Authentisign ID: 60708ABF-AD8E-EC11-A507-501AC5E43BFD

Form 42-248/42-1409(6) Rev. 1/15

RECEIVED
FEB 22 2022
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# 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? |
|---|---|---|---|---|---|
| 63-28976 | 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: Max M Takasugi
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Black Powder LLC, an Idaho limited liability company
   New owner(s) as listed on the conveyance document  Name connector ☐ and ☐ or ☐ and/or

   16155 N High Desert St. | Nampa | ID | 83687
   Mailing address | City | State | ZIP

   (208)-871-0505 | bgb@ameritelinns.com; nb2470@msn.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: February 18, 2022.

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.

SCANNED
JUL 19 2023

8. Signature: Brian Black | Member and Manager | 02/15/22
   Signature of new owner/claimant | Title, if applicable | Date

   Signature: _____ | Member and Manager | _____
   Signature of new owner/claimant | Title, if applicable | Date

***For IDWR Office Use Only:*** 4/21/2023

Receipted by LE / DM  Date 02/22/2022  Receipt No. W050142/W051174  Receipt Amt. $25.00 + $75.00

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 DM  Processed by DM  Date 7-19-23

ELECTRONICALLY RECORDED - DO NOT REMOVE THE COUNTY STAMPED FIRST PAGE AS IT IS NOW INCORPORATED AS PART OF THE ORIGINAL DOCUMENT.

AFTER RECORDING MAIL TO:

Black Powder LLC
16155 N High Desert St.
Nampa, ID 83687

**2022-009396**
RECORDED
**02/18/2022 12:59 PM**
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 HCRETAL $15.00
TYPE: DEED
FIRST AMERICAN TITLE AND ESCROW
*ELECTRONICALLY RECORDED*

# WARRANTY DEED

File No.: 4106-3893644 **(RR)** Date: **February 18, 2022**

For Value Received, **Ownby Land Company, LLC, an Idaho limited liability company**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Black Powder LLC, an Idaho limited liability company**, hereinafter referred to as Grantee, whose current address is **16155 N High Desert St., Nampa, ID 83687**, the following described premises, situated in **Canyon** County, **Idaho**, to wit:

**LEGAL DESCRIPTION:** Real property in the County of Canyon, State of Idaho, described as follows:

**See attached Exhibit "A"**

APN: **32954010A0, 3295401000 , 329550000 & 329410000**

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto 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.



SCANNED
JUL 19 2023

Ownby Land Company, LLC, an Idaho limited liability company

By: Velta Harwood
Name: Velta Harwood
Title: Manager and Member

By: Travis Sterling
Name: Travis Sterling
Title: Manager and Member

STATE OF Idaho )
SS.
COUNTY OF Ada )

This record was acknowledged before me on February 18, 2022, by Velta Harwood and Travis Sterling as Managers and Members of Ownby Land Company, LLC, an Idaho limited liability company

RUTH M RUBEL
COMMISSION #20428
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 06/24/2022

Ruth M Rubel
Signature of Notary Public
My Commission Expires: 6-24-2022



SCANNED
JUL 19 2023

Ownby Land Company, LLC, an Idaho limited liability company

By: Joyce Ownby
Name: Joyce Ownby
Title: Manager and Member

By: _____
Name: Shane Sterling
Title: Manager and Member

STATE OF Idaho )
ss.
COUNTY OF Ada )

This record was acknowledged before me on February 18, 2022, by Joyce Ownby and Shane Sterling as Managers and Members of Ownby Land Company, LLC, an ~~Idaho~~ limited liability company

RUTH M RUBEL
COMMISSION #20428
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 06/24/2022

Ruth M Rubel
Signature of Notary Public
My Commission Expires: 6-24-2022



SCANNED
JUL 19 2023

**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Canyon, State of Idaho, described as follows:

Parcel I

The Northeast Quarter of the Northwest Quarter, Section 18, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

LESS AND EXCEPTING therefrom:

A part of the Northeast Quarter of the Northwest Quarter, Section 18, Township 3 North, Range 3 West, Boise Meridian, Canyon County Idaho, described as follows:

COMMENCING at the Northeast corner of said Northeast Quarter of the Northwest Quarter (North Quarter corner) said corner monumented with a 3 inch diameter brass disk; thence
South 89°41'40" West, a distance of 492.79 feet along the Northerly boundary of said Northeast Quarter of the Northwest Quarter; thence
South 0°06'47" West, a distance of 33.00 feet to a point on the Southerly right-of-way of State Highway 55, said point being the REAL POINT OF BEGINNING and monumented with a 5/8 inch diameter iron pin; thence continuing
South 0°06'47" West, a distance of 138.36 feet to a 5/8 inch diameter iron pin; thence
South 89°41'40" West, a distance of 220.72 feet parallel with the Northerly boundary of said Northeast Quarter of the Northwest Quarter to a 5/8 inch diameter iron pin; thence
North 0°18'20" West, a distance of 138.35 feet to a point on the Southerly right-of-way of said State Highway 55, said point monumented with a 5/8 inch diameter iron pin; thence
North 89°41'40" East a distance of 221.73 feet along the Southerly right-of-way of State Highway 55 to the REAL POINT OF BEGINNING.

ALSO LESS AND EXCEPTING therefrom:

All that part of the Northeast Quarter of the Northwest Quarter of Section 18, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, lying Northeast of the centerline of the drain ditch as the same is now located on said premises.

Parcel II:

All that part of the Northeast Quarter of the Northwest Quarter of Section 18, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, lying Northeast of the centerline of the drain ditch as the same is now located on said premises.

Parcel III:

The Northwest Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

SCANNED

JUL 19 2023

2013-013200
RECORDED
03/26/2013 11:08 AM
00033671201300132000040046
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 JCRANE $19.00
DEED
CAPITOL LAW GROUP

# WARRANTY DEED

**1. Conveyance of Real Property**. For value received, The Ownby Family Trust, whose current address is 1760 North Mitchell Street, Boise, Idaho 83704 ("Grantor") hereby **GRANTS, BARGAINS, SELLS, AND CONVEYS** to Ownby Land Company, LLC, whose current address is 1760 North Mitchell Street, Boise, Idaho 83704 ("Grantee"), the real property located in Canyon County, State of Idaho and further described on Exhibit A attached ("Real Property"), **TO HAVE AND TO HOLD** the Real Property and the appurtenances to the Real Property unto the Grantee and the Grantee's heirs and assigns forever.

**2. Representations and Covenants of the Grantor**. The Grantor represents to and covenants with the Grantee as follows:

A. The Grantor is the owner in fee simple of the Real Property.

B. The Real Property is free from all encumbrances, subject to and except for (1) encumbrances made, suffered, or done by the Grantee, (2) reservations, restrictions, dedications, easements, rights of way, and agreements (if any) of record, (3) general taxes and assessments (including irrigation and utility assessments, if any) for the current year which are not yet due and payable, and (4) the encumbrances, if any, set forth on Exhibit B attached.

C. The Grantor will warrant and defend the quiet enjoyment of the Real Property from all lawful claims, to the extent of the warranties contained in this Deed.

