

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?
37-11100	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
37-609 E	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: Barneman Family Partnership
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Kathryn R. Spooner
New owner(s) as listed on the conveyance document
- Mailing address: 354 Old Hwy 171 City: Moss Bluff State: LA ZIP: 70611
- Telephone: 337-377-8659 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: 12-9-2019

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.

SUPPORT DATA

IN FILE # 37-609E

8. Signature: Kathryn R. Spooner Title, if applicable: _____ Date: 1/6/2020
- Signature: _____ Title, if applicable: _____ Date: _____
- Signature of new owner/claimant

For IDWR Office Use Only:

Received by DM Date 1-10-2020 Receipt No. 5037693 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

Instrument # 266990

GOODING, GOODING, IDAHO

12-9-2019 08:11:24 AM No. of Pages: 5

Recorded for : STEPHAN KVANVIG STONE & TRAINOR

DENISE M. GILL

Fee: 15.00

Ex-Officio Recorder Deputy

Scarb Madrigal
COPY

CORRECTED
PARTNERSHIP GRANT DEED

(Corrected to replace Instrument # 266694)

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 **KATHRYN R. SPOONER**, a single person whose mailing address is 354 Old Highway 171, Moss Bluff, LA 70611, 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. *N Part of S. 33*

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

Section 33: S $\frac{1}{2}$ SE $\frac{1}{4}$; EXCEPT tract described as follows:

Beginning at the South quarter corner of said Section 33;

Thence East along the South boundary of said Section 33, 378.00 feet;

Thence North parallel with the West boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 650.00 feet;

Thence West, 78.00 feet;

Thence North parallel with the said West boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 670.00 feet more or less to the North boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence West along the North boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 300.00 feet to the Northwest corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South along the West boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, 1320.00 feet more or less to THE POINT OF BEGINNING.

Commonly known as: RP 05S15E339000 A

PARCEL NO. 2 *East Center of Smis*

Township 6 South, Range 15, East of the Boise Meridian, Gooding County, Idaho

Section 4: Lot 1 and that part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying North of the Little Wood River.

Commonly known as: RP 06S15E040000 A

PARCEL NO. 3. *Owens*

Township 6 South, Range 15, East of the Boise Meridian, Gooding County, Idaho

Section 4: Lot 2, EXCEPTING THEREFROM the following described parcel of land:

Beginning at the Northwest corner of said Lot 2;
Thence East, 1320 feet; Thence South, 365.5 feet;
Thence West, 1320 feet parallel to the North line of said Lot 2;
Thence North 365.5 feet to THE POINT OF BEGINNING.
(Sometimes referred to as the South 29.35 acres of Lot 2.)

That part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South of the Little Wood River.

SW $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPTING THEREFROM the following described parcel of land:

Beginning at the Southwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence East, 435 Feet;
Thence North, 170 feet;
Thence West, 435 feet;
Thence South 170 feet to THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PART OF LOT 2 AND SW $\frac{1}{4}$ NW $\frac{1}{4}$ LYING NORTH OF THE MIDDLE OF THE LITTLE WOOD RIVER IN SECTION 4, TOWNSHIP 6 SOUTH, RANGE 15 EAST, OF THE BOISE MERIDIAN.

Commonly known as: RP 06S15E041425 A

PARCEL NO. 4 & 5.

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

Section 26: SW $\frac{1}{4}$ NW $\frac{1}{4}$ E 40 *a Rented* #5
Section 27: SE $\frac{1}{4}$ NE $\frac{1}{4}$ W 40 *a Rented* #4

TOGETHER will all hereditaments and appurtenances thereunto belonging, including, but not limited to, water right for 28 acres in American Falls Reservoir District No. 2.

Commonly known as: *West #4* *East #5*
RP 05S15E271800 A & RP 05S15E263600 A

PARCEL NO. 6. NW Corner of C2

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

Section 27: NW $\frac{1}{4}$ SE $\frac{1}{4}$

Commonly known as: RP 05S15E277800 A

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

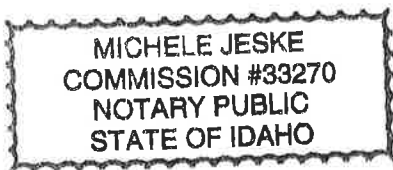
STATE OF IDAHO)

: ss.

