

JAN 27 2025

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT. 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?
13-305A <i>OK</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
13-305B <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
13-7758 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Clarence & Odessa Owen, Terry & Cheryl Smith

3. New Owner(s)/Claimant(s): Consolidated Irrigation Company

New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

33 S. 1st E. Preston ID 83263

Mailing address City State Zip

Telephone _____ Email _____

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

5. Date you acquired the water rights and/or claims listed above: 11/14/2013 & 13/31/2013

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.

8. Signature:  Attorney January 20, 2025
Signature of new owner/claimant Title, if applicable Date
Luke H. Marchant
Print name

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

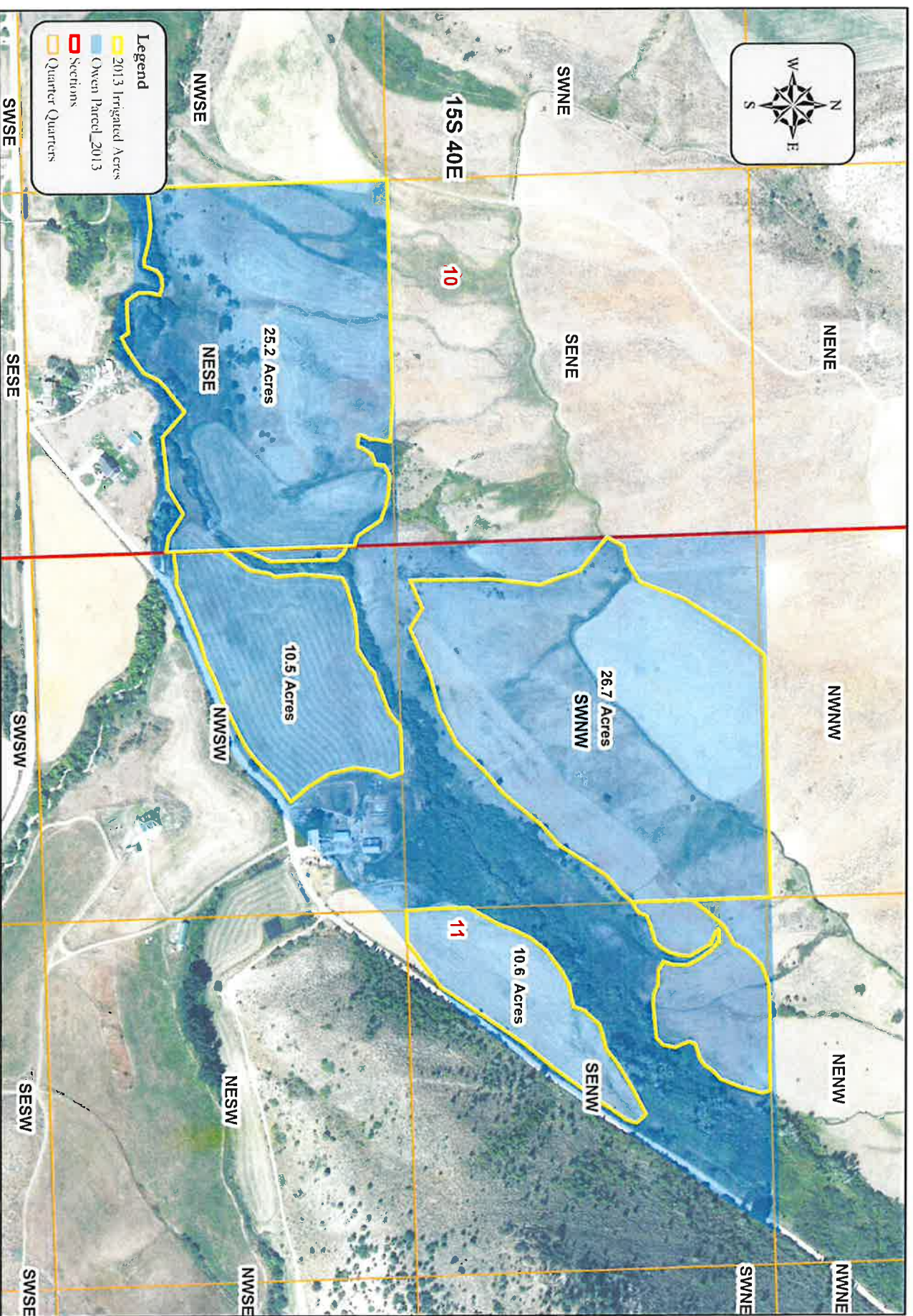
For IDWR Office Use Only:

Received by JB Date 1/28/2025 Receipt No. E050604 Receipt Amt. \$150. -

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 2/12/2025

CONSOLIDATED IRRIGATION



2013 NAIP Photo



Prepared by:
Luke H. Marchant
1/20/2025

Water Right Report : 13-305-A (Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	OWEN, CLARENCE L	RT 3	PRESTON	ID	83263
Current Owner	OWEN, ODESSA G	RT 3	PRESTON	ID	83263

Water Right Status

Priority Date : 4/1/1893

Basis : Decreed

Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
WORM CREEK		CUB RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
WORM CREEK	15S	40E	2	0		SW	SE	FRANKLIN	
WORM CREEK	15S	40E	11	0		SE	NW	FRANKLIN	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	1.64 CFS	287.00 AFA
STOCKWATER	1/01	12/31	0.04 CFS	1.40 AFA
DOMESTIC	1/01	12/31	0.04 CFS	1.20 AFA
TOTAL			1.64 CFS	289.60 CFS

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (FRANKLIN county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
15S	40E	10			NE	SE	35
15S	40E	11			SW	NW	30
15S	40E	11			SE	NW	7
15S	40E	11			NW	SW	10

Irrigation Totals

Total Acres Acre Limit

82.00

Dates

Licensed Date :

Decreed Date : 5/21/1981

Other Information

State or Federal :

Water District Number : TBD

Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

7/28/2023

Water Right Report : 13-305-B (Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	OWEN, CLARENCE L	RT 3	PRESTON	ID	83263
Current Owner	OWEN, ODESSA G	RT 3	PRESTON	ID	83263

Water Right Status

Priority Date : 4/1/1895
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
SPRING QUARRY CREEK		WORM CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
SPRING QUARRY CREEK	15S	40E	11	0		NE	SW	FRANKLIN	
SPRING QUARRY CREEK	15S	40E	11	0		NW	SW	FRANKLIN	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	0.32 CFS	56.00 AFA
TOTAL			0.32 CFS	56.00 CFS

Places of Use

[Printable View](#) [Paged View](#)

Place of Use Legal Description : IRRIGATION (FRANKLIN county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
15S	40E	10			NE	SE	4
15S	40E	11			SW	NW	2
15S	40E	11			NW	SW	10

Irrigation Totals

Total Acres Acre Limit
16.00

Dates

Licensed Date :
Decreed Date : 5/21/1981
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :

Other Information

State or Federal :
Water District Number : TBD
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :

Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

7/28/2023

182930

SHERIFF'S DEED UNDER FORECLOSURE

THIS INDENTURE, made this 8 day of January, 1991, between D.B. BECKSTEAD, Sheriff of Franklin County, State of Idaho, party of the first part, and FARM CREDIT BANK OF SPOKANE, whose complete mailing address is West 601 First Avenue, Spokane, Washington 99220, party of the second part,

WITNESSETH:

That, WHEREAS, in that certain Decree of Foreclosure and Order of Sale made and entered in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Franklin on the 25th day of April, 1986, wherein The Federal Land Bank of Spokane, predecessor in merger to Farm Credit Bank of Spokane, was Plaintiff and Clarence L. Owen and Odessa G. Owen, husband and wife, and others, were Defendants, in which said Decree it was, among other things, ordered, adjudged and decreed that all and singular the mortgaged premises described in the complaint or so much thereof as might be sufficient to raise the amount due the plaintiff, should be sold at public auction by the Sheriff of Franklin County, State of Idaho, in the manner prescribed by law and according to the course and practice of said Court; that any party to the action might become a purchaser at said sale; that said Sheriff would issue the usual certificate and deeds to the purchaser or purchasers as required by law; and

WHEREAS, an Execution in Foreclosure was duly issued out of the above entitled Court, which Execution was delivered to Don B. Beckstead, the Sheriff of the County of Franklin, State of Idaho,

Recorded at the request of

—a.m. JAN 08 1991 —p.m.

