

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 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?
29-183 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-184 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-2378 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-13310 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name:

Fagnant + Olson Ranch LLC

Name of current water right holder/claimant

RUSSELL J. FAGNANT OR

3. New Owner(s)/Claimant(s):

FAGNANT BROTHERS LLC

KENNETH E. FAGNANT OR FRANKLIN D. FAGNANT

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

9471 E. MERRICK RD

LAVA HOT SPRINGS,

ID 83246

Mailing address

City

State

ZIP

208-221-7047

mnar@aol.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: 1/9/2018

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.

SUPPORT DATA

IN FILE # 29-183

8. Signature:

Russell J. Fagnant
Signature of new owner/claimant

member
Title, if applicable

5/14/2019
Date

Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by SC Date 5/17/19 Receipt No. ED44986 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 ☐

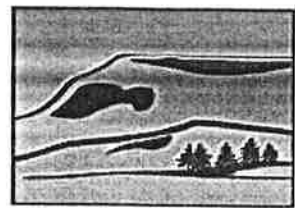
Name on W-9 _____ Approved by JB Processed by CR Date 5/30/2019

SERVICE & SPINNER

ATTORNEYS AND COUNSELORS AT LAW

P.O. Box 6009
1335 East Center Street
Pocatello, ID 83205-6009

Tel: (208) 232-4471
Fax: (208) 232-1808
Sender's Email: spinjim@cableone.net



James A. Spinner
S. Douglas Wood
Thomas D. Smith
Archie Service, Retired

January 30, 2018

Lisa L. Ohmie, Legal Assistant
Jackie Nichols, Legal Assistant

Russell Fagnant
9471 E. Merrick Road
Lava Hot Springs, ID 83246

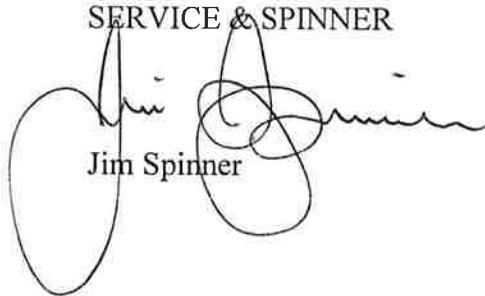
Re: Recorded Quitclaim Deed

Dear Russell:

Enclosed please find the **original**, recorded Quitclaim Deed transferring the real property from Fagnant & Olson Ranch, L.L.C. to Fagnant Brothers LLC. I have kept a copy of the Quitclaim Deed for my file.

If you have any questions, give me a call.

Best regards,
SERVICE & SPINNER


Jim Spinner

JS/jn
enc.

4-1

21800375

QUITCLAIM DEED

THIS INDENTURE is made this 8 day of January, 2018, by and between Fagnant & Olson Ranch, L.L.C., of Lava Hot Springs, Bannock County, Idaho, herein designated as Grantor, and Fagnant Brothers LLC, of 9471 E. Merrick Road, Lava Hot Springs, Bannock County, Idaho, herein designated as Grantee:

Grantor, for valuable consideration, does by these presents, Remise, Release and forever Quit Claim unto Grantee and its successors or assigns forever, the following described premises in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

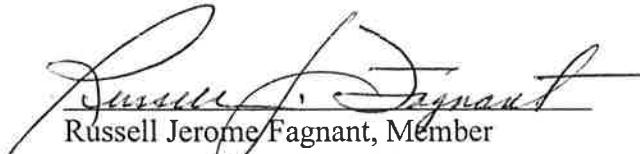
See attached exhibit "A."

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the Grantee and to its successors or assigns forever.

IN WITNESS WHEREOF, the said Grantor, Fagnant & Olson Ranch, L.L.C., through its Members, has hereunto set hand and seal the day and year first above written.

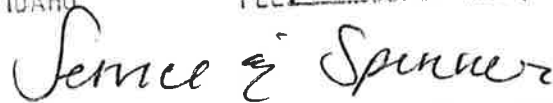

Kenneth Eugene Fagnant, Member


Russell Jerome Fagnant, Member


Franklin Dale Fagnant, Member

OFFICIAL RECORD BK# 1023
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 15 DEPUTY MT



21800375

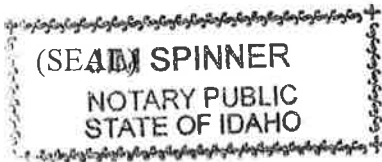
2018 JAN -9 P 4:28

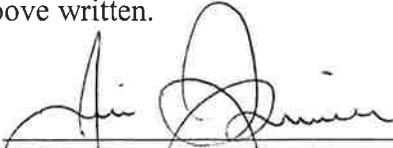
21800375

4-2
STATE OF IDAHO)
SS
County of Bannock)

