

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 16 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?
27-7561 <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: Helen Evans
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Byron Evans
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|----------------------------|--------------------------------|-----------|--------------|
| <u>252 North 2800 East</u> | <u>Roberts</u> | <u>ID</u> | <u>83444</u> |
| Mailing address | City | State | ZIP |
| <u>(208) 228-3816</u> | <u>byronbevans@hotmail.com</u> | | |
| 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: 2016 ~~1~~ 2015
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: *[Signature]* Title, if applicable: OWNER Date: 3-12-16
Signature of new owner/claimant

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

For IDWR Office Use Only:

Received by *SC* Date 3/16/18 Receipt No. ED43802 Receipt Amt. 25⁰⁰
 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 4/2/2018

Instrument # 665809

BINGHAM COUNTY

3-26-2015 03:50:50 PM No. of Pages: 3

Recorded for : 11801 NELSON HALL PARRY TUCKER

PAMELA W. ECKHARDT

Fee: 16.00

Ex-Officio Recorder Deputy

Mail Property Tax Notice To:

Byron Evans

252 North 2800 East

Roberts, ID 83444

Instrument # 665597

BINGHAM COUNTY

3-18-2015 03:45:51 PM No. of Pages: 3

Recorded for : 5873 BYRON EVANS

PAMELA W. ECKHARDT

Fee: 16.00

Ex-Officio Recorder Deputy

CORRECTED

**DEED OF DISTRIBUTION BY PERSONAL
REPRESENTATIVE**

THIS DEED OF DISTRIBUTION is made by BYRON EVANS and DEAN EVANS as personal representatives of the estate of HELEN B. EVANS and THAIN M. EVANS, deceased (the "Estate"), Grantors, to BYRON B. EVANS, Grantee, whose current address is 252 North 2800 East, Roberts, ID 83444.

WHEREAS, Grantors are the qualified personal representatives of the Estate, filed as Case No. CV-2014-0502 in Bingham County, Idaho (see Letters Testamentary ~~attached~~); and Inst. No. 665593

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property as set forth under the Last Will and Testament of Helen B. Evans and as set forth in that certain Estate Closing Agreement entered into by the Grantors as personal representatives of the Estate and by all of the beneficiaries of the Estate;

NOW, THEREFORE, for valuable consideration received, Grantors quitclaim, transfer, and convey to Grantee the following described real property in ~~Donneville~~ Bingham County, Idaho:

A portion of property located in the SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 2 South Range 36 E.B.M., Bingham County, Idaho described as follows:

All of that part of the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 17, Township 2 South, Range 36 EBM, lying North of the Oregon Shortline Railroad, excepting the North 1017 feet.

AND

All that portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 2 South Range 36 E.B.M. lying North of the Oregon Shortline Railroad.

LESS AND EXCEPTING (from Instrument No. 567398):

A portion of property located in Section 17, Township 2 South, Range 36 EBM, Bingham County, Idaho, described as follows:

Beginning at a point that is S 89°31'59" E 2738.28 feet along the

ORIGINAL

latitudinal center line and S 00° 00'00" E 1276.55 feet to the Northerly right-of-way of State Highway 91 to the true point of beginning, all from the W¼ corner of said Section 17, (the E¼ corner bears S 89°31'59" E 5293.25 feet from the W¼ corner), and running thence S 49°09'26" W 148.61 feet along said State Highway 91, said line is parallel and 100.00 feet Northerly from the Center line of the Union Pacific Railroad; thence N 40°50'34" W 322.43 feet; thence N 49°09'26" E 148.61 feet; thence S 40°50'34" E 322.43 feet to the point of beginning.

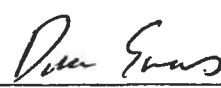
Together with a 50 foot easement access over an existing road located on the east side of said property, to and across the Blackfoot Irrigation Company to State Highway 91. Reserving unto the (original) Grantor a right of first refusal to reclaim said property in the event the Grantees desire to sell the same.