LENAE E JOHNSON, RECORDER

whereby he was, among other things, commanded to sell the property therein described; and

WHEREAS, the Sheriff did, on the 3rd day of January, 1990, after due public notice had been given as required by the laws of the State of Idaho, sold at public auction the premises herein mentioned, to Farm Credit Bank of Spokane, for the sum of TWO HUNDRED EIGHT THOUSAND THREE HUNDRED SIXTEEN AND 64/100 DOLLARS, (\$208,316.64), lawful money of the United States, it being the highest bidder and that being the highest bid for the same; and

WHEREAS, the said purchaser thereupon paid the Sheriff his fees and disbursements on said sale and directed that the balance thereof be applied towards the satisfaction of the judgment obtained by it; and

WHEREAS, the Sheriff thereupon made, executed and delivered the usual certificate to the purchaser, Farm Credit Bank of Spokane, and caused the other to be filed of record in the office of the County Recorder of the County of Franklin, State of Idaho; and

WHEREAS, more than one year has elapsed since the date of the sale and no redemption has been made of the premises so sold by or on behalf of the judgment debtors or by or on behalf of any other person;

NOW, THEREFORE, THIS INDENTURE, WITNESSETH:

That the said party of the first part, the said Sheriff of Franklin County, in order to carry into effect the sale, in pursuance of the said Decree of Foreclosure and Order of Sale, and

SHERIFF'S DEED

PAGE 2

2/6/95/6

182930

in conformity to the statutes in such cases made and provided and in consideration of the sum of TWO HUNDRED EIGHT THOUSAND THREE HUNDRED SIXTEEN AND NO/100 DOLLARS, (\$208,316.64), so bid by such purchaser, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and does by these presents grant, bargain, sell and convey unto said party of the second part, and to its successors and assigns forever, all those certain lots, pieces or parcels of land situate, lying and being in the County of Franklin, State of Idaho, and bounded and more particularly described as follows:

SEE EXHIBIT "A"

and also the estate, right, title or interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part and of the Defendants, Clarence L. Owen and Odessa G. Owen, husband and wife; Scott G. Owen and Kelli Owen, husband and wife; Eastern Idaho Production Credit Association, a corporation; Paradise Valley Ranch, Inc., a corporation; Amex Minerals, N.V., a Netherlands Antilles corporation; and Interstate Federal Land Bank Association, and to said premises and every part and parcel thereof.

TO HAVE AND TO HOLD ALL AND SINGULAR the said premises hereby conveyed or intended to be, together with the appurtenances thereunto to the said party of the second part and to its successors and assigns, to its own use and benefit, forever.

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IN WITNESS WHEREOF, the said party of the first part to these premises has hereunto set his hand the day and year first above written.

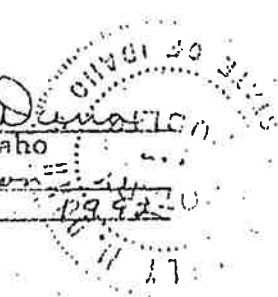

D.B. BECKSTEAD
Franklin County Sheriff
Franklin County, State of Idaho

STATE OF IDAHO)
 ss
County of Franklin)

On this 8 day of January, 1991, before me, the undersigned Notary Public in and for said County and State, personally appeared D.B. BECKSTEAD, known to me to be the Sheriff of the County of Franklin, State of Idaho, and the party who executed the foregoing instrument and he duly acknowledged to me that he executed the same as Sheriff.

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

(SEAL)


Beverly M. Davidson
NOTARY PUBLIC for Idaho
Residing at: Reisterstown
Commission Expires: 12/31/92

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PARCEL A:

Township 15 South, Range 40 East of the Boise Meridian, Franklin County, Idaho.

Section 1: Lot 1, S1/2NE1/4, SE1/4. ALSO, beginning at a point which is the South-east corner of the SW1/4 of Section 1, and running thence North 240 rods; thence West 27 rods, thence Southwesterly 97 rods 11 feet to a point 9 rods North from the Southwest corner of the SE1/4NW1/4 of said Section 1, thence South 9 rods, thence in a Southwesterly direction following the county road to a point 38 rods, more or less, East of the Southwest corner of the SE1/4 of Section 2, thence East 282 rods, more or less, to the place of beginning.

Section 4: N1/2SW1/4, SW1/4SW1/4. EXCEPT lands heretofore deeded to PRESTON WHITNEY IRRIGATION COMPANY in Book 27 of Deeds, Page 50, as Instrument No. 30853.