On this 4 day of January, 2018, before me, the undersigned Notary Public in and for said county and state, personally appeared Kenneth Eugene Fagnant, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

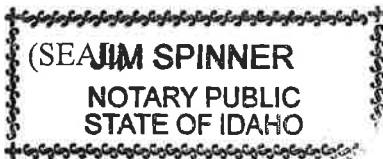


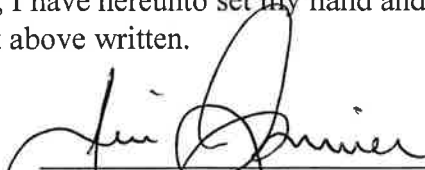

NOTARY PUBLIC for Idaho
Residing at: Pocatello, Idaho
Commission Expires: 3-16-2023

STATE OF IDAHO)
SS
County of Bannock)

On this 4 day of January, 2018, before me, the undersigned Notary Public in and for said county and state, personally appeared Russell Jerome Fagnant, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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




NOTARY PUBLIC for Idaho
Residing at: Pocatello, Idaho
Commission Expires: 3-16-2023

H.3

21800375

STATE OF IDAHO)
SS
County of Bannock)

On this 8 day of January, 2018, before me, the undersigned Notary Public in and for said county and state, personally appeared Franklin Dale Fagnant, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(SEAL)



Lisa L. Ohmie
NOTARY PUBLIC for Idaho
Residing at: Pocatello, Idaho
Commission Expires: 7-19-22

EXHIBIT "A"

The Northeast quarter of the Southwest quarter ($NE\frac{1}{4}SW\frac{1}{4}$), and the South half of the Southwest quarter ($S\frac{1}{2}SW\frac{1}{4}$) of Section Twenty-nine (29), Township 9 South, Range 38, East of the Boise Meridian.

Also, the North half of the Northwest quarter ($N\frac{1}{2}NW\frac{1}{4}$), and the Southeast quarter of the Northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}$) Section thirty-two (32), Township 9 South, Range 38, East of the Boise Meridian save and except therefrom, a tract of land containing 29.02 acres, described as follows:

Beginning at the Northwest corner of Section 32, Township 9 South, Range 38 East of the Boise Meridian, thence running South along Section line, 80 rods, thence at right angles East 32 rods, thence at right angles North 48 rods, thence North $45^{\circ}33'$ East 35.2 rods, thence North 6° West 30 rods, thence North 80° West 54.92 rods to section line, thence South along said section line 31.8 rods, to the point of beginning. EXCEPTING THEREFROM THE FOLLOWING: Commencing at the Southwest corner of said Section 29; thence North $0^{\circ}01'$ West along the West line of said Section; 1318.98 feet to the South $1/16$ th line of said section; thence North $89^{\circ}55'47''$ East along said South line, 135.09 feet to the east right of way line of a county road and point of beginning; thence continuing North $89^{\circ}55'47''$ East along said South line, 626.30 feet; thence South $13^{\circ}00'14''$ East, 472.30 feet; thence South $80^{\circ}38'43''$ West 366.77 feet to the east right of way line of a county road thence North $35^{\circ}32'01''$ West along said right of way line, 637.81 feet to the point of beginning, said parcel containing 5.72 acres more or less. ALSO EXCEPTING: Beginning at a point 330 feet West and 500 feet South of the N.E. corner of the $SW\frac{1}{4}SW\frac{1}{4}$ of Section 29, Township 9 South, Range 38 East, Boise Meridian, thence South 450 feet, thence West 200 feet, more or less, to the easterly right of way line of the county road, thence Northwesterly along said road right of way to a point 500 feet, more or less, west of the point of beginning, thence East 500 feet, more or less to the point of beginning. ALSO EXCEPTING: That portion of the $SW\frac{1}{4}SW\frac{1}{4}$ of Section 29, lying Southwest of county road as now exists.



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

May 30, 2019

FAGNANT BROTHERS LLC
9471 E MERRICK RD
LAVA HOT SPGS ID 83246-1529

Re: Change in Ownership for Water Right No(s): 29-183, 29-184, 29-2378, 29-13310

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) 525-7161.

Sincerely,

Cher Ramos
Technical Records Specialist 1

Enclosure(s)

cc: Water District 29