

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 25 2014

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?
15-07124 <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: La Vern Colton and Joyce T Colton

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Colton Land and Cattle LLC

New owner(s) as listed on the conveyance document

Name connector ☒ and ☐ or ☐ and/or

500 North 500 West

Malad

Idaho

83252

Mailing address

City

State

ZIP

208-221-1797

dvdcltn55@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: 01 November 1995

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: David L. Colton David L. Colton, 20 Oct 2014
Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by JB Date 11/25/2014 Receipt No. E040447 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 12/30/2014

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 15-07124

Priority: August 13, 1990

Maximum Diversion Rate:

0.01 CFS

Maximum Diversion Volume:

0.4 AF

This is to certify, that LA VERN COLTON
JOYCE T COLTON

344 W 500 N
MALAD ID 83252

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 13, 1990; and has submitted Proof of Beneficial Use on July 25, 1991. An examination indicates that the works have a diversion capacity of 0.010 cfs of water from:

SPRING

tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	05/01 to 11/15	0.01 CFS	0.4 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNESW , Sec. 10, Township 13S, Range 36E
ONEIDA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

13S 36E 10

NESW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 9TH day of JULY, 1996.

Acting for

KARL J. DREHER, Director

United States Department of Agriculture
Forest Service

SPECIAL USE PERMIT

"Federal Land Policy and Management Act of October 21, 1976."
This permit is revocable

a. Record no.(1-2)	70 --	b. Region(3-4)	Intermountain 04 --	c. Forest(5-6)	Caribou 05 --
d. District(7-8)	Malad 04 --	e. User number(9-12)	5390-01 ----	f. Kind of use (13-15)	Water Transmission 915 Line ---
g. State(16-17)	Idaho 16 --	h. County(18-20)	Oneida 071 ---	k. Card no.(21)	1 -

Permission is hereby granted to LaVern W. Colton

of 344 West 500 North, Malad, ID 83252,
hereinafter called the permittee, to use subject to the conditions set out below,
the following described lands or improvements:

Spring is approximately 100 yards within the Caribou National Forest
boundary, and west of the microwave facility in Section 10, T 13S, R 36E,
B. M. Use area will be limited to 1' X 400'

This permit covers .01 acres and/or .06 miles and is issued for the
purpose of:

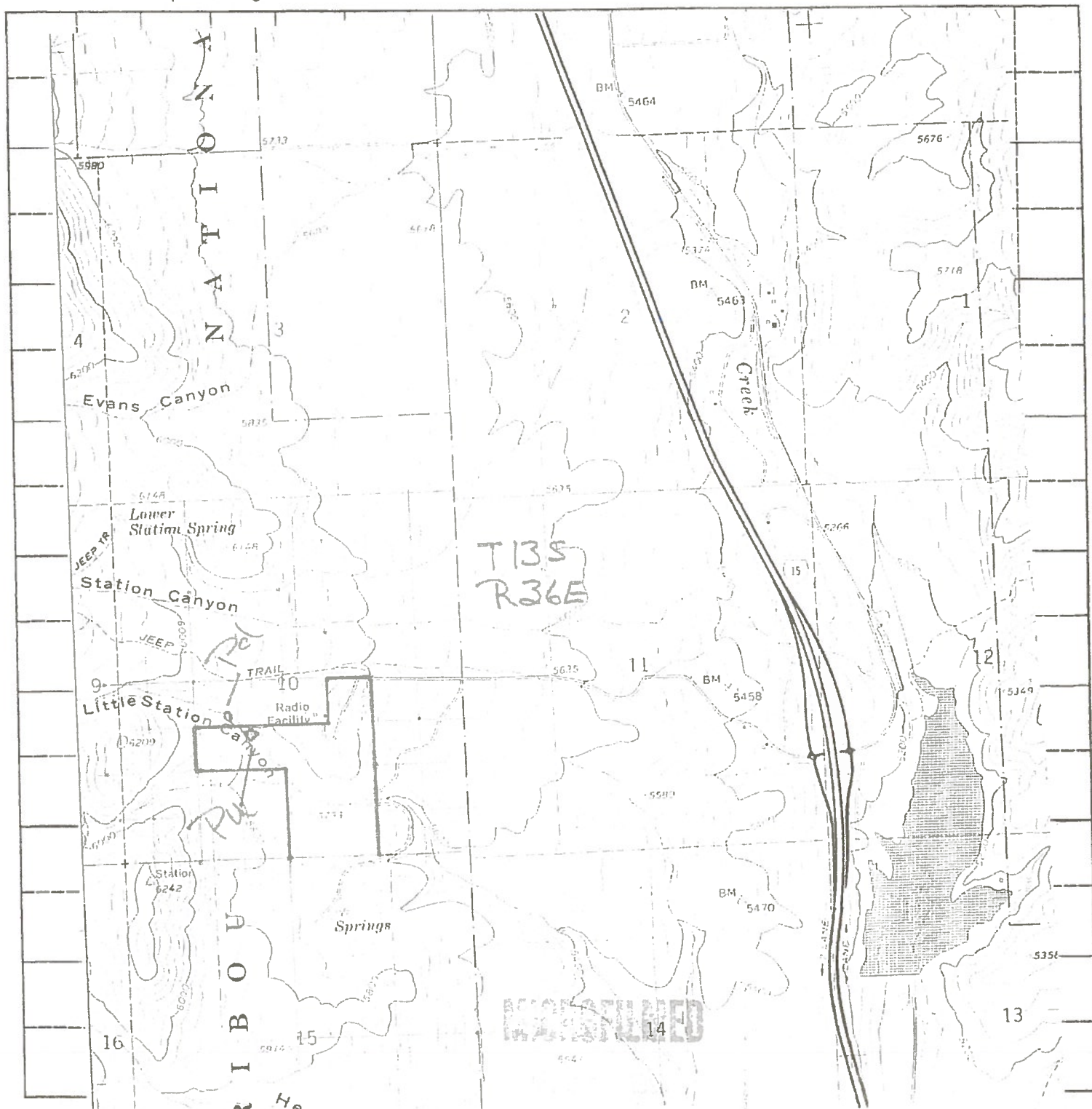
Installing a 1 inch pipe from the spring to water trough on private land.

