

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 17 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?
34-13811 <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: Orveata P Warner Revocable Trust, Arva Hodge Trustee
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Cresswood Property Trust, Arva Jean Hodge and John D Brower, Trustees
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- 4550 N US Highway 93 Mackay ID 83251
Mailing address City State ZIP
- 208-589-2589 or 208-588-3352 terilbrower@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: February 26, 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.

8. Signature: *John D Brower* Title, if applicable Date 6/13/19
Signature of new owner/claimant

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

For IDWR Office Use Only:

Received by *[Signature]* Date 6/17/19 Receipt No. E045079 Receipt Amt. \$25 -
 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 *OR* Processed by *OK* Date 6/18/19

Custer County Rec. of
Teri Brower
Time 11:26 AM Date 3/26/2019
Lura H. Baker, Clerk
Gina Hawkins \$15.00
Deputy

WARRANTY DEED

Re-recording to replace instrument #255737 with new description listed here

WARRANTY DEED, made this 25th day of February, 2019, by and between:

For valuable consideration received, **Arva Jean Hodge, (hereinafter the GRANTOR)**, whose address is 673 Packard, Pocatello, Idaho 83201, hereby grant, bargain, sell and convey unto **Arva Jean Hodge, Trustee of the Cresswood Property Trust of 2018, the GRANTEE**, whose current address is 673 Packard Ave, Pocatello, Idaho 83201, Co-Successor Trustees: **John Darnell Brower and Larena Lynn Fincher** the following premises located in the County of Custer, State of Idaho described as follows:

A parcel of land located in 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 76°30'47" W 523.00 feet from said **southeast corner of the NE1/4 of the SE1/4** to a point on the right bank (West) of the Big Lost River and being referenced by a 5/8" iron rod with cap stamped PLS 5080 which bears S 70°26'42" W 31.37 feet, said point being the POINT OF BEGINNING;

Thence along said right (West) bank the following 5 courses:

- 1) S 11°46'55" E 96.68 feet;
- 2) S 01°41'09" W 73.33 feet;
- 3) S 15°34'59" E 68.26 feet;
- 4) S 32°16'57" E 66.29 feet;
- 5) S 58°29'21" E 101.84 feet to the intersection of said right (West) bank and the right (West) bank of a spring commonly known as Flowing Spring;

Thence along the right (West) bank of said spring the following 8 courses:

- 1) N 80°44'51" W 91.53 feet;
- 2) N 46°28'25" W 37.75 feet;
- 3) S 89°34'34" W 45.90 feet;
- 4) N 41°11'22" W 35.27 feet;
- 5) N 58°33'58" W 79.50 feet;
- 6) N 49°58'40" W 87.20 feet;
- 7) N 34°03'45" W 47.77 feet;
- 8) N 39°54'52" W 72.17 feet;

Thence N 70°31'34" E 250.70 feet to the POINT OF BEGINNING.

Containing 1.127 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 as well as a 25-foot ingress/egress easement.

Both easements more particularly described on page 2 of 3

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.

25-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 12.50 feet both sides of the following described centerline:

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 S 70°27'42" W 730.38 feet to a point on the right (West) bank of the Big Lost River and the POINT OF BEGINNING;
 Thence along the centerline of an existing gravel drive the following 5 courses:
 1) S 49°03'04" W 96.82 feet;
 2) S 21°47'05" E 111.99 feet;
 3) S 11°30'47" E 126.19 feet;
 4) S 32°11'32" E 124.43 feet;
 5) S 26°51'53" E 86.55 feet to the north line of above described parcel.
 The sidelines of the above described easement to be lengthened or shortened to conform to the right (West) bank of the Big Lost River and said north line of the above describe parcel.

SUBJECT TO: Reservations in the United States Patent, existing and recorded rights-of-way, easements and ditch and ditch rights, zoning and building ordinances, and taxes and assessments as prorated between the parties hereto, and a first right of refusal per Orveata P. Warner for John Brower Family option to purchase the parcel before being sold to any other buyer.

TOGETHER WITH: all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto said Grantees, their heirs and assigns forever. And the Grantor hereby covenants to and with the said Grantees that it is the owner in fee simple of said premises; that said premises are free and clear from all encumbrances except as hereinabove set forth, and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first written below as their free act and deed.

