

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

DEC 02 2015

Department of Water Resources
Eastern Region

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?
11-356 <i>OK</i>	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: CHARLES W. FOSTER
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): EIGHT MILE RANCH, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|----------------------------------|---------------------|-----------|--------------|
| <u>501 Eight Mile Creek Road</u> | <u>Soda Springs</u> | <u>ID</u> | <u>83276</u> |
| Mailing address | City | State | ZIP |
| <u>208-547-3082</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: _____

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.

8. Signature: *Russell C. Burdett* *Attorney for Owner - POA attached* *11/30/15*
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 *12/2/2016* Receipt No. *E04110603* Receipt Amt. *\$25.-*

Approved by _____ Processed by _____ Date _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/14/2015

WATER RIGHT NO. 11-356

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHARLES W FOSTER RT 2 BOX 167 ST ANTHONY, ID 83445 (208)624-7112

Priority Date: 05/01/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
EIGHTMILE CREEK	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/20	9/30	1 CFS	
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

EIGHTMILE CREEK|SWSW|Sec. 16|Township 10S|Range 42E|BEAR LAKE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BEAR LAKE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
10S	42E	9		NWNE			SWNE							

Conditions of Approval:

1. P/D, WOODALL-FOSTER-MUNRO DITCH. P/U AC. IRR. = 60.

Dates:

Licensed Date:

Decreed Date: 07/14/1920

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 11A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

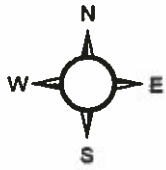
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Water Right No. 11-356



Legend

-  11-356
-  11-356 POD
-  TR Lines
-  Section Lines
-  Quarter Quarters



RACINE
OLSON
NYE
BUDGE
BAILEY

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WARRANTY DEED

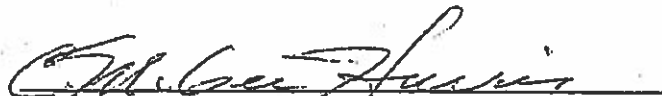
FOR VALUE RECEIVED, C. McGEE HARRIS and JANET G. HARRIS, husband and wife, whose address is 1501 Eight Mile Creek Road, Soda Springs, Idaho (hereinafter "Grantor") does hereby grant, bargain, sell and convey unto EIGHT MILE RANCH, L.L.C., whose current address is 1501 Eight Mile Creek Road, Soda Springs, Idaho 83276 (hereinafter "Grantee"), its successors and assigns forever, the following described premises in Bear Lake County, Idaho, to-wit:

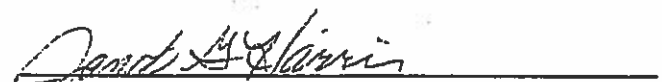
SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED
BY REFERENCE.

TO HAVE AND TO HOLD the said premises, with their appurtenances, including all gas, oil and mineral rights.

Grantors do hereby covenant that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, easements or claims of easement not shown by the public records, use restrictions and building and zoning regulations and ordinances of any governmental unit, and that they will warrant and defend the same from all lawful claims.

DATED this 1st day of February, 2001.


C. McGEE HARRIS


JANET G. HARRIS

WARRANTY DEED - 1

2001 APR 11 AM 10 42
DEPUTY
FEE \$18.00

BEAR LAKE COUNTY RECORDER
JOAN P. EBORI

178095

178095

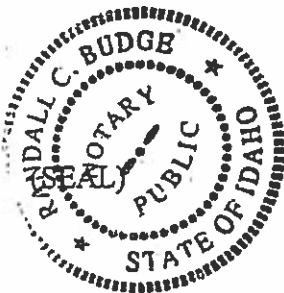
STATE OF IDAHO)

: ss

County of Bannock)

On this 1st day of February, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared C. McGee Harris and Janet G. Harris, known to me to be the persons whose names are subscribed to the foregoing and acknowledged to me that they executed the same.

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



Randall C. Budge

NOTARY PUBLIC FOR IDAHO

Residing at Pocatello.

