

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 28 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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
13-7767	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: HENRY LAMONTE MILES & CARLA OLSON MILES JOINT LIVING TRUST

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): MILLER FAMILY REAL ESTATE, L.L.C.

New owner(s) as listed on the conveyance document

Name connector

☐ and

☐ or

☐ and/or

9250 SOUTH 150 EAST, SUITE 1000

SANDY

UT

84070

Mailing address

City

State

ZIP

Telephone

Email

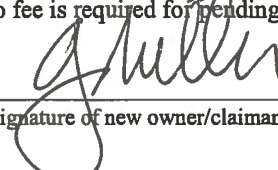
4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: APRIL, 2014

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:  OPERATING MGR 4-11-14
- 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 

Date 4/29/14

Receipt No. E039767

Receipt Amt. \$25. -

Approved by 

Processed by 

Date 5/2/14

Attachment 1

State of Idaho
Department of Water Resources

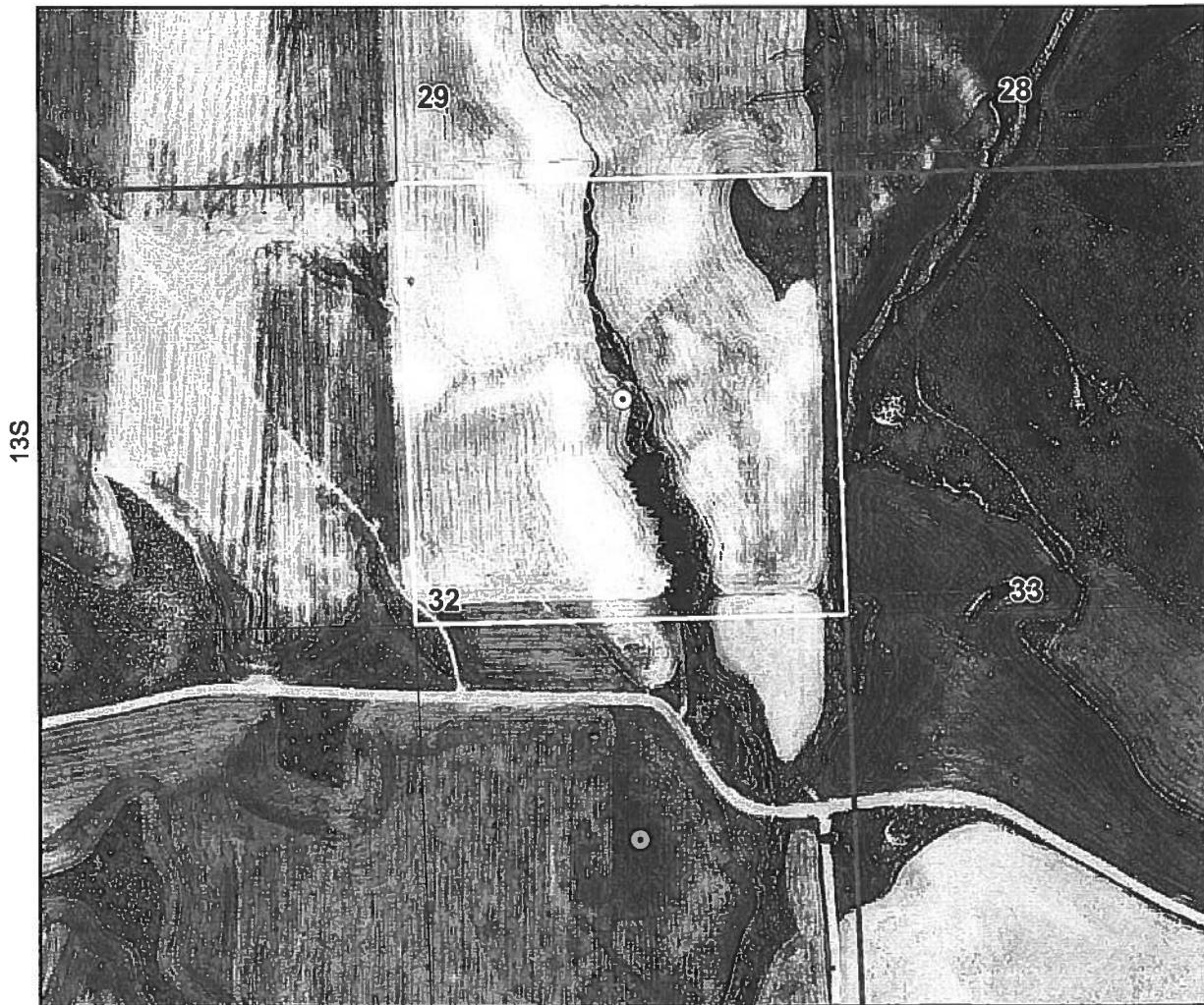
Water Right

13-7767

DOMESTIC

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.

39E



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

0 0.05 0.1 0.2 Miles



Please Record and Return to:

Paul L. Arrington
Barker Rosholt & Simpson, LLP
195 River Vista Place, Suite 204
Twin Falls, ID 83301

WATER RIGHT DEED

The Grantor, Harry Lamonte Miles & Carla Olson Miles Joint Living Trust, with Harry Lamonte Miles as Trustees, for good and valuable consideration, the receipt of which is hereby acknowledge, does hereby grant, bargain, and convey to the Grantee, Miller Family Real Estate, L.L.C., the right, title and interest in and to the following that portion of Water Right No. 13-2109 which has been renumbered 13-7767, providing for stockwater and domestic uses in Bannock County, Idaho.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described Water Right No. 13-7767, together with appurtenances, if any, unto the Grantee and to the successors and assigns of Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

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 TTE
Harry Lamonte Miles, Trustee

STATE OF IDAHO)
)
) ss.
County of Franklin)

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

Margie Nelson
NOTARY PUBLIC FOR IDAHO
Residing at: Preston, ID

Attachment 2

State of Idaho
License and Certificate of Water Right

Water License No. 16381

