

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 21 2018

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?
34-7124 <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: Ben Howard
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Dianne Taylor
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 108 Clear Water Pass Bastrop Tx 78602
- Mailing address City State ZIP
208 720 4566 dt1cat@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: August 9, 2005
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: Dianne Taylor Title, if applicable Date Sep 17, 2018
Signature of new owner/claimant

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

For IDWR Office Use Only:

Received by JB Date 9/21/2018 Receipt No. E044391 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 JB Processed by JB Date 10/9/2018



Wal ▾

34-7124



Show search results for 34-...

Right

Locator



-113.895 44.210 Degrees

600ft

USDA FSA, DigitalGlobe, GeoEye, CN



166794

THIS INDENTURE, Made the.....day of....., in the
 year of our Lord one thousand nine hundred and.....eighty-three....., between
 BEN N. HOWARD and DOROTHY M. HOWARD, husband and wife,
 of the County of.....Custer....., State of.....Idaho....., the parties of the
 first part, and.....ROBERT HOWARD and PAMELA HOWARD, husband and wife,
 H/C 63, Box 1765, Challis, Idaho 83226,
 of the County of.....Custer....., State of.....Idaho....., the parties of the
 second part, Witnesseth:

That the said parties of the first part, for and in consideration of the.....love, affection and
 duty which the said parties of the first part has and bears unto the said parties of the second part,
 as also for the better maintenance, support, protection, and livelihood of the said parties of the second
 part, do.....by these presents give, grant, alien, and confirm unto the said parties of the second part,
 and to.....their.....heirs and assigns forever, all of the following described real estate, situated in

....., County of.....Custer....., State of Idaho, to-wit:
 NE1/4SE1/4, Section 10, and all of those portions of the N1/2SW1/4,
 Section 11, lying Southwest of U. S. Highway 93, all within Township
 10 North, Range 21 East, Boise Meridian, Custer County, Idaho.

TOGETHER WITH All water and water rights, including but not limited
 to the entire flow of Poison Spring located in the N1/2NW1/4, Section
 17, Township 10 North, Range 22 East, Boise Meridian, Custer County,
 Idaho, and

TOGETHER WITH A Pipeline right-of-way and easement as granted by the
 Bureau of Land Management by document Serial No. I-13660 and more
 particularly described over a course as follows:

Commencing at the point of beginning which is N 19°09'32" W 1,398.7
 feet from the South Quarter Corner Section 11, Township 10 North,
 Range 21 East, Boise Meridian, Custer County, Idaho; thence S
 21°15' E 1,700.00 feet; thence N 75°16' E 521.8 feet; thence S
 84°39' E 290.4 feet; thence S 83°24' E 377.3 feet; thence S 89°51'
 E 379.5 feet; thence N 68°05' E 274.2 feet; thence S 47°00' E 110.0
 feet; thence N 76°36' E 558.6 feet; thence S 85°32' E 3,108.1 feet;
 thence N 77°40' E 193.3 feet; thence S 70°42' E 175.7 feet; thence
 S 87°19' E 1,717.3 feet; thence S 55°09' E 170.4 feet; thence S
 87°34' E 436.8 feet; thence S 86°05' E 4,489.8 feet; thence N 75°32'
 E 404.8 feet; thence N 42°55' E 299.9 feet; thence N 50°37' E 443.6
 feet to a headbox.

Deed transferred 2005
Aug 29

WARRANTY DEED

For Value Received **Robert Howard and Pamela Howard**, whose names also appear of record as **Bob Howard and Pam Howard** husband and wife, as to an undivided $\frac{1}{2}$ interest and **Ben N. Howard**, a married man as his sole and separate property, as to an undivided $\frac{1}{2}$ interest

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Mark Fisher and Danette Fisher, husband and wife, and Elmer Taylor and Diane Taylor, husband and wife, and Tony Davis, a single man

whose address is: **P.O. Box 655, Ketchum, Idaho, 83340,**

Hereinafter called the Grantee, the following described premises situated in **Custer** County, Idaho, to-wit:

Township 10 North, Range 21 E.B.M., Custer County, Idaho

Section 10: NE1/4SE1/4

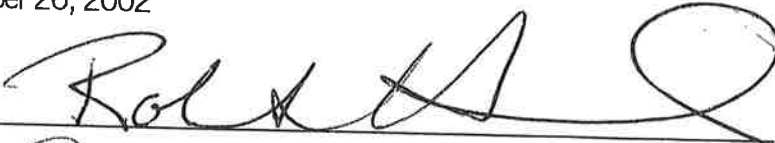
Section 11: N1/2SW1/4 lying SW of U.S. Highway 93

