

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/19/2024

Water Right 57-12069

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TIMOTHY JASON MILLER 6750 GOLD BUCKLE WAY MARSING, ID 83639-8268 jtcmliller@hotmail.com
Current Owner	VICTORIA L MILLER 6750 GOLD BUCKLE WAY MARSING, ID 83639-8268 jtcmliller@hotmail.com
Original Owner	BRANDAU FARMS 13797 HWY 78 MELBA, ID 83641-4140 (208) 495-2529
Previous Owner	CONNIE M BRANDAU 9902 WILSON CEMETERY LN MELBA, ID 83641 (209) 495-2529
Previous Owner	RICHARD H BRANDAU 9902 WILSON CEMETERY RD MELBA, ID 83641-4244 (208) 495-2529

Priority Date: 5/20/1879

Basis: Decreed

Status: Active

Source
REYNOLDS CREEK

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.190 CFS	
	<u>Total Diversion</u>		0.190 CFS	

Source and Point(s) of Diversion:

REYNOLDS CREEK	SWNE	Sec. 15, Twp 01S, Rge 03W, OWYHEE County
REYNOLDS CREEK	SESE	Sec. 10, Twp 01S, Rge 03W, OWYHEE County
REYNOLDS CREEK	NWSE	Sec. 15, Twp 01S, Rge 03W, OWYHEE County

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/19/2024

Place Of Use:

IRRIGATION within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	03W	10													3.0			0.8	3.8
01S	03W	11							3.0										3.0
POU Total Acres: 6.8																			

Conditions of Approval:

1. 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.
2. WATER FROM THE DIVERSION LOCATED IN NWSE, S15, T01S, R03W IS DELIVERED THROUGH THE BERNARD DITCH.

Dates and Other Information:

Decreed Date: 12/23/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND/OR
Water District Number: 57R
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 18 2024

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 #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
57-7	Yes ☐	Yes ☐		Yes ☐	Yes ☐
57-12069	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: BRANDAU, CONNIE M / BRANDAU RICHARD
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Miller, Timothy Jason / Miller, Victoria L.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

6750 Goldbuckle Way Marsing ID 83639
Mailing address City State Zip
(208) 871-0542 utcmiller@hotmail.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: _____

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
☐ If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
☐ \$25 per undivided water right.
☐ \$100 per split water right.
☐ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] 4-15-24
Signature of new owner/claimant Title, if applicable Date
Timothy Jason Miller
Print name
Signature: [Signature] 4-15-24
Signature of new owner/claimant Title, if applicable Date
Victoria Miller
Print name

SUPPORT DATA

IN FILE #

57-7

For IDWR Office Use Only:
 Received by KM Date 4.18.24 Receipt No. C118165 Receipt Amt. 50.00
 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 _____ Processed by [Signature] Date 4-19-24

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/24/2023

Water Right 57-12069

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CONNIE M BRANDAU 9902 WILSON CEMETERY LN MELBA, ID 83641 (209) 495-2529
Current Owner	RICHARD H BRANDAU 9902 WILSON CEMETERY RD MELBA, ID 83641-4244 (208) 495-2529
Original Owner	BRANDAU FARMS 13797 HWY 78 MELBA, ID 83641-4140 (208) 495-2529
Previous Owner	SHERRY L PENNY 10196 WILSON CEMETERY RD MELBA, ID 83641-4245 (208) 495-1135
Previous Owner	GARY M PENNY 10196 WILSON CEMETERY RD MELBA, ID 83641-4245 (208) 495-1135

Priority Date: 5/20/1879

Basis: Decreed

Status: Active

Source
REYNOLDS CREEK

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.190 CFS	
	<u>Total Diversion</u>		0.190 CFS	

Source and Point(s) of Diversion:

REYNOLDS CREEK	SWNE	Sec. 15, Twp 01S, Rge 03W, OWYHEE County
REYNOLDS CREEK	SESE	Sec. 10, Twp 01S, Rge 03W, OWYHEE County
REYNOLDS CREEK	NWSE	Sec. 15, Twp 01S, Rge 03W, OWYHEE County

Place Of Use:

IRRIGATION within OWYHEE County

SCANNED

MAY 22 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/24/2023

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	03W	10													3.0			0.8	3.8
01S	03W	11							3.0										3.0

POU Total Acres: 6.8

Conditions of Approval:

1. 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.
2. WATER FROM THE DIVERSION LOCATED IN NWSE, S15, T01S, R03W IS DELIVERED THROUGH THE BERNARD DITCH.