D. The Grantor will give such assurances and perform such acts as may be necessary to perfect or confirm the title conveyed by this Deed.



SCANNED
JUL 19 2023

**GRANTOR**

**THE OWNBY FAMILY TRUST**

Dated: March 21, 2013

By: W. D. Davison
William Davison, Trustee

STATE OF IDAHO )
) ss
County of Ada )

On this 21st day of March, 2013, before me a notary public in and for the State of Idaho, personally appeared William Davison, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The Ownby Family Trust, and acknowledged to me that he executed the same as such Trustee of The Ownby Family Trust.

ALLAN R. BOSCH NOTARY PUBLIC STATE OF IDAHO

Allan R. Bosch
Notary Public
My Commission Expires on 10/30/17



SCANNED
JUL 19 2023

**EXHIBIT A**
**REAL PROPERTY**

The Real Property located in Canyon County, Idaho, and more particularly described as follows:

The Northwest Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.



SCANNED

JUL 19 2023

**EXHIBIT B**
**ENCUMBRANCES**

**NONE**



SCANNED
JUL 19 2023

2013-013201
RECORDED
03/26/2013 11:08 AM
00033672201300132010040043
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 JCRANE $19.00
DEED
CAPITOL LAW GROUP

# WARRANTY DEED

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**2. Representations and Covenants of the Grantor**. The Grantor represents to and covenants with the Grantee as follows:

A. The Grantor is the owner in fee simple of the Real Property.

B. The Real Property is free from all encumbrances, subject to and except for (1) encumbrances made, suffered, or done by the Grantee, (2) reservations, restrictions, dedications, easements, rights of way, and agreements (if any) of record, (3) general taxes and assessments (including irrigation and utility assessments, if any) for the current year which are not yet due and payable, and (4) the encumbrances, if any, set forth on Exhibit B attached.

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SCANNED
JUL 19 2023

**GRANTOR**

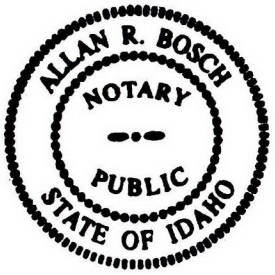
**THE OWNBY FAMILY TRUST**

Dated: March 21, 2013

By: W. G. Davison
William Davison, Trustee

STATE OF IDAHO )
) ss
County of Ada )

On this 21st day of March, 2013, before me a notary public in and for the State of Idaho, personally appeared William Davison, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The Ownby Family Trust, and acknowledged to me that he executed the same as such Trustee of The Ownby Family Trust.




Allan R. Bosch
Notary Public
My Commission Expires on 10/30/17



SCANNED
JUL 19 2023

**EXHIBIT A**
**REAL PROPERTY**

The Real Property located in Canyon County, Idaho, and more particularly described as follows:

All that part of the Northeast Quarter of the Northwest Quarter of Section 18, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, lying Northeast of the centerline of the drain ditch as the same is now located on said premises.



SCANNED

JUL 19 2023

**EXHIBIT B**
**ENCUMBRANCES**

**NONE**



SCANNED
JUL 19 2023

2013-013202
RECORDED
03/26/2013 11:08 AM
00033673201300132020050056
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=5 JCRANE $22.00
DEED
CAPITOL LAW GROUP

# WARRANTY DEED

**1. Conveyance of Real Property**. For value received, The Ownby Family Trust, whose current address is 1760 North Mitchell Street, Boise, Idaho 83704 ("Grantor") hereby **GRANTS, BARGAINS, SELLS, AND CONVEYS** to Ownby Land Company, LLC, whose current address is 1760 North Mitchell Street, Boise, Idaho 83704 ("Grantee"), the real property located in Canyon County, State of Idaho and further described on Exhibit A attached ("Real Property"), **TO HAVE AND TO HOLD** the Real Property and the appurtenances to the Real Property unto the Grantee and the Grantee's heirs and assigns forever.

**2. Representations and Covenants of the Grantor**. The Grantor represents to and covenants with the Grantee as follows:

A. The Grantor is the owner in fee simple of the Real Property.

B. The Real Property is free from all encumbrances, subject to and except for (1) encumbrances made, suffered, or done by the Grantee, (2) reservations, restrictions, dedications, easements, rights of way, and agreements (if any) of record, (3) general taxes and assessments (including irrigation and utility assessments, if any) for the current year which are not yet due and payable, and (4) the encumbrances, if any, set forth on Exhibit B attached.

C. The Grantor will warrant and defend the quiet enjoyment of the Real Property from all lawful claims, to the extent of the warranties contained in this Deed.

D. The Grantor will give such assurances and perform such acts as may be necessary to perfect or confirm the title conveyed by this Deed.



SCANNED
JUL 19 2023

**GRANTOR**

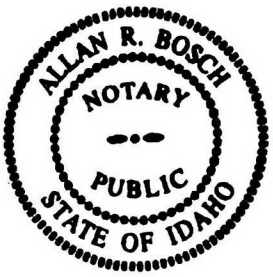
**THE OWNBY FAMILY TRUST**

Dated: March 21, 2013

By: W. G. Davison
William Davison, Trustee

STATE OF IDAHO )
) ss
County of Ada )

On this 21st day of March, 2013, before me a notary public in and for the State of Idaho, personally appeared William Davison, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The Ownby Family Trust, and acknowledged to me that he executed the same as such Trustee of The Ownby Family Trust.




Allan R. Bosch
Notary Public
My Commission Expires on 12/30/17.



SCANNED
JUL 19 2023

# EXHIBIT A
# REAL PROPERTY

The Real Property located in Canyon County, Idaho, and more particularly described as follows:

All of Government Lots 1 and 2 and the Northeast Quarter of the Northwest Quarter, Section 18, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

Excepting therefrom

"A"

A part of the Northeast Quarter of the Northwest Quarter, Section 18, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

COMMENCING at the Northeast corner of said Northeast Quarter of the Northwest Quarter (North Quarter corner) said corner monumented with a 3 inch diameter brass disk; thence

South 89° 41'40" West, a distance of 492.79 feet along the Northerly boundary of said Northeast Quarter of the Northwest Quarter; thence

South 0° 06'47" West, a distance of 33.00 feet to a point on the Southerly right-of-way of State Highway 55, said point being the REAL POINT OF BEGINNING and monumented with a 5/8 inch diameter iron pin; thence continuing

South 0° 06'47" West, a distance of 138.36 feet to a 5/8 inch diameter iron pin; thence

South 89° 41'40" West, a distance of 220.72 feet parallel with the Northerly boundary of said Northeast Quarter of the Northwest Quarter to a 5/8 inch diameter iron pin; thence

North 0° 18'20" West, a distance of 138.35 feet to a point on the Southerly right-of-way of said State Highway 55, said point monumented with a 5/8 inch diameter iron pin; thence

North 89° 41'40" East, a distance of 221.73 feet along the Southerly right-of-way of State Highway 55 to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM

"B"

A part of Government Lot 1, Section 18, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

COMMENCING at the Northeast corner of said Government Lot 1; thence

South 89° 41'40" West, a distance of 704.95 feet along the Northerly boundary of said Government Lot 1; thence

