

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
SEP 28 2018

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
34-353 OK	Yes ☐	34-12415 OK	Yes ☐		Yes ☐
34-420 OK	Yes ☐		Yes ☐		Yes ☐
34-421 OK	Yes ☐		Yes ☐		Yes ☐
34-324B OK	Yes ☐		Yes ☐		Yes ☐
34-12414 OK	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

Melvin Freeman
Name of current water right holder/claimant

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

KFF 301 Trust
New owner(s) as listed on the conveyance document

Karl Freeman
Name connector

☐ and ☐ or ☒ and/or

10998 South 2000 East
Mailing address

Sandy
City

UT 84092
State ZIP

801-205-9205
Telephone

freemakka@gmail.com
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 6th, 2018

6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:

- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
- If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
- New lessor(s) of record will receive payment after the following rental season.

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.

SUPPORT DATA

IN FILE # 34-324B

8. Signature:

[Signature]
Signature of new owner/claimant

Owner
Title, if applicable

8/2018
Date

Signature:

[Signature]
Signature of new owner/claimant

Trustee
Title, if applicable

Date

For IDWR Office Use Only:

Received by JB

Date 9/28/2018

Receipt No. EO/4408

Receipt Amt. \$150.-

Approved by JB

Processed by JB

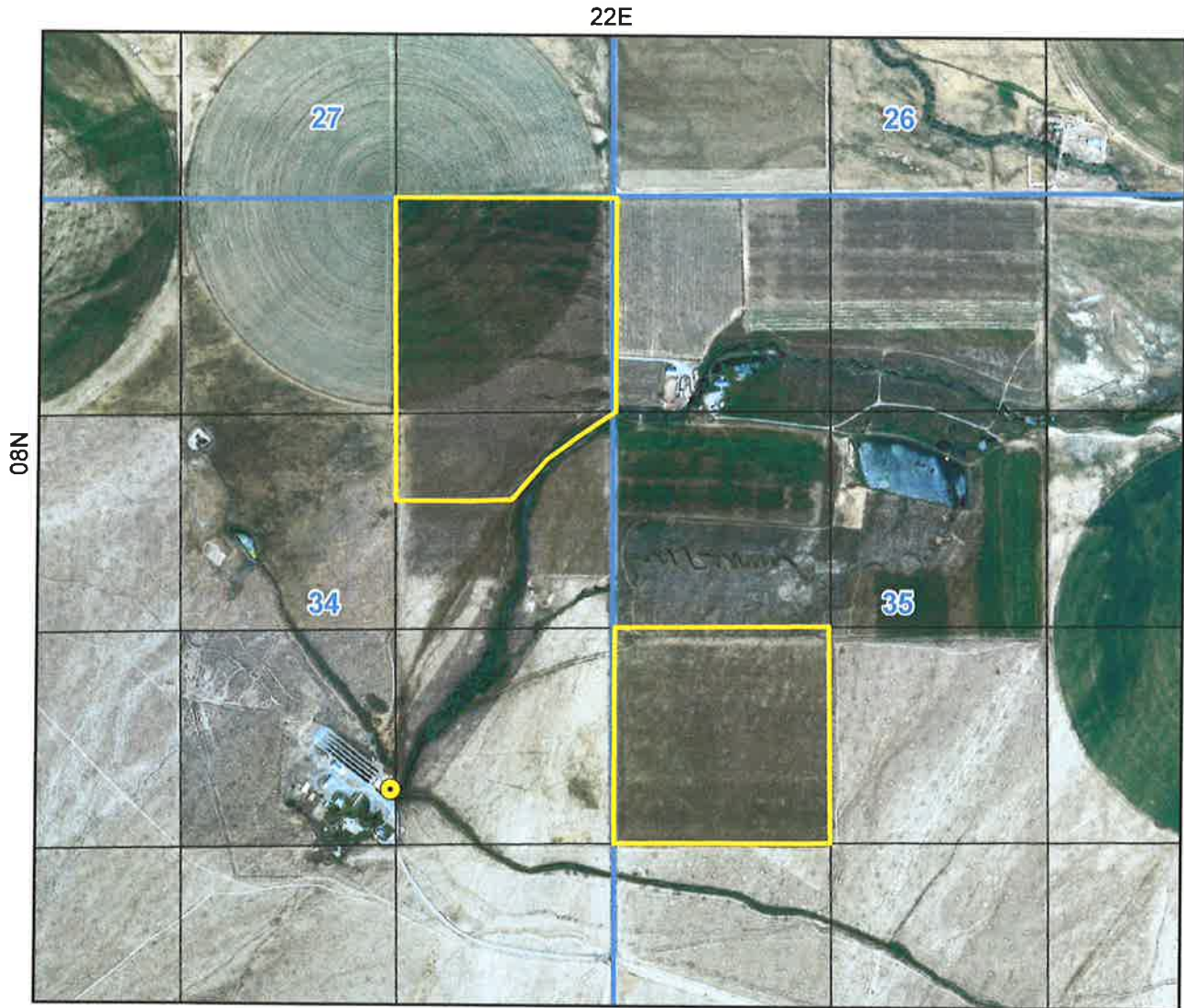
Date 10/9/2018

State of Idaho
Department of Water Resources

Water Right 34-353

IRRIGATION

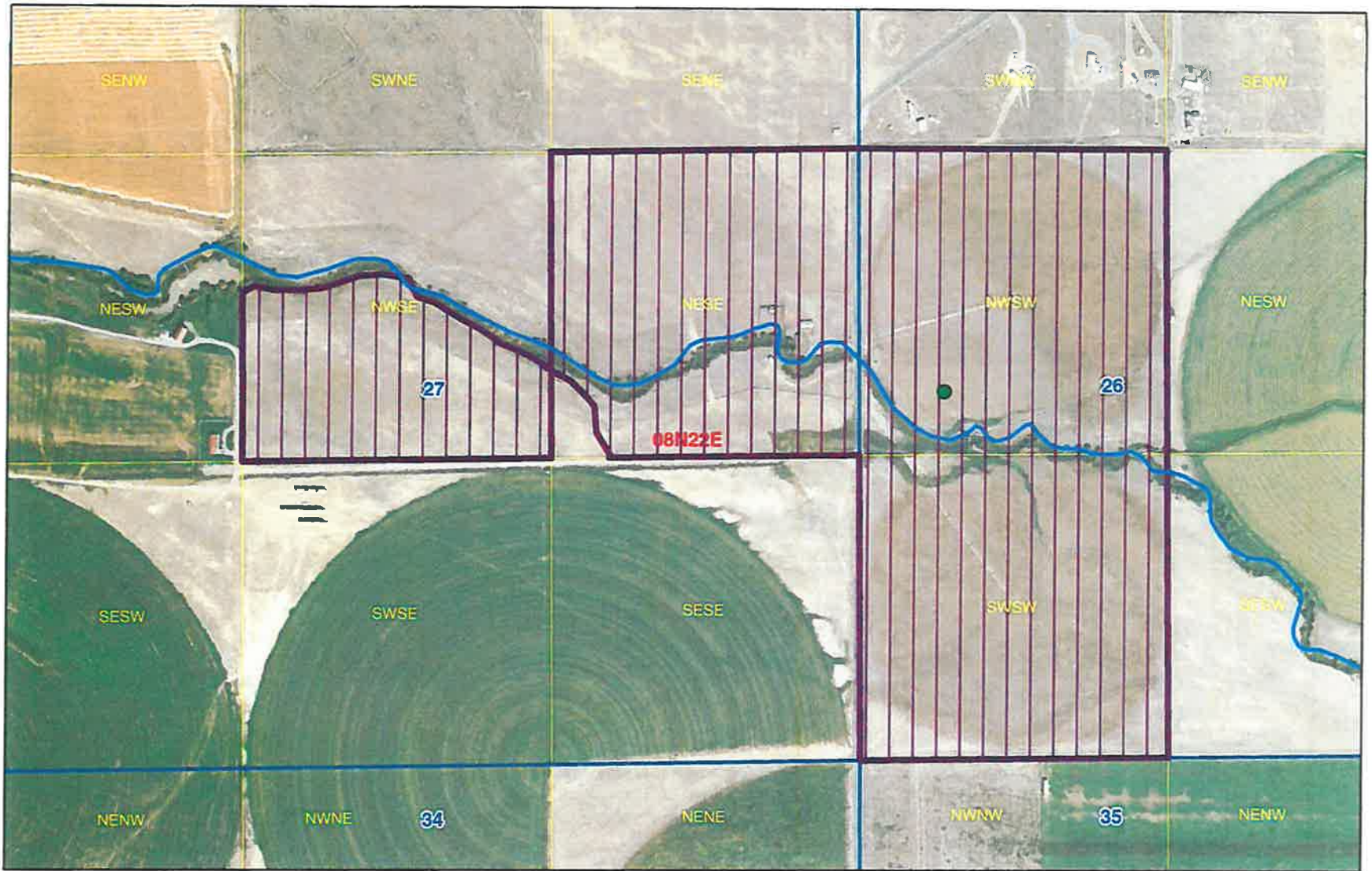
The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.125 0.25 0.5 Miles





