 2242 E. 1700 S. Gooding, Idaho 83330, Grantee;

WITNESSETH, That the said Grantor, for good and other valuable consideration, paid by Grantee, the receipt whereof is hereby acknowledged, does hereby quitclaim, transfer and convey without warranty unto the Grantee, the following described real property situated in Gooding County, State of Idaho:

**PARCEL NO. 1.**

Township 5 South, Range 15, East of the Boise Meridian, Gooding County Idaho

Section 27: E $\frac{1}{2}$ SE $\frac{1}{4}$ ; SW $\frac{1}{4}$ SE $\frac{1}{4}$  EXCEPT a tract of land in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  described as follows:

Beginning at the Southwest corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Thence East 480 feet;  
Thence North 480 feet;  
Thence West 480 feet;  
Thence South 480 feet to THE TRUE POINT OF BEGINNING.

Commonly known as: RP 05S15E277200 A

PARCEL NO. 2 & 3.

Township 5 South, Range 15, East of the Boise Meridian, Gooding County, Idaho

Section 26: NW¼SW¼; S½SW¼

Section 35 That part of the NE¼NW¼ lying North of the Oregon Short Line Railroad right of way

Together with 122 shares of stock of the Big Wood Canal Company and together with all B.L.M. grazing rights and privileges appurtenant thereto.

Commonly known as: RP 05S15E265402 A, RP05S15E352400 A  
and RP05S15E266600

SUBJECT TO taxes and assessments for the year of 2019 and all subsequent years, and SUBJECT TO any and all existing easements. Rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This property is being conveyed "AS IS, WHERE IS with all faults".

Together with all appurtenances.

TO HAVE AND TO HOLD all and singular the above-mentioned and described premises, together with appurtenances (including water rights), unto the Grantee and her heirs, successors and assigns forever.

Dated this 2nd day of DEC, 2019.

FRANK A. BORNEMAN AND DORTHY E. BORNEMAN  
FAMILY PARTNERSHIP, L.P. (An Idaho Limited  
Partnership),

By: William Charles Borneman  
WILLIAM CHARLES. BORNEMAN,  
General Partner

By: Kathryn R. Spooner  
KATHRYN R. SPOONER,  
General Partner

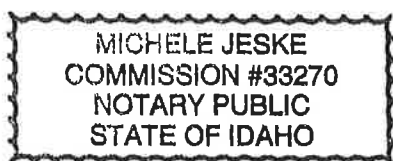
STATE OF IDAHO )

: SS.

COUNTY OF TWIN FALLS )

On this 22<sup>nd</sup> day of November, 2019, before me the undersigned, a Notary Public for Idaho, personally appeared WILLIAM CHARLES. BORNEMAN, in his capacity as a general partner of FRANK A. BORNEMAN AND DORTHY E. BORNEMAN FAMILY PARTNERSHIP, L.P. (An Idaho Limited Partnership), known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of such partnership.

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



Michele Jeske

Notary Public for Idaho

My Commission Expires on 1-12-24

STATE OF LOUISIANA )

: SS.

PARISH OF CALCASIEU )

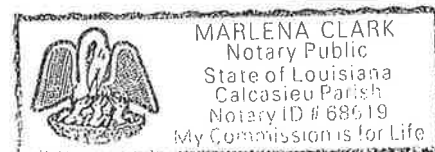
On this 2<sup>nd</sup> day of Dec, 2019, before me the undersigned, a Notary Public for Louisiana, personally appeared KATHRYN R. SPOONER, in her capacity as a general partner of FRANK A. BORNEMAN AND DORTHY E. BORNEMAN FAMILY PARTNERSHIP, L.P. (An Idaho Limited Partnership), known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same on behalf of such partnership.

