

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 24 2024
DEPT. OF WATER RESOURCES
SOUTHERN 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?
47-13249	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: George & Christine Friel
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Octah Via Group, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 288 Pheasant Road Twin Fall ID 83301
Mailing address City State Zip
805-444-4414 donboehm@yahoo.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: July 19, 2024
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.

RETURNED

8. Signature: Theresa J. LaRue 7/19/24
Signature of new owner/claimant Title, if applicable Date
Theresa LaRue
Print name

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

Received by SG Date 7/24/2024 For IDWR Office Use Only: Receipt No. 5040301 Receipt Amt. \$25-
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by _____ Processed by BM Date 11/25/2024

RECORDING REQUESTED BY
Flying S Title and Escrow of Idaho, Inc.

AND WHEN RECORDED MAIL TO:
Flying S Title and Escrow of Idaho, Inc.
1502 Locust Street North, Bldg. 300
Twin Falls, ID 83301

TWIN FALLS COUNTY
RECORDED FOR:
FLYING S TITLE AND ESCROW - T
03:11:26 PM 07-19-2024
2024008746
NO. PAGES 3 FEE: \$15.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: SB
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **1147752-TF (sg)**

Date: **July 16, 2024**

For Value Received, **Bryan Nice, a married man as his sole and separate property and Shawn Cofer, a married man as his sole and separate property**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Hwy 74, LLC, a Wyoming limited liability company**, hereinafter called the Grantee, whose current address is **1718 Capitol Avenue, Cheyenne, WY 82001**, the following described premises, situated in **Twin Falls County, Idaho**, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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

Date: ^{19 BN} 07/16/2024

Warranty Deed
- continued

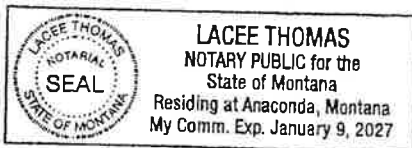
File No.: 1147752-TF (sg)

Bryan Nice
Bryan Nice

Shawn Cofer
Shawn Cofer

STATE OF Montana)
COUNTY OF Deer Lodge) ss.

On this 19 day of July, 2024, before me, a Notary Public in and for said State, personally appeared **Bryan Nice and Shawn Cofer**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Lacey Thomas
Notary Public for the State of Montana
Residing at: Anaconda
My Commission Expires: 1/9/27

Desert West Land Surveys

2020 Overland Ave.
Burley, Idaho 83318

JOB # 16305-24C1

PARCEL 1



L E G A L D E S C R I P T I O N

Part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26 in Township 10 South, Range 16 East of the Boise Meridian, Twin Falls County, State of Idaho.

Commencing at the South $\frac{1}{4}$ Corner of Section 26 in T.10 S., R.16 E., B.M. said corner marked by a brass cap; Thence North 00 degrees 11 minutes 17 seconds West (N 00°30' W, Rec.) along the east line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of 33.00 feet (33', Rec.) to the north right of way of State Highway 74; Thence North 89 degrees 54 minutes 55 seconds West (S 89°50' W, Rec.) along said right of way for a distance of 30.00 feet to a $\frac{1}{2}$ " rebar which shall be the Point of Beginning;

THENCE North 89 degrees 54 minutes 55 seconds West (S 89°50' W, Rec.) along said right of way for a distance of 670.00 feet to a $\frac{1}{2}$ " rebar;

THENCE North 62 degrees 17 minutes 58 seconds East (N 61°50' E, Rec.) for a distance of 464.35 feet (465', Rec.) to a $\frac{1}{2}$ " rebar;

THENCE North 09 degrees 47 minutes 59 seconds East (N 09°20' E, Rec.) for a distance of 89.88 feet (90', Rec.) to a $\frac{1}{2}$ " rebar;

THENCE North 27 degrees 47 minutes 58 seconds East (N 27°20' E, Rec.) for a distance of 249.65 feet (250', Rec.) to a $\frac{1}{2}$ " rebar;

THENCE North 74 degrees 57 minutes 57 seconds East (N 74°30' E, Rec.) for a distance of 129.74 feet to a $\frac{1}{2}$ " rebar;

THENCE South 00 degrees 11 minutes 17 seconds East for a distance of 559.91 feet to the Point of Beginning.