My Commission Expires 10/11/2006

EXHIBIT A

TOWNSHIP 10 SOUTH, RANGE 42 EAST OF THE BOISE MERIDIAN:

- Section 1: S½.
 Section 2: E½SE¼.
 Section 3: S½S½.
 Section 4: SE¼SE¼.
 Section 8: SE¼; SW¼; S½NW¼; S½NE¼.
 Section 9: E½NE¼; E½SW¼NE¼; SW¼NW¼; W½SW¼; SE¼SW¼; E½NW¼SE¼;
 NE¼SE¼; S½SE¼.
 Section 10: ALL.
 Section 11: W½.
 Section 13: ALL.
 Section 15: E½; NW¼; NE¼SW¼.
 Section 16: N½NW¼; N½NE¼; S½NW¼; W½SW¼.

ALSO the following described tract of land located in Sections 11, 12 and 14, Township 10 South, Range 42 East of the Boise Meridian, and in Sections 6 and 7, Township 10 South, Range 43 East of the Boise Meridian, more particularly described as follows:

Beginning at the Southwest Corner of Section 14, and running thence East 1240 feet; thence North 34° East 7200 feet, more or less, to a County Road; thence West 400 feet; thence North 550 feet; thence East 200 feet, more or less, to the County Road; thence Northwesterly along said County Road 1840 feet; thence South 85° East 2500 feet, more or less, to the Easterly Right-of-Way line of the Union Pacific Railroad; thence Southeasterly along the Easterly side of said Right-of-Way line 1600 feet, more or less, to a road; thence Northeasterly along said road to a point where it intersects the Westerly Right-of-Way line of U.S. Highway No. 30-N; thence Northwesterly along said U.S. Highway No. 30-N Westerly Right-of-Way line to a point where said Right-of-Way crosses the North line of the SW¼ of Section 6, Township 10 South, Range 43 East of the Boise Meridian; thence West to the Northwest Corner of Lot 6 of said Section 6; thence South 2640 feet, more or less, to the Southwest Corner of said Section 6; thence West 7920 feet, more or less, to the Meridional Section line of Section 11, Township 10 South, Range 42 East of the Boise Meridian; thence South along said Meridional Section line 5280 feet; thence West 2640 feet to the Northwest Corner of Section 14; thence South 5280 feet to the point of beginning.

EXCEPT THEREFROM any portion of the above described premises lying within the Right-of-Way of Union Pacific Railroad, U.S. Highway No. 30-N or County Roads.

ALSO the following described tract of land located in Sections 11, 12 and 14, Township 10 South, Range 42 East of the Boise Meridian, and in Section 7, Township 10 South, Range 43 East of the Boise Meridian, more particularly described as follows:

Beginning at the Southeast Corner of said Section 14, and running thence West 4040 feet; thence North 34° East 7200 feet, more or less, to the County Road; thence West 400 feet; thence North 550 feet; thence East 200 feet, more or less, to the County Road; thence Northwesterly along said County Road 1840 feet; thence South 85° East 2500 feet, more or less, to the Easterly right of way line of the Union Pacific Railroad; thence Southeasterly along the Easterly side of said right of way line 1600 feet, more or less, to a road; thence Northeasterly along said road to a point where it intersects the Westerly right of way line of U.S. Highway No. 30-N; thence Southeasterly along said right of way line to a point where it crosses the East line of the W½E½ of Section 7, Township 10

(continued)

South, Range 43 East of the Boise Meridian; thence South to the Southeast Corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 7; thence West to the Northeast Corner of Section 14, Township 10 South, Range 42 East of the Boise Meridian; thence South 5280 feet to the Point of Beginning.

EXCEPT THEREFROM any portion of the above described premises lying within the right of way of the Union Pacific Railroad and County Roads.

Section 17: ALL

Section 20: NE $\frac{1}{4}$; W $\frac{1}{2}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$.