South 0° 21'14" West, a distance of 36.23 feet to a point on the Southerly right-of-way of said State Highway 55, said point being the REAL POINT OF BEGINNING and monumented with a 5/8 inch diameter iron pin; thence continuing

South 0° 21'14" West, a distance of 633.54 feet to a 5/8 inch diameter iron pin; thence



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JUL 19 2023

# EXHIBIT A
# REAL PROPERTY

North 89° 27'44" West, a distance of 179.25 feet to a 5/8 inch diameter iron pin; thence

North 1° 12'57" East, a distance of 621.39 feet to a point on the Southerly right-of-way of State Highway 55 said point being monumented with a 5/8 inch diameter iron pin; thence 170.30 feet along the arc of a 4,460.67 radius curve right with a central angel of 2° 11'15" and tangents of 85.16 feet, the long chord of which bears

North 86° 26'07" East, a distance of 170.30 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM

"C"

A parcel of land being on both sides of the centerline of State Highway No. 55, Project No. ST-3250 (603) Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, and being a portion of Government Lot 1 of Section 18, Township 3 North, Range 3 West, Boise Meridian, described as follows, to-wit;

Beginning at the Northwest corner of Government Lot 1 of Section 18, Township 3 North, Range 3 West, Boise Meridian, the REAL POINT OF BEGINNING; thence

North 89° 41'40" East along the North line of said Government Lot 1 a distance of 669.95 feet; thence

South 0° 18'20" East - 33.0 feet to a point in the Southerly right-of-way line of existing State Highway No. 55, which is also a line parallel with and 33.0 feet Southerly from the centerline and bears

South 0° 18'20" East from Station 325+55.21 of said State Highway No. 55, Project No. ST-3250(603) Highway Survey;

thence along said parallel line as follows: Southwesterly along a 5779.14 foot radius curve left 540.59 feet to a point opposite State 320+14.62 of said Highway Survey;

South 84° 17'19.5" West, 94.62 feet to a point opposite Station 319+20 of said Highway Survey; thence

South 36° 43'51" West, leaving said parallel line 27.55 feet to a point in the Easterly right-of-way line of existing Malt Road; thence

North 89° 14'46" West, 25.0 feet to a point in the West line of said Government Lot 1; thence along said West line as follows:

North 0° 45'14" East, 8.24 feet and

North 0° 48'54" West, 87.53 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM

"D"

That portion of the Northeast Quarter of the Northwest Quarter, Section 18, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho lying Northeast of the centerline of the Drain Ditch.

RESERVING UNTO THE GRANTOR A NON-EXCLUSIVE 12.00 FOOT WIDE ROAD EASEMENT FOR THE PURPOSES OF INGRESS AND EGRESS LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NW CORNER OF SAID GOVERNMENT LOT 1, THENCE S. 0° 45' 26" W. A DISTANCE OF 674.72 FEET ALONG THE WESTERLY BOUNDARY OF SAID GOVERNMENT LOT 1 TO THE BEGINNING POINT OF SAID EASEMENT; THENCE S. 89° 27' 44" E. A DISTANCE OF 506.53 FEET ALONG THE CENTERLINE OF SAID EASEMENT TO THE TERMINUS POINT OF SAID EASEMENT. SAID EASEMENT IS APPURTENANT TO THE EXCEPTED PARCEL B.



SCANNED

JUL 19 2023

**EXHIBIT B**
**ENCUMBRANCES**

**NONE**



SCANNED

JUL 19 2023

Authentisign ID: 60708ABF-AD8E-EC11-A507-501AC5E43BFD

State of Idaho
Department of Water Resources

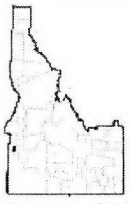
# Water Right

**63-28976**

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.



0 0.0275 0.055 0.11 0.165 0.22
Miles

Date created: 2/9/2022

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

N



SCANNED
JUL 19 2023

2004 SEP 14 PM 1 50

RECORDED

G NOEL HALES
CANYON CNTY RECORDER
BY Swann

2004512377

REQUEST Busch Davis Ballard
TYPE deed FEE 9-

# PERSONAL REPRESENTATIVE DEED

**1. Conveyance of Real Property**. For value received, Nona Bernice Ownby, Personal Representative of the Estate of Allan Junior Ownby ("Grantor") hereby **CONVEYS, RELEASES, REMISES, AND FOREVER QUITCLAIMS** to The Ownby Family Trust, whose current address is 2082 Highway 21, Boise, Idaho 83716 ("Grantee") the real property located in Canyon County, State of Idaho and further described on Exhibit A attached ("Real Property"), **TO HAVE AND TO HOLD** the Real Property and the appurtenances to the Real Property unto the Grantee and the Grantee's heirs and assigns forever.

**2. Certification of Authorization**. Nona Bernice Ownby is the personal representative of the Estate of Allan Junior Ownby and is authorized to execute and deliver this Deed.

**ESTATE OF ALLAN JUNIOR OWNBY**

Dated: September 2, 2004

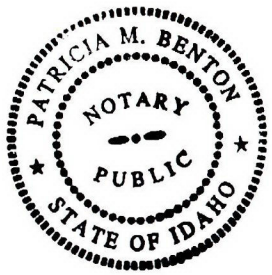
By: Nona B Ownby
Nona Bernice Ownby, Personal Representative



SCANNED
JUL 19 2023

STATE OF IDAHO )
) ss
County of Ada )

On this 2nd day of September, in the year of 2004, before me a notary public, personally appeared Nona Bernice Ownby, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Allan Junior Ownby and acknowledged to me that Nona Bernice Ownby executed the same as such Personal Representative of the Estate of Allan Junior Ownby.




Patricia M. Benton
Notary Public
My Commission Expires on 6/10



SCANNED
JUL 19 2023

**EXHIBIT A**
**REAL PROPERTY**

The Real Property located in Canyon County, Idaho, and more particularly described as follows:

The Northwest Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.



SCANNED

JUL 19 2023

2004 SEP 14 PM 1 30

RECORDED

C NOEL HALES
CANYON CNTY RECORDER
BY

2004512238

REQUEST Rochelle Ballard
TYPE dad FEE 12.-

# WARRANTY DEED

**1. Conveyance of Real Property**. For value received, Nona Bernice Ownby, whose current address is 2082 Highway 21, Boise, Idaho 83716 ("Grantor") hereby **GRANTS, BARGAINS, SELLS, AND CONVEYS** to The Ownby Family Trust, whose current address is 2082 Highway 21, Boise, Idaho 83716 ("Grantee") the real property located in Canyon County, State of Idaho and further described on Exhibit A attached ("Real Property"), **TO HAVE AND TO HOLD** the Real Property and the appurtenances to the Real Property unto the Grantee and the Grantee's heirs and assigns forever.

**2. Representations and Covenants of the Grantor**. The Grantor represents to and covenants with the Grantee as follows:

A. The Grantor is the owner in fee simple of the Real Property.

B. The Real Property is free from all encumbrances, subject to and except for (1) encumbrances made, suffered, or done by the Grantee, (2) reservations, restrictions, dedications, easements, rights of way, and agreements (if any) of record, (3) general taxes and assessments (including irrigation and utility assessments, if any) for the current year which are not yet due and payable, and (4) the encumbrances, if any, set forth on Exhibit B attached.