Melvin Freeman - Place of Use: 34-420, 34-421 & 34-324B

- Existing Place of Use
- Township/Range
- Sections
- QQ

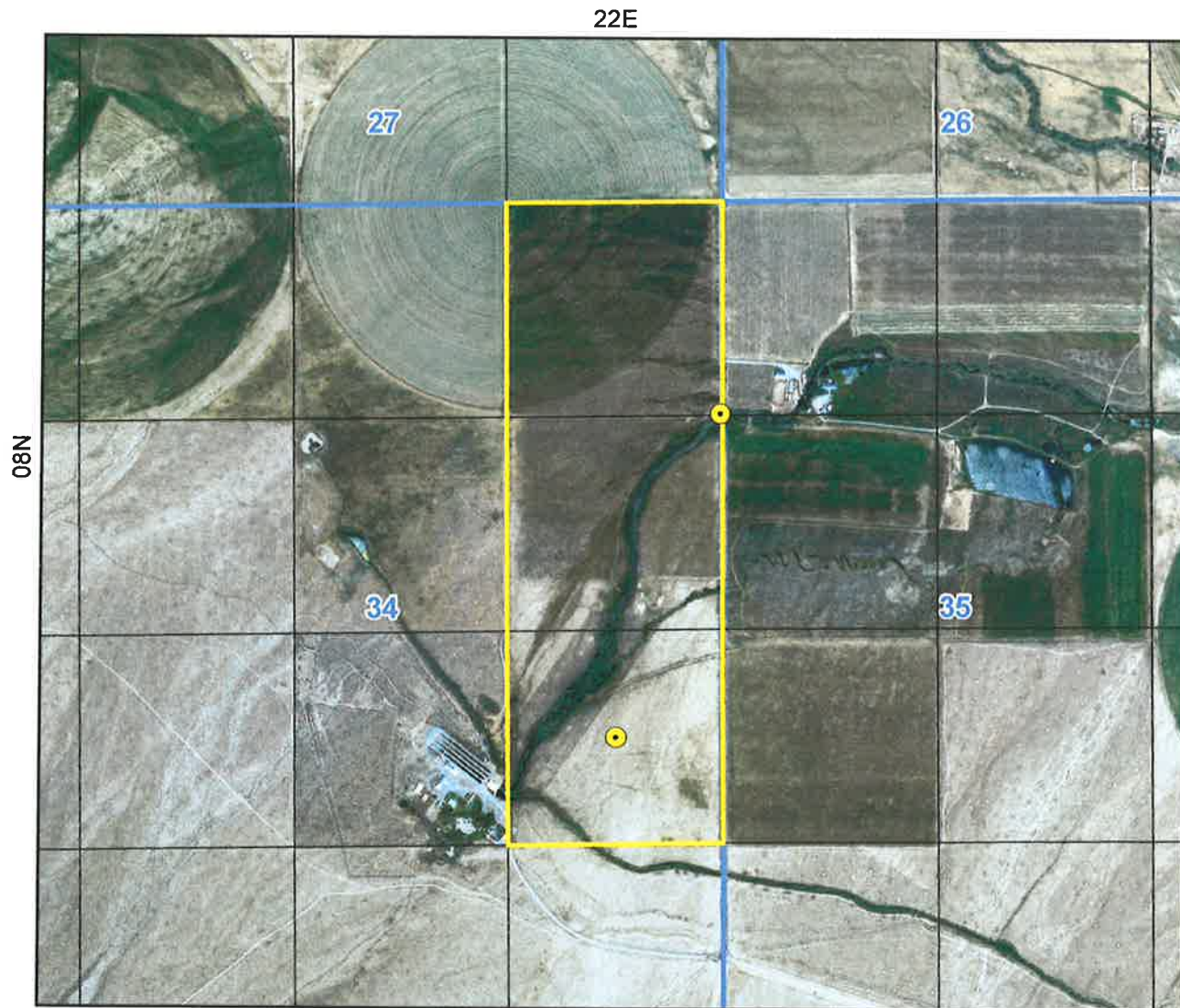
0 0.075 0.15 0.3 Miles

State of Idaho
Department of Water Resources

Water Right 34-12414