TOGETHER WITH 119 shares of Blackfoot Irrigation Co., AND 1.12 CFS of water rights under Decree 27-7561, AND one-half of 1.11 CFS (that being .555 CFS) of water rights under License 27-11910 (which will need a split and a change in point of use and point of diversion).

This conveyance shall include any and all appurtenances, mineral rights, tenements, hereditaments, reversions, remainders, easements, rights-of-way, and water rights anywise appertaining to the property herein described.

EXECUTED this 16th day of March, 2015.

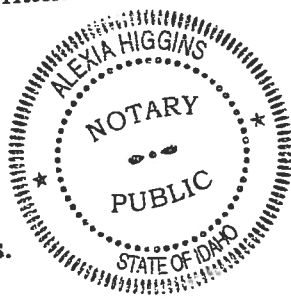

BYRON EVANS, as Personal Representative


DEAN EVANS, as Personal Representative

STATE OF IDAHO)
)ss.
County of Bonneville

On this 16th day of March, 2015, before me the undersigned, a Notary Public in and for said state, personally appeared BYRON EVANS, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of HELEN B. EVANS and THAIN M. EVANS, deceased, and acknowledged to me that he executed the same as such Personal Representative.

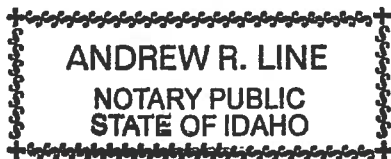
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



STATE OF IDAHO)
)ss.
County of Bighorn

On this 12th day of March, 2015, before me the undersigned, a Notary Public in and for said state, personally appeared DEAN EVANS, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of HELEN B. EVANS and THAIN M. EVANS, deceased, and acknowledged to me that he executed the same as such Personal Representative.

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



Andrew R. Line
Notary Public for Idaho
Residing at: Bigbee, ID
My Commission Expires: 7-1-19

L:\SRP\8761Evans\Deed of Distribution for Evans Tract 2 rev wpd

665809

SOUTH 5280.00

T-1562
Barbara T Malm
~~WALLACE-E-MALM~~
WD 3-29-54
86/152
Dec 55 5-24-10 618/91

W2 T-1561
CYNTHI LAW
DEC 3-9-81 CASE #12263
WD 4-10-80 265117
QCD 299487

T-6907

T-13363

T-13362

T-13361

T-6912

T-6911

T-17190
T-1560

T-5377

R/R

JAN
WD

HELEN B EVANS
WD 9-17-58 100/90
AFF 5-26-06 567672

T-1563

T-2990
15334

T-1557

7434

T-15774

15648

15553

NLY PTN T-15540

HELEN B EVANS
WD 3-24-64
105363
AFF 5-26-06 56

S 89.56 E 5278.02

Steven R. Parry (#4006)
NELSON HALL PARRY TUCKER, PLLC
490 Memorial Drive
Post Office Box 51630
Idaho Falls, Idaho 83405-1630
Telephone (208) 522-3001
Fax (208) 523-7254

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF:

HELEN B. EVANS and
THAIN M. EVANS,
Deceased.

Case No. CV-2014-0502

**BENEFICIAL INTEREST
EXCHANGE AGREEMENT**

THIS BENEFICIAL INTEREST EXCHANGE AGREEMENT (this "*Agreement*") is made and entered into effective the 16 day of March, 2015, by and between CRAIG B. EVANS ("*Craig*") and BYRON B. EVANS ("*Byron*"), and is acknowledged by BYRON EVANS and DEAN EVANS, co-personal representatives (the "*Personal Representatives*") of the Estate of Helen B. Evans and Thain M. Evans (the "*Estate*").