1. Construction or occupancy and use under this permit shall begin within
1 months, and construction, if any, shall be completed within 1
months, from the date of the permit. This use shall be actually exercised at
least 365 days each year, unless otherwise authorized in writing.

2. This permit is accepted subject to the conditions set forth herein, and to
conditions 3 to 27 attached hereto and made a part of this permit.

PERMITTEE	name of permittee	*signature of authorized officer	date
		TITLE <u>LaVern W. Colton</u>	
ISSUING OFFICER	name and signature	TITLE	date
	<u>Dave Bull</u>	<u>Acting Forest Supervisor</u>	<u>5/15/92</u>

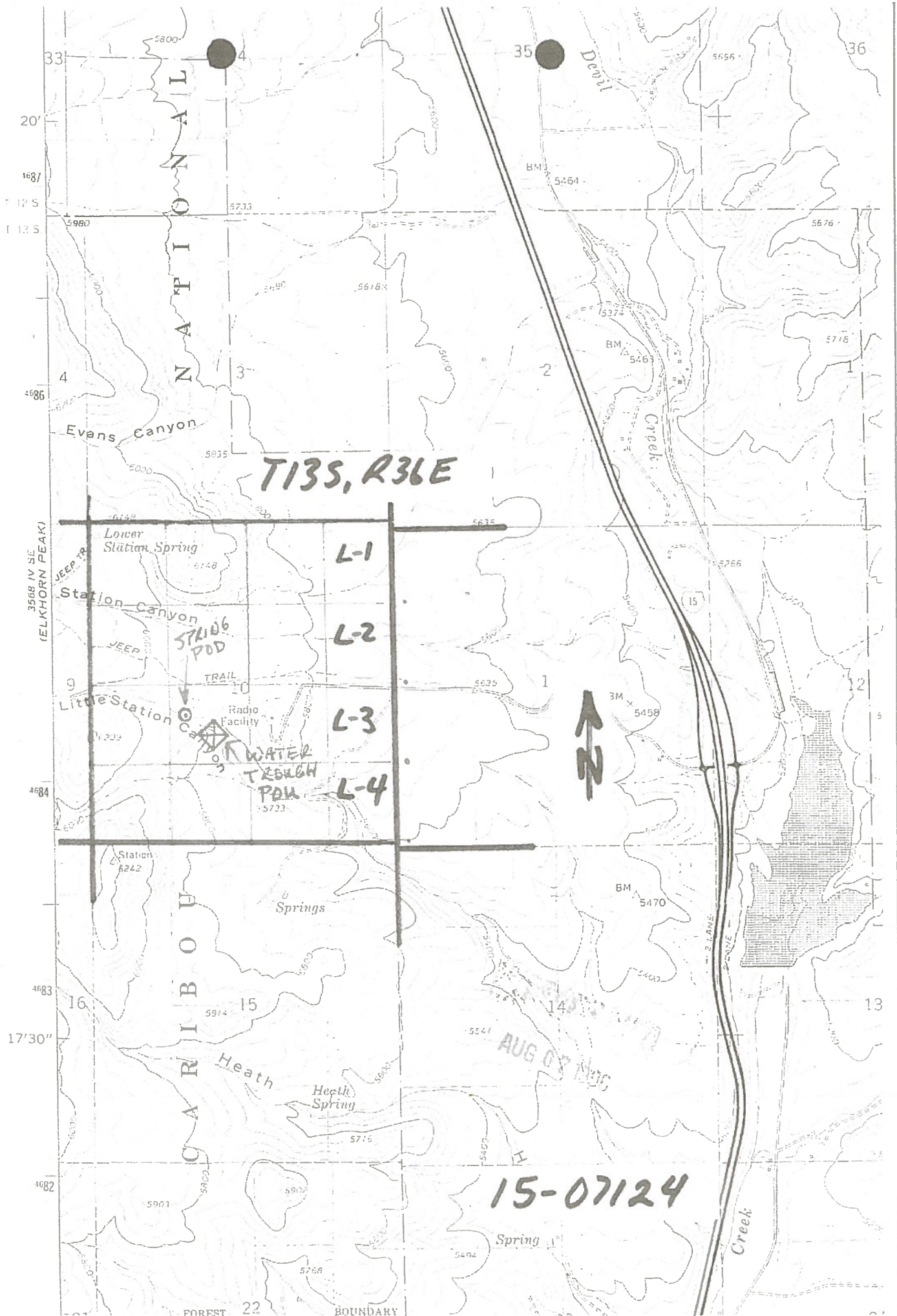
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Lavern W. Colton
(Applicant)



T13S, R36E

L-1

L-2

L-3

L-4



15-07124

AUG 07 1966

FOREST

BOUNDARY

Nº 1265

AFFIDAVIT OF PUBLICATION

RECEIVED

OCT 4 1990

Department of Water Resources
Eastern District Office

STATE OF IDAHO, }
County of Oneida } ss.

Sandra Strub

being duly sworn,
deposes and says: That she is the secretary of THE
IDAHO ENTERPRISE, a weekly newspaper published at Malad,
in the County of Oneida and State of Idaho; that said paper has
been and is in general circulation in the county aforesaid, and in
the vicinity of Malad; that the advertisement, a copy of which is
attached hereto, was published in said newspaper once a week for
2 consecutive weeks in the regular and entire issue of said
paper during the period of time of publication, and was
