

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 26 2024

Department of Water Resources
Eastern Region

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
13-7193 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
13-7632 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
13-7634 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
13-7881 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
13-8046 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Robert Boyack Living Trust

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Robert W. Boyack and Tana Lanae Boyack Living Trust

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or

3169 E Hwy 36

Mailing address

307-360-9799

Telephone

Preston

City

bob.boyack@hotmail.com

Email

ID

State

83263

Zip

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: Sept 22, 2020

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):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o 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

SUPPORT DATA

IN FILE # 13-7193

8. Signature: *[Signature]* OWNER 1-26-2024
 Signature of new owner/claimant Title, if applicable Date

Print name

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

Print name

For IDWR Office Use Only:

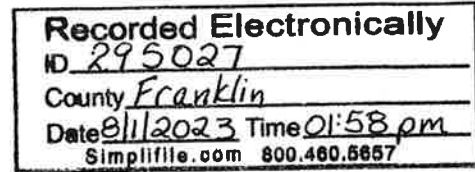
Received by *M. Pether* Date 1-26-24 Receipt No. E049760 Receipt Amt. 125.00

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 *JB* Processed by *JB* Date 2/1/2024

When Recorded Mail To:

Hallock & Hallock, a professional corporation
40 West Cache Valley Blvd., Suite 9A
Logan, UT 84341



Send Tax Notices To:

Robert W. Boyack and Tana Lanae Boyack, Trustees
3168 East Hwy. 36
Preston, ID 83263

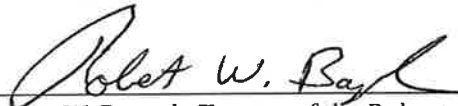
WARRANTY DEED

Robert W. Boyack, Trustee of the Robert Boyack Living Trust dated September 22, 2020, and any amendments thereto, grantor, of 3168 East Hwy. 36, Preston, County of Franklin, State of Idaho, does hereby grant, bargain, sell, warrant and convey to **Robert W. Boyack and Tana Lanae Boyack, Trustees of the Robert and Tana Boyack Living Trust dated August 1, 2023, and any amendments thereto**, grantee, of 3168 East Hwy. 36, Preston, County of Franklin, State of Idaho, for the sum of ONE DOLLAR, and other good and valuable consideration, his interest in the following described real estate in Franklin County, State of Idaho:

See Exhibit "A" attached hereto.

Together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto including but not limited to Water Right No. 13-8046, 13-7881, 13-7632, 13-7634, and 13-7193.

Witness in the hands of said grantors this 1st day of August 2023.


Robert W. Boyack, Trustee of the Robert
Boyack Living Trust dated September 22,
2020, and any amendments thereto

STATE OF UTAH)
 :SS
COUNTY OF CACHE)

On the 1st day of August, 2023, before me, Rebecca J. Williams, the undersigned Notary, personally appeared Robert W. Boyack, Trustee of the Robert Boyack Living Trust dated September 22, 2020, and any amendments thereto, who is personally known to me or who proved to me his identity through documentary evidence to be the person who signed the preceding document in my presence and who acknowledged and swore to me that his signature is voluntary and document truthful.


Rebecca J. Williams, Notary Public
40 West Cache Valley Blvd. Suite 9A
Logan, Utah 84341
My commission expires: 08/11/2025

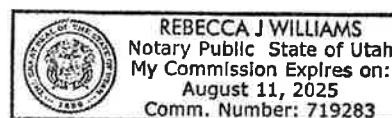


EXHIBIT "A"

Parcel No. 1:

Township 14 South, Range 40EBM, Franklin County, Idaho

Section 20: NE $\frac{1}{4}$ SE $\frac{1}{4}$

ALSO that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 20 lying South of the centerline of the existing Twin Lakes Canal and West of the centerline of Big Hollow.

Subject to the terms and conditions of that certain Boundary Line Agreement No. 1 and Quit Claim Deed recorded June 30, 2009, with the Franklin County Recorder's Office as Entry No. 245752 and subject to the terms and conditions of that certain Boundary Line Agreement No. 2 and Quit Claim Deed recorded June 30, 2009, with the Franklin County Recorder's Office as Entry No. 245753

Parcel No. 2:

Township 14 South, Range 40EBM, Franklin County, Idaho

Section 21: Beginning at the West quarter corner of said Section 21; thence South 80 rods, more or less to the North right of way line of Idaho State Highway 36; thence Northeasterly along said right of way to the Centerline of Big Hollow; thence Northerly along centerline to a point 13 rods East, more or less from the Point of Beginning; thence West to the Point of Beginning.

