

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 25 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?
22-7654 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
~~22-7706~~	Yes ☐	Yes ☐		Yes ☐	Yes ☐
<i>will be complete with transfer</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: JR Byrne
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Byrne Farm LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 8633 S. 1600E Rexburg Id 83440
Mailing address City State ZIP
- (208) 390-8180 twitchellmouise@gmail.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: 12-3-2018
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):
 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: Louise Twitchell Co-personal representative 1-25-2019
Signature of new owner/claimant Title, if applicable Date
- Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 1/25/2019 Receipt No. E044668 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 JB Date 2/7/2019

SPECIAL WARRANTY DEED

JoAnn Cramer and Louise B. Twitchell, acting in their capacities as Co-Personal Representatives of the Estate of Lila Joyce Byrne, deceased, with administration of the estate pending as CV-18-306 in the Seventh Judicial District Court in and for the County of Madison, State of Idaho, c/o JoAnn Cramer, 654 North 4100 East, Rigby, Idaho 83442 (hereinafter "Joyce's Estate"), and JoAnn Cramer and Louise B. Twitchell, acting in their capacities as Co-Trustees of the J.R. Byrne Family Trust u/w/d January 17, 2007, c/o JoAnn Cramer, 654 North 4100 East, Rigby, Idaho 83442 (hereinafter "the Family Trust," and collectively with Joyce's Estate, "Grantors"), for and in consideration of \$10.00 and other good and valuable consideration, hereby transfer, grant, convey, and warrant unto **Byrne Farms LLC, an Idaho limited liability company, c/o JoAnn Cramer, 654 North 4100 East, Rigby, Idaho 83442 (hereinafter "Grantee"),** all of Grantors' right, title, and interest whatsoever, as Joyce's Estate's and the Family Trust's respective interests appear, in the follow described real property located in Madison County, Idaho, to wit:

See attached Exhibit A.

Together with: All and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title, and interest in and to the said property, as well in law as in equity.

Subject to: All easements, encumbrances, rights of way, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, all facts and circumstances that would be revealed by inspection of the property of inquiry of persons in possession thereof, and payment of present year's property taxes, which are an accruing lien not yet due.

Grantors, for themselves, their heirs, successors, and assigns, warrant and represent as follows:

JoAnn Cramer and Louise B. Twitchell were appointed co-personal representatives of the estate of Lila Joyce Byrne, deceased, according to law on April 27, 2018, and have the legal right to transfer Joyce's Estate's interest in the real property described above.

JoAnn Cramer and Louise B. Twitchell are the Co-Trustees of the J.R. Byrne Family Trust u/w/d January 17, 2007, and have the legal right to transfer the Family Trust's interest in the real property described above.

The property described in this deed is free from all liens and encumbrances, except for those of sight or record.

Grantors will forever warrant and defend the quiet and peaceful possession of the property granted by this deed to Grantee against all lawful claims arising 1) during the time period in which Grantors served as co-personal representatives of the estate of Lila Joyce Byrne, as to any lawful claims regarding Joyce's Estate's interest in the real property described above; and 2) during the time period in which Grantors served as Co-Trustees of the J.R. Byrne Family Trust u/w/d January 17, 2007, as to any lawful claims regarding the Family Trust's interest in the real property described above.

The warranty in this deed is limited the amount of coverage the decedents or Grantors had under a policy of title insurance or the sum of \$10.00, whichever is greater.

Effective Date: _____, 2018.

JOYCE'S ESTATE



JoAnn Cramer, Co-Personal Representative of the
Estate of Lila Joyce Byrne



Louise B. Twitchell, Co-Personal Representative of
the Estate of Lila Joyce Byrne

FAMILY TRUST



JoAnn Cramer, Co-Trustee of the J.R. Byrne
Family Trust u/w/d January 17, 2007



Louise B. Twitchell, Co-Trustee of the J.R. Byrne
Family Trust u/w/d January 17, 2007

Acknowledgment

State of Idaho

ss.

County of Bonneville

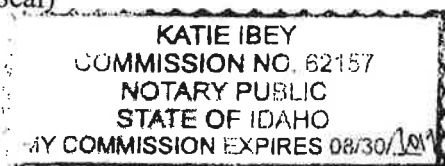
On this 14th day of November, 2018, before me, the undersigned, a notary public, personally appeared JoAnn Cramer in her capacities as Co-Personal Representative of the Estate of Lila Joyce Byrne and Co-Trustee of the J.R. Byrne Family Trust u/w/d January 17, 2007, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacities.

Katie Ibey

Notary Public for Idaho

Residing at: *Idaho Falls*

(Seal)



Acknowledgment

State of Idaho

ss.

County of Bonneville

On this 14th day of November, 2018, before me, the undersigned, a notary public, personally appeared Louise B. Twitchell in her capacities as Co-Personal Representative of the Estate of Lila Joyce Byrne and Co-Trustee of the J.R. Byrne Family Trust u/w/d January 17, 2007, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacities.