Dates and Other Information:

Decreed Date: 12/23/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND/OR
Water District Number: 57R
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

SCANNED

MAY 22 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 04 2022

WATER RESOURCES
WESTERN 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 #7](#) of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
57-12069	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: GARY M PENNY SHERRY L PENNY
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): RICHARD H BRANDAU CONNIE M BRANDAU
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or
- 9902 WILSON CEMETERY LANE WILSON ID 83641
Mailing address City State Zip
208-495-2529 or 208-936-8825 N/A
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: JUNE 25, 2021

6. Do you own the land identified as the water right place of use? Yes ☐ No ☐
 o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

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: Richard Brandau TRUSTEE OF THE BRANDAU FAMILY TRUST JULY 31, 2022
 Signature of new owner/claimant Title, if applicable Date
RICHARD H BRANDAU
 Print name
- Signature: Connie M. Brandau TRUSTEE OF THE BRANDAU FAMILY TRUST JULY 31, 2022
 Signature of new owner/claimant Title, if applicable Date
CONNIE M BRANDAU
 Print name

For IDWR Office Use Only:

Received by LE Date 08/04/2022 Receipt No. W050658 Receipt Amt. \$25.00
 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 3-24-23

SCANNED

MAY 22 2023

After recording
Return to:

Connie Brandau
9902 Wilson Cemetery Lane
Wilson, ID 83641

FOR RECORDING INFORMATION

QUITCLAIM DEED

FOR VALUE RECEIVED, **Gary M. Penny and Sherry L. Penny**, husband and wife, as "Grantor", whose current address is 10196 Wilson Cemetery Road, Wilson, ID 83641, do hereby grant, bargain, sell and convey unto **The Brandau Family Trust, Richard H. Brandau and Connie M. Brandau, Trustees**, as "Grantee", whose address is 9902 Wilson Cemetery Lane, Wilson, ID 83641, the property located in Owyhee County, Idaho, more specifically described as follows:

See Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances and all water rights and easements appurtenant to the property unto said Grantee and Grantee's successors, heirs, and assigns forever.

Dated this 25 of June 2021.

Gary M. Penny
Gary M. Penny, Grantor

6-25-21
Date

Sherry L. Penny
Sherry L. Penny, Grantor

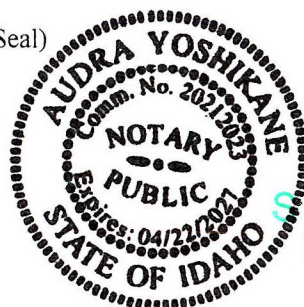
June 25, 2021
Date

State of Idaho _____
County of Owyhee

On this 25 day of June, 2021, before me, the undersigned, a notary public, personally appeared **Gary M. Penny and Sherry L. Penny** known to me or proven to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Sherry L. Penny
Notary Public Residing at: Melba, ID
My commission expires: 04-22-2023

(Seal)



SCANNED

MAY 22 2023



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105
2030 S. Washington Ave., Emmett, ID 83617

Penny to Brandau Parcel Description

BASIS OF BEARINGS for this description is S. $0^{\circ}52'30''$ W. between an aluminum cap marking the S1/16 corner common to Sections 10 and 11 and an aluminum cap marking the southeast corner of Section 10, both in T. 1 S., R. 3 W., B.M., Owyhee County, Idaho.