ALSO that portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 21 lying westerly of the centerline of Big Hollow.

Together with an easement for ingress, egress and utilities over the existing road along Big Hollow. Reserving unto the Grantor, his heirs and/or assigns an easement for ingress, egress and utilities over the existing road along Big Hollow.

Parcel No. 3:

Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 20: Commencing at the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, thence South 685 feet, more or less, to the center of Bear River; thence West 247.5 feet; thence North 330 feet, more or less, to the right of way of the highway approach; thence Northwesterly 180 feet, more or less, following the approach right of way and across State Highway #36; thence Westerly following the Northerly boundary of State Highway #36 to a point 280.5 feet South and 767.25 feet West of the place of beginning; thence North 280.5 feet; thence East 767.25 feet to the place of beginning.

Subject to the terms and conditions of that certain Boundary Line Agreement No. 1 and Quit Claim Deed recorded January 2, 2009, with the Franklin County Recorder's Office as Entry No. 243844.

Parcel No. 4:

Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 21: That portion of the following described property lying South of State Highway #36:

Commencing at the Northwest corner of the SW $\frac{1}{4}$ of Section 21, and running South 117 rods, more

or less, to a point on the North bank of Bear River; thence Easterly along the North bank of Bear River to the center of the mouth of what is known as Big Hollow; thence following the center of Big Hollow Northwesterly to a point on the North line of the SW¼, which is 13 rods East of the place of beginning, thence West 13 rods to the place of beginning.

Parcel No. 5:

A parcel of land located in the Northeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, Franklin County Idaho, and more particularly described as follows:

Commencing at the Northeast corner of said Section 20, from which the East quarter corner of Section 17, Township 14 South, Range 40 East, bears North 00°00'21" West; thence South 1299.23 feet (south 1313.5 feet by record); thence West 636.70 feet (west 523.6 feet by record) to a 5/8" rebar and cap labeled "Allen Land Surveying, PLS 9163", the Point of Beginning.

Thence South 61°28'14" West 273.30 feet to a 5/8" rebar and cap;
Thence North 25°27'46" West 48.00 feet to a 5/8" rebar and cap;
Thence North 44°48'14" East 116.30 feet to a 5/8" rebar and cap;
Thence North 88°30'07" East 178.86 feet to the Point of Beginning.

Parcel No. 6:

A parcel of land lying and being in Franklin County, State of Idaho, and bounded and particularly described as follows to-wit: Commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter of Section 20, Township 14 South, Range 40 East of Boise Meridian, running thence North 370 feet to a point of beginning; thence North 574 feet; thence West 26 feet; thence North 131 feet; thence North 70 Deg. West 102-1/3 feet; thence South 64°42' West 288 feet; thence South 31°34' West 183-1/3 feet; thence South 107 feet; thence Southwesterly along the South side of County Road 104-2/3 feet; thence South 280.5 feet more or less to a point due West of the point of beginning; thence East 556 feet to the place of beginning, which is 22 rods 7 feet North of Southeast corner of Southwest Quarter of Southeast Quarter of Section 20. Subject to Boundary Line Agreement No. 4 and Quit Claim Deed #242545 recorded August 15, 2008 and Boundary Line Agreement No. 3 and Quit Claim Deed #246104 recorded July 30, 2009.

LESS AND EXCEPTING THE FOLLOWING:

A parcel of land located in Section 20, Township 14 South, Range 40 East, Boise Meridian, Franklin County, Idaho and more particularly described as follows:

Beginning at the Southwest corner of said Section 20, from which the West quarter corner of Section 20 bears North 00°34'57" East 2641.39 feet;
Thence North 00°34'57" East 847.99 feet along the West line of said Section 20;
Thence East 3443.54 feet to a found State Highway 36 right of way monument set on the North right of way line;
Thence North 76°07'00" East 400.06 feet along said North right of way line to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 13173", the True Point of Beginning;
Thence continuing North 76°07'00" East 25.00 feet to a found 5/8" rebar with cap;

Thence along a line agreed upon as a property in the boundary line agreement recorded as Instrument #246104 in the official records of Franklin County the following 3 courses:

Thence North 10°38'04" East 75.14 feet;

Thence North 10°15'38" West 107.54 feet;

Thence South 75°18'39" West 25.00 feet;

Thence South 10°32'14" East 100.84 feet to a 5/8" rebar with cap;

Thence South 09°22'29" West 81.27 feet to the True Point of Beginning.