Section 5: NE1/4SE1/4.

Section 8: Commencing at a point 80 rods South and 47 rods East from the Northwest corner of Section 8, and running thence East 113 rods, more or less, thence South 80 rods, thence West 113 rods, more or less, thence North 80 rods to the place of beginning.

Section 9: Commencing at a point 160 rods



South and 219 rods West from the Northeast corner of Section 9; thence South 160 rods; thence West 51 rods; thence North 144-1/2 rods; thence East 20 rods; thence North 15-1/2 rods; thence East 31-1/2 rods to the place of beginning.

ALSO, commencing at a point 101 rods East and 118 rods North of the Southwest corner of Section 9; thence North 60 rods, more or less, to the Southerly boundary line of the county road right-of-way; thence Easterly along the county road right-of-way 282 feet; thence South 40 rods 10 feet; thence Southwesterly 28-1/2 rods to the place of beginning.

EXCEPT commencing at a point 50 rods East of the Southwest corner of Section 9, thence East 841.5 feet, thence North 800 feet; thence Southwesterly to a point 715 feet North of the place of beginning, thence South 715 feet to the place of beginning.

Section 10: NE1/4SE1/4.

Section 11: N1/2SE1/4, N1/2SW1/4, SW1/4SE1/4, SW1/4NW1/4. ALSO, commencing at the Southeast corner of the SW1/4 of Section 11, running thence North 80 rods, thence West 102 rods, thence Southeasterly to a point which is 34 rods West of the place of beginning, thence East 34 rods to the place of beginning. EXCEPTING THEREFROM: commencing at a point 700 feet East of the Northwest corner of the SW1/4SW1/4 of Section 11, and running thence South 58° East 537 feet; thence South 44°40' East 359 feet; thence South 31°55' East 380.5 feet; thence South 37°15' East 329 feet; thence South 39°45' East 406 feet; thence East 35 rods, more or less, to the Southwesterly boundary line of the Cub River Worm Creek Canal; thence Northwesterly following the said canal right-of-way to the North boundary line of the SW1/4SW1/4 of Section 11; thence West to the place of beginning, and MORE FULLY described as all the land between the said Cub River Worm Creek Canal right-of-way and lands previously owned by L. Bertus Wanner.

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ALSO, commencing at the Northeast corner of the NW1/4NE1/4 of Section 11, running thence Southwesterly to the Southwest corner of the SE1/4NW1/4, thence North 80 rods; thence East 80 rods; thence North 20 rods; thence East 35 rods; thence Northeasterly to a point which is 42 rods West of place of beginning; thence East 42 rods to the place of beginning. LESS that part included in the following described tract of land, to-wit: Commencing at a point 38 rods East of the Northwest corner of the NE1/4 of Section 11, running thence Southwesterly following the meanderings of the county road to a point 1 rod East of the Southwest corner of the SE1/4NW1/4 of said Section 11, thence Southwesterly 600 feet, thence Southeasterly 550 feet to a point 750 feet South of a point 1 rod East of the Southwest corner of the SE1/4NW1/4 of said Section 11, thence Northeasterly following the meanderings of Sand Stone Quarry Spring Creek to the Southeast corner of the SW1/4NE1/4 said Section 11; thence North 80 rods, thence East 80 rods; thence North 80 rods; thence West 122 rods to the place of beginning.

ALSO EXCEPTING, commencing at a point 40 rods East of the Southeast corner of the NW1/4SE1/4 of Section 11, running thence East 40 rods; thence North 80 rods; thence West 40 rods; thence South 80 rods to the place of beginning.

PARCEL B:

Township 15 South, Range 40 East of the Boise Meridian, Franklin County, Idaho.

Section 1: Commencing at the Northeast corner of GOVERNMENT LOT TWO (2), thence West 2450 feet, more or less, to an established fence line running North and South, thence following the fence South to a point 2150 feet West of the Southeast corner of Lot 2; thence following said fence line South to the road right-of-way; thence Northeasterly to a point 53 rods East from the Southwest corner of Lot 3; thence East to the Southeast corner of Lot 2; thence North to the place of beginning.

180928 8-31

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PARCEL C:
Township 15 South, Range 40 East of the Boise
Meridian, Franklin County, Idaho.