A parcel of land located in the SE1/4 of Section 10, and the NW1/4 of the SW 1/4 of Section 11 both in Township 1 South, Range 3 West, Boise Meridian, Owyhee County, Idaho, more particularly described as follows:

BEGINNING at an aluminum cap marking the 1/4 corner common to Sections 10 and 11;

Thence S. $25^{\circ}53'59''$ E., 1148.91 feet to a 5/8" rebar "PLS 11574";

Thence N. $59^{\circ}05'55''$ W., 354.42 feet to a 5/8" rebar "PLS 11574";

Thence S. $53^{\circ}17'41''$ W., 197.14 feet to a 5/8" rebar "PLS 11574";

Thence N. $64^{\circ}57'27''$ W., 557.85 feet to a 5/8" rebar "PLS 11574";

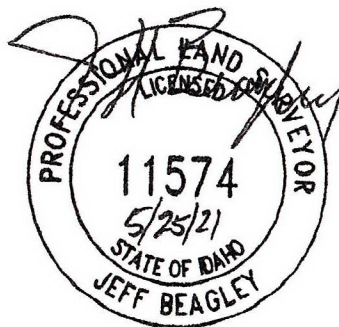
Thence S. $5^{\circ}25'05''$ W., 873.25 feet to a 5/8" rebar "PLS 11574";

Thence N. $24^{\circ}55'04''$ W., 318.63 feet to 5/8" rebar "PLS 9366" on the south line of the NE1/4 of the SE1/4 of said Section 10;

Thence N. $0^{\circ}52'02''$ E., 1320.74 feet to a 5/8" rebar "no cap" on the north line of said NE1/4 of the SE1/4 of Section 10;

Thence S. $89^{\circ}23'38''$ E., coincident with said north line, 662.48 feet to the **POINT OF BEGINNING**.

Said parcel contains 20.264 acres more or less.



SCANNED

MAY 22 2023

AFFIDAVIT
(Certificate of Trust)

State of IDAHO)
) ss.
County of CANYON)

We, RICHARD HENRY BRANDAU and CONNIE MARIE BRANDAU, of lawful age, being first duly sworn, upon oath depose and say:

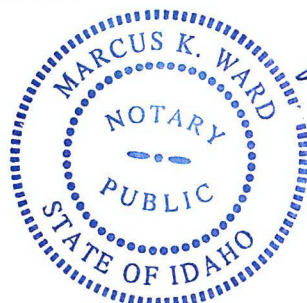
1. "The BRANDAU FAMILY TRUST" dated APRIL 20, 2016 is the name of a revocable living trust which may acquire, sell, convey, encumber, lease, and otherwise deal with interests in real and personal property in said name.
2. We are the Grantor, (Settlers) and Trustees of the aforementioned Trust and as such have authority to execute and to record this Affidavit. Our address is 9902 WILSON CEMETERY LANE, WILSON, IDAHO 83641.
3. We may each, individually act for and represent the trust in any transaction. Upon both of our deaths or written certification by two licensed physicians that we, or the survivor, have become so incapacitated as to be unable to manage our financial affairs or upon other events as described in our trust, then one of the following persons, listed in order of priority shall serve as trustee:
 - a. K.C. (KELLY CONRAD) BRANDAU
 - b. JODY MARIE MOOS
4. All trustees and successor trustees have full power and authority granted to fiduciaries under the IDAHO Fiduciaries Powers Act. We, or the survivor, may change successor trustees, but third parties shall be relieved of any liability for such change until given actual notice. No person paying money to or delivering property to any trustee shall be required to see to its application. All persons relying on this document regarding the trustees and their powers over trust property shall be held harmless for any resulting loss or liability from such reliance. A photo static or other facsimile copy of this Affidavit shall be just as valid as the original.

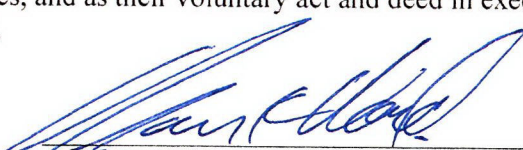

RICHARD HENRY BRANDAU


CONNIE MARIE BRANDAU

Subscribed and sworn to before me in person by RICHARD HENRY BRANDAU and CONNIE MARIE BRANDAU, as Grantors and Trustees, and as their voluntary act and deed in executing this Affidavit on this day of APRIL 20, 2016.

Witness my hand and seal.