published in the newspaper proper and not a supplement; that
said paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of first
publication of said advertisement.

Such notice was published in the issue beginning with

September 20, 1990, and ending

with the issue of September 27, 1990

Sandra Strub

Fee \$ 71.69

Subscribed and sworn to before me this 3rd day

of October, 1990

Susan J. Wittman

Notary Public, Residing at Malad, Idaho

My Commission Expires 29, 1994

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

15-07124

COLTON, LA VERN
COLTON, JOYCE T.
344 W. 500 N.
Malad, Id 83252
Source: SPRING Tributary: SINKS
Diversión Pt:
NWSEW Sec 10 T 13S R 36E
Use: STOCKWATER (.030 CFS)
Total Diversión: (.030 CFS)
Date Filed: 8/13/1990
In: T13S R36E S10 NESW

17-07134

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83708
Source: ROCK SPRING
Tributary: SINKS

Diversión Pt:
SWSEW Sec 36 T 13S R 33E
Use: STOCKWATER (.010 CFS)
Wildlife (.010 CFS)
Total Diversión: (.010 CFS)
Date Filed: 8/3/1990
In: T13S R33E S36 SENW NWSW

17-07135

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MANAGMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83708
Source: MEADOW BROOK SPRING
Tributary: ROCK CREEK

Diversión Pt:
SWNWNW Sec 20 T 14S R 32E
Use: STOCKWATER (.030 CFS)
WILDLIFE (.010 CFS)
Total Diversión: (.030 CFS)
Date Filed: 8/3/1990
In: T14S R32E S19 NESE
S20 NWNW

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, Eastern Region, 150
Shoup Avenue, Suite 15, Idaho Falls,
Idaho 83402 on or before OCTOBER
8, 1990.