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

Marlena Clark

Notary Public for Louisiana

My Commission Expires on \_\_\_\_\_



Instrument # 195951  
GOODING, GOODING, IDAHO  
2002-07-05 03:38:52 No. of Pages: 2  
Recorded for: DOROTHY E BORNEMAN  
HELEN EDWARDS Page: 8.00  
Ex-Officio Recorder Deputy *(Signature)*

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## WARRANTY DEED

FRANK A. BORNEMAN and DOROTHY E. BORNEMAN, husband and wife, Grantors, hereby convey, grant, and warrant to FRANK A. BORNEMAN and DOROTHY E. BORNEMAN, as Trustees of The Frank and Dorothy Borneman Trust dated the 22nd day of November, 1993, Grantees, whose address is 2242 East 1700 South, Gooding, Idaho 83330, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

Township 5 South, Range 15 East of the Boise Meridian, Gooding County, Idaho

Section 26: SE $\frac{1}{4}$ SW $\frac{1}{4}$

SUBJECT TO taxes and assessments for the year 2002 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantors covenant to the Grantee that Grantors are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record or apparent, and that Grantor will warrant and defend the same from all lawful claims.

WARRANTY DEED - 1

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 5<sup>th</sup> day of July, 2002.

Frank A. Borneman  
FRANK A. BORNEMAN

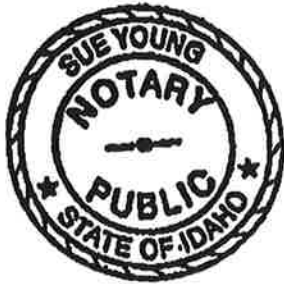
Dorothy E. Borneman  
DOROTHY E. BORNEMAN

STATE OF IDAHO )

COUNTY OF GOODING )

: ss.

On this 5 day of July, 2002, before me, the undersigned, a notary public in and for the State of Idaho, personally appeared FRANK A. BORNEMAN and DOROTHY E. BORNEMAN, husband and wife, 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.



Sue Young  
Notary Public for Idaho  
My Commission Expires on 07-28-06

WARRANTY DEED - 2

STEPHAN, KVANVIG, STONE & TRAINOR  
Russell G. Kvanvig - ISB #1847  
P. O. Box 83  
Twin Falls, Idaho 83303-0083  
Telephone: 208-733-2721  
Facsimile: 208-733-3619  
E-Mail: skst@idaho-law.com  
13972.05/SOD/mj  
Of Counsel for Trustee

COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING  
MAGISTRATE DIVISION

In the Matter of:

THE FRANK AND DOROTHY BORNEMAN  
TRUST, Dated November 22, 1993.

Case No. CV24-18-00489

SCHEDULE OF DISTRIBUTION

Name and Address of Distributee	Description of Property Distributed
William Charles Borneman 2242 East 1700 South Gooding, ID 83330	50% of the value of the trust as set forth in the attached "Agreement Among Successors to Modify Re: The Division and Distribution of Certain Trust Assets"
Kathryn Ruth Spooner 354 Old Highway 171 Moss Bluff, LA 70611	50% of the value of the trust as set forth in the attached "Agreement Among Successors to Modify Re: The Division and Distribution of Certain Trust Assets"

The foregoing distribution is subject to any remaining reasonable administration expenses of the trust incurred prior to closing and/or final distribution. Any now unknown or hereafter discovered or acquired assets and any income net of reasonable administration expenses received, subsequent to the date hereof, shall be distributed in the same proportions as set forth above.



STEPHAN, KVANVIG, STONE & TRAINOR  
Russell G. Kvanvig - ISB #1847  
P. O. Box 83  
Twin Falls, Idaho 83303-0083  
Telephone: 208-733-2721  
Facsimile: 208-733-3619  
E-Mail: skst@idaho-law.com  
13972.05/TR-AASMT/sk  
Of Counsel for Trustee

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING  
MAGISTRATE DIVISION

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In the Matter of:

THE FRANK AND DOROTHY BORNEMAN  
TRUST, Dated November 22, 1993.

Case No. CV24-18-00489

AGREEMENT AMONG SUCCESSORS  
TO MODIFY RE: THE DIVISION  
AND DISTRIBUTION OF CERTAIN  
TRUST ASSETS

I.C. § 15-8-302,  
I.C. § 15-3-912, and  
I.C. § 15-3-1101

COMES NOW, William Charles Borneman and Kathryn Ruth  
Spooner, adult children of decedent and agree as follows:

1. William Charles Borneman and Kathryn Ruth Spooner  
are successor co-trustees of the Dorothy E. Borneman Marital Trust  
that is on file with this Court.