Said property contains 3.80 acres more or less and is subject to any easements or right of ways, existing or of record.



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

November 25, 2024

OCTAH VIA GROUP LLC
288 PHEASANT RD
TWIN FALLS ID 83301-8714

RE: Change in Ownership Water Right No: 47-13249

Dear Interested Parties:

The Idaho Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) from you on 7/24/2024 for the above referenced water rights. The Notice could not be processed because the provided deed did not convey the property to the new owner listed on the notice.

On 9/12/2024, the Department requested the required information and/or clarification from you. As of the date of this letter, the Department has not received the required information.

The Department is returning your Notice of Change in Water Right Ownership and the attachments. A refund of \$25.00 has been requested and will be mailed to Flying S Title & Escrow under separate cover from the Idaho State Controller's Office. You may re-submit your request with the appropriate documents and fees.

If you have any questions regarding this matter, please contact me at (208) 736-3033.

Sincerely,

Bill Mills
Water Resource Agent, Senior

Enclosures

C: Flying S Title & Escrow

Mills, Bill

From: Mills, Bill
Sent: Monday, November 25, 2024 10:17 AM
To: IdwrPayable
Subject: Refund for Returned Notice of Change in Water Right Ownership
Attachments: Receipt S040301.pdf

Please refund \$25.00 to Flying S Title and Escrow . The Notice of Change of Water Right Ownership has been returned as the owner listed on the provided deed did not match the new owner listed on the notice. A deficiency letter was sent 9/12/2024 and no response was received (receipt #S040301; check #106971). Copy of receipt is attached.

Mailing address is:

FLYING S TITLE AND ESCROW OF IDAHO, INC.
1502 LOCUST ST N BLDG 300
TWIN FALLS ID 83301

Thank you!



Bill Mills
Sr Water Resource Agent
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 736-3033
bill.mills@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 12, 2024

OCTAH VIA GROUP LLC
288 PHEASANT RD
TWIN FALLS ID 83301-8714

RE: Water Right No: 47-13249

Dear Interested Parties:

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

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

(Select all that apply)

- ☐ Filing Fee of \$25 per water right <permit>
- ☐ Filing Fee of \$100 per water right for changes resulting from division of a water right
- ☐ Signature
- ☐ Notarized Signature for Assignment of Permit
- ☒ 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
- ☐ Evidence of Security Interest: copy of Deed of Trust, Mortgage, Contract of Sale or other legal document indicating your interest in the property and water rights in question
- ☐ Security Interest Expiration Date
- ☐ Legal Description of Property
- ☐ Plat of Property or Survey Map usually on file with the county
- ☐ USDA Farm Service Agency (formerly ASCS) Aerial Photo with irrigated acres outlined and point(s) of diversion clearly marked
- ☐ Description of Portion of Water Right resulting from division of water right

During our review of the submitted documentation, we found discrepancies between that documentation and the information provided in the warranty deed. As submitted, the Department can process the ownership change to Hwy 74, LLC but additional conveyance documents are needed to change ownership to the Octah Via Group, LLC.

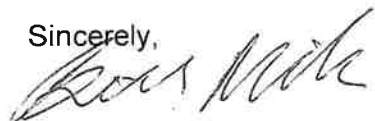
Because the Department cannot process the Notice without proper documentation, we will hold any

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) 293-3033.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill Mills", written over a horizontal line.

Bill Mills
Water Resource Agent, Senior

Enclosures

C: Flying S Title and Escrow of Idaho, Inc. Twin Falls



FLYING S
TITLE & ESCROW

1502 Locust Street North, Bldg. 300, Twin Falls, ID 83301
Phone (208)734-2905 | Fax (208)734-2945

RECEIVED
JUL 24 2024
DEPT. OF WATER RESOURCES
SOUTHERN REGION

IDWR
650 Addison Avenue West, Ste. 500
Twin Falls, ID 83301

July 19, 2024
File No.: 1147752-TF (sg)

Attn:

Re:

Property: **176 A Highway 74 Twin Falls, ID 83301**
Buyer: **Hwy 74, LLC**
Seller: **Bryan Nice and Shawn Cofer**

Please find our check for \$25.00 and Original Transfer of Water Right Ownership

Sincerely,

Charlie Sessions, Assistant for
Sandra Gonzalez, Escrow Officer

cs/sl