R. KEITH HIGGINSON,
Director

No. 1265
9-20-27 T2

NOT RETURNED

FEB 26 1991

Mail Tax Notice to:
Address

WARRANTY DEED

LAVERN W. and JOYCE T. COLTON, Trustees of the LAVERN W. and
JOYCE T. COLTON REVOCABLE TRUST DATED AUGUST 2, 1977,
of Malad, County of Oneida, State of ~~Utah~~ Idaho hereby
CONVEY and WARRANT to grantors,

DAVID L. COLTON,

of Malad, County of Oneida, State of Idaho,
Ten Dollars and other valuable consideration

grantee
for the sum of

the following described tract s of land in Oneida
State of ~~Utah~~ Idaho:

County,

SEE ATTACHED

WITNESS, the hand s of said grantor, this
November

, A.D. 19 95

1st

day of

Signed in the Presence of

Lavern W. Colton
LAVERN W. COLTON

Joyce T. Colton
JOYCE T. COLTON

STATE OF UTAH,

County of Cache }

ss.

On the

day of

, A. D. 19 95

Personally appeared before me LAVERN W. COLTON and JOYCE T. COLTON

the signer s of the within instrument, who duly acknowledged to me that t he y executed the same.

Recording Data

SEE ATTACHED

WITNESS, the hands of said grantor, this 1st day of November, A.D. 19 95

Signed in the Presence of

Lavern W. Colton Trustee
LAVERN W. COLTON
Joyce T. Colton Trustee
JOYCE T. COLTON

STATE OF UTAH, } ss. On the day of , A. D. 19 95
County of Cache }
Personally appeared before me LAVERN W. COLTON and JOYCE T. COLTON

the signers of the within instrument, who duly acknowledged to me that they executed the same.

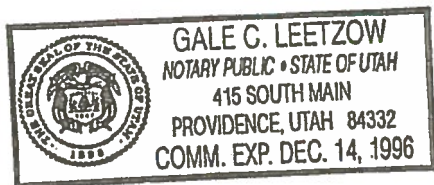
Recording Data

[Signature]
(NOTARY PUBLIC)

Residing at Logan UT

My Commission Expires: 12/96

(NOTARY SEAL)



LEGAL DESCRIPTIONS

- A. Boise Meridian, Idaho, Township 13 South, Range 36 East, Section 10, South 1/2 Northeast 1/4 Southwest 1/4, Southwest 1/4 Northwest 1/4 Southeast 1/4, East 1/2 Northwest 1/4 Southeast 1/4, Southwest 1/4 Southeast 1/4; Section 15, East 1/2 West 1/2 Northeast 1/4. The area described contains 130.00 acres, according to the Official Plat of the Survey of said Land, on file in the Bureau of Land Management: NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said LaVern W. Colton and Joyce T. Colton, and to their heirs, the tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said LaVern W. Colton and Joyce T. Colton, and to their heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right-of-way thereon for ditches or canals constructed by the authority of the United States. Reserving, also, to the United States all minerals in the land above described, with the right to mine and remove the same in accordance with the provisions of said Act of February 28, 1925. Subject to a right-of-way for a strip of land 33 feet wide being 16 1/2 feet on each side of the centerline of existing road across the East 1/2 Northwest 1/4 Southeast 1/4 and Southwest 1/4 Northwest 1/4 Southeast 1/4 said Section 10 in accordance with the provisions of said Act of February 28, 1925. Oneida County, Idaho.
- B. Commencing at a point 74 rods and 9 feet South and 9 rods West of the Southeast corner of Southwest Quarter of Section 15, Township 14 South, Range 36 East, Boise Meridian; thence West 9 rods, thence running 24 rods and 9 feet North, thence running East 18 rods, thence running South 1 rod, thence running West 9 rods, thence running South 23 rods and 9 feet to the point of beginning, containing 1 acre and 1/3 of land more or less. Also, Commencing at a point 74 rods and 9 feet South of the Southeast corner of the Southwest quarter of Section 16, Township 14 South, Range 36 East of the Boise Meridian, thence West 9 rods, thence North 23 rods and 9 feet thence East 9 rods, thence South 23 rods and 9 feet to point of beginning. Excepting the 4.5 rods. Oneida County, Idaho.