Amount 0.15 sec. ft.

Water District No. _____

Priority October 20, 1925.

THIS IS TO CERTIFY that West Cache State Bank
of Logan, Utah, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 20, 1925; that Permit No. 16381
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.5 second feet, was issued thereunder on November 14, 1927, showing that said works
were completed on the 4th day of November, 1927; and that on the 15th
day of October, 1928,

West Cache State Bank

of Logan, State of Utah, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of unnamed
springs, a tributary of no stream, for the purpose of watering stock and
domestic use, under Use Permit No. 16381 of the Commissioner of Reclamation,
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6
of Licenses, at page 3598, on the 3rd day of December, 1929;

The right hereby confirmed dates from October 20, 1925;

The Point of Diversion ^{is} located at springs, in the NE 1/4 and
in the SE 1/4 NE 1/4, Sec. 32, Tp. 13 S., R. 39 E., B.M., Bannock County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.15
cubic feet per second.

Description and location of use: At Springs.

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 3rd day of December, 1929.

GEO. H. CARTER
Commissioner of Reclamation

(SEAL)

13 2103

Attachment 3

Shappart F 1

PK15641

WARRANTY DEED

226108

For Value Received Larry G. Shappart and Sharyn H. Shappart, husband and wife

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

Miller Family Real Estate LLC

whose address is: 9250 South 150 East, Suite 1000, Sandy, UT 84070

Hereinafter called the Grantee, the following described premises situated in Franklin County, Idaho:

Township 13 South, Range 39 East of the Boise Meridian, Franklin County, Idaho:

Section 31: All that portion of the NE $\frac{1}{4}$ lying North of the Oxford Treasureton Road. (439.00)Section 32: NE $\frac{1}{4}$ NE $\frac{1}{4}$; and All that portion of the E $\frac{1}{2}$ NW $\frac{1}{4}$
lying North of the Oxford Treasureton Road. (444.00)Recorded in the records of
Franklin County, Idaho

A.M. MAY 11, 2004

V. ELLIOTT LARSEN, Notarized
By Samuel G. Bostwick
FRANKLIN COUNTY, IDAHO

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, appurtenant easements and other
ordinances and use regulations and restrictions of record, and payment of accruing (present) taxes and assessments
as agreed to by parties above.