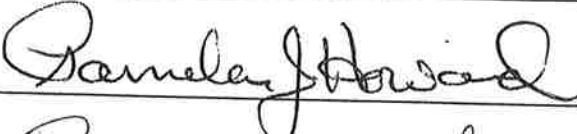
99 acres

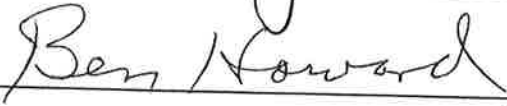
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

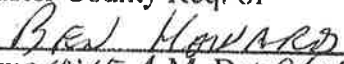
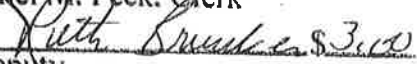
Dated: November 26, 2002



Robert Howard


Pamela Howard


Ben Howard

232274
Custer County Req. of

Time 10:15 A.M. Date 9/7/2005
Ethel M. Peck, Clerk

Deputy

STATE OF IDAHO)

COUNTY OF Elmore)

)ss.

On this 29 day of August

, in the year of 2005, before me, Jerry Gorrell

personally appeared Robert Howard and Pamela Howard known or identified to me (or proved to



P.1



STATE OF IDAHO)

COUNTY OF *Elmore*)

)ss.

On this *29* day of *August*

, in the year of *2005*, before me, *Jerry Gorrell*

personally appeared Robert Howard and Pamela Howard, known or identified to me (as required to

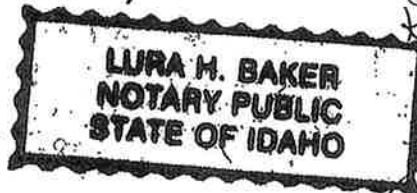
that they executed the same.

[Signature]

Notary Public of Idaho

Residing at: *Glenns Ferry, Id.*

Commission Expires: *10/9/2008*



State of Idaho
County of Custer

On the *17th* day of *September*, 20*05*
before me Ben Howard person
known to me executed the Ben

Lura H. Baker, Notary
Residing Clayton, SD
Commission Expires 12-12-09

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:
Elmer and Dianne Taylor
P.O. Box 3690
Ketchum, ID 83340

Davis Quitclaim Nov 2005
232797
Custer County Req. of
DIANNE TAYLOR
Time 4:30 P.M. Date 11/22/2005
Ethel M. Peck, Clerk
Ruth Bruner \$3.00
Deputy

QUITCLAIM DEED

By this instrument dated the 16 day of Nov., 2005, for valuable consideration, Tony Davis (also known as Anthony P. Davis), a married man, does hereby CONVEY, REMISE, RELEASE, and FOREVER QUITCLAIM to ELMER TAYLOR, DIANNE TAYLOR AND MARK AND DANETTE FISHER following described real property in the State of Idaho, County of Custer:

Township 10 North, Range 21 E.B.M., Custer County, Idaho
Section 10: NE1/4SE1/4
Section 11: N1/2SW1/4 lying SW of U.S. Highway 93

Anthony P. Davis

Tony Davis

STATE OF IDAHO)
County of Lincoln) ss.
)

On this 16 day of November, 2005, before me, a Notary Public in and for said State, personally appeared Tony Davis known 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 first above written.



Dena E. Mabbitt
NOTARY PUBLIC FOR: Idaho
Residing at Shoshone
Commission Expires 2-22-08

Mark Promissory
note

PROMISSORY NOTE

Borrower: Mark Fisher of Bellvue, ID.