Section 8: SW1/4 EXCEPTING THEREFROM the
following described tracts of land,
to-wit: Commencing at a point 28 rods
East from the Southwest corner of Section
8, and running thence East 132 rods;
thence North 33 rods; thence in South-
west direction to place of beginning.
ALSO EXCEPTING from said SW1/4 of Section
8, the property deeded to Preston-Whitney
Irrigation Company for reservoir purposes
in Book 27 of Deeds, Page 32, as Instru-
ment No. 30770.

ALSO EXCEPTING THEREFROM the following:
An irregular tract of land located in
E1/2SW1/4 of Section 8, being further
described as follows: Beginning at a
point which lies 3900 feet South and 2640
feet East of the Northwest corner of said
Section 8, and which point is on the quar-
ter section line and is also a point on
the South property line of the Preston-
Whitney Irrigation Company reservoir land,
Instrument No. 30770, Book 27 of Deeds,
Page 32, records of Franklin County,
Idaho, and dated February 11, 1928, run-
ning thence South 58° West a distance of
200 feet; thence South 12° East a distance
of 210 feet, thence East a distance of 125
feet, more or less, to a point on the
quarter section line, thence North along
said quarter section line a distance of
310 feet, more or less, to the point of
beginning.

ALSO EXCEPTING land deeded to Fish and
Game Department and Franklin County Water-
ways.

ALSO EXCEPTING: Commencing at the South-
west corner of Section 8, Township 15
South, Range 40 East of the Boise Merid-
ian, running North 52°27'20" East 559.55
feet to the North side of the Glendale
Road right-of-way, to the True Point of
Beginning, thence North 24°08'30" West
276.36 feet to the South right-of-way line
of an existing canal, thence North
35°09'15" East 239.68 feet along said

180928 9-31

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right-of-way, thence South 87°00'55" East 93.84 feet along said canal right-of-way, thence South 10°30'11" West 435.42 feet to the North right-of-way line of the Glendale Road, thence South 28°06'59" West 34.60 feet along the North right-of-way line of said road to the True Point of Beginning. ALSO EXCEPTING, commencing at the Southwest corner of Section 8, Township 15 South, Range 40 East of the Boise Meridian, running North 53°01'00" East 593.68 feet to a point on the North right-of-way line of the Glendale Road, said point being the True Point of Beginning, thence North 10°30'11" East 435.42 feet to the South right-of-way line of an existing canal, thence North 83°55'59" East 109.75 feet along said line, thence South 11°26'22" East 331.25 feet to the North right-of-way line of said Glendale Road, thence South 25°24'15" West 274.09 feet along the North right-of-way line of said road to the True Point of Beginning.

ALSO EXCEPTING: Commencing at a point on a fence line, said point being located East along the section line 1942.50 feet and North 294.50 feet from the Southwest corner of Section 8, Township 15 South, Range 40 East of the Boise Meridian, thence North 2°40'29" East 85.03 feet to a fence line on the Southeasterly side of a county road; thence North 67°04'47" East along said fence line and county road 35.00 feet; thence South 38°24'46" East along a fence line 22.00 feet to a fence line on the Northwestern side of a canal, said fence line being located approximately on the centerline of an old abandoned county road; thence South 31°31'03" West along said fence line 95.40 feet to the point of beginning.

ALSO EXCEPTING, Commencing at a point on a fence line, said point being located East along the section line 1835.55 feet and North 259.67 feet from the Southwest corner of Section 8, Township 15 South, Range 40 East of the Boise Meridian; thence North 14°27'45" West 67.85 feet to a fence line on the Southeasterly side of a county road; thence North 67°04'47" East along

180928 10-31

182930 10-30

said fence line and county road 138.82 feet; thence South $2^{\circ}40'29''$ West along a fence line projection 85.03 feet to a fence line on the Northwesterly side of a canal, said fence line being located approximately on the centerline of an old abandoned county road; thence South $31^{\circ}31'03''$ West along said fence line 10.10 feet; thence South $75^{\circ}32'15''$ West along said fence line 105.00 feet to the Point of Beginning.

ALSO EXCEPTING a parcel of land 20 feet in width, being 10 feet on both sides of the following described centerline: Commencing at a point on a fence line on the North right-of-way line of a county road, said point being located East along the section line 1941.34 feet and North 455.13 feet from the Southwest corner of Section 8, Township 15 South, Range 40 East of the Boise Meridian, thence North $12^{\circ}12'48''$ East 166 feet, more or less, to a point on the boundary of land owned by the Preston-Whitney Irrigation Company.