Dated February 25 th 2018 at Mackay, Idaho

By : Arva Jean Hodge
ARVA JEAN HODGE

STATE of IDAHO }
County of Custer : ss

On this 25th day of Feb, 2018, before me Arva Jean Hodge the undersigned Notary Public in and for state, personally appeared Arva Jean Hodge, known or identified to me to be the persons whose names are subscribed to the within instrument as Grantor and acknowledged to me that she executed the same as such.

IN WITNESS whereof, I have here unto set my hand and seal the day and year first above written.



Jaime Lish
NOTARY PUBLIC FOR IDAHO

Residing at: Custer County
My Commission expires 2/12/2024

256197

Custer County Rec. of

Teri Brower

Time 11:05 AM Date 2/26/2019

Lura H. Baker, Clerk

Jana Hawkins \$1500

Deputy

WARRANTY DEED

Re-recording to replace instrument #255736 with new description listed here

WARRANTY DEED, made this 25th day of February, 2019, by and between:

For valuable consideration received, Arva Jean Hodge, as Trustee of the Orveata P. Warner Revocable Family Trust, (hereinafter the GRANTOR), whose address is 673 Packard, Pocatello, Idaho 83201, hereby grant, bargain, sell and convey unto Arva Jean Hodge, the GRANTEE, whose current address is 673 Packard Ave, Pocatello, Idaho 83201, the following premises located in the County of Custer, State of Idaho described as follows:

A parcel of land located in 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 76°30'47" W 523.00 feet from said southeast corner of the NE1/4 of the SE1/4 to a point on the right bank (West) of the Big Lost River and being referenced by a 5/8" iron rod with cap stamped PLS 5080 which bears S 70°26'42" W 31.37 feet, said point being the POINT OF BEGINNING;

Thence along said right (West) bank the following 5 courses:

- 1) S 11°46'55" E 96.68 feet;
- 2) S 01°41'09" W 73.33 feet;
- 3) S 15°34'59" E 68.26 feet;
- 4) S 32°16'57" E 66.29 feet;
- 5) S 58°29'21" E 101.84 feet to the intersection of said right (West) bank and the right (West) bank of a spring commonly known as Flowing Spring;

Thence along the right (West) bank of said spring the following 8 courses:

- 1) N 80°44'51" W 91.53 feet;
- 2) N 46°28'25" W 37.75 feet;
- 3) S 89°34'34" W 45.90 feet;
- 4) N 41°11'22" W 35.27 feet;
- 5) N 58°33'58" W 79.50 feet;
- 6) N 49°58'40" W 87.20 feet;
- 7) N 34°03'45" W 47.77 feet;
- 8) N 39°54'52" W 72.17 feet;

Thence N 70°31'34" E 250.70 feet to the POINT OF BEGINNING.

Containing 1.127 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 as well as a 25-foot ingress/egress easement.