This *Agreement* is made pursuant to Idaho Code § 15-3-912 which provides for private agreements among successors and is made in conjunction with and referenced in an Estate Closing Agreement (the "*Closing Agreement*") entered into concurrently herewith by all of the beneficiaries of the *Estate*. Italicized terms herein have the same meanings as set forth in the *Closing Agreement*.

Background

A. As set forth in Section 4 of the *Closing Agreement* regarding the distribution of farm land (the terms of which are incorporated herein by this reference), *Tract 2* defined therein was allocated to *Craig* and *Byron* but the *Closing Agreement* notes that they have "separately agreed that *Byron* shall pay (or allocate cash or other assets hereunder) to *Craig* for all of *Craig's* interest therein and therefore all of *Tract 2* shall be distributed directly from the estate to *Byron*...."

B. This *Agreement* constitutes the separate agreement between *Craig* and *Byron*.

AGREEMENT

NOW, THEREFORE, for the reasons set forth above and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, *Byron* and *Craig* hereby agree as follows:

ORIGINAL

1. **Tract 2 to Byron.** *Tract 2 shall be distributed directly from the Estate to Byron, and title thereto shall not pass through Craig or be considered owned at any time by Craig.*

2. **Payment to Craig.** In exchange, *Byron upon closing of this Agreement and the Closing Agreement (meaning that all signatures have been obtained and the deed to Byron of Tract 2 is signed and ready for recording) shall pay to Craig [REDACTED] [REDACTED].* Such payment shall be made by check or by such other means of ready cash as the parties may determine.

3. **No Separate Representations or Warranties.** As *Craig* has never owned *Tract 2*, he makes no representations or warranties to *Byron* as to the quality of title, the accuracy of the legal description, or the status of the associated water rights and irrigation equipment.

4. **Legal Advice.** The parties acknowledge that Steven R. Parry of the firm of Nelson Hall Parry Tucker, PLLC has represented the *Estate* and the *Personal Representatives* in this matter, and has not represented either of the parties hereto individually in the preparation of this *Agreement* or otherwise. Each party is encouraged to seek independent legal and tax advice. This *Agreement* has been prepared as an accommodation in connection with the *Closing Agreement*.

5. **General Terms and Binding Nature of Agreement.** Should it be necessary for any reason, the parties agree to join in any bill of sale, deed or other document of transfer necessary to effect the purposes of this *Agreement*. This *Agreement* shall be binding upon the parties hereto, their heirs, successors and assigns. This *Agreement* in connection with the *Closing Agreement* contains the entire understanding of the parties hereto with respect to the subject matter hereof. This *Agreement* shall be governed by and construed in accordance with the laws of the State of Idaho.

IN WITNESS WHEREOF, the parties have entered into this *Agreement* as of the day and year first written above.

"Byron"

BYRON B. EVANS

"Craig"