Together with any and all tenements, hereditaments, and appurtenances thereunto belonging or used in connection therewith.

Together with all water and water rights used upon or appurtenant to said lands, and however evidenced.

All situated in Franklin County, State of Idaho.

SPECIAL WARRANTY DEED

The Grantor, Farm Credit Bank of Spokane, successor by merger to The Federal Land Bank of Spokane, a corporation, for and in consideration of good and valuable consideration in hand paid, transfers and conveys to DAVID W. BECKSTEAD, a married man, of Box 231, Preston, Idaho, the Grantee, the following described real estate, situated in the County of Franklin, State of Idaho:

See Exhibit "A" attached hereto.

The Grantor warrants against encumbrances suffered or created by the Grantor, free and clear of encumbrances except all taxes, assessments, and charges to be paid by the Grantee and any lien or encumbrance revived or placed on said premises by, through or under the Grantee and any other encumbrance or defect which the Grantee has assumed by reason of the terms and conditions of that certain Sale Agreement & Receipt for Earnest Money dated March 13, 1991.

Grantor hereby expressly grants and conveys unto Grantee, their successors and assigns forever, all water rights, oil, gas, hydrocarbons, coal or other minerals of whatsoever nature lying in or under the above described lands and all royalty interests as to oil, gas, and other minerals produced and saved therefrom which have not been previously reserved and which may be or upon said lands above described or any part thereof.

DATED This 10th day of April, 1991.

FARM CREDIT BANK OF SPOKANE

Recorded at the request of

10 a.m. APR 26 1991 10 p.m.

LARAE E. JOHNSON, RECORDER

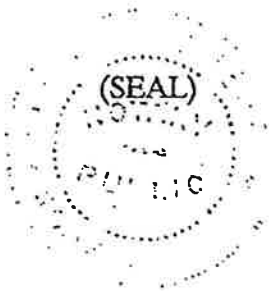
By [Signature] Deputy,
FRANKLIN COUNTY, IDAHO

By [Signature]
STEPHEN D. REVIS
Sr. Credit Officer

STATE OF IDAHO)
 FRANKLIN SS
 County of Bonneville,)

On this 10th day of April, 1991, before me, the undersigned Notary Public in and for said county and state, personally appeared Stephen D. Revis, known or identified to me to be the Authorized Representative of The Farm Credit Bank of Spokane, the corporation that executed the foregoing instrument, and acknowledged to me that he executed the same on behalf of said corporation.

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



Deborah L. Johnson
 NOTARY PUBLIC for Idaho
 Residing at: Swan Lake, Idaho
 Commission Expires: June 1, 1994

Township 15 South, Range 40 East of the Boise Meridian

Section 10: NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 11: NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$. ALSO, Commencing at the Southeast corner of the SW $\frac{1}{4}$ of Section 11, running thence North 80 rods, thence West 102 rods, thence Southeasterly to a point which is 34 rods West of the place of beginning, thence East 34 rods to the place of beginning.
EXCEPTING THEREFROM: Commencing at a point 700 feet East of the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, and running thence South 58° East 537 feet; thence South 44°40' East 359 feet; thence South 31°55' East 380.5 feet; thence South 37°15' East 329 feet; thence South 39°45' East 406 feet; thence East 35 rods, more or less, to the Southwesterly boundary line of the Cub River Worm Creek Canal; thence Northwesterly following the said canal right of way to the North boundary line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11; thence West to the place of beginning, and MORE FULLY described as all the land between the said Cub River Worm Creek Canal Right of Way and lands previously owned by L. Bertus Wanner.

ALSO, Commencing at the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, running thence Southwesterly to the Southwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence North 80 rods; thence East 80 rods; thence North 20 rods; thence East 35 rods; thence Northeasterly to a point which is 42 rods West of place of beginning; thence East 42 rods to the place of beginning.