LESS AND EXCEPTING THE FOLLOWING:

A parcel of land located in Section 20, Township 14 South, Range 40 East, Boise Meridian, Franklin County, Idaho and more particularly described as follows:

Beginning at the Southwest corner of said Section 20, from which the West quarter corner of Section 20 bears North 00°34'57" East 2641.39 feet;

Thence North 00°34'57" East 847.99 feet along the West line of said Section 20;

Thence East 3443.54 feet to a found State Highway 36 right of way monument set on the North right of way line, the True Point of Beginning;

Thence North 76°07'00" East 400.06 feet along said North right of way line to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 13173";

Thence North 09°22'29" East 81.27 feet to a 5/8" rebar with cap;

Thence North 10°32'14" West 100.84 feet to a 5/8" rebar with cap;

Thence along a line agreed upon as a property in the boundary line agreement recorded as Instrument #246104 in the official records of Franklin County the following 3 courses:

Thence South 75°18'39" West 110.46 feet;

Thence South 61°31'13" West 197.61 feet;

Thence South 33°50'17" West 184.30 feet to the True Point of Beginning.

Parcel No. 7:

Commencing at a point 40 rods East and 60 rods South of the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 100 feet; thence Northwesterly 330 feet, more or less to the County Road; thence East 150 feet; thence South to the point of beginning.

Parcel No. 8:

A parcel of land located in Section 20, Township 14 South, Range 40 East, Boise Meridian, Franklin County, Idaho and more particularly described as follows:

Beginning at the East quarter corner of said Section 20, from which the Southeast corner of Section 20 bears South 00°35'02" West 2588.05 feet;

Thence South 00°35'02" West 1294.03 feet along the East line of said Section 20 to the Northeast corner of the Southeast quarter of the Southeast quarter;

Thence South 89°23'10" West 767.25 feet along the North line of said Southeast quarter of the Southeast quarter to the True Point of beginning;

Thence South 89°23'10" West 545.44 feet along said North line to the Northwest corner of said Southeast quarter of the Southeast quarter;

Thence South 65.79 feet to a point on the North line of the parcel shown on that survey recorded as instrument #227955 in the official records of Franklin County;
Thence North 89°21'31" East 49.90 feet along said North line;
Thence North 82°38'07" East 124.86 feet along said North line;
Thence North 82°35'00" East 124.83 feet along a fence line;
Thence North 84°06'24" East 249.09 feet along said fence line and its extension to the West line of the parcel owned by Robert and Olivia Boyack as described in Instrument #253358 in the official records of Franklin County;
Thence North 00°32'19" East 13.38 feet along said West line to the True Point of Beginning.

Parcel No. 9:

A parcel of land located in the South half of the Southeast quarter of Section 20, and in the North half of the Northeast quarter of Section 29, all in Township 14 South, Range 40 East, Boise Meridian, the same being a portion of the lands described in Correcting Quitclaim deed Instrument No. 236762 of the Wendell H. Smith Family Trust as recorded in the official records of Franklin County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap monument, the same being South 89°05'41" West a distance of 2623.64 feet from the Southeast corner of said section; thence North 89°05'41" East along said section line for a distance of 299.43 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on a fence line coursing North and South, the True Point of Beginning;

Thence along a fence line for the following Four (4) courses:

1. North 00°00'00" East for a distance of 26.13 feet,
2. Thence North 53°49'46" East for a distance of 354.05 feet,
3. Thence North 63°30'21" East for a distance of 21.68 feet,
4. Thence North 77°25'55" East for a distance of 54.80 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the East boundary line of the West half of the Southwest quarter of the Southeast quarter;

Thence North 00°30'59" East for a distance of 426.33 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the southeasterly right of way line of State Highway 36;

Thence North 76°02'45" East along said right of way line for a distance of 85.93 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at a fence line;

Thence along said fence line for the following Three (3) courses:

1. South 03°00'49" East for a distance of 368.00 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at a fence corner,
2. Thence North 89°52'05" East for a distance of 540.53 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at a fence corner;
3. Thence North 00°15'24" East for a distance of 516.25 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the southeasterly right of way line of State Highway 36;

Thence along said right of way line for the following Three (3) courses:

1. North 76°02'45" East for a distance of 461.24 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department marking a point on an 1879.86 foot radius tangent curve concave to the southeast;

2. Thence Northeasterly along said curve to the right through a central angle of 13°00'00" for an arc distance of 426.53 feet (cb N 82°32'45" E 425.61') to a found 3 inch Brass cap right of way monument, Idaho Transportation Department;

3. Thence South 89°13'40" East non tangent to the previous curve for a distance of 152.49 feet to a found 6 inch diameter iron pipe set in a concrete base on the common boundary line of the lands defined in that Boundary Line Agreement Instrument No. 229047 as recorded in the official records of said county;

Thence along said common boundary line, the same also being an existing fence line for the following Three (3) courses:

1. Thence South 13°24'57" East for a distance of 348.53 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169"

2. Thence South 05°43'39" West for a distance of 54.13 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169";

3. Thence South 67°41'42" East for a distance of 106.32 feet to a point on the Mean High Waterline on the Right Bank of the Bear River,

Thence along said Mean High Waterline for the following Eleven (11) courses:

1. South 20°06'45" West for a distance of 292.59 feet;

2. Thence South 02°11'21" West for a distance of 428.63 feet;

3. Thence South 08°10'00" West for a distance of 446.09 feet;

4. Thence South 34°51'34" West for a distance of 241.28 feet;

5. Thence South 46°22'28" West for a distance of 165.24 feet;

6. Thence South 63°14'18" West for a distance of 31.07 feet;

7. Thence South 88°28'13" West for a distance of 59.53 feet;

8. Thence North 72°04'30" West for a distance of 195.96 feet;

9. Thence North 83°05'10" West for a distance of 333.00 feet;

10. Thence North 85°48'45" West for a distance of 816.68 feet;

11. Thence South 80°09'15" West for a distance of 352.60 feet to a fence line coursing North and South;

Thence North 00°00'00" East along said fence line for a distance of 787.60 feet to the True Point of Beginning.

Together with an easement for ingress and egress for the maintenance and repair of the main irrigation pump.

Parcel No. 10:

A parcel of land located in Section 20, Township 14 South, Range 40 East, Boise Meridian, Franklin County, Idaho and more particularly described as follows:

Beginning at the Southwest corner of said Section 20, from which the West quarter corner of Section 20 bears North 00°34'57" East 2641.39 feet;

Thence North 00°34'57" East 847.99 feet along the West line of said Section 20;

Thence East 3443.54 feet to a found State Highway 36 right of way monument set on the North right of way line;

Thence North 76°07'00" East 400.06 feet along said North right of way line to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 13173", the True Point of Beginning;

Thence continuing North 76°07'00" East 25.00 feet to a found 5/8" rebar with cap;

Thence along a line agreed upon as a property in the boundary line agreement recorded as Instrument #246104 in the official records of Franklin County the following 3 courses:

Thence North 10°38'04" East 75.14 feet;
Thence North 10°15'38" West 107.54 feet;
Thence South 75°18'39" West 25.00 feet;
Thence South 10°32'14" East 100.84 feet to a 5/8" rebar with cap;
Thence South 09°22'29" West 81.27 feet to the True Point of Beginning.

No title search was performed on the subject property by the preparer. The preparer of this deed makes neither representation as to the status of the title nor property use or any zoning regulations concerning described property herein conveyed nor any matter except the validity of the form of this instrument. Information herein was provided to preparer by Grantor/Grantee and/or their agents; no boundary survey was made at the time of this conveyance.



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

February 01, 2024

ROBERT W BOYACK AND TANA LANAE BOYACK LIVING TRUST
3168 E HIGHWAY 36
PRESTON ID 83263-5148

Re: Change in Ownership for Water Right No(s): 13-7193, 13-7632, 13-7634, 13-7881, 13-8046

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) 497-3787.

Sincerely,

Jonie Baily
Technical Records Specialist 1

Enclosure(s)

cc: WATER DISTRICT 11