- C. Township 13 South, Range 37 East, Boise Meridian:
Section 18: Lots 4, 5, and 8, Northeast 1/4 Southwest
1/4. Oneida County, Idaho.
- D. The Southeast quarter of the Northwest quarter, the
East half of the Southwest quarter, and the West half
of the Southeast quarter, of Section 11, Township 13
South, Range 36 East, Boise Meridian; also, The West
half of the Southwest quarter of Section 11, the Lots
3 and 4, of Section 10, and the North half of the
Northwest quarter of Section 14; Township 13 South,
Range 36 East, Boise Meridian; Commencing at the North-
west Corner of the Southeast quarter of the Southeast
quarter of Section 11, Township 13 South, Range 36 East,
Boise Meridian; thence running North 35 rods, thence
East 8 rods, thence Southeasterly 45 rods to a point
40 rods East of the place of beginning, thence West 40
rods to the place of beginning. TOGETHER, with all and
singular the tenements, hereditaments and appurtenances
thereunto belonging or in anywise appertaining, the re-
version and reversions, remainder and remainders, rents,
issues and profits thereof; and all estates, right title
and interest in and to the said property, as well in
law as in equity, of the said parties of the first part.
Oneida County, Idaho.
- E. The West 8 rods of Lot 2, Block 24, of the Townsite of
Malad City, Idaho, as the same appears on the plat
thereof on file in the office of the County Recorder
of Oneida County. Together with all and singular, the
tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, and the rents,
issues and profits thereof. Oneida County, Idaho.
- F. The Southeast Quarter of the Southwest Quarter of Sec-
tion 10, and the East half of the Northwest Quarter,
the West half of the Northwest Quarter of the North-
east Quarter and the West half of the Southwest
Quarter of the Northeast Quarter of Section 15, in
Township 13 South of Range 36 East of the Boise Meri-
dian, Idaho, containing 160 acres. Oneida County,
Idaho.

Excepting therefrom the southwest quarter of the southeast
quarter of Section 11, Township 13 South, Range 36 East,
Boise Meridian.



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

APR 11 2012

FILED EFFECTIVE

12 APR - 4 AM 8: 52

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

COLTON LAND AND CATTLE, LLC

2. The complete street and mailing addresses of the initial designated/principal office:

500 North 500 West, Malad, Idaho 83252

(Street Address)

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

DAVID L. COLTON

(Name)

500 North 500 West, Malad, Idaho 83252

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name

Address

BRIAN COLTON

1580 East 8400 North, Malad, Itah 83252

MONICA LIFFERTH

915 East McPherson, St. Kiksville, MO 63501

ERICA VANBEBBER

2030 North 3100 West, Malad City, Idaho 83252

5. Mailing address for future correspondence (annual report notices):

500 North 500 West, Malad, Idaho 83252

6. Future effective date of filing (optional):

Signature of organizer(s). (An organizer is a member, or is acting in behalf of a member or members).

Signature

David L. Colton

Typed Name:

DAVID L. COLTON

Signature

Typed Name:

Secretary of State use only

g:\corp\forms\LLC form\scert_org_llc.PMD
Revised 07/2008

IDAHO SECRETARY OF STATE
04/04/2012 05:00
CK: 20417 CT: 103292 BH: 1318331
1 @ 100.00 = 100.00 ORGAN LLC # 2

W112705

149670

30 Day April 20 13
 MAY 16 2013 00:00 AM
 Recorded at Request of
 Hilliard Anderson
 & Olsen

When recorded, return to:
 Brian G. Cannell
 HILLYARD, ANDERSON & OLSEN, P. C.
 595 South River Woods Pkwy Ste 100
 Logan, UT 84321

Tax Notice should be sent to:
 Colton Land and Cattle, LLC
 c/o David Colton
 500 West 500 North
 Malad, ID 83252

****CORRECTED SPECIAL WARRANTY DEED****

This Deed is being re-recorded to correct incorrect legal description recorded
 March, 29, 2013 as Microfilm No. 149521.