CRAIG B. EVANS

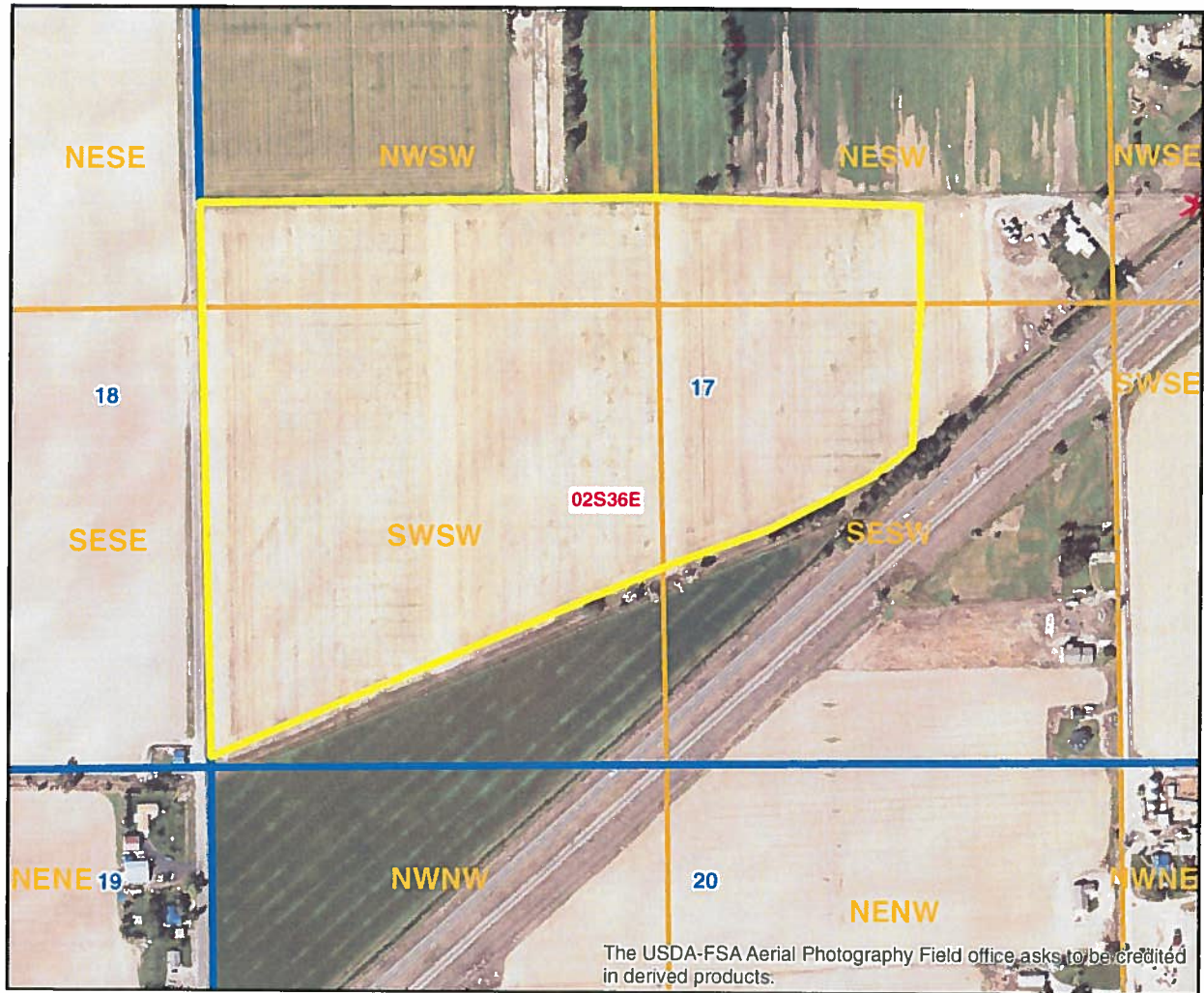
Although not parties hereto, this *Agreement* is acknowledged by the *Personal Representatives* who shall deed *Tract 2* from the *Estate* to *Byron* as directed herein and in the *Closing Agreement*.

BYRON EVANS

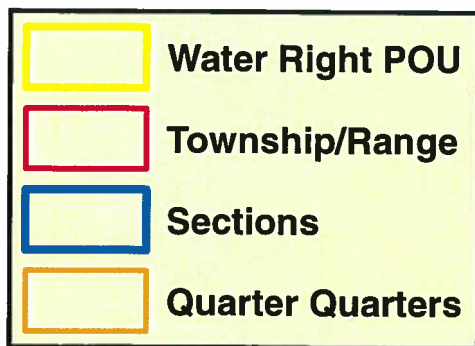
DEAN EVANS

L:\SRP8761Evans\Craig and Byron Exchange Agreement\Evans.wpd

Water Right 27-7561



2013 Aerial Photo





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

April 06, 2018

BYRON EVANS
252 N 2800 E
ROBERS ID 8344

Re: Change in Ownership for Water Right No(s): 27-7561

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 120
BINGHAM GROUND WATER DISTRICT