EXCEPT THEREFROM: Beginning at the Southwest Corner of said Section 20, and running thence North 800 feet; thence East 460 feet; thence North 57° East 86.454 feet; thence North 39°30' East 900 feet; thence North 66°45' East 1200 feet; thence North 87°45' East 530 feet, more or less, to county road; thence South 3°50' East 750 feet along said county road; thence West 130 feet, more or less, to the Northeast Corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 20; thence South 1320 feet, more or less, to the South Quarter Corner of Section 20; thence West 2640 feet, more or less, to the point of beginning.

Section 24: All.

Section 25: W $\frac{1}{2}$; E $\frac{1}{2}$ E $\frac{1}{2}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Section 36: N $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$.

TOWNSHIP 10 SOUTH, RANGE 43 EAST OF THE BOISE MERIDIAN:

Section 18: Lots 3 and 4.

Section 19: All.

Section 30: NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$.

EXCEPT THEREFROM any part of the following described property which lies within the above described property:

Beginning at a point in the center of the Bear River, said point being near the Southeast Corner of Section 19 and the Southwest Corner of Section 20, Township 10 South, Range 43 East of the Boise Meridian; thence Northwesterly along the center of Bear River to a point where the river crosses a road in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 10 South, Range 42 East of the Boise Meridian; thence following the said road in an Easterly direction to a point where it intersects the Westerly right of way line of U.S. Highway 30 North, and being located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 10 South, Range 43 East of the Boise Meridian; thence following said Highway right of way Southeasterly to a point where it crosses the East line of the W $\frac{1}{2}$ E $\frac{1}{2}$ of said Section 7; thence South to the Southeast Corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 10 South, Range 43 East of the Boise Meridian; thence East 240 rods; thence South 80 rods; thence West 160 rods; thence South 80 rods; thence East 80 rods; thence South 160 rods; thence West 80 rods, more or less, to the center of Bear River and the Point of Beginning.

(continued)

ALSO EXCEPT THEREFROM any part of the following described property which lies within the above described property, and any portion thereof lying North of the following described line located in Sections 1 and 2, Township 10 South, Range 42 East of the Boise Meridian, and in the SW¼ of Section 6, and in the W½ and W½E½ of Section 7, Township 10 South, Range 43 East of the Boise Meridian:

Beginning at a point 1350 feet North from the Southwest Corner of the SE¼SE¼ of Section 2, said point being on the Southerly Right-of-Way of a private road; and running thence Easterly along the Southerly Right-of-Way line of said road 770 feet, more or less, to the center of the Bear River; thence up the center of said Bear River in an Easterly and Southerly direction to the intersection of said Bear River and the South line of Section 1; thence East along the South line of Section 1, 1200 feet, more or less, to a fence line; thence South 18°30' East along said fence line 2840 feet, more or less, to a pipeline; thence North 50° East 2475 feet, more or less, to the Westerly Right-of-Way line of U.S. Highway 30-N as presently located.

Together with the following:

A) Water Rights

1) Idaho Division of Water Rights

<u>Claim #</u>	<u>Source</u>	<u>Flow</u>	<u>Uses</u>	<u># Units</u>	<u>Status</u>	<u>Ownership</u>
11-00254	Bear River	24.00	Irrigation	963	Decreed	Budge L&L
11-00255	Bear River	2.00	Irrigation	82.8	Decreed	Budge L&L (Randy Parker)
11-00256	Bear River	2.50	Irrigation	93.8	Decreed	Budge L&L
11-00321	Pearl Creek	6.00	Irrigation	300	Decreed	Budge L&L
11-00322	Trail Creek	2.90	Irrigation	145	Decreed	Budge L&L
11-00323	Springs	4.40	Irrigation	220	Decreed	Budge L&L
11-00340	Eight Mile Creek	2.00	Irrigation	100	Decreed	Edwin Whitman
11-00341	Eight Mile Creek	1.00	Irrigation	50	Decreed	Edwin Whitman
11-00342	Eight Mile Creek	1.00	Irrigation	50	Decreed	Edwin Whitman
11-00343	Eight Mile Creek	.20	Irrigation	10	Decreed	Edwin Whitman
11-00344	Eight Mile Creek	.70	Irrigation	35	Decreed	Edwin Whitman
11-00345	Eight Mile Creek	.90	Irrigation	45	Decreed	Woodall & others
11-00346	Eight Mile Creek	1.00	Irrigation	50	Decreed	Woodall & others
11-00355	Eight Mile Creek	.90	Irrigation	45	Decreed	Charles Foster
11-00362	Eight Mile Creek	.50	Irrigation	25	Decreed	Charles Foster