Notary Public for State of Idaho
My Commission Expires: December 7, 2021

AFFIDAVIT

SCANNED

MAY 22 2023

Instrument # 308351

MURPHY, OWYHEE, IDAHO

6-25-2021 01:43:20 PM No. of Pages: 3

Recorded for: GARY PENNY

ANGELA BARKELL

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: DEED, QUIT-CLAIM

After recording

Return to:

Connie Brandau
9902 Wilson Cemetery Lane
Wilson, ID 83641

Property boundary adjustment per Ogden
Co instrument #

FOR RECORDING INFORMATION

105.455 ac
+ 4.961 ac

Recombined for tax purposes

110.416 ac
total now

QUITCLAIM DEED

FOR VALUE RECEIVED, **The Brandau Family Trust, Richard H Brandau and Connie M. Brandau, Trustees**, as "Grantor", whose current address is 10196 Wilson Cemetery Road, Wilson, ID 83641, do hereby grant, bargain, sell and convey unto **The Brandau Family Trust, Richard H. Brandau and Connie M. Brandau, Trustees**, as "Grantee", whose address is 9902 Wilson Cemetery Lane, Wilson, ID 83641, ALL right title and interest in and to the following described real property:

See Legal description attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances and all water rights and easements appurtenant to the property unto said Grantee and Grantee's successors, heirs, and assigns forever.

Dated this 25th of June 2021.

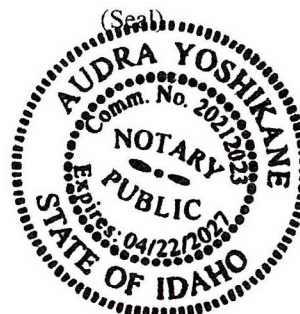
By: Richard H Brandau Trustee 6-25-2021
Richard H. Brandau, Trustee Date

By: Connie M. Brandau, Trustee 06-25-2021
Connie M. Brandau, Trustee Date

State of Idaho _____
County of Owyhee _____

On this 25 day of June, 2021, before me, the undersigned, a notary public, personally appeared **Richard H. Brandau and Connie M. Brandau, Trustees of The Brandau Family Trust**, known to me or proven to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

[Signature]
Notary Public Residing at: Melba, ID
My commission expires: 04-22-2027



SCANNED

MAY 22 2023



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105
2030 S. Washington Ave., Emmett, ID 83617

Brandau Parcel Description

BASIS OF BEARINGS for this description is S. 0°52'30" W. between an aluminum cap marking the S1/16 corner common to Sections 10 and 11 and an aluminum cap marking the southeast corner of Section 10, both in T. 1 S., R. 3 W., B.M., Owyhee County, Idaho.

A parcel of land located in the SE1/4 of Section 10, Township 1 South, Range 3 West, Boise Meridian, Owyhee County, Idaho, more particularly described as follows:

COMMENCING at an aluminum cap marking the southeast corner of Section 10;

Thence N. 89°51'55" W., coincident with the south line of the SE1/4 of the SE1/4 of said Section 10, a distance of 28.00 feet to a 5/8" rebar "PLS 9366" and the **POINT OF BEGINNING**;

Thence continuing N. 89°51'55" W., coincident with said south line, 2620.97 feet to an aluminum cap marking the S1/4 corner of said Section 10;

Thence N. 0°50'54" E., coincident with the west line of the SW1/4 of the SE1/4 of said Section 10, a distance of 1329.03 feet to a 5/8" rebar "no cap" marking the CS1/16 corner of said Section 10;

Thence S. 89°37'45" E., coincident with the north line of said SW1/4 of the SE1/4, a distance of 1324.70 feet to a 5/8" rebar "no cap" marking the SE1/16 corner of said Section 10;

Thence N. 0°51'44" E., coincident with the west line of the NE1/4 of the SE1/4 of Section 10, a distance of 1323.47 feet to a 5/8" rebar "no cap" marking the CE1/16 of said Section 10;

Thence S. 89°23'38" E., coincident with the north line of said NE1/4 of the SE1/4, a distance of 1324.95 feet to an aluminum cap marking the 1/4 corner common to Sections 10 and 11;

Thence S. 0°52'19" W., coincident with the east line of said NE1/4 of the SE1/4 of Section 10, a distance of 944.19 feet to a 5/8" rebar "PLS 11574";

Thence N. 64°57'27" W., 498.20 feet to a 5/8" rebar "PLS 11574";

Thence S. 5°25'05" W., 873.25 feet to a 5/8" rebar "PLS 11574";

Thence S. 24°55'04" E., 1139.29 feet to the **POINT OF BEGINNING**.

Said parcel contains 105.455 acres more or less.