C. The Grantor will warrant and defend the quiet enjoyment of the Real Property from all lawful claims, to the extent of the warranties contained in this Deed.

D. The Grantor will give such assurances and perform such acts as may be necessary to perfect or confirm the title conveyed by this Deed.

**GRANTOR**

Dated: September 2, 2004

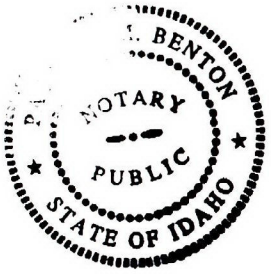
Nona B. Ownby
Nona Bernice Ownby



SCANNED
JUL 19 2023

STATE OF IDAHO )
) ss
County of Ada )

On this 2nd day of September, 2004, before me, a notary public in and for the State of Idaho, personally appeared Nona Bernice Ownby, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.




Patricia N. Benton
Notary Public
My Commission Expires on 6/1/10



SCANNED
JUL 19 2023

**EXHIBIT A**
**REAL PROPERTY**

The Real Property located in Canyon County, Idaho, and more particularly described as follows:

The Northwest Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.



SCANNED
JUL 19 2023

**EXHIBIT B**
**ENCUMBRANCES**

None



SCANNED

JUL 19 2023

2004 SEP 14 PM 1 50

RECORDED

G NOEL HALES
CANYON CNTY RECORDER
BY

2004512239 REQUEST Bosch Burnell TYPE deed FEE 12-

# PERSONAL REPRESENTATIVE DEED

**1. Conveyance of Real Property**. For value received, Nona Bernice Ownby, Personal Representative of the Estate of Allan Junior Ownby ("Grantor") hereby **CONVEYS, RELEASES, REMISES, AND FOREVER QUITCLAIMS** to The Ownby Family Trust, whose current address is 2082 Highway 21, Boise, Idaho 83716 ("Grantee") the real property located in Canyon County, State of Idaho and further described on Exhibit A attached ("Real Property"), **TO HAVE AND TO HOLD** the Real Property and the appurtenances to the Real Property unto the Grantee and the Grantee's heirs and assigns forever.

**2. Certification of Authorization**. Nona Bernice Ownby is the personal representative of the Estate of Allan Junior Ownby and is authorized to execute and deliver this Deed.

**ESTATE OF ALLAN JUNIOR OWNBY**

Dated: September 2, 2004

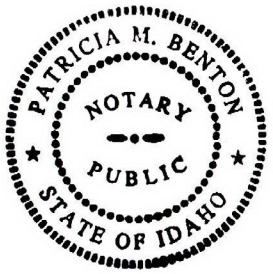
By: Nona B. Ownby
Nona Bernice Ownby, Personal Representative



SCANNED
JUL 19 2023

STATE OF IDAHO )
) ss
County of Ada )

On this 2nd day of September, in the year of 2004, before me a notary public, personally appeared Nona Bernice Ownby, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Allan Junior Ownby and acknowledged to me that Nona Bernice Ownby executed the same as such Personal Representative of the Estate of Allan Junior Ownby.




Patricia M. Benton
Notary Public
My Commission Expires on 6/1/10



SCANNED
JUL 19 2023

# EXHIBIT A
# REAL PROPERTY

The Real Property located in Canyon County, Idaho, and more particularly described as follows:

All of Government Lots 1 and 2 and the Northeast Quarter of the Northwest Quarter, Section 18, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

Excepting therefrom

"A"

A part of the Northeast Quarter of the Northwest Quarter, Section 18, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

COMMENCING at the Northeast corner of said Northeast Quarter of the Northwest Quarter (North Quarter corner) said corner monumented with a 3 inch diameter brass disk; thence
South 89° 41'40" West, a distance of 492.79 feet along the Northerly boundary of said Northeast Quarter of the Northwest Quarter; thence
South 0° 06'47" West, a distance of 33.00 feet to a point on the Southerly right-of-way of State Highway 55, said point being the REAL POINT OF BEGINNING and monumented with a 5/8 inch diameter iron pin; thence continuing
South 0° 06'47" West, a distance of 138.36 feet to a 5/8 inch diameter iron pin; thence
South 89° 41'40" West, a distance of 220.72 feet parallel with the Northerly boundary of said Northeast Quarter of the Northwest Quarter to a 5/8 inch diameter iron pin; thence
North 0° 18'20" West, a distance of 138.35 feet to a point on the Southerly right-of-way of said State Highway 55, said point monumented with a 5/8 inch diameter iron pin; thence
North 89° 41'40" East, a distance of 221.73 feet along the Southerly right-of-way of State Highway 55 to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM

"B"

A part of Government Lot 1, Section 18, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

COMMENCING at the Northeast corner of said Government Lot 1; thence
South 89° 41'40" West, a distance of 704.95 feet along the Northerly boundary of said Government Lot 1; thence
South 0° 21'14" West, a distance of 36.23 feet to a point on the Southerly right-of-way of said State Highway 55, said point being the REAL POINT OF BEGINNING and monumented with a 5/8 inch diameter iron pin; thence continuing
South 0° 21'14" West, a distance of 633.54 feet to a 5/8 inch diameter iron pin; thence



SCANNED
JUL 19 2023

# EXHIBIT A
# REAL PROPERTY

North 89° 27'44" West, a distance of 179.25 feet to a 5/8 inch diameter iron pin; thence

North 1° 12'57" East, a distance of 621.39 feet to a point on the Southerly right-of-way of State Highway 55 said point being monumented with a 5/8 inch diameter iron pin; thence 170.30 feet along the arc of a 4,460.67 radius curve right with a central angel of 2° 11'15" and tangents of 85.16 feet, the long chord of which bears

North 86° 26'07" East, a distance of 170.30 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM

"C"

A parcel of land being on both sides of the centerline of State Highway No. 55, Project No. ST-3250 (603) Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, and being a portion of Government Lot 1 of Section 18, Township 3 North, Range 3 West, Boise Meridian, described as follows, to-wit;

Beginning at the Northwest corner of Government Lot 1 of Section 18, Township 3 North, Range 3 West, Boise Meridian, the REAL POINT OF BEGINNING; thence

North 89° 41'40" East along the North line of said Government Lot 1 a distance of 669.95 feet; thence

South 0° 18'20" East - 33.0 feet to a point in the Southerly right-of-way line of existing State Highway No. 55, which is also a line parallel with and 33.0 feet Southerly from the centerline and bears

South 0° 18'20" East from Station 325+55.21 of said State Highway No. 55, Project No. ST-3250(603) Highway Survey;

thence along said parallel line as follows: Southwesterly along a 5779.14 foot radius curve left 540.59 feet to a point opposite State 320+14.62 of said Highway Survey;

South 84° 17'19.5" West, 94.62 feet to a point opposite Station 319+20 of said Highway Survey; thence

South 36° 43'51" West, leaving said parallel line 27.55 feet to a point in the Easterly right-of-way line of existing Malt Road; thence

North 89° 14'46" West, 25.0 feet to a point in the West line of said Government Lot 1; thence along said West line as follows:

North 0° 45'14" East, 8.24 feet and

North 0° 48'54" West, 87.53 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM

"D"

That portion of the Northeast Quarter of the Northwest Quarter, Section 18, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho lying Northeast of the centerline of the Drain Ditch.