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

Dated: 2004

Larry G. Shappart
Larry G. Shappart

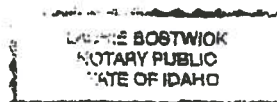
Sharyn H. Shappart
Sharyn H. Shappart

STATE OF Idaho

COUNTY OF FRANKLIN

On this 11th day of May, 2004, before me Laurie Bostwick, personally appeared Larry G. Shappart and Sharyn H. Shappart, known or identified to me (or proved to me on the oath of), to be the persons who executed and acknowledged to me that they executed the same

Laurie Bostwick
Notary Public of Idaho
Residing at: Preston, Idaho
Commission Expires: 12/16/08



Shappart H
20409825

FIRST AMERICAN TITLE
RECORDED AT REQUEST OF
FEE 32 DEPUTY \$

2004 MAY 12 PM 1 45
OFFICIAL RECORD BK# 848
LARRY W CHASE RECORDER
BANNOCK COUNTY IDAHO

P44681

WARRANTY DEED

20409825

For Value Received **Larry G. Shappart and Sharyn H. Shappart, husband and wife**

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

Miller Family Real Estate LLC

whose address is: **9250 South 150 East, Suite 1000, Sandy, UT 84070**

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

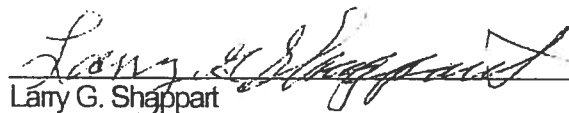
Township 13 South, Range 39 East of the Boise Meridian, Bannock County, Idaho

Section 29: SE $\frac{1}{4}$ SW $\frac{1}{4}$, ^{NW $\frac{1}{4}$ NE $\frac{1}{4}$} ~~NW $\frac{1}{4}$~~ , E $\frac{1}{2}$ E $\frac{1}{2}$

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 its 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: May 11, 2004


Larry G. Shappart


Sharyn H. Shappart

STATE OF ~~Idaho~~
ss.
COUNTY OF FRANKLIN

Attachment 4

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

13-2109

Application No. 23203
Permit No. 16381
District No. 5-J

1. Name of Applicant: WEST CACHE STATE BANK

Postoffice address: Logan County: Cache State: Utah

I. If applicant is a corporation, give:

(a) Date and place of incorporation: Aug. 17, 1917 - Trenton, Utah

(b) Amount of capital stock: \$25,000

(c) Amount paid in: \$25,000

(d) Names and addresses of directors: H. E. Hatch, Logan, Utah; M. H. Butters, Trenton, Utah; D. C. Budge, Logan, Utah; S. S. Eccles, Logan, Utah; C. G. Wood, Trenton, Utah

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) ~~TREASURY STOCK~~ Loans: \$1939.38

(c) Bonds to be issued:

(d) Other resources: Real Estate \$13,141.45

Misc. \$982.52

2. Quantity of water claimed: 1/2 (0.5) cubic feet per second.

3. Source of water supply: an unnamed spring which is a tributary of none

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$
of Section 32 , T. 13 S., R. 39 E.B&M., County of Bannock