TOGETHER WITH:

A parcel of land located in the NW1/4 of the SW1/4 of Section 11, Township 1 South, Range 3 West, Boise Meridian, Owyhee County, Idaho, more particularly described as follows:

SCANNED

MAY 22 2023

BEGINNING at an aluminum cap marking said 1/4 corner common to Sections 10 and 11;

Thence S. $25^{\circ}53'59''$ E., 1148.91 feet to a 5/8" rebar "PLS 11574";

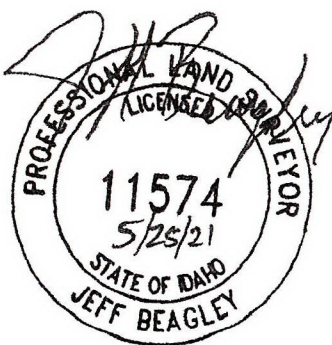
Thence N. $59^{\circ}05'55''$ W., 354.42 feet to a 5/8" rebar "PLS 11574";

Thence S. $53^{\circ}17'41''$ W., 197.14 feet to a 5/8" rebar "PLS 11574";

Thence N. $64^{\circ}57'27''$ W., 59.65 feet to a 5/8" rebar "PLS 11574";

Thence N. $0^{\circ}52'19''$ E., 944.19 feet to the **POINT OF BEGINNING**.

Said parcel contains 4.961 acres more or less.



SCANNED

MAY 22 2023

Gary M Penny and Sherry L Penny

10196 Wilson Cemetery Road

Wilson, ID 83641

August 1, 2022

IDWR – Western Region

2735 Airport Way

Boise, ID 83707

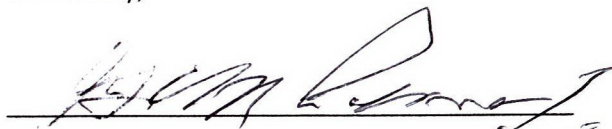
Re: 57-12069

Dear Sirs;

When we sold property back to the Brandau's it was our intent that water right 57-12069 go back to them in its entirety, and not be split, even if the survey shows that we might or might not own a smidgeon of the irrigated ground. The water right was transferred specifically in the Quitclaim Deed (Instrument No. 30349) as "ALL WATER RIGHTS" appurtenant to the property.

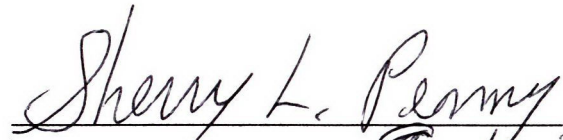
We do not want to be part of the Reynolds Creek Dist. 57-R as we do not consider that we own any ground irrigated out of Reynolds Creek even though the creek runs through a portion of our remaining property.