RESERVING UNTO THE GRANTOR A NON-EXCLUSIVE 12.00 FOOT WIDE ROAD EASEMENT FOR THE PURPOSES OF INGRESS AND EGRESS LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NW CORNER OF SAID GOVERNMENT LOT 1, THENCE S. 0° 45' 26" W. A DISTANCE OF 674.72 FEET ALONG THE WESTERLY BOUNDARY OF SAID GOVERNMENT LOT 1 TO THE BEGINNING POINT OF SAID EASEMENT; THENCE S. 89° 27' 44" E. A DISTANCE OF 506.53 FEET ALONG THE CENTERLINE OF SAID EASEMENT TO THE TERMINUS POINT OF SAID EASEMENT. SAID EASEMENT IS APPURTENANT TO THE EXCEPTED PARCEL B.



SCANNED

JUL 19 2023

INSTRUMENT NO. 20054064

2004 SEP 14 PM 1 30

RECORDED

G NOEL HALES
CANYON CNTY RECORDER
BY

2004512240 REQUEST Ryan Bullard
TYPE deed FEE 18-

# WARRANTY DEED

**1. Conveyance of Real Property**. For value received, Nona Bernice Ownby, whose current address is 2082 Highway 21, Boise, Idaho 83716 ("Grantor") hereby **GRANTS, BARGAINS, SELLS, AND CONVEYS** to The Ownby Family Trust, whose current address is 2082 Highway 21, Boise, Idaho 83716 ("Grantee") the real property located in Canyon County, State of Idaho and further described on Exhibit A attached ("Real Property"), **TO HAVE AND TO HOLD** the Real Property and the appurtenances to the Real Property unto the Grantee and the Grantee's heirs and assigns forever.

**2. Representations and Covenants of the Grantor**. The Grantor represents to and covenants with the Grantee as follows:

A. The Grantor is the owner in fee simple of the Real Property.

B. The Real Property is free from all encumbrances, subject to and except for (1) encumbrances made, suffered, or done by the Grantee, (2) reservations, restrictions, dedications, easements, rights of way, and agreements (if any) of record, (3) general taxes and assessments (including irrigation and utility assessments, if any) for the current year which are not yet due and payable, and (4) the encumbrances, if any, set forth on Exhibit B attached.

C. The Grantor will warrant and defend the quiet enjoyment of the Real Property from all lawful claims, to the extent of the warranties contained in this Deed.

D. The Grantor will give such assurances and perform such acts as may be necessary to perfect or confirm the title conveyed by this Deed.

**GRANTOR**

Dated: September 2, 2004

Nona B. Ownby
Nona Bernice Ownby



SCANNED
JUL 19 2023

STATE OF IDAHO )
) ss
County of Ada )

On this 2nd day of September, 2004, before me, a notary public in and for the State of Idaho, personally appeared Nona Bernice Ownby, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.




Patricia M. Benton
Notary Public
My Commission Expires on 6/1/10



SCANNED
JUL 19 2023

# EXHIBIT A
# REAL PROPERTY

The Real Property located in Canyon County, Idaho, and more particularly described as follows:

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Excepting therefrom

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COMMENCING at the Northeast corner of said Northeast Quarter of the Northwest Quarter (North Quarter corner) said corner monumented with a 3 inch diameter brass disk; thence
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ALSO EXCEPTING THEREFROM

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South 0° 21'14" West, a distance of 36.23 feet to a point on the Southerly right-of-way of said State Highway 55, said point being the REAL POINT OF BEGINNING and monumented with a 5/8 inch diameter iron pin; thence continuing
South 0° 21'14" West, a distance of 633.54 feet to a 5/8 inch diameter iron pin; thence



SCANNED
JUL 19 2023

# EXHIBIT A
# REAL PROPERTY

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North 1° 12'57" East, a distance of 621.39 feet to a point on the Southerly right-of-way of State Highway 55 said point being monumented with a 5/8 inch diameter iron pin; thence 170.30 feet along the arc of a 4,460.67 radius curve right with a central angel of 2° 11'15" and tangents of 85.16 feet, the long chord of which bears

North 86° 26'07" East, a distance of 170.30 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM

"C"

A parcel of land being on both sides of the centerline of State Highway No. 55, Project No. ST-3250 (603) Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, and being a portion of Government Lot 1 of Section 18, Township 3 North, Range 3 West, Boise Meridian, described as follows, to-wit;

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South 0° 18'20" East from Station 325+55.21 of said State Highway No. 55, Project No. ST-3250(603) Highway Survey;

thence along said parallel line as follows: Southwesterly along a 5779.14 foot radius curve left 540.59 feet to a point opposite State 320+14.62 of said Highway Survey;

South 84° 17'19.5" West, 94.62 feet to a point opposite Station 319+20 of said Highway Survey; thence

South 36° 43'51" West, leaving said parallel line 27.55 feet to a point in the Easterly right-of-way line of existing Malt Road; thence

North 89° 14'46" West, 25.0 feet to a point in the West line of said Government Lot 1; thence along said West line as follows:

North 0° 45'14" East, 8.24 feet and

North 0° 48'54" West, 87.53 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM

"D"

That portion of the Northeast Quarter of the Northwest Quarter, Section 18, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho lying Northeast of the centerline of the Drain Ditch.

RESERVING UNTO THE GRANTOR A NON-EXCLUSIVE 12.00 FOOT WIDE ROAD EASEMENT FOR THE PURPOSES OF INGRESS AND EGRESS LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE NW CORNER OF SAID GOVERNMENT LOT 1, THENCE S. 0° 45' 26" W. A DISTANCE OF 674.72 FEET ALONG THE WESTERLY BOUNDARY OF SAID GOVERNMENT LOT 1 TO THE BEGINNING POINT OF SAID EASEMENT; THENCE S. 89° 27' 44" E. A DISTANCE OF 506.53 FEET ALONG THE CENTERLINE OF SAID EASEMENT TO THE TERMINUS POINT OF SAID EASEMENT. SAID EASEMENT IS APPURTENANT TO THE EXCEPTED PARCEL B.