Katie Ibey

Notary Public for Idaho

Residing at: *Idaho Falls*

(Seal)

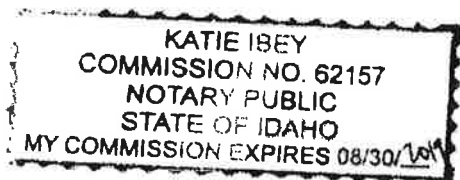


EXHIBIT A

PARCEL ONE:

Township 4 North, Range 40 East, Boise Meridian, Madison County,
Idaho

Section 3: W1/2SW1/4; NE1/4SW1/4

PARCEL TWO:

Township 4 North, Range 40 East, Boise Meridian, Madison County,
Idaho

Section 4: E1/2

Section 10: NW1/4NW1/4

Township 5 North, Range 40 East, Boise Meridian, Madison County,
Idaho

Section 33: S1/2SE1/4; **Also:** that part of the N1/2SE1/4 lying South of the existing County Road, described as follows: Beginning at the Southeast corner of NE1/4SE1/4 of Section 33, Township 5 North, Range 40 East, Boise Meridian, Madison County, Idaho, and running thence North 20 rods more or less to the existing county road; thence Southwesterly along said county road to a point on the North line of SW1/4SE1/4, which point is 70 rods East more or less from the Northwest corner of SW1/4SE1/4 of said section; thence East 90 rods more or less to the point of beginning. **Excepting therefrom:** Commencing at the Northwest Corner of the Southwest ¼ of the Southeast ¼ of Section 33, Township 5 North, Range 40 E.B.M., thence East 1188 feet more or less to the West boundary of the existing county road; thence in a Southerly direction along the existing county road to the North/South boundary line; thence North to the point of beginning. **Also excepting therefrom:** A Parcel of Land Situated in Madison County, State of Idaho, Township 5 North, Range 40 East of the Boise Meridian, Section 33, More Particularly Described as Follows: Beginning at the Southwest Corner of Section 33, Township 5 North, Range 40 East B.M.

Thence N00°00'00"E along the West line of Section 33 for a Distance of 595.00 feet;
Thence N90°00'00"E for a Distance of 3355.00 feet to the True Point of Beginning.
Thence N90°00'00"E for a Distance of 880.00 feet;
Thence N00°00'00"E for a Distance of 250.00 feet;
Thence N35°00'00"W for a Distance of 592.13 feet to the Southerly Right-of-Way line of an existing County Road, said point being on a Curve to the Left: Delta = 04°19'08" Radius = 6370.00' Arc Length = 480.16' Tangent = 240.20' for a Chord Bearing of S39°14'07"W and a Distance of 480.05 feet to the end of said Curve;
Thence S37°04'33"W along said Right-of-Way for a Distance of 24.87 feet;
Thence S36°34'02"W along said Right-of-Way for a Distance of 32.01 feet;
Thence S35°42'12"W along said Right-of-Way for a Distance of 99.77 feet to the beginning of a Curve to the Right: Delta = 25°51'47" Radius = 430.00' Arc Length = 194.10' Tangent = 98.73' for a Chord Bearing of S48°38'06"W and a Distance of 192.46 feet;
Thence S00°00'00"W for a Distance of 109.47 feet to the True Point of Beginning. Containing 8.88 Acres More or Less.

Excepting from the foregoing Tract I the Union Pacific Belt Line Railroad right-of-way, and the County Road right-of-way over and across the Northeast corner of Section 4; the SE1/4 of Section 33; and W1/2SW1/4, NE1/4SW1/4 of Section 3 all as aforesaid.

PARCEL THREE:

Township 4 North, Range 40 East, Boise Meridian, Madison County, Idaho

Section 3: W1/2 NW1/4; **Also**, all that land lying south and westerly of a line more particularly described as follows: Beginning at the Northeast corner of the SE1/4NW1/4; thence Westerly along the North boundary of said SE1/4NW1/4 940.5 feet to a point, said point being the real point of beginning, thence along said line Southeasterly 1620.78 feet more or less to the Southeast corner of said SE1/4NW1/4; thence West 1320 feet; thence North 1320 feet; thence East 379.5 feet to the point of beginning; NW1/4SE1/4; the West 990 feet of the SW1/4SE1/4; SE1/4SW1/4.

Section 10: NE1/4NW1/4 lying West of Railroad Right-of-Way.

LESS:

A PORTION OF THE NW1/4SE1/4 SECTION 3, TOWNSHIP 4 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, DESCRIBED AS:

COMMENCING AT THE NE CORNER OF THE NW1/4SE1/4 OF SECTION 3 AND RUNNING THENCE SOUTH 460 FEET; THENCE WEST 1000 FEET; THENCE IN A NORTHWESTERLY DIRECTION TO A POINT ON THE NORTH LINE OF SAID NW1/4SE1/4 OF SECTION 3 THAT IS WEST 1250 FEET FROM THE POINT OF BEGINNING; THENCE EAST 1250 FEET TO THE POINT OF BEGINNING.