5. Water is to be used for: domestic and stock watering purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 200.00

8. Kind of works: Pipe and collecting basin - also dam

9. Height of dam 6 feet; length of dam at top 20 feet; length of dam at bottom 6
feet; material used in dam: earth

10. Size of headgate: Width None feet; height feet

11. Ditch: Width at bottom feet; width at water line feet; depth of water
feet; dimensions of flume

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet

12. The time required for the completion of such work is two years.

13. The time required for the complete application of the water to the proposed use is one additional years.

14. The land to be irrigated is described in the following tabulation: See Remarks.

14 Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			PERMIT NO. 16381. CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that West Cache State Bank, of Logan, County of Cache, and State of Utah, the holder of Permit No. 16381, issued upon Application No. 23203 bearing date of priority of October 20, 1925, authorizing the diversion of 0.5 second feet of the waters of an unnamed spring, County of Bannock, State of Idaho, for domestic and stock watering purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.5 second feet of the waters of an unnamed spring; that the points of diversion of said waters are in the NE¼NE¼ and SE¼NE¼ of Section 32, Township 13 South, Range 39 East, B.M. Witness my hand this 14th day of November, A. D. 1927. GEO. N. CARTER, Commissioner of Reclamation, Proof of completion of works made November 4, 1927. Certificate issued November 14, 1927. <i>0.15</i> <i>Dec. 31/29</i> <i>Page 3518</i>																

Attachment 5



Anderson Bros. Bank

ESTABLISHED 1865

Idaho Falls, Idaho

3

November 21st,
1929.

Commissioner of Reclamation
Division of Water Filings,
Boise, Idaho.

Dear Sir:

You will find enclosed letter of our Engineer Eugene Schaub of Logan, Utah, which has to do with the appropriation of the water filing owned by the West Cache State Bank of Logan, Utah. A complete investigation has been made by our Engineer and this letter is in reply to your office letter of August 21st, 1929. It appears that Mr. R. L. Sutchiff was in error in his report as to the actual point of diversion of this water. The West Cache State Bank have used this water for the past several years and Said bank was entitled to it even though it did not rise on their own property. The property on which the water did rise was not used for several years and that accounts for the fact that we had absolute right to file on it and to other waters in that vicinity as we were the only ones farming in that vicinity and using the water each year.

After you investigate our Engineer's letter wish you would favor me, if you find our contention to be correct, with a license which is in keeping with the original application and permit.

Yours very truly,



West Cache State Bank

Cashier

CBS:vp
Encl.

16 381

MEMBER FIRST SECURITY CORPORATION SYSTEM
COMBINED RESOURCES OVER TWENTY-EIGHT MILLION DOLLARS
LARGEST INTERMOUNTAIN BANKING ORGANIZATION

Attachment 6

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. _____

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. C. E. Squires, age 29, % Anderson Brothers Bank, Idaho Falls, Idaho
Banker

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. West Cache State Bank, of Logan, Utah, the bank being in liquidation, care of
Thatcher Bros. Banking Company, Logan, Utah.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. #16381 and date of priority is Oct. 20, 1925.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Unnamed spring, diversion point. Water rises at a point approximately
one hundred seventy-five yards north of the South East portion of the farming prop-
erty owned by the West Cache State Bank, located in Bannock County, State of Idaho.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. At the head we have constructed a cement receiving reservoir ample to
handle the water from the springs rising around it. It is capable of handling all waters,
either in early spring or late fall, by ten times the present flow. From this point
we have constructed a pipe line, capable of conveying ten times more water than 0.15
cubic feet per second, which carries the water about 75 yards to point of use. No name
has as yet been designated.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for domestic and stock watering purposes, and is used right on
the farming property of the bank, same being the Southeast portion of the farm. It is
not ample to be used for irrigation purposes.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. None

16381

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. For domestic and stock watering purposes the full flow is not too much

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. None

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Aug. 12, 1925, the water was used for domestic and stock watering purposes, the amount being less than 0.15 cubic feet per second as it was not fully developed,

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

(Sign)

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Pratt, County of Bannock, State of Idaho, on this 11th day of October, 1928. A. D. 1928.

W. Quinn
Notary Public, Bannock, Idaho

My commission expires April 8, 1931