Yours truly,



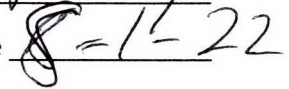
Gary M. Penny

Date



Sherry L. Penny

Date



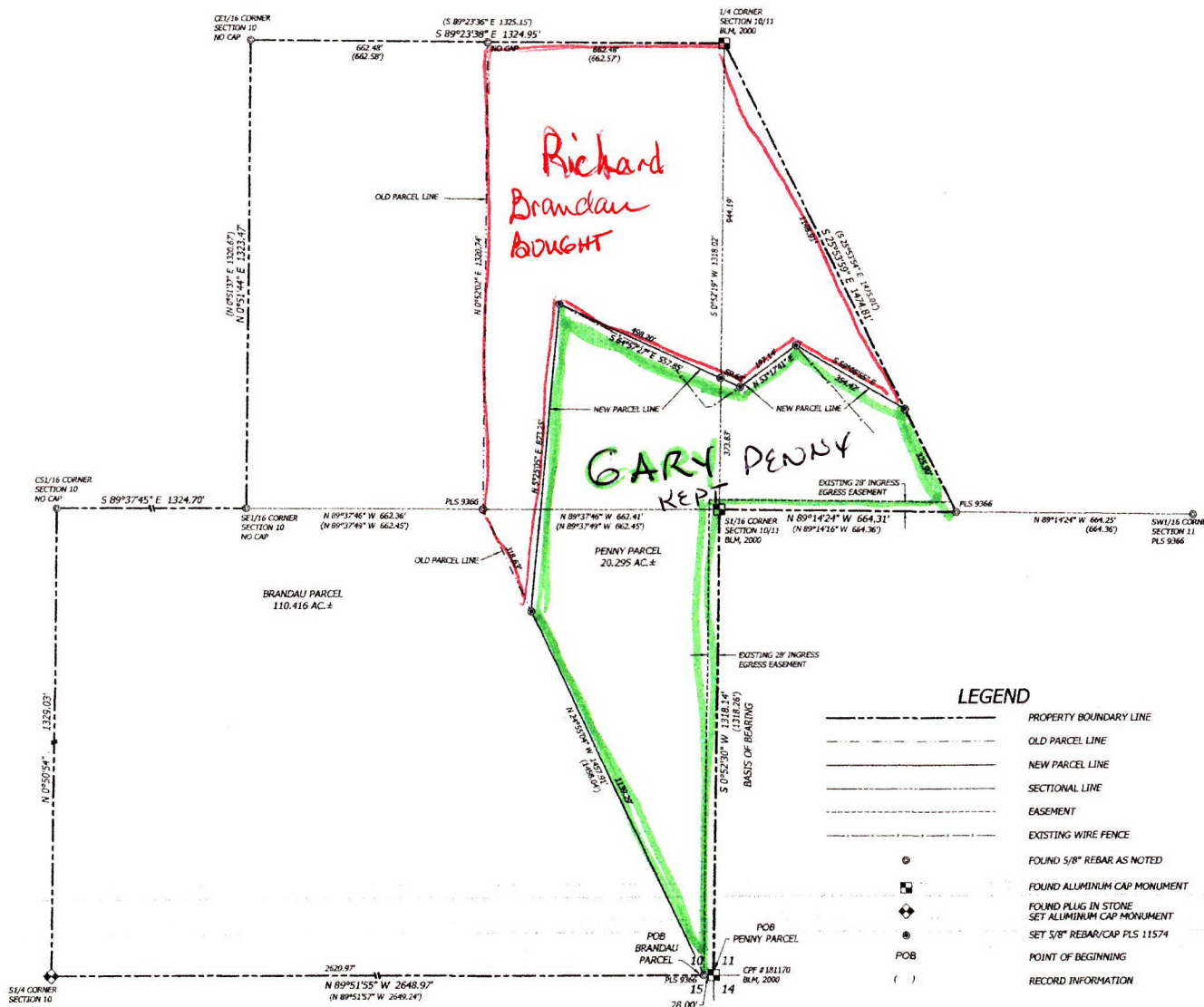
SCANNED

MAY 22 2023

**RECORD OF SURVEY - BOUNDARY ADJUSTMENT
FOR CONNIE BRANDAU**
LOCATED IN THE SE1/4 OF SECTION 10, AND THE NW1/4 OF THE SW1/4 OF SECTION 11
T. 1 S., R. 3 W., B.M., OWYHEE COUNTY, IDAHO
2021

Instrument # 307815
MURPHY, OWYHEE, IDAHO
5-13-2021 4:41:47 PM Bk. of Pages: 1
Recorded by: SAWTOOTH LAND SURVEYING
ANGELA BARKELL
Bk. Office Recorder Deputy
JULIE W. SURVEY

SCANNED
MAY 22 2023



SURVEYORS NARRATIVE:

SAWTOOTH LAND SURVEYING WAS CONTRACTED BY CONNIE BRANDAU TO PREPARE A PROPERTY BOUNDARY ADJUSTMENT SURVEY BETWEEN THE BRANDAU PARCEL AND THE PENNY PARCEL SHOWN HEREON.

MONUMENTS OF RECORD AS SHOWN ON RECORD OF SURVEY INST. NO. 253529 WERE FOUND TO BE WITHOUT SUBSTANTIAL DISCREPANCIES AND WERE USED IN THE LOCATED POSITIONS FOR THIS SURVEY. OTHER SECTIONAL MONUMENTS WERE FOUND AS SHOWN HEREON. THE NEW PARCEL LINES WERE SET AT THE DIRECTIONS OF THE BRANDAU'S AND PENNY'S.

