

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 20 2019

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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-7115 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Anaue Barnes Family Trust
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Cherry Creek Trees LLC Janet S. Barnes Clyde Barnes
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 27101 Guidinger Rd. Downey 70 83234
Mailing address City State ZIP
- 208-220-0891 or 208-220-4409 themat1@yahoo.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: 4-17-19
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):
- ☐ \$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: [Signature] [Signature] 11-20-19
Signature of new owner/claimant Title, if applicable Date
- Signature: Carl Clyde Barnes [Signature] 11-20-19
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 11/20/2019 Receipt No. E045468 Receipt Amt. \$100. - for this app. \$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 CR Date 11/21/19

Alliance Title - Pocatello Office

21904971

2019 Apr 17 PM 04:20

Electronically Recorded by Simplifile

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:430296

FOR VALUE RECEIVED

~~Carl E. Barnes and Anavoe Barnes~~, Trustees of The Carl and Anavoe Barnes
Family Trust, Established by Trust Agreement dated December 13, 2012

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Cherry Creek Trees, LLC

whose current address is

18057 S Marsh Valley Road
Downey, Idaho 83234

the grantee(s), the following described premises, in Bannock County, Idaho, TO WIT:

**The North half of the Northeast quarter of Section 9, Township 12 South, Range 37
East of the Boise Meridian; less lands heretofore deeded for highway purposes.**

Also excepting the following described property:

**Beginning approximately 258 feet North from the Southwest corner of the North
half of the Northeast quarter of Section 9, Township 12 South, Range 37 East, Boise
Meridian and continuing in a Southeasterly direction for approximately 956 feet,
crossing the South line of the North half of the Northeast quarter of Section 9,
Township 12 South, Range 37 East Boise Meridian, Approximately 921 feet East of
the Southwest corner,
Thence West 921 feet to the Southwest corner of the North half of the Northeast
quarter of Section 9,
Thence North along the West line of the said North half of the Northeast quarter to
THE POINT OF BEGINNING.**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the
said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free
from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions,
reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: Anavoe Barnes

4-17-19

Anavoe Barnes
Anavoe Barnes, Trustee of The Carl and Anavoe Barnes Family Trust

RECORDED ELECTRONICALLY	
ID <u>21904971</u>	County <u>Bannock</u>
Date <u>4-17-19</u>	Time <u>4:20</u>
simplifile www.simplifile.com 800.460.5657	

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:430296

FOR VALUE RECEIVED

~~Carl E. Barnes and~~ Anavoe Barnes, Trustees of The Carl and Anavoe Barnes Family Trust, Established by Trust Agreement dated December 13, 2012

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Cherry Creek Trees, LLC

whose current address is

18057 S Marsh Valley Road
Downey, Idaho 83234

the grantee(s), the following described premises, in Bannock County, Idaho, TO WIT:

The North half of the Northeast quarter of Section 9, Township 12 South, Range 37 East of the Boise Meridian; less lands heretofore deeded for highway purposes.

Also excepting the following described property:

Beginning approximately 258 feet North from the Southwest corner of the North half of the Northeast quarter of Section 9, Township 12 South, Range 37 East, Boise Meridian and continuing in a Southeasterly direction for approximately 956 feet, crossing the South line of the North half of the Northeast quarter of Section 9, Township 12 South, Range 37 East Boise Meridian, Approximately 921 feet East of the Southwest corner,

Thence West 921 feet to the Southwest corner of the North half of the Northeast quarter of Section 9,

Thence North along the West line of the said North half of the Northeast quarter to THE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: Anavoe Barnes

4-17-19

Anavoe Barnes
Anavoe Barnes, Trustee of The Carl and Anavoe Barnes Family Trust

Change of Ownership
Cherry Creek Trees LLC

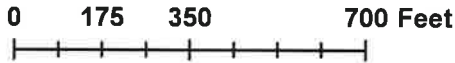
Place of Use

Point of Diversion

Township/Range

Sections

QQ



Print date:
11/20/2019



State of Idaho ss.
County of Bannock

On this 17th day of April, 2019, before me, Lauretta M Davis, a Notary Public in and for said state, personally appeared Anavoe Barnes known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the The Carl and Anavoe Barnes Family Trust, and acknowledged to me that he/she/they executed the same as Trustee.

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

Lauretta M Davis
Notary Public for the State of Idaho
Residing at: Delmar, ID 83234
Commission Expires: 2-12-2024



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/20/2019

Water Right 29-7115

Owner Type **Name and Address**
Current Owner THE CARL & ANAVOE BARNES FAMILY TRUST
3717 E BACK DOWNOTE RD
DOWNEY, ID 83234
(208) 897-5775

Priority Date: 3/30/1973

Basis: Decreed

Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	1.110 CFS	266.0 AF
	Total Diversion		1.110 CFS	266.0 AF

Source and Point(s) of Diversion

GROUND WATER NWNE Sec. 9, Twp 12S, Rge 37E, BANNOCK County

Place Of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	37E	9	40.0	36.0															76.0

POU Total Acres: 76.0

Conditions of Approval:

1. 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.

Dates and Other Information

Decreed Date: 3/22/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: TBD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/20/2019

N/A

Water Supply Bank:

N/A



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

November 21, 2019

CHERRY CREEK TREES LLC
27101 GUIDINGER
DOWNEY ID 83234-1702

Re: Change in Ownership for Water Right No(s): 29-7115

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) 497-3779.

Sincerely,

Cher Ramos
Technical Records Specialist 1

Enclosure(s)

cc: Water District 29H