SCANNED

JUL 19 2023

**EXHIBIT B**
**ENCUMBRANCES**

None

20045406 4
RECORDED
SEP 28 PM 2 12
GJOEL HALES
CANYON CNTY RECORDER
REQUEST Bank Law Billed
TYPE Deed 15"



SCANNED
JUL 19 2023

(7) 9620911

PA 39573

RECEIVED
Apr 17, 2023
DEPARTMENT OF
WATER RESOURCES

# WARRANTY DEED

FOR VALUE RECEIVED **MAX M. TAKASUGI and MICHIKO M. TAKASUGI, husband and wife as to an undivided 62 1/2 percent interest; and RONALD TAKASUGI and DENNIS M. TAKASUGI and KATHERINE TAKASUGI and JAMES TAKASUGI and JOANN TAKASUGI, as their separate property an undivided 37 1/2 percent interest**

the Grantors, do hereby grant, bargain, sell and convey unto **JUNIOR OWNBY AND NONA B. OWNBY, husband and wife**

the Grantees, whose address is HC33, Box 1131, Boise, ID 83706

the following described premises, to-wit:

**The Northwest Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1996 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: June 12, 1996

MAX M. TAKASUGI

MICHIKO M. TAKASUGI

RONALD TAKASUGI BY MAX M. TAKASUGI HIS ATTORNEY IN FACT

DENNIS M. TAKASUGI BY MAX M. TAKASUGI HIS ATTORNEY IN FACT

KATHERINE TAKASUGI BY MAX M. TAKASUGI HER ATTORNEY IN FACT

JAMES TAKASUGI BY MAX M. TAKASUGI HIS ATTORNEY IN FACT

JOANN TAKASUGI BY MAX M. TAKASUGI HER ATTORNEY IN FACT

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

SCANNED
JUL 19 2023

STATE OF IDAHO
COUNTY OF CANYON

On this 12th day of June, 1996, before me a Notary Public, personally appeared MAX M. TAKASUGI, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Notary Public
Residing at Nampa, Idaho
My commission expires: 4/17/97

STATE OF IDAHO
COUNTY OF CANYON

On this 12th day of June, 1996, before me a Notary Public, personally appeared MAX M. TAKASUGI, known or identified to me to be the person whose name is subscribed to the within instrument as attorney in fact of MICHIKO M. TAKASUGI, RONALD TAKASUGI, DENNIS M. TAKASUGI, KATHERINE TAKASUGI, JAMES TAKASUGI AND JOANN TSCHANZ TAKASUGI and acknowledged to me that he/she subscribed the name of MICHIKO M. TAKASUGI, RONALD TAKASUGI, DENNIS M. TAKASUGI, KATHERINE TAKASUGI, JAMES TAKASUGI AND JOANN TSCHANZ TAKASUGI thereto as principal, and his/her own name as attorney in fact.

Notary Public
Residing at Nampa, Idaho
My commission expires: 4/17/97

9620911

RECORDED

'96 JUN 25 PM 4 36

CANYON COUNTY RECORDER

REQUEST PIONEER — NAMPA

TYPE Deed FEE 6.00

SCANNED

JUL 19 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 19, 2023

BLACK POWDER LLC
16155 N HIGH DESERT ST
NAMPA ID 83687-5510

Re: Change in Ownership for Water Right No(s): **63-28976**

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)605-4620.

Sincerely,

Debra Mansfield
Office Specialist II

Enclosure(s)

SCANNED

JUL 19 2023

**IDAHO DEPARTMENT OF WATER RESOURCES** 7/19/2023
**Proof Report**

**Water Right 63-28976**

| **Owner Type** | **Name and Address** |
|---|---|
| Current Owner | BLACK POWDER LLC<br>16155 N HIGH DESERT ST<br>NAMPA, ID 83687-5510<br>(208) 871-0505 |
| Original Owner | MAX M TAKASUGI<br>17893 KARCHER RD<br>CALDWELL, ID 83605<br>(208) 459-7120 |

**Priority Date:** 1/15/1907
**Basis:** Decreed
**Status:** Active

| **Source** | **Tributary** |
|---|---|
| GROUND WATER | |

| **Beneficial Use** | **From** | **To** | **Diversion Rate** | **Volume** |
|---|---|---|---|---|
| DOMESTIC | 1/01 | 12/31 | 0.040 CFS | |
| | **Total Diversion** | | 0.040 CFS | |

**Source and Point(s) of Diversion:**

| | | |
|---|---|---|
| GROUND WATER | NENENW | Sec. 18, Twp 03N, Rge 03W, CANYON County |

**Place Of Use:**
DOMESTIC within CANYON County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 03N | 03W | 18 | | | | | X | | | | | | | | | | | | |

**Conditions of Approval:**

| | | |
|---|---|---|
| 1. | N13 | THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY. |
| 2. | C18 | THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. |
| 3. | N11 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. |
| 4. | | PARCEL NO. 8R03N03W182506 |

SCANNED
JUL 19 2023

**Dates and Other Information:**
Decreed Date: 5/26/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: TBD
Mitigation Plan: False

**Combined Use Limits:**
N/A

**SubCase:**
N/A

**Water Supply Bank:**

N/A

SCANNED



63-28976
JUL 19 2023

## Mansfield, Debra

**From:** Mansfield, Debra
**Sent:** Wednesday, July 19, 2023 1:10 PM
**To:** IdwrPayable
**Subject:** REFUND - Black Powder LLC

TO: Sascha Marston, Susan Steed

FROM: Debra Mansfield

DATE: July 19, 2023

***RE: Refund: Notice Of Change In Water Right Ownership***

BLACK POWDER LLC submitted a fee for a split that was not needed.

**Please issue a refund of $75.00 to**:

BLACK POWDER LLC
16155 N HIGH DESERT ST
NAMPA ID 83687-5510

RECEIPT #

W051174

Thank you,

**Debra Mansfield |** Office Specialist II
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | Debra.Mansfield@idwr.idaho.gov

SCANNED
JUL 19 2023

# MEMORANDUM

TO: Water Right File: 63-28976

FROM: Debra Mansfield

DATE: April, 18 2023

RE: Telephone conversation with Brian Black

On February 22, 2022 the Department of Water Resources received a Notice of Change in Water Right Ownership for Water Right No. 63-28976. The applicant is requesting to change ownership from Max M Tagasugi to Black Powder LLC. After reviewing the documentation submitted for this notice I found that the Water Right needs to be split.

I contacted the signer and owner of Black Powder LLC, Brian Black via the phone and explained that the department requires an additional fee to complete this change. IDWR received a $25 fee along with the Notice on 2/22/2022, however the department needs to collect an additional $75.00 to amount to the required $100 fee.

Brain asked me to contact cody Black via email to request the required fee. I emailed Cody at cblack@ameritelinns.com requesting the additional fee be sent to the department.

SCANNED

JUL 19 2023

**Certificate ID:** 60708ABF-AD8E-EC11-A507-501AC5E43BFD **Date:** 16.02.2022 09:04:17 AM MST

# Consumer Consent Disclosure

By proceeding and selecting the "**I Agree**" button corresponding to the Consumer Consent Disclosure section on the Authentisign Terms of Service window you are agreeing that you have reviewed the following consumer consent disclosure information and consent to transacting business electronically, to receive notices and disclosures electronically, and to utilize electronic signatures instead of using paper documents. This electronic signature service ("**Authentisign**") is provided on behalf of our client ("**Sender**") who is listed with their contact information at the bottom of the Authentisign Signing Participant email ("**Invitation**") you received. The **Sender** will be sending electronic documents, notices, disclosures to you or requesting electronic signatures from you.

You are not required to receive disclosures, notices or sign documents electronically. If you prefer not to do so, you can make a request to receive paper copies and withdraw your consent to conduct business electronically at any time as described below.