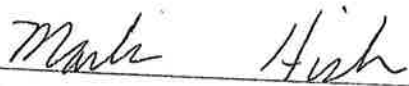
Lender: Dianne and/or Elmer Taylor

Principal Amount: \$17,000.00

1. FOR VALUE RECEIVED, Mark Fisher promises to pay to Dianne and/or Elmer Taylor at such address as may be provided in writing to Mark Fisher, the principal sum of seventeen thousand (\$17,000.00) USD, without interest payable on the unpaid principal.
2. This Note will be repaid in full on On or before November 14, 2006.
3. If Mark Fisher defaults in payment as required under this Note or after demand for ten (10) days, the Security will be immediately provided to Dianne and/or Elmer Taylor and Dianne and/or Elmer Taylor is granted all rights of repossession as a secured party.
4. This Note will be construed in accordance with and governed by the laws of the State of Idaho.
5. All costs, expenses and expenditures including, and without limitation, the complete legal costs incurred by Dianne and/or Elmer Taylor in enforcing this Note as a result of any default by Mark Fisher, will be added to the principal then outstanding and will immediately be paid by Mark Fisher.
6. This Note will enure to the benefit of and be binding upon the respective heirs, executors, administrators, successors and assigns of Mark Fisher and Dianne and/or Elmer Taylor. Mark Fisher waives presentment for payment, notice of non-payment, protest and notice of protest.
7. This Note is secured by the following security (the 'Security'): 1/2 portion of land owned by Anthony P. Davis, located in Challis County, deeded to Dianne and Elmer Taylor and Mark and Danette Fisher and Anthony P. Davis, with a quit claim deed by Anthony P. Davis. If note is not paid by November 14, 2006, all of the portion of land (rather than 1/2) formerly owned by Anthony P. Davis reverts to Dianne and Elmer Taylor, making them 2/3 owner of the land..
8. Mark Fisher grants to Dianne and/or Elmer Taylor a security interest in the Security until this Note is paid in full. Dianne and/or Elmer Taylor will be listed as a lender on the title of the Security whether or not Dianne and/or Elmer Taylor elects to perfect the security interest in the Security.

IN WITNESS WHEREOF Mark Fisher has duly affixed his signature under seal on this 16 day of November, 2005.

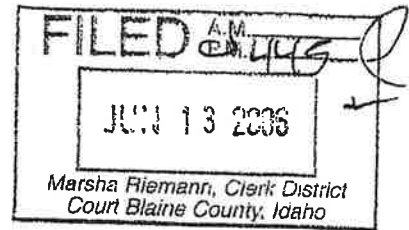
SIGNED, SEALED, AND DELIVERED
this 16 day of November, 2005.



Mark Fisher

Danette Goddard

Michael J. Kraynick, P.L.L.C.
Attorney at Law, ISB #3003
P.O. Box 157
113 E. Bullion Street
Hailey, ID 83333
208-788-4668
Fax-788-4143
email: mkraynick@cox.net



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

IN THE MATTER OF THE ESTATE OF)
MARK D. FISHER,)
Deceased.)
CASE NO. CV-06- 429
LETTERS TESTAMENTARY

DANETTE FISHER is hereby appointed personal representative of the Estate of Mark D. Fisher, deceased, with all authority pertaining thereto. Administration of the estate is unsupervised. These Letters are issued to evidence the appointment, qualification, and authority of the personal representative.

WITNESS: Ted ^{ISRAEL} Israel, Magistrate of the District Court, County of Blaine, State of Idaho, with the seal of the Court affixed this 13 day of June, 2006.

[Signature]
MAGISTRATE JUDGE

235939

Custer County Reg. of
Dianne Taylor
Time 12:30 PM Date 7/8, 2007
Barbara C. Breedlove, Clerk
[Signature] \$3.00
Deputy

STATE OF IDAHO } ss
County of Blaine }
I, Marsha Riemann, being a full, free and competent person, do hereby certify that the foregoing is a true and correct copy of the original thereof, and that I have been duly sworn to perform these duties by official seal this 13 day of June, 2006.
Marsha Riemann
Clerk District Court
[Signature]
Deputy

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:
Elmer and Dianne Taylor
P.O. Box 3690
Ketchum, ID 83340

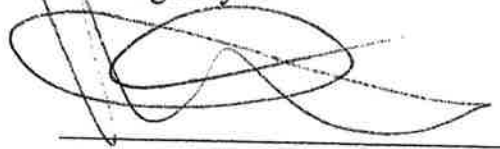
243637

243637
Custer County Reg. of
Elmer & Dianne Taylor
Time 11:09 AM Date 2-2-11
Barbara C. Tierney, Clerk
Deputy \$10.00

QUITCLAIM DEED

By this instrument dated the 27 day of Jan 2011, for valuable consideration, Danette Fisher, a widow, does hereby CONVEY, REMISE, RELEASE, and FOREVER QUITCLAIM to ELMER TAYLOR, DIANNE TAYLOR the cabin built by Mark Fisher located on the following described real property in the State of Idaho, County of Custer:

Township 10 North, Range 21 E.B.M., Custer County, Idaho
Section 10: NE1/4SE1/4
Section 11: N1/2SW1/4 lying SW of U.S. Highway 93



Danette Fisher

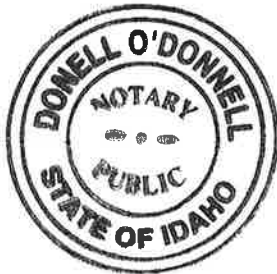
STATE OF IDAHO)

County of Blaine)

) ss.