ALSO LESS THE FOLLOWING TWO TRACTS:

TRACT ONE:

SITUATED IN THE STATE OF IDAHO, COUNTY OF MADISON, BEING PART OF SECTIONS 3 & 4, TOWNSHIP 4 NORTH, RANGE 40 EAST, OF B.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A REBAR WITH A PLASTIC CAP FOUND MARKING THE SOUTHEAST CORNER OF SAID SECTION 4;

THENCE NORTH 00°00'40" WEST, A DISTANCE OF 1,210.12 FEET WITH THE EAST LINE OF SAID SECTION 4 TO A POINT;

THENCE SOUTH 89°59'20" WEST, A DISTANCE OF 12.73 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856" MARKING THE POINT OF BEGINNING;

THENCE NORTH 27°41'49" WEST, A DISTANCE OF 122.74 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE NORTH 02°51'44" WEST, A DISTANCE OF 978.02 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 41°00'09" EAST, A DISTANCE OF 248.41 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A DELTA ANGLE 47°21'18", A RADIUS OF 178.18 FEET, AN ARC LENGTH OF 147.27 FEET, WITH A CHORD BEARING OF SOUTH 21°26'20" EAST, AND A CHORD LENGTH OF 143.11 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 02°14'19" WEST, A DISTANCE OF 110.59 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 00°11'21" EAST, A DISTANCE OF 85.75 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 02°32'41" EAST, A DISTANCE OF 259.29 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 14°19'43" EAST, A DISTANCE OF 156.31 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 09°14'43" WEST, A DISTANCE OF 69.63 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE NORTH 88°49'58" WEST, A DISTANCE OF 23.35 FEET TO A POINT;

THENCE WITH A NON-TANGENT CURVE TO THE LEFT HAVING A DELTA ANGLE OF 52°18'12", A RADIUS OF 97.50 FEET, AN ARC LENGTH 89.00 FEET, WITH A CHORD BEARING OF SOUTH 65°00'56" WEST, WITH A CHORD DISTANCE OF 85.95 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 38°51'50" WEST, A DISTANCE OF 68.73 FEET TO THE POINT OF BEGINNING, CONTAINING 4.01 ACRES OF LAND, MORE OR LESS.

THE ABOVE DESCRIPTION WAS PREPARED BY JEFFREY M. ROWE, PLS 13856 IN NOVEMBER 2018, AND IS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

TRACT TWO:

SITUATED IN THE STATE OF IDAHO, COUNTY OF MADISON, BEING PART OF SECTIONS 3 & 4, TOWNSHIP 4 NORTH, RANGE 40 EAST, OF B.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A REBAR WITH A PLASTIC CAP FOUND MARKING THE SOUTHEAST CORNER OF SAID SECTION 4;

THENCE NORTH 00°00'40" WEST, A DISTANCE OF 1,299.42 FEET WITH THE EAST LINE OF SAID SECTION 4 TO A POINT;

THENCE NORTH 89°59'20" EAST, A DISTANCE OF 131.66 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 09°14'43" EAST, A DISTANCE OF 69.63 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE NORTH 14°19'43" WEST, A DISTANCE OF 156.31 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE NORTH 02°32'41" WEST, A DISTANCE OF 259.29 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE NORTH 00°11'21" WEST, A DISTANCE OF 85.75 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE NORTH 02°14'19" EAST, A DISTANCE OF 110.59 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE WITH AN ARC OF A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 47°21'18", A RADIUS OF 178.18 FEET, AN ARC LENGTH 147.27 FEET, WITH A CHORD BEARING OF NORTH 21°26'20" WEST, WITH A CHORD DISTANCE OF 143.11 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE NORTH 41°00'09" WEST, A DISTANCE OF 248.41 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE NORTH 45°39'52" WEST, A DISTANCE OF 90.62 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE NORTH 64°15'16" EAST, A DISTANCE OF 252.06 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE NORTH 24°10'13" WEST, A DISTANCE OF 180.92 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE NORTH 59°53'23" EAST, A DISTANCE OF 140.84 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 24°15'46" EAST, A DISTANCE OF 306.12 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 31°45'41" EAST, A DISTANCE OF 184.24 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 40°20'12" EAST, A DISTANCE OF 284.57 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 27°39'05" EAST, A DISTANCE OF 187.92 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 03°55'32" WEST, A DISTANCE OF 63.20 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 15°20'13" EAST, A DISTANCE OF 203.75 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 41°06'46" EAST, A DISTANCE OF 142.92 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE SOUTH 27°16'51" WEST, A DISTANCE OF 256.67 FEET TO A REBAR WITH A PLASTIC CAP SET STAMPED, "PLS 13856";

THENCE NORTH 88°49'58" WEST, A DISTANCE OF 479.89 FEET TO THE POINT OF BEGINNING, CONTAINING 13.32 ACRES OF LAND, MORE OR LESS.



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

February 07, 2019

BYRNE FARM LLC
8633 S 1600 E
REXBURG ID 83440-4654

Re: Change in Ownership for Water Right No(s): 22-7654

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.

Water right number 22-7706 was also listed on your application. That water right will be complete along with a transfer application to correct the place of use. You will receive notification at a later date one that water right ownership is changed.

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,

Jonie Barg
Technical Records Spec I

Enclosure(s)

cc: Water District 100
Madison Ground Water District