B) Grazing Permits

1) Forest Permits

<u>Allotment</u>	<u>Livestock</u>	<u>Number</u>	<u>Season of Use</u>	<u>AUMs/Hd. Mths.</u>
Eightmile	Cattle	158	7/26 to 9/10	400 hd. Mths.
Trail Hollow	Cattle	167	6/2 to 8/15	306 hd. Mths.

2) BLM Permits

<u>Allotment</u>	<u>Livestock</u>	<u>Number</u>	<u>Season of Use</u>	<u>AUMs/Hd. Mths</u>
Trail Hollow	Cattle	400	9/16 to 10/30	17 AUMs

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

Eight Mile Ranch, LLC, hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on its behalf.

DATED this 18th day of August, 2013.

EIGHT MILE RANCH, LLC

Janet G. Harris

(Signature)

Janet G. Harris

(Printed name)

1501 Eight Mile Creek Road

(Address)

Soda Springs, Idaho 83276

C. McGee Harris

(Signature)

C. McGee Harris

(Printed name)

1501 Eight Mile Creek Road

(Address)

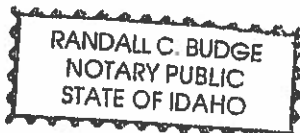
Soda Springs, Idaho 83276

STATE OF IDAHO)

County of Bannock)

SS

On this 18th day of August, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared C. McGee Harris and Janet G. Harris, known or proved to me by satisfactory evidence to be the Managers of Eight Mile Ranch, LLC, and the person whose name is subscribed to the foregoing, and acknowledged to me that they executed the same on behalf of Eight Mile Ranch, LLC.



Randall C. Budge
NOTARY PUBLIC FOR IDAHO
Commission expires: 10/11/16
Pocatello, ID.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

July 29, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Eight Mile Ranch LLC
601 Eight Mile Creek Rd
Soda Springs ID 83276

RE: Change of Ownership for Water Right No(s). 11-356

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s) to you. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

cc: Water District 11A
Racine Olson Nye Budge Bailey



RACINE OLSON
ATTORNEYS

November 30, 2015

RANDALL C. BUDGE
rcb@racinelaw.net

RECEIVED

DEC 02 2015

Department of Water Resources
Eastern Region

Blake Jordan
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

**Re: Eight Mile Ranch, LLC – Notice of Change in Water Right
Ownership
Water Right Nos. 11-365, 11-366, and 11-356**

Dear Blake:

Enclosed please find the following for filing and processing:

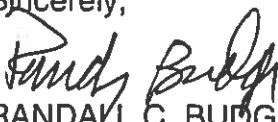
1. Original and two copies of Notice of Change in Water Right Ownership for water right nos. 11-365 and 11-366.
2. Original and two copies of Notice of Change in Water Right Ownership for water right no. 11-356.
3. Checks for filing fees in the amount of \$50.00 and \$25.00 to go with each Notice.
4. Stamped and addressed return envelopes.

Please file and process the original Notices of Change and conform stamp and return the extra copies to me and to Eight Mile Ranch, LLC in the enclosed stamped and addressed return envelopes.

We have met with the Harisses recently to address the issues pertaining to the Transfer Application which is in the process of being revised and will be resubmitted shortly for processing, which will include these rights as well as all others owned by Eight Mile Ranch, LLC.

Thank you for your assistance.

Sincerely,


RANDALL C. BUDGE

RCB:ts
Enclosures
c: Eight Mile Ranch, LLC