REFERENCES:

R1) RECORD OF SURVEY INST. NO. 253529

CERTIFICATE OF SURVEYOR

I, JEFF BEAGLEY, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY ON THE GROUND UNDER MY DIRECT SUPERVISION, AND ACCURATELY REPRESENTS THE POINTS MAPPED HEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS, SURVEYS, AND THE CORNER PERPETUATION AND FILING ACT, IDAHO CODE.

JEFF BEAGLEY
P.L.S. 11574
PROFESSIONAL LAND SURVEYOR
LICENSED
11574
STATE OF IDAHO
JEFF BEAGLEY

SURVEY INDEX NO. 133-10-2-0-0-00-00
SURVEY INDEX NO. 133-11-3-4-0-00-00

2030 S. WASHINGTON AVE.
EMMETT, ID 83617
(208) 398-8104
FAX (208) 398-8105
SAWTOOTH
Land Surveying, LLC
WWW.SAWTOOTHLS.COM

SHEET: 1 OF 1
DATE: 5/2021
DRAWN BY: WJ3
CHECKED BY: JB
JOB#: 121059

DWG#: 121059-RUS

RECEIVED

AUG 04 2022

WATER RESOURCES
WESTERN REGION

Richard Brandau
9902 Wilson Cemetery Lane
Wilson, ID 83641

July 31, 2022

IDWR – Western Region
2735 Airport Way
Boise, ID 83641

RE: Change of ownership 57-12069

Letter of explanation

To Whom It May Concern,

We sold property to Gary & Sherry Penny in 2005. They decided they did not want the responsibility of irrigating and farming it and sold 20 acres containing the irrigated portions back to us in 2021.

The ownership of the "premises" was transferred back to us by Quitclaim Deed, Owyhee County Idaho Instrument # 308349 "with their appurtenances and all water rights and easements" etc.

Owyhee County Idaho Instrument # 307815 Surveyors Narrative describes our acquisition as "a property boundary adjustment survey between the Brandau Parcel and the Penny Parcel."

The original water right 57-7 (Brandau) was split to create 57-12069 (Penny). What is IDWR policy - can they be re-combined or should they stay separate?

I have included an AFFIDAVIT (Certificate of Trust) in case you need it to verify the Grantors of THE BRANDAU FAMILY TRUST.

Respectfully,

Richard Brandau

Richard Brandau

SCANNED

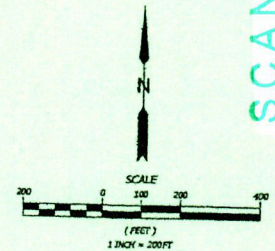
MAY 22 2023

**RECORD OF SURVEY - BOUNDARY ADJUSTMENT
FOR CONNIE BRANDAU**
LOCATED IN THE SE1/4 OF SECTION 10, AND THE NW1/4 OF SECTION 11
T. 1 S., R. 3 W., B.M., OWYHEE COUNTY, IDAHO
2021

Instrument # 367816
MURPHY, OWYHEE, IDAHO
5-13-2021 4:59:47 PM, Pgs. of Pages: 1
Recorded by: SAWTOOTH LAND SURVEYING
ANGELA BRINELL
By Office Recorder: Deputy, 11/13/21
Date of Survey

SCANNED

MAY 22 2023



SURVEYORS NARRATIVE:

SAWTOOTH LAND SURVEYING WAS CONTRACTED BY CONNIE BRANDAU TO PREPARE A PROPERTY BOUNDARY ADJUSTMENT SURVEY BETWEEN THE BRANDAU PARCEL AND THE PENNY PARCEL SHOWN HEREON.

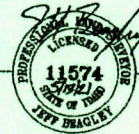
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JEFF BEAGLEY