AGREEMENT AMONG SUCCESSORS TO MODIFY RE:  
THE DIVISION & DISTRIBUTION OF CERTAIN  
TRUST ASSETS - 1

2. The Dorothy E. Borneman Marital Trust owns approximately forty (40) acres of real estate, which is more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof. The parties hereto agree that this real estate is worth THREE HUNDRED SEVENTY SIX THOUSAND SEVEN HUNDRED NINETY NINE DOLLARS (\$376,799.00).

3. The Dorothy E. Borneman Marital Trust also owns other assets in excess of THREE HUNDRED SEVENTY SIX THOUSAND SEVEN HUNDRED NINETY NINE DOLLARS (\$376,799.00).

4. William Charles Borneman and Kathryn Ruth Spooner are equal beneficiaries of the Dorothy E. Borneman Marital Trust. William Charles Borneman prefers a distribution of the forty (40) acres to him as part of his share of the Dorothy E. Borneman Marital Trust. Kathryn Ruth Spooner prefers a distribution of other assets equal to THREE HUNDRED SEVENTY SIX THOUSAND SEVEN HUNDRED NINETY NINE DOLLARS (\$376,799.00) as part of her share of the Dorothy E. Borneman Marital Trust. Both parties agree that all assets in excess of the forgoing shall be split equally between the parties as the sole beneficiaries of the Dorothy E. Borneman Marital Trust.

5. The sole remaining beneficiaries of the estate of Dorothy E. Borneman are as follows:

NAME and ADDRESS	TRUST INTEREST
William C. Borneman 224 East 1700 South Gooding, Idaho 83330	50% Beneficiary and Successor Co-Trustee
Kathryn R. Spooner 354 Old Highway 171 Moss Bluff, LA 70611	50% Beneficiary and Successor Co-Trustee

6. All the parties now desire to modify the terms of the trust as more particularly set forth in this agreement, and the trustee agrees to be bound by and abide by the terms of this agreement. All adult beneficiaries are entering into this agreement on behalf of themselves and their respective minor and unborn issue. The real estate shall be distributed to William Charles Borneman. Other assets with a value of THREE HUNDRED SEVENTY SIX THOUSAND SEVEN HUNDRED NINETY NINE DOLLARS (\$376,799.00) shall be distributed to Kathryn Ruth Spooner. The residue of the trust shall be split equally.

7. The undersigned parties, consisting of the trustee and beneficiaries of the trust, respectfully request that the trustees of the trust honor this agreement among successors as required by Idaho Code § 15-3-912 and Idaho Code § 15-8-302. The parties understand and agree that this agreement to divide the property as set forth above shall be a binding agreement as contemplated by the parties and the forgoing Code Sections and

shall not require judicial approval to make it binding. However, any party may petition the court for approval of this agreement.

8. This agreement may be signed in one or more counterparts.

IN WITNESS WHEREOF the undersigned have executed this Agreement Among Successors on the day and year indicated.

William Charles Borneman  
William Charles Borneman,  
Co-Trustee of The Dorothy E.  
Borneman Marital Trust

Dated: 11-1-18

William Charles Borneman  
William Charles Borneman,  
Beneficiary

Dated: 11-1-18

Kathryn Ruth Spooner  
Kathryn Ruth Spooner,  
Co-Trustee of The Dorothy E.  
Borneman Marital Trust