LESS that part included in the following described tract of land, to-wit: Commencing at a point 38 rods East of the Northwest corner of the NE $\frac{1}{4}$ of Section 11, running thence Southwesterly following the meanderings of the county road to a point 1 rod East of the Southwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 11, thence Southwesterly 600 feet, thence Southeasterly 550 feet to a point 750 feet South of a point 1 rod East of the Southwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 11, thence Northeasterly following the meanderings of Sand Stone Quarry Spring Creek to the Southeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 11; thence North 80 rods; thence East 80 rods; thence North 80 rods; thence West 122 rods to the place of beginning.

ALSO EXCEPTING, Commencing at a point 40 rods East of the Southeast corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, running thence East 40 rods; thence North 80 rods; thence West 40 rods; thence South 80 rods to the place of beginning.

ALSO INCLUDING: 1.64 CFS from Worm Creek with a priority date of April 1, 1893, and .32 CFS from Spring Quarry Creek with a priority date of April 1, 1895.

Initials: ADR

WARRANTY DEED

For Value Received

DAVID W. BECKSTEAD and PAULINE W. BECKSTEAD,
husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

NEIL G. OWEN and IVA R. OWEN,
husband and wife,

whose current address is 1929 Worm Creek Road, Preston, Idaho 83265

the grantees, the following described premises, in Franklin County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

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 Grantee S, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: April 26, 1991

David W. Beckstead
Pauline W. Beckstead

STATE OF IDAHO, COUNTY OF FRANKLIN

On this 26 day of April, 1991,
before me, a notary public in and for said State, personally
appeared DAVID W. BECKSTEAD and
PAULINE W. BECKSTEAD, husband
and wife,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Residing at Swan Lake
Comm. Expires 6-1-94

Recorded at the request of

David W. Beckstead
9:10 a.m. APR 30 1991 p.m.

LARA E. JOHNSON, RECORDER

By *Lara E. Johnson* Deputy
FRANKLIN COUNTY, IDAHO

183535 2-2

EXHIBIT "A"

Township 15 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 11:

N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{2}$ NW $\frac{1}{4}$. ALSO, Commencing at the Southeast corner of the SW $\frac{1}{4}$ of Section 11, running thence North 80 rods, thence West 102 rods, thence Southeasterly to a point which is 34 rods West of the place of beginning, thence East 34 rods to the place of beginning.

EXCEPTING THEREFROM: Commencing at a point 700 feet East of the Northwest corner of the SW $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 11, and running thence South 58° East 537 feet; thence South 44°40' East 359 feet; thence South 31°55' East 380.5 feet; thence South 37°15' East 320 feet; thence South 39°45' East 406 feet; thence East 35 rods, more or less, to the Southwesterly boundary line of the Cub River Worm Creek Canal; thence Northwesterly following the said canal right of way to the North boundary line of the SW $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 11; thence West to the place of beginning, and MORE FULLY described as all the land between the said Cub River Worm Creek Canal Right of Way and lands previously owned by L. Bertus Wanner.

ALSO, Commencing at the Northeast corner of the NW $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 11, running thence Southwesterly to the Southwest corner of the SE $\frac{1}{2}$ NW $\frac{1}{4}$, thence North 80 rods; thence East 80 rods; thence North 20 rods; thence East 35 rods; thence Northeasterly to a point which is 42 rods West of place of beginning; thence East 42 rods to the place of beginning.

LESS that part included in the following described tract of land, to-wit: Commencing at a point 28 rods East of the Northwest corner of the NE $\frac{1}{2}$ of Section 11, running thence Southwesterly following the meanderings of the county road to a point 1 rod East of the Southwest corner of the SE $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 11, thence Southwesterly 600 feet, thence Southeasterly 550 feet to a point 750 feet South of a point 1 rod East of the Southwest corner of the SE $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 11, thence Northeasterly following the meanderings of Sand Stone Quarry Spring Creek to the Southeast corner of the SW $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 11; thence North 80 rods; thence East 80 rods; thence North 80 rods; thence West 122 rods to the place of beginning.

ALSO EXCEPTING, Commencing at a point 40 rods East of the Southeast corner of the NW $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 11, running thence East 40 rods; thence North 80 rods; thence West 40 rods; thence South 80 rods to the place of beginning.

Section 10:

NE $\frac{1}{2}$ SE $\frac{1}{4}$, EXCEPTING THEREFROM: Commencing at the Southwest corner of the NE $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 10, and running thence East along the North boundary line of Glendale Road 690 feet, more or less, to the Worm Creek Road, thence in a Northeasterly direction following the West boundary line of Worm Creek Road 715 feet, more or less, to a point 1 rod North of Cub River Ditch, thence following the meanderings of the Cub River ditch and Worm Creek at a point 1 rod North to a point 400 feet North of the Southwest corner of the NE $\frac{1}{2}$ SE $\frac{1}{4}$, thence South 400 feet to the point of beginning.