## Scope of Consent

You agree to receive electronic notices, disclosures, and electronic signature documents with all related and identified documents and disclosures provided over the course of your relationship with the **Sender**. You may at any point withdraw your consent by following the procedures described below.

## Hardware and Software Requirements

To receive the above information electronically, you will need all of the following:

- a computer or tablet device with internet access
- a working individual email address
- a supported operating system and browser from list table below

| Operating System | Apple Safari | Mozilla® Firefox | Edge | Chrome |
|---|---|---|---|---|
| Windows 7/8/10 | N/A | 60 or higher | 84 or higher | 80 or higher |
| Mac OS X 10.9 or higher | 13.1 or higher | 60 or higher | N/A | 80 or higher |
| Android 7.0 or higher | N/A | N/A | N/A | 80 or higher |
| *Apple - IOS 10.0 or higher* | 13.5 or higher | N/A | N/A | 80 or higher |

*JavaScript and Cookies must be enabled in the browser.*

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JUL 19 2023

**Certificate ID:** 60708ABF-AD8E-EC11-A507-501AC5E43BFD **Date:** 16.02.2022 09:04:17 AM MST

### Requesting Paper Copies

You have the ability to download and print or download any disclosures, notices or signed documents made available to you through **Authentisign** using the document print options located within the service. **Authentisign** can also email you a copy of all documents you sign electronically. You are not required to receive disclosures, notices or sign documents electronically and may request paper copies of documents or disclosures if you prefer. If you do not wish to work with electronic documents and instead wish to receive paper copies you can contact the **Sender** through the **Authentisign** document signing interface or request paper copies by following the procedures described below. There could be fees associated to printing and delivering the paper documents.

### Withdrawal of Consent to Conduct Business Electronically

Consent to receive electronic documents, notices or disclosures can be withdrawn at any time. In order to withdraw consent you must notify the **Sender**. You may withdraw consent to receive electronic notices and disclosures and optionally electronically signatures by following the procedures described below.

### Requesting paper documents, withdrawing consent, and/or updating contact information

To request paper copies of documents, withdraw consent to conduct business electronically and receive documents, notices, or disclosures electronically or sign documents electronically please contact the **Sender** by sending an email to **Sender's** email address located at the bottom of the **Invitation** requesting your desired action. Use one of the following email subject lines and insert the associated text into the body of the email:

- Email Subject line: "Request for Paper Documents"
  Include your full name, email address, telephone number, postal address and the signing name found in the **Invitation** in the body of the email.
  *Note: There could be per page and delivery fees required by the **Sender** to send the paper documents.*
- Email Subject line: "Withdraw Consent to Conduct Business Electronically"
  Include your full name, email address, telephone number, postal address and the signing name found in the **Invitation** in the body of the email.
- Email Subject line: "Update Contact Information"
  Include your full name, email address, telephone number, postal address and the signing name found in the **Invitation** in the body of the email, along with the requested change(s) to your contact information

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# OWNERSHIP CHANGE (O/C)

Transfer # _____ WR #(s) 63-28976 Reviewer DM Date 4-12-23

## OS2 - INITIAL REVIEW & FILE PREP

✓ **O/C Tracking Record**

Add new record(s) in Ownership Change Tracking workflow if not already recorded. If there are multiple incomplete records for same WR(s), coordinate with O/C processing staff.

✓ **Receipt Correct**

Fee is appropriate for number and split status of WRs. Receipt reflects correct amount and PCA code.

- **For Corrections:** Email Fiscal to request receipt corrections. Date Request Sent: _____
- **For Overpayments:** Note amount of overpayment to be refunded after processing: _____

NA **If Transfer, give to WRA with transfer, otherwise continue review.**

✓ **WR Status in Info Search**

Basis is Licensed or Decreed, and Status is Active.

✓ **WR Water Supply Bank Status**

Review docs via Info Search to see if WSB Lease associated with WR(s). If WSB Lease, review agreement doc for expiration date. If current, send email to WSB State Office staff to coordinate processing O/C.

✓ **WR Owner in Info Search**

Compare current owner name(s) to new owner(s) on O/C form. If same, confirm O/C process already complete, then request refund, create return letter, mark Returned in O/C Tracking.

✓ **SRBA Decree Status**

Check the SRBA website (http://srba.idaho.gov/SREPT.HTM) to confirm the decree hasn't been rescinded or amended.

✓ **Note Relative Dates of License/Decree vs Ownership Document**

If ownership document dated prior to decree/license see WR Supervisor.

✓ **Review Conveyance Documentation and Signatures**

Confirm type of deed/document(s) submitted and signature(s) acceptable per Admin Memo Records Memo No. 9. Request any necessary additional information.

✓ **Create GIS shape of legal property description on deed/document(s)**

Use Deed Plotter to map property descriptions and create shape files for ArcMap as needed.

- **Save files to:** N:\WRPROCESSING\Ownership Change Processing\Deed Plotter Shapes
- **File name:** Date received & applicant name: 2-22-2022 Black Powder LLC

✓ **Compare legal property description to WR POU legal to ArcMap WR POU shape**

If split, forward the notice, this checklist, and any notes to the next WRA in line to process.

## OS2 or WRA – PROCESS NOTICE

✓ **Compare POU and Legal Description for Other Possible WRs**

If other WR(s) found to match deed, list them here to be included in acknowledgement letter:

_____

— **For Splits: Print Proof Report and POD & POU Map BEFORE Split**

Use WR/Layouts tool to print map(s) including all POU shapes. Write "BEFORE SPLIT" at tops of documents.

— **Complete O/C in Workflow**

See Workflow Water Rights Process and confirm "Completion" status. Ensure all new owners are correctly listed, previous Representatives removed from WR record.

___ **For Splits: Update WR in AdHoc**

WR Status is Active and Draft is set to No. Conditions, POU shapes, and rates are correct for parent and child WR(s).

___ **For Splits: Print Parent WR Proof Report and POD & POU Map AFTER Split**

Use WR/Layouts tool to print map(s) including all POU shapes. Write "AFTER SPLIT" at tops of documents.

___ **For Splits: Print Child WR Proof Report and POD & POU Map**

Use WR/Layouts tool to print map(s) including all POU shapes. Write "CREATED BY SPLIT" at tops of documents.

✓ **Refund Overpayment**

If applicable, email Fiscal to request refund as notated above in Initial Review section. Print 1 copy of refund request to be profiled into WR file.

- Date Request Sent: 7-19-23 ($75 Refund)

## OS2 or WRA – CORRESPONDENCE & PROFILING

Copies of the below documents should be prepared for:

- **WR Record** – 1 copy to be profiled as part of O/C correspondence
- **New Owner(s)** – 1 copy for each new owner at different mailing addresses
- **Split Parent Right Owner(s)** – 1 copy for parent right owners. Report & map for PARENT WR, not child WR.
- **Other Contacts** – If applicable, 1 copy for each Representative or Security Interest on WR.