COUNTY OF TWIN FALLS)

On this 22nd 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

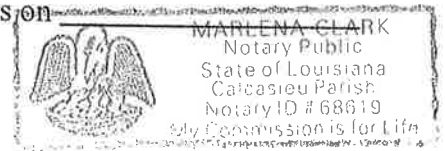
On this 2nd day of Dec, 2019, before me the undersigned, a Notary Public for Louisiana, personally appeared KATHRYN R. SPOONER, in her capacity as a general partner of FRANK A. BORNEMAN AND DORTHY E. BORNEMAN FAMILY PARTNERSHIP, L.P. (An Idaho Limited Partnership), known or proved to me on the basis 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



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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In the Matter of:

THE FRANK AND DOROTHY BORNEMAN
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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 Bourlier

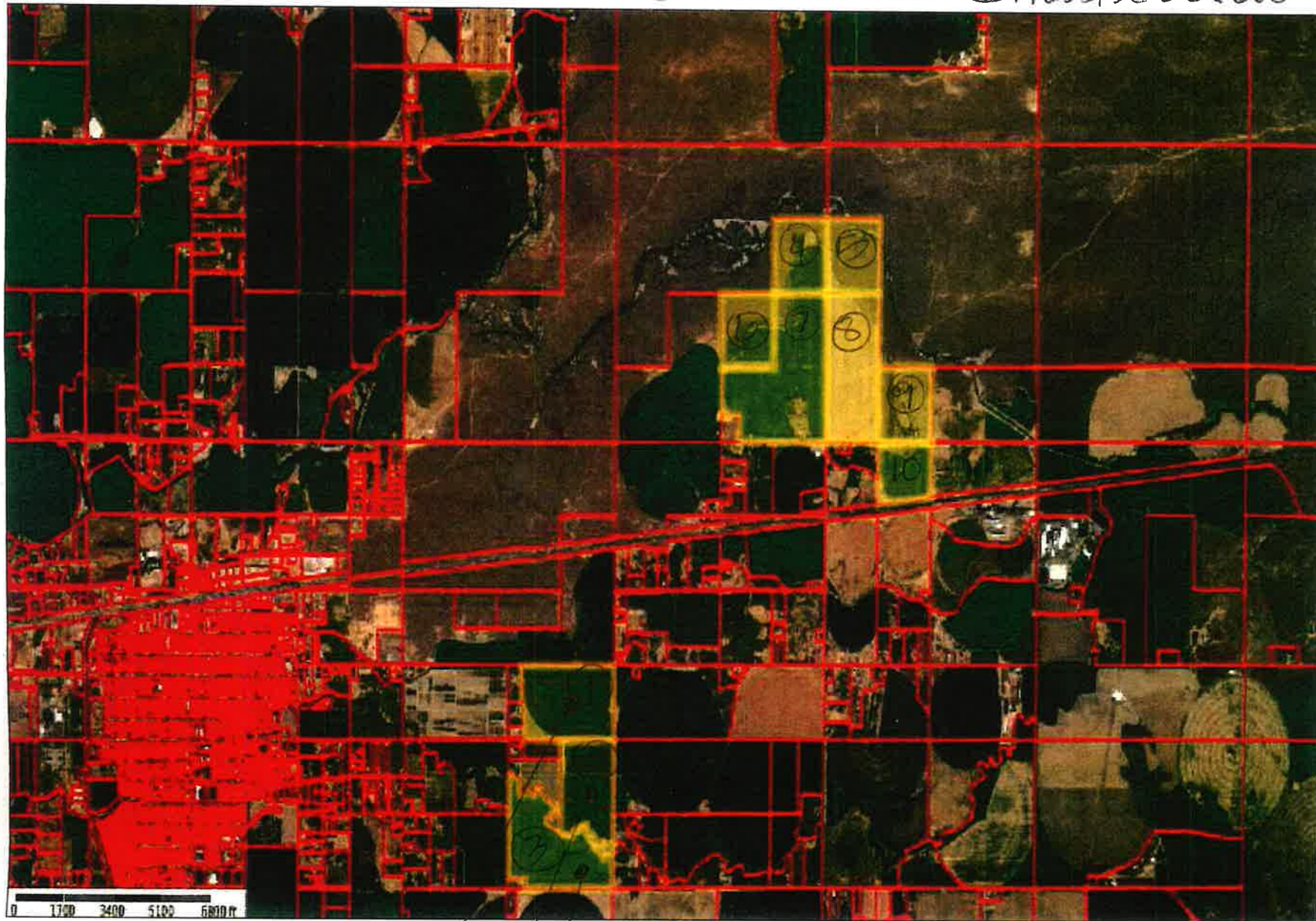
PENELOPE A BOURLIER
Notary ID No. 87327
CALCASIEU PARISH
STATEWIDE JURISDICTION

Mellisa

Katy

Borneman

④ RP05S15E271800 ① RP05S15E277200
⑤ RP05S15E263000 ⑥ RP05S15E265402
⑦ RP05S15E277800 ⑧ RP05S15E266000



⑩ RP05S15E2653400

Printed on 9 / 24 / 2018 ① RP05S15E269000

② RP05S15E040000

③ RP05S15E041425



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

Brad Little
Governor

Gary Spackman
Director

January 22, 2020

KATHRYN R SPOONER
354 OLD HIGHWAY 171
MOSS BLUFF LA 70611-6103

Re: Change in Ownership for Water Right No(s): 37-609E and 37-11100

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)
Cc: WD 37