Dated: 10-1-18

Kathryn Ruth Spooner  
Kathryn Ruth Spooner,  
Beneficiary

Dated: 10-1-18

Penelope A Bourlisa

PENELOPE A BOURLISA  
Notary ID No. 87327  
CALCASIEU PARISH  
STATEWIDE JURISDICTION

Melissa

Katy

Borneman

④ RP05S15E271400

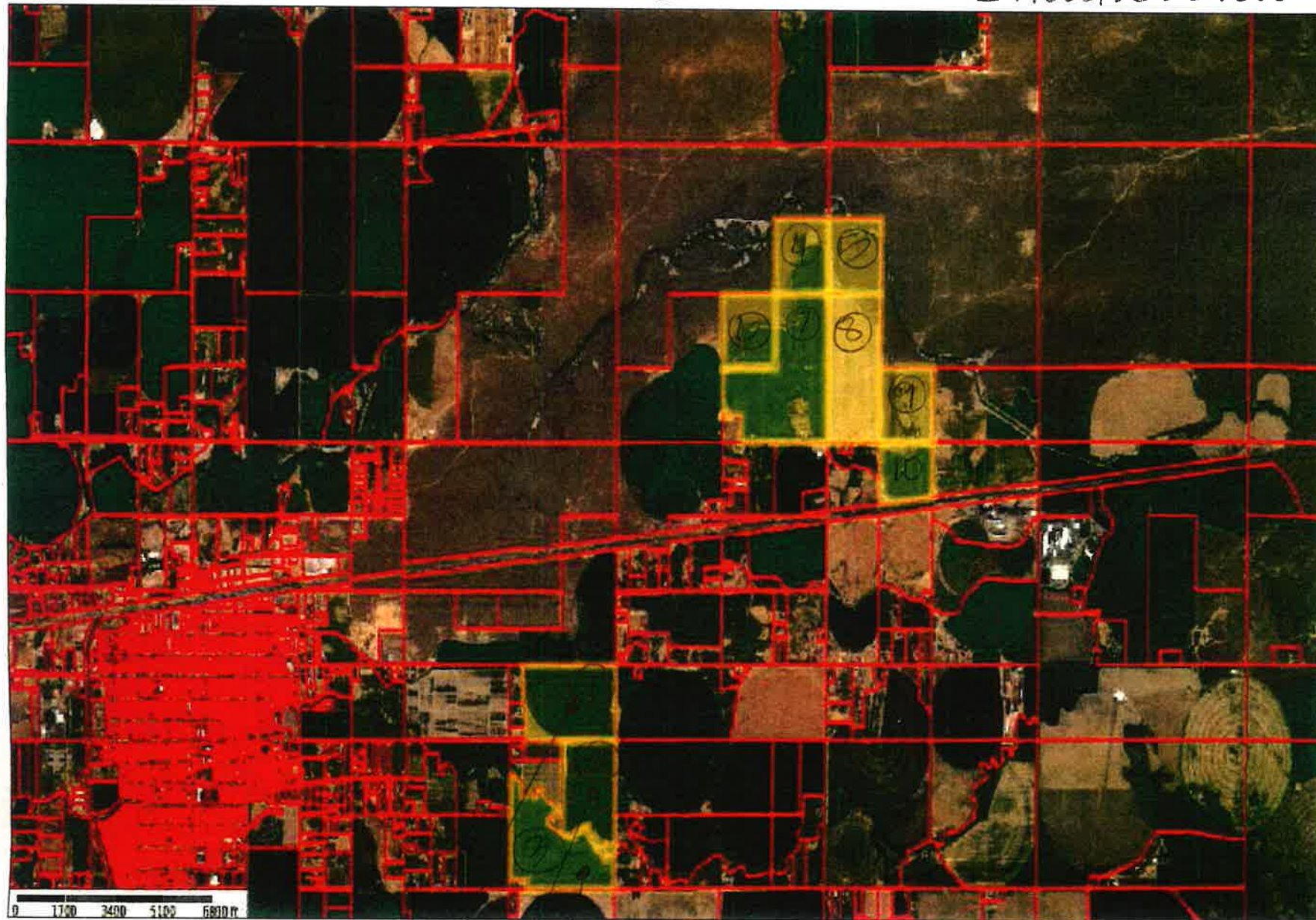
① RP05S15E271200

⑤ RP05S15E263000

⑥ RP05S15E265402

⑩ RP05S15E277800

⑨ RP05S15E266000



0 1100 3400 5100 6800 ft

Printed on 9 / 24 / 2018

① RP05S15E239000

② 06S15E040000

③ 06S15E041425

⑩ RP05S15E2652400





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

Brad Little  
Governor

Gary Spackman  
Director

January 23, 2020

DONNA L BORNEMAN  
2242 E 1700 S  
GOODING ID 83330-5174

WILLIAM C BORNEMAN  
2242 E 1700 S  
GOODING ID 83330-5174

Re: Change in Ownership for Water Right No(s): 37-11027, 37-10784

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) 293-9916.

Sincerely,

Kent Aasa  
Water Resource Agent, Senior

Enclosure(s)