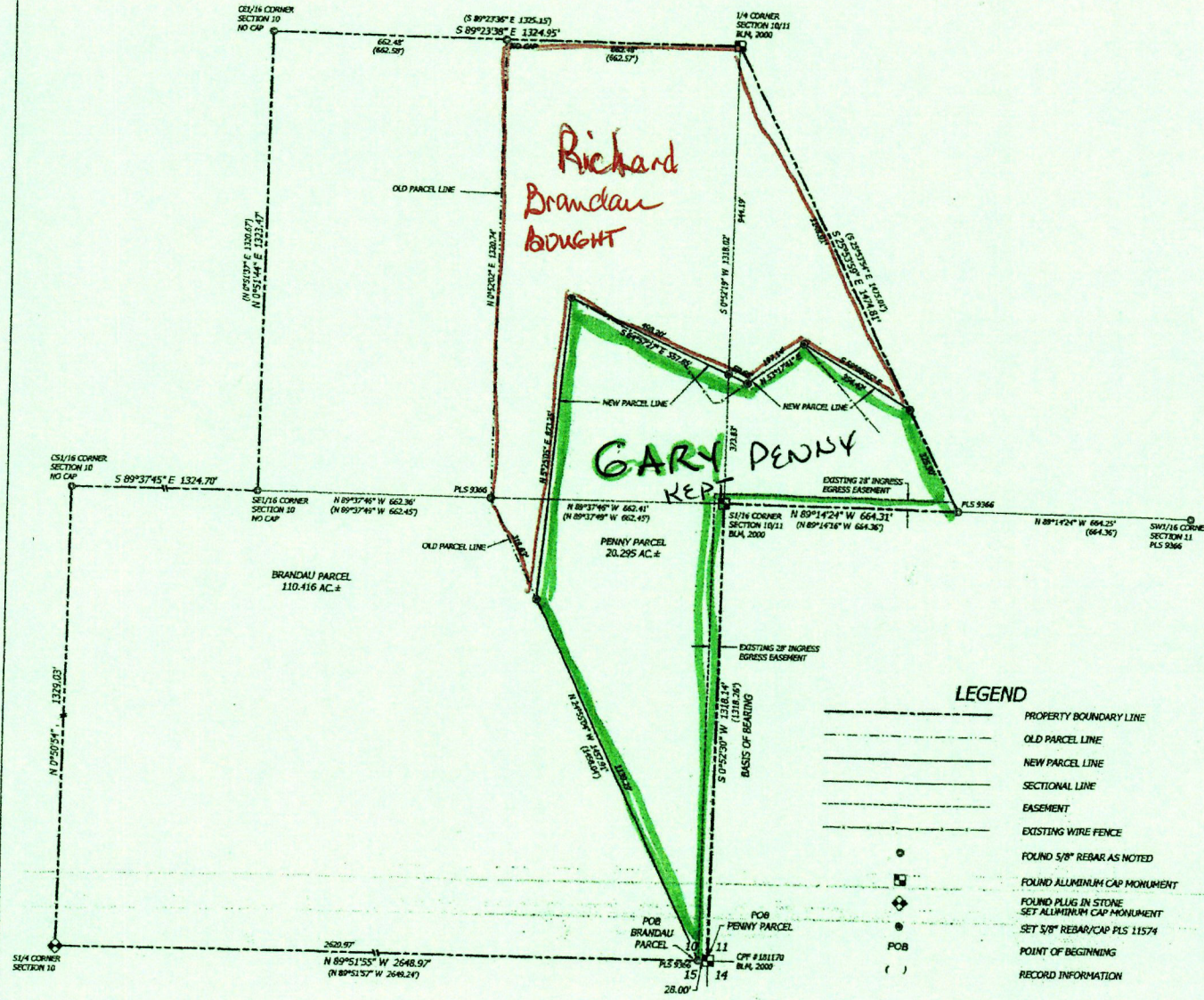
P.L.S. 11574

SURVEY INDEX NO. 133-10-2-0-0-00-00
SURVEY INDEX NO. 133-11-3-4-0-00-00

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 EMMETT, ID 83617
 (208) 398-8104
 FAX (208) 398-8105

SHEET: 1 OF 1	DATE: 5/2021	DRAWN BY: WJF	CHECKED BY: JB	DATE: 12/059
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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

March 24, 2023

RICHARD H BRANDAU
CONNIE M BRANDAU
9902 WILSON CEMETERY LN
MELBA ID 83641

Re: Change in Ownership for Water Right No(s): 57-12069

Dear Water Right Holders:

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.

Regarding your inquiry on the prior split from Water Right No. 57-7 in 2021. We will not be reversing the prior split or changing Water Right Numbers with this process. The Water Right number 57-12069 and 57-7 will remain.

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

MAY 22 2023