Initials

D.W.B.
D.W.B.

259114 1-8

STEVEN R. FULLER - 2995
FULLER & FULLER, PLLC
P.O. Box 191
24 North State
Preston, ID 83263
Telephone (208) 852-2680
FAX No. (208) 852-2683

Recorded at the request of
Fuller & Fuller
Time 10:18A Amount \$ 31.00

AUG 01 2013

SHAUNA T. GEDDES, RECORDER
By [Signature] Deputy
Franklin County, Idaho

FILED

13 AUG -1 AM 10:06

FRANKLIN COUNTY CLERK

DEPUTY

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FRANKLIN

IN THE MATTER OF THE ESTATE

of

NEIL GREGORY OWEN,

Deceased.

CASE NO. CV-2013-313

DECREE VESTING
ESTATE IN SURVIVING SPOUSE

THE PETITION OF IVA ROMER OWEN for a Decree vesting an estate in her, as surviving spouse having come before the Court for hearing, and the Court having heard the evidence and being fully advised in the premises, the Court makes the following findings:

1. Neil Gregory Owen died on the 14th day of September, 2012, at Preston, Franklin County, Idaho. At the time of death, said decedent was domiciled in Franklin County, Idaho.

2. The decedent died intestate without having disposed of his community interest in said estate or any portion thereof by Will, Last Testament or otherwise.

3. The decedent was survived by the heirs named in Exhibit "A" attached hereto and incorporated herein by reference thereto.

4. The decedent, Neil Gregory Owen, and the petitioner, Iva Romer Owen, intermarried on the 12th day of December, 1976, at Ogden, Weber County, Utah, and ever since that date until the date of decedent's death, were husband and wife.

5. The decedent left an estate, as described in petitioner's Petition, consisting solely of community property of the decedent and his surviving spouse, IVA ROMER OWEN, and that as the surviving spouse of the decedent, the petitioner is entitled to the Decree of this Court declaring and establishing that all of said community property became fully vested in the petitioner as the sole heir of the decedent.

6. All notices have been given as required by law.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the petitioner, IVA ROMER OWEN, is the surviving spouse of the said decedent, and that the real and personal property is now and hereby vested in, and quieted in, and distributed to IVA ROMER OWEN, free and clear of all right, title, estate, claim or demand of any person or persons claiming or attempting to claim under the said decedent, as heir or otherwise, except as a proper creditor.

The real and personal property so decreed and distributed is more particularly described in Exhibit "B" attached hereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that any other community property now known or discovered which may belong to said decedent or said estate and the petitioner, or in which the said decedent and petitioner may have an

259114 3-8

interest, be, and the same hereby is distributed and vested in IVA ROMER OWEN,
absolutely.

DATED this 1 day of August, 2013.

ORIGINAL SIGNED BY
ERIC S. HUNN

ERIC S. HUNN
Judge

STATE OF IDAHO) ss
County of Franklin)
I HEREBY CERTIFY that the above and
foregoing is a full and correct copy of the
original thereof, on file in my office.

Dated 08/01/13
SHAWNNA T. GEODES
Clerk of the District Court

By Wade Boon
Deputy Clerk



259114 4-8

EXHIBIT "A"

<u>NAME AND ADDRESS</u>	<u>RELATIONSHIP TO DECEDENT</u>
IVA ROMER OWEN 1929 WORM CREEK RD PRESTON ID 83263	SPOUSE
CARRIE KIRK 697 E GRANDVIEW CIRCLE PROVIDENCE UT 84332	DAUGHTER
CHRISTIE OWEN c/o MERLE ROMER PO BOX 18 CENTERVILLE, UT 84014	DAUGHTER
CATHRINE COOMBS 19619 CRABTREE ST CHUJIAK, AK 99567	DAUGHTER
CODY OWEN 251 W 1600 N - D3-1 LOGAN UT 84321	SON
CONNIE LAW 376-1/2 W 100 S SMITHFIELD UT 84335	DAUGHTER

EXHIBIT "A"

(