STOCKWATER

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.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.125 0.25 0.5 Miles



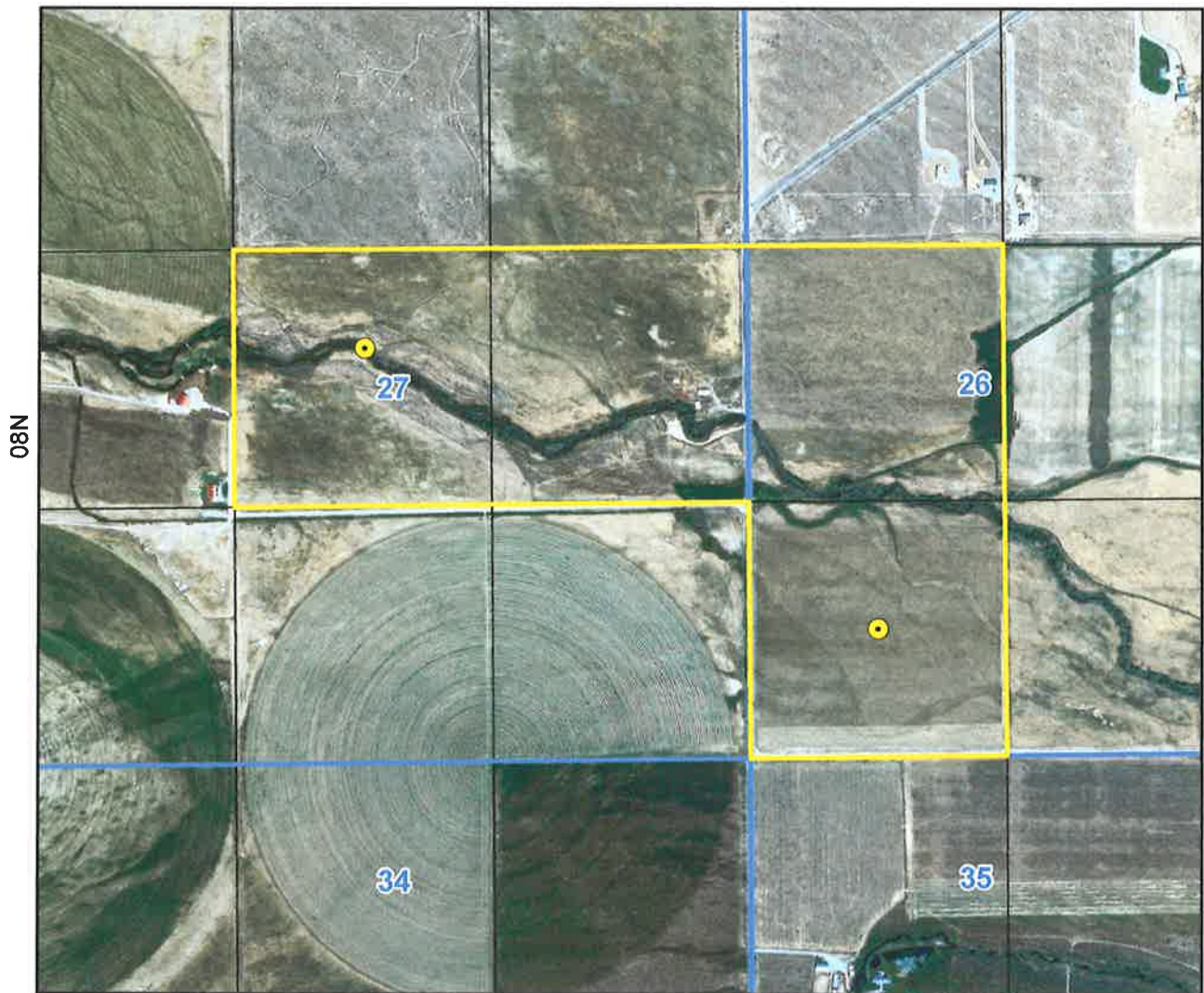
State of Idaho
Department of Water Resources