Both easements more particularly described on page 2 of 3

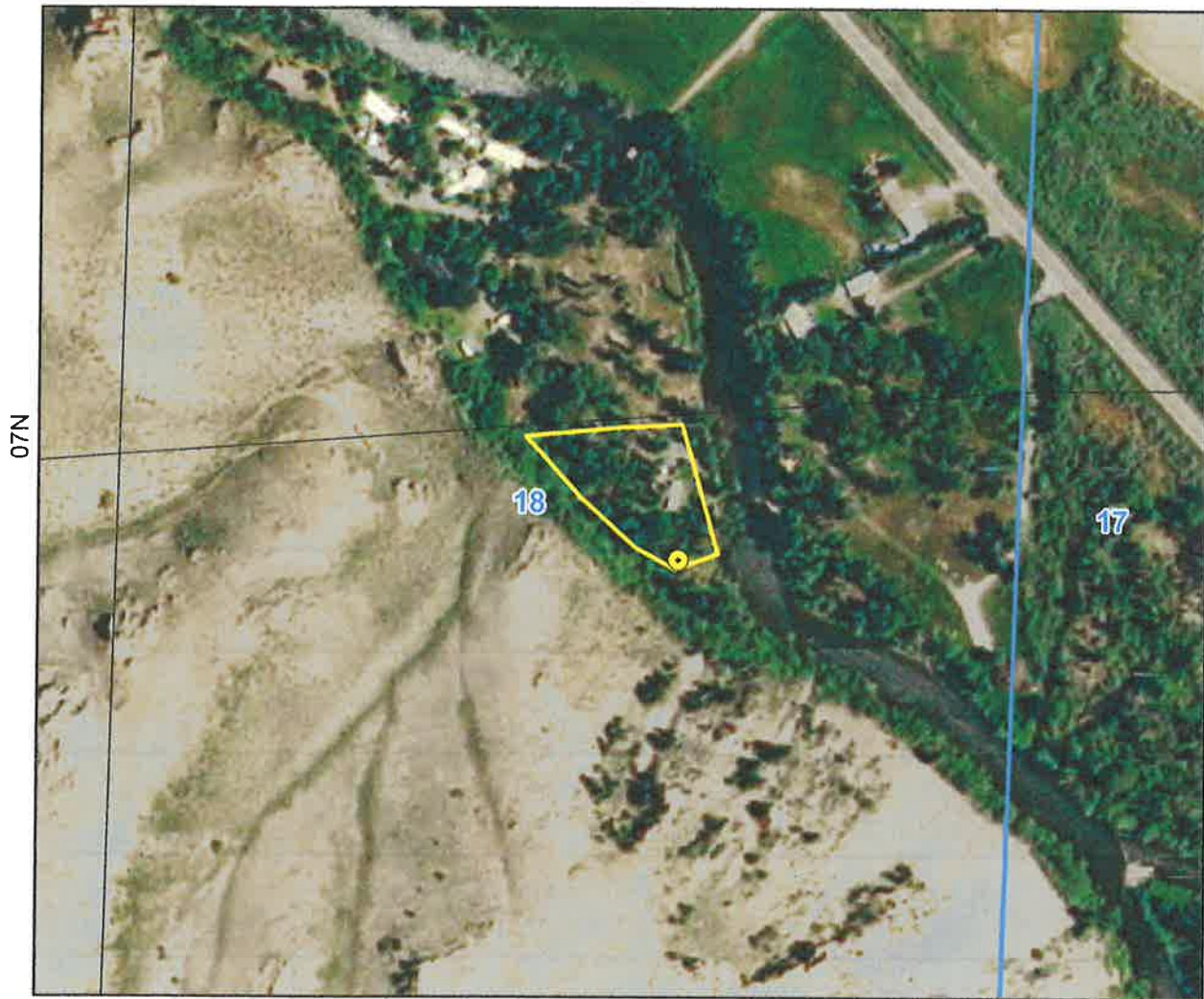
State of Idaho
Department of Water Resources

Water Right
34-13811

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 0.035 0.07 0.14 Miles



165094

Re-RECORDING
166430WARRANTY DEED

ORVEATA P. WARNER, widow of GEORGE T. WARNER, grantor of Mackay, Custer County, Idaho, hereby CONVEYS and WARRANTS to ORVEATA P. WARNER REVOCABLE FAMILY TRUST

Orveata P. Warner Trustee, Co-Successor Trustees: Ardell Warner, Vonda P. Bruhn, and Arva Jean Hodge, grantee of Mackay, Custer County, Idaho,

all my real estate located in Custer County, Idaho, together with all water rights, easements, ditches, more particularly described in the following three parcels:

Parcel A -- a tract of land containing approximately 2.0167 acres.

Beginning at the NE $\frac{1}{4}$ Corner of the SE $\frac{1}{4}$ Sec 18 which is South 87° 28' ft West 1090 Ft to the Westerly Right-of-Way line of US Highway 93A, Southeast 334 ft, along the Highway Right-of-way line, thence West 41° 45' ft So 45 feet thence South 15° 15' ft West, 133 ft; thence North 24° 30' ft East, 76 feet; thence South 75° 35' ft West, 224 Ft; thence West 12 $\frac{1}{2}$ Ft to the Easterly Shoreline of Big Lost River at normal water level thence South Easterly along a meander line following the Easterly Shoreline of Big Lost River approximately 647 Feet, thence East 350 Feet to the Westerly Right-of-Way line of US highway 93A; Thence South Easterly 309' along the westerly right-Of-way of US Highway 93A; Thence West 350' more or less to the East Bank of the Big Lost River; Thence North Westerly along the Bank of said river 193' more or less to the River Bridge. A tract of land containing approximately 2.0167 acres. Located in Sec 18 Twnsp 7 N, R 24 E, S 18. J.S.B. app. A.A.W. O.P.H.