DAVID L. COLTON, Grantor, hereby CONVEYS and WARRANTS against all claiming
 by, through and under the Grantor to COLTON LAND and CATTLE, LLC, an Idaho Limited
 Liability, Grantee, for the sum of Ten Dollars (\$10.00 and other valuable consideration), the
 following described tract of land in Oneida County, State of Idaho:

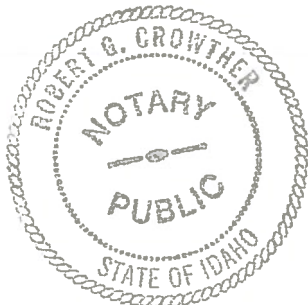
See Attached Exhibit "A"

WITNESS, the hand of said Grantor, this 22 day of April, 2013.

David L. Colton
 DAVID L. COLTON

STATE OF Idaho)
 County of Oneida) : ss.

On the 22 day of April, 2013, personally appeared before me DAVID L. COLTON,
 the signers of the within instrument, who duly acknowledged to me that he executed the same.



Robert G. Crowther
 NOTARY PUBLIC

Exhibit "A"

- A. Boise Meridian, Idaho, Township 13 South, Range 36 East, Section 10, South $\frac{1}{2}$ Northeast $\frac{1}{4}$ Southwest $\frac{1}{4}$, Southwest $\frac{1}{4}$ Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$, East $\frac{1}{2}$ Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ Southeast $\frac{1}{4}$; Section 15, East $\frac{1}{2}$ West $\frac{1}{2}$ Northeast $\frac{1}{4}$. The area described contains 130.00 acres, according to the Official Plat of the Survey of said Land, on file in the Bureau of Land Management: NOW KNOW YE, that the UNITED STATES OF AMERICA, in consideration of the premises, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said LaVern W. Colton and Joyce T. Colton, and to their heirs, the tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said LaVern W. Colton and Joyce T. Colton, and to their heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted right-of-way thereon for ditches or canals constructed by the authority of the United States. Reserving, also, to the United States all minerals in the land above described, with the right to mine and remove the same in accordance with the provisions of said Act of February 28, 1925. Subject to a right-of-way for a strip of land 33 feet wide being 16 $\frac{1}{2}$ feet on each side of the centerline of existing road across the East $\frac{1}{2}$ Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ and Southwest $\frac{1}{4}$ Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ said Section 10 in accordance with the provisions of said Act of February 28, 1925. Oneida County, Idaho.
- B. Commencing at a point 74 rods and 9 feet South and 9 rods West of the Southeast corner of Southwest Quarter of Section 15, Township 14 South, Range 36 East, Boise Meridian; thence West 9 rods, thence running 24 rods and 9 feet North, thence running East 18 rods, thence running South 1 rod, thence running West 9 rods, thence running South 23 rods and 9 feet to the point of beginning, containing 1 acre and $\frac{1}{3}$ of land more or less. Also, Commencing at a point 74 rods and 9 feet South of the Southeast corner of the Southwest quarter of Section 16, Township 14 South, Range 36 East of the Boise Meridian, Thence West 9 rods, thence North 23 rods and 9 feet thence East 9 rods, thence South 23 rods and 9 feet to point of beginning. Excepting the 4.5 rods. Oneida County, Idaho.
- C. The Southeast quarter of the Northwest quarter, the East half of the Southwest quarter, and the West half of the Southeast quarter, of Section 11, Township 13 South, Range 36 East, Boise Meridian; also, the West half of the Southwest quarter or Section, 11, the lots 3 and 4, of Section 10, and the North half of the Northwest quarter of Section 14; Township 13 South, Range 36 East, Boise Meridian; Commencing at the Northwest Corner of the Southeast quarter of the Southeast quarter of Section 11, Township 13 South, Range 36 East, Boise Meridian; thence running North 35 rods, thence East 8 rods, thence Southeasterly 45 rods to a point 40 rods East of the place of beginning, thence West 40 rods to the place of beginning. 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 estates, right title and interest in and to the said property, as well in law as in equity, of

the said parties of the first part. Oneida County, Idaho.

- D. The Southeast Quarter of the Southwest Quarter of Section 10, and the East half of the Northwest Quarter, the West half of the Northwest Quarter of the Northeast Quarter and the West half of the Southwest Quarter of the Northeast Quarter of Section 15, in Township 13 South of Range 36 East of the Boise Meridian, Idaho, Containing 160 acres. Oneida County, Idaho.
- E. The Southwest quarter of the southeast quarter of Section 11, Township 13 South, Range 36 East, Boise Meridian.