Water Right 34-12415

STOCKWATER

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.

22E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.1 0.2 0.4 Miles



254439

#

Custer County Req. of

McCullough GroupTime 11:39 AM Date 3/14, 2018

Lura H. Baker, Clerk

Jina Hawkins \$15.00
Deputy

WHEN RECORDED, MAIL TO:
 GREGORY C. ZAUGG, ESQ.
 THE McCULLOUGH GROUP, LLC
 405 SOUTH MAIN STREET, SUITE 800
 SALT LAKE CITY, UTAH 84111

GRANTEE'S ADDRESS:
 BEVERLY KAY FREEMAN,
 INVESTMENT TRUSTEE
 10998 SOUTH 2000 EAST
 SANDY, UTAH 84092

Space above for County Recorder's use

SPECIAL WARRANTY DEED

KARL FRANKLIN FREEMAN, TRUSTEE OF THE MELVIN RAY FREEMAN TRUST, DATED THE 24TH DAY OF AUGUST, 2015, grantor, of Salt Lake County, State of Utah, hereby CONVEYS and WARRANTS against all claiming by, through or under him to **BEVERLY KAY FREEMAN, INVESTMENT TRUSTEE OF THE KFF 301 TRUST, DATED THE 25TH DAY OF MAY, 2004**, grantee, of Salt Lake County, State of Utah, for the sum of TEN AND NO/100 (\$10.00) DOLLARS, and for other good and valuable consideration, the following described tract of land in **Custer County, State of Idaho**:

SEE ATTACHED EXHIBIT A

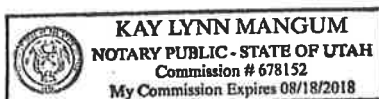
WITNESS, the hand of said grantor this 15 day of February, 2018.

THE MELVIN RAY FREEMAN TRUST,
 Dated the 24th day of August, 2015.

Karl Franklin Freeman
 Karl Franklin Freeman, Trustee

STATE OF UTAH)
) : ss.
 COUNTY OF SALT LAKE)

On the 15 day of February, 2018, personally appeared before me, **KARL FRANKLIN FREEMAN, TRUSTEE OF THE MELVIN RAY FREEMAN TRUST, DATED THE 24TH DAY OF AUGUST, 2015**, the signer of the within instrument, who duly acknowledged to me that he is the Trustee of said Trust and that he executed the same.



Kay Lynn Mangum
 NOTARY PUBLIC

EXHIBIT A

**TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER
COUNTY, IDAHO**

SECTION 34: E2NE4, NE4SE4	T8N	R22E	120 ACRES
SECTION 35: NW4SW4	T8N	R22E	40 ACRES
SECTION 27: N2SE4	T8N	R22E	80 ACRES
SECTION 26: W2SW4	T8N	R22E	80 ACRES

**TOGETHER WITH ALL MINERAL RIGHTS, GAS RIGHTS, WATER,
WATER RIGHTS, DITCH AND CANAL RIGHTS THEREUNTO
BELONGING OR IN ANYWISE APPERTAINING, INCLUDING BUT NOT
LIMITED THERETO 252 INCHES OF DECREED SPRING WATER AND 40
INCHES OF DECREED WATER FROM LOST RIVER.**

**TOGETHER WITH ALL GRAZING RIGHTS, INCLUDING THOSE FROM
THE BUREAU OF LAND MANAGEMENT AND THE U.S. FOREST
SERVICE, INCLUDING BUT NOT LIMITED THERETO THE
FOLLOWING: 26 A.U.M.'S IN BUREAU OF LAND MANAGEMENT; 30
HEAD IF STOCK CATTLE IN THE U.S. FOREST SERVICE; ALSO
TOGETHER WITH MEMBERSHIP AND GRAZING RIGHTS IN MACKAY
CATTLEMAN'S ASSOCIATION**

**EXCEPTING ONLY ANY EXISTING LEASES AND UNPAID TAXES
ACCRUING, CONDITIONS, RESTRICTIONS, EASEMENTS,
LIMITATIONS AND ZONING ORDINANCES OF RECORD, IF ANY.**

254438

#

Custer County Req. of

McCullough Group LLC

Time *11:37 A* M Date *3/14*, 20*18*

Lura H. Baker, Clerk

Jina Hawkins \$ *19.00*
Deputy

WHEN RECORDED MAIL TO:

GREGORY C. ZAUGG, ESQ.
THE McCULLOUGH GROUP, LLC
405 SOUTH MAIN STREET, SUITE 800
SALT LAKE CITY, UTAH 84111

Space above for County Recorder's use

AFFIDAVIT OF SUCCESSOR TRUSTEE

KARL FRANKLIN FREEMAN, TRUSTEE OF THE MELVIN RAY FREEMAN TRUST, DATED THE 24TH DAY OF AUGUST, 2015, being duly sworn, deposes and states that he is the Successor Trustee under that certain Trust Agreement known as The Melvin Ray Freeman Trust (the "Trust"). Melvin Ray Freeman is deceased, as evidenced by the Certificate of Death, State File No. 2018002074, attached hereto as Exhibit A. The Trust is the owner of the following described real property located in **Custer County, State of Idaho**:

TOWNSHIP 8 NORTH, RANGE 22 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO

SECTION 34: E2NE4, NE4SE4	T8N	R22E	120 ACRES
SECTION 35: NW4SW4	T8N	R22E	40 ACRES
SECTION 27: N2SE4	T8N	R22E	80 ACRES
SECTION 26: W2SW4	T8N	R22E	80 ACRES

TOGETHER WITH ALL MINERAL RIGHTS, GAS RIGHTS, WATER, WATER RIGHTS, DITCH AND CANAL RIGHTS THEREUNTO BELONGING OR IN ANYWISE APPERTAINING, INCLUDING BUT NOT LIMITED THERETO 252 INCHES OF DECREED SPRING WATER AND 40 INCHES OF DECREED WATER FROM LOST RIVER.

TOGETHER WITH ALL GRAZING RIGHTS, INCLUDING THOSE FROM THE BUREAU OF LAND MANAGEMENT AND THE U.S. FOREST SERVICE, INCLUDING BUT NOT LIMITED THERETO THE FOLLOWING: 26 A.U.M.'S IN BUREAU OF LAND MANAGEMENT; 30 HEAD IF STOCK CATTLE IN THE U.S. FOREST SERVICE; ALSO TOGETHER WITH MEMBERSHIP AND GRAZING RIGHTS IN MACKAY CATTLEMAN'S ASSOCIATION.

EXCEPTING ONLY ANY EXISTING LEASES AND UNPAID TAXES ACCRUING, CONDITIONS, RESTRICTIONS, EASEMENTS, LIMITATIONS AND ZONING ORDINANCES OF RECORD, IF ANY.

RELEVANT TRUST PROVISIONS

Section 5.1 of The Melvin Ray Freeman Trust states:

5.1 Trustee Succession.

5.1.1 Original and Successor Trustees. The following will act as original Trustee, and as successor Trustees in the following order of succession:

- (1) Melvin Ray Freeman
- (2) Karl Franklin Freeman
- (3) A Trustee chosen by the majority of the beneficiaries voting by right of representation, with the natural or legal guardian voting for legally disabled beneficiaries.

In the discretion of the Trustee, additional Trustees may be added in the succession above indicated if more than the number of Trustees then serving is desired.

From this date forward, ownership of the above real property shall vest in the name of **Karl Franklin Freeman, Trustee of The Melvin Ray Freeman Trust, dated the 24th day of August, 2015.**

Dated this 15 day of February, 2018.

THE MELVIN RAY FREEMAN TRUST, dated the 24th day of August, 2015.

By: Karl Franklin Freeman
Karl Franklin Freeman, Trustee

STATE OF UTAH)
 : ss.
 COUNTY OF SALT LAKE)

On the 15 day of February, 2018, personally appeared before me, **KARL FRANKLIN FREEMAN, TRUSTEE OF THE MELVIN RAY FREEMAN TRUST, DATED THE 24TH DAY OF AUGUST, 2015**, the signer of the within instrument, who duly acknowledged to me that he is the Trustee of said Trust and that he executed the same.



Kay Lynn Mangum
 NOTARY PUBLIC

254438

EXHIBIT A

Office of the Clerk of the District Court
Custer County, Idaho
COURTHOUSE
PO BOX 369
801 East Main Ave
Challis, ID 83226

254438

Lura H. Baker
Clerk of the District Court
Ex Officio Auditor/Recorder
e-mail: lbaker@co.custer.ID.US

Phone: (208)879-2360
Fax: (208)879-5246

Affidavit of Certified Death Certificate For Recording Purposes

INFORMATION A PRESENTED ON CERTIFIED DEATH CERTIFICATE:

NAME OF DECEASED: Melvin Ray Freeman
DATE OF DEATH: February 6, 2018
PLACE OF DEATH: Midvale, Utah
ISSUING AGENCY: State of Utah
STATE FILE NUMBER: 2018002074
DATE REGISTERED: February 8, 2018
DATE ISSUED: February 8, 2018

The recording of this affidavit in and of itself does not constitute proof of death. It verifies that the Recorder's office has confirmed receipt of a certified death certificate as presented by an entity or individual in conjunction with or as a part of a desired recording. This affidavit is solely for the purpose of **NOT** recording private information that is part of the certified death certificate, the copy of which will be retained by the Custer County Recorder's Office.

Lura H. Baker
Custer County Clerk

By: Jina Hawkins
Deputy Clerk
Date: March 14, 2018





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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

October 09, 2018

KFF 301 TRUST
10998 S 2000 E
SANDY UT 84092-4710

Re: Change in Ownership for Water Right No(s): 34-353, 34-420, 34-421, 34-324B, 34-12414, 34-12415

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,

Jonie Barg
Technical Records Spec I

Enclosure(s)

cc: Water District 34