Parcel C -- A tract of land containing approximately 1.05 acres more or less known as Cresswood

Commencing at the East 1/4 corner of Section 18, T.7 N, R 24 EBM; thence 87° 28' W, along the latitudinal center line of said Section 18, West 1090 ft to an intersection with the westerly right-of-way of US Highway 93A; Thence 44° 30' E, along the said westerly ROW line 974.5 ft; Thence S 42° 50' W, 399.9 ft to the Westerly bank of the Big Lost River; Thence S 39° 02' E 180 ft; Thence S 19° 39' E 156 ft; Thence S 16° 02' E, 164 ft to the point of beginning; Thence S 55° 30' West, 220 ft to the Southwesterly Bank of a flowing Spring; Thence South Easterly along said South Westerly Bank, 400 ft more or less to the Westerly bank of the Big Lost River; Thence Northwesterly along the said Westerly Bank, 346 ft more or less to the point of beginning; A tract of land in the SE Sec 18, T.7 N R 24 EBM, and contains 1.05 acre more or less.

Easement: Tract of land in Sec 18 Twnsp 7 N, R 24 EBM. J.S.B. app. A.A.W. O.P.H.
EASEMENT: Beginning, for a tie, at the East Quarter Corner of said Section 18; thence S. 87° 28' W., along the latitudinal center line of such section, 1090 feet to the Westerly line of Highway 93A; Thence S 44° 30' E. along said Westerly line 974.5 feet, to the True Point of beginning of the subject center line, which then runs from highway 93A S. 42° 50' W, 399.5 feet to the Westerly bank of the Big Lost River, and is appurtenant to and grants ingress and egress to the lands on the Easterly bank of such river.

A perpetual easement for road purposes, 50 feet in width.

Parcel B -- a tract of land containing approximately 10.1 acres East of Highway 93A, and a tract of land approximately 4.85 acres West of Highway 93A. Beginning at the NE $\frac{1}{4}$ Corner of the SE $\frac{1}{4}$ Sec 18 which is South 87° 28' ft West 1090 Ft to the Westerly Right-of-way line of US Highway 93A, Southeast 334 ft along the Highway Right-of-way line, thence West 41° 45' feet thence South 15° 15' ft West, 133 Feet; thence North 24° 30' ft East 76 feet; thence South 75° 35' ft West, 224 Feet; thence West 12 $\frac{1}{2}$ ft to the Easterly Shoreline of Big Lost River at normal water level thence South-Easterly along a meander line following the Easterly Shoreline of Big Lost River approximately 647 feet; thence East 350 feet to the Westerly Right-of Way line of US Highway 93A; Thence East 364 feet, thence North 155 ft, thence East 127 feet; thence North 427 feet to the point of beginning, containing 15 acres more or less, together with all water, and water rights, and ditches and ditch rights. Tract of land in sec 18 Twnsp 7 N, R 24 EBM. J.S.B. app. A.A.W. O.P.H.

SCANNED

MAR 02 2001

WARNER FAMILY TRUST

Claims
34-13811

all others
are deceased

IN WITNESS WHEREOF, we have hereunto set our hands this 1st day of July, 1982.

SETTLOR:

Orveta P. Warner
Orveta P. Warner

TRUSTEE:

Orveta P. Warner
Orveta P. Warner

SUCCESSOR CO-TRUSTEES:

Ardell S. Warner
Ardell Warner

Vonda P. Bruhn
Vonda P. Bruhn

Arva Jean Hodge
Arva Jean Hodge

ON THE 20th DAY OF JULY, 1982,
PERSONALLY APPEARED BEFORE ME
ORVETA P. WARNER, THE SIGNER
OF THE ABOVE INSTRUMENT, WHO DULY
ACKNOWLEDGED TO ME THAT SHE EX-
ECUTED THE SAME.

[Signature]

WARNER FAMILY TRUST

RECORDED

MAR 12 2004



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

June 18, 2019

CRESSWOOD PROPERTY TRUST
4550 N US HIGHWAY 93
MACKAY ID 83251-4400

Re: Change in Ownership for Water Right No(s): 34-13811

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 34
Big Lost River Ground Water District