✓ **Print Proof Report and POD & POU Map for WR Owners**

✓ **Create Cover Letters**

Generate "O/C Complete" or "O/C Split Complete" letter in O/C Tracking, including all affected WRs in one letter.

- **Additional WR(s):** If applicable, include information about other possible WRs found during review.
- **Refunds:** If applicable, include information about refund for any overpayment (see template).

✓ **Mail Documents to Owner(s)**

Mail the above prepared cover letters, proof reports, and maps to all applicable contacts.

✓ **Initial and Date Bottom of Notice**

Initial "Approved by" (if blank) and "Processed by" fields at bottom of Notice, and write in date of completion.

✓ **Organize Paperwork**

Top to Bottom: Checklist, Transfer Memo, Notice & attachments, correspondence to owners, Split proof reports & maps

✓ **Prepare Internal Notes & Research (optional—for complex splits)**

- Paperclip notes together at the back of the O/C packet with a sticky note indicating that they should be saved.
- Create a new folder in N:\WRPROCESSING\Ownership Change Processing\Complex Splits, using the O/C date received & applicant name for the folder name. Ex: 2021-12-31_JohnDoeRanch
- OS2 will scan notes to this folder, they will not be profiled with the rest of the O/C.

✓ **Return File to OS2 for Verification, Scanning and Profiling**

OS2 will verify that all appropriate letters and documentation have been created and mailed, and O/C Tracking record is closed, completing any steps as necessary.

## PROCESSING NOTES:

2000 MAY 26 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

| | | |
|---|---|---|
| In Re SRBA | ) | PARTIAL DECREE PURSUANT TO |
| | ) | I.R.C.P. 54(b) FOR |
| Case No. 39576 | ) | |
| | ) | Water Right 63-28976 |

NAME AND ADDRESS: MAX M TAKASUGI
17893 KARCHER RD
CALDWELL, ID 83605

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/15/1907

POINT OF DIVERSION: T03N R03W S18 NENENW Within Canyon County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| Domestic 1 HOME | 01-01 TO 12-31 | 0.04 CFS |

PLACE OF USE: Domestic Within Canyon County
T03N R03W S18 NENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

## Mansfield, Debra

**From:** Mansfield, Debra
**Sent:** Tuesday, April 18, 2023 12:06 PM
**To:** Cody Black
**Subject:** RE: Water Rights 63-11543 & 63-28976 additional documentation
**Attachments:** 63-11543 -Water Right Split.pdf

Good morning, Cody.

Thank you so much for providing the additional documentation we requested for this process.

I just spoke to Brian regarding the Change in Ownership for Water Right 63-28976. We discussed how this Water Right needs to be split to complete the Change and he asked me to reply to this email to let you know what the department needs to proceed.

I have attached a map of this Water Right to this email to so that you can see the shape of the Right as it stands and why we need to split it. The Large blue box is the current Water Right. The orange shape is property that Black Powder LLC does not own. The Water Right will be split to exclude that portion of property that is under different ownership.

The fee for a Change in Water Right Ownership is $25, per water Right, unless the Water Right needs to be split. In the case of a split the fee is $100 per Water Right. Since Water Right 63-28976 does need to be split we require an additional $75.00 to complete the Notice of Change in Ownership for this Right. Once I receive the $75.00 I will move forward with the split and complete the Change in Ownership. Please mail the fee to the department or we can accept a credit card payment in person. The address to the Western Region office of IDWR is:

2735 W AIRPORT WAY
BOISE, ID 83705-5082

P.S. I would like to let you know that I have processed the change in Ownership for Water Right 63-11543 and you will be receiving written confirmation via USPS.

Thank you,

**Debra Mansfield |** Office Specialist II
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | Debra.Mansfield@idwr.idaho.gov

**From:** Cody Black <CBlack@ameritelinns.com>
**Sent:** Monday, April 17, 2023 11:55 AM
**To:** IDWR File <file@idwr.idaho.gov>
**Cc:** Mansfield, Debra <Debra.Mansfield@idwr.idaho.gov>
**Subject:** Water Rights 63-11543 & 63-28976 additional documentation

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

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Here is the deed chain requested for the change in water rights ownership applications for the above water rights. This should cover both water rights based on what the title company told me. If there is anything else needed for these applications, please let me know.

Thank you,

**Cody Black**
**Operations Manager**
**AmeriTel Inns Inc**
**16155 N High Desert St** | **Nampa, Idaho 83687**
cblack@ameritelinns.com | **Office** 208-375-2323 | **Direct** 208-914-8842

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IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 12, 2023

BLACK POWDER LLC
16155 N HIGH DESERT ST
NAMPA ID 83687-5510

RE: Notice of Change in Water Right Ownership for Water Right No(s): **63-28976**

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

~ Please refer to the enclosed copy of your submitted Notice and supporting documentation while reviewing this request.

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

- Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

During our review of the Notice you submitted we found that we require additional documentation showing the conveyance of this Water Right to you. The Warranty Deed that we received shows the conveyance of the property and its appurtenances from OWNBY LAND COMPANY, LLC to you. However, the current owner of this Water Right is MAX M TAKASUGI. We will need documentation showing the conveyance of this water right from MAX M TAKASUGI to show a clear chain of Ownership/Title.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208)605-4620.

Sincerely,

SCANNED
JUL 19 2023

Debra Mansfield

Office Specialist II

Enclosure(s)

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JUL 19 2023

**Certificate ID:** 60708ABF-AD8E-EC11-A507-501AC5E43BFD **Date:** 16.02.2022 09:04:17 AM MST

## Signing Information:

**Signing Name:** Water Right 63-28976

**ID:** 60708ABF-AD8E-EC11-A507-501AC5E43BFD

**Start Date:** 15.02.2022 03:22:25 PM MST **End Date:** 15.02.2022 05:12:24 PM MST

**# Signers:** 1 **# Reviewers:** 0 **# CC:** 0

**Creator:** Cody Black **Email:** cblack@ameritelinns.com

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## Document Information:

**Document Name:** Black Powder LLC IDWR Water Right Notice of Change of Ownership 63-28976

**ID:** 208587C5-AD8E-EC11-A507-501AC5E43BFD

**Pages:** 3 **# Signature Blocks:** 1 **# Initial Blocks:** 0

**Document Name:** Water Right 63-28976 Domestic Map

**ID:** 378587C5-AD8E-EC11-A507-501AC5E43BFD

**Pages:** 1 **# Signature Blocks:** 0 **# Initial Blocks:** 0

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## Participant Activity:

**Name:** Brian Black **Type:** RemoteSigner

**Email:** bgb@ameritelinns.com

**TOS/STAESP/CCD:** Accepted: 15.02.2022 05:12:19 PM MST [192.34.159.223]

**EULA/TOS Version:** https://secure.authentisign.com/assets/files/Authentisign_TOS_202106.pdf

**STAESP Version:** https://secure.authentisign.com/assets/files/Authentisign_STAESP_202106.pdf

**CCD Version:** https://secure.authentisign.com/assets/files/Authentisign_CCD_202106.pdf

**Document:** Signed And Accepted: 15.02.2022 05:12:23 PM MST [192.34.159.223]

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## Signature / Initials:

**Signature:**




**Initials:**




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