On this 27th day of January, 2011, before me, a Notary Public in and for said State, personally appeared Danette Fisher known 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 first above written.




NOTARY PUBLIC FOR: Idaho
Residing at Kenilworth, T.D.
Commission Expires 10/13/14

253048

#

Custer County Req. of

Dianne TaylorTime 12:40 P M Date 3/14, 20 17

Lura H. Baker, Clerk

Cecily Cushman \$ 10.00
DeputyRECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:Dianne Taylor
P.O. Box 3690
Ketchum, ID. 83340

By this instrument dated the 9 day of February, 2017, for valuable consideration, the Victor and Emily Taylor trust does hereby CONVEY, REMISE, RELEASE, and forever quitclaim to Dianne Taylor its portion of the following described real property in the State of Idaho, County of Custer:

Township 10 North, Range 21 E.B.M., Custer County, Idaho
Section 10: NE1/4SE1/4
Section 11: N1/2SW/1/4 lying SW of U.S. Highway 93

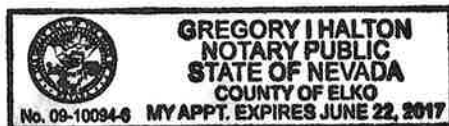
STATE OF NEVADA

County of Elko

)
) ss. [Signature]
)

On this 9 day of February, 2017, before me, a Notary Public in and for said State, personally appeared Kevin Dinwiddie, executor of the Victor an Emily Taylor trust known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



[Signature]

NOTARY PUBLIC FOR: Nevada

Residing at NNRHCommission Expires 6/22/2017

Dianne Taylor is now the sole owner of the land described in Document 1. The water rights are in Ben Howard's name. Dianne needs a registered deed to have water rights changed to her name.

Document 1:

Ben Howard and his wife gave the land to Robert Howard and his wife. A legal description of the land, 3 parcels, including water rights to poison spring appear in document 1, the deed to Robert Howard and his wife.

Documents 2 and 3: Top and bottom half

Deed, Robert Howard and Pamela Howard to Tony Davis, Mark and Danette Fisher, and Elmer and Dianne Taylor transferred August 9, 2005. Custer County #232274

Document 4:

Tony Davis quitclaim to Mark and Danette Fisher and Elmer and Dianne Taylor Nov. 22, 2005, Custer County # 232797 Dianne and Elmer Taylor loan Mark Fisher the money for his and Danette's portion of the land. They get a promissory note stating that all of Davis land would be theirs if money is not paid by Nov. 14, 2006. Mark dies in June of 2006, and money is not repaid.

Document 5:

Promissory note from Mark Fisher for loan to purchase Davis land enacted upon Mark Fisher's death. All of Davis land becomes property of Elmer and Dianne Taylor. The Taylors own 2/3 at this point.

Document 6:

Danette becomes the sole owner of the remaining third of the land upon Mark's death. Her Letters Testamentary were filed June 13, 2006, Case No. CV-06-429 Blaine County Court.

Document 7:

Danette quitclaimed her third of the land to Elmer's parents' trust (beneficiaries Elmer Taylor and Lisa Dinwiddie) on January 29, 2007. She kept the cabin on the land. Elmer and Dianne Taylor now own 2/3 of the land. The trust owns 1/3. #23590 Custer County.

Document 8:

Cabin quitclaimed By Danette to Elmer and Dianne. Feb. 2, 2011. #243637 Custer County.

Document 9:

Elmer died on July 1, 2016. Dianne is his beneficiary. Her Letters Testamentary were filed on July 25, 2016 in Blaine County Court, Case No. 2016-364.

Document 10:

The Victor and Emily Taylor trust quitclaimed its portion of the land to Dianne Taylor on February 9, 2017. Filing number 253048 Custer County.



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

ELMER TAYLOR
DIANNE TAYLOR
108 CLEAR WATER PASS
BASTROP TX 78602-2434

Re: Change in Ownership for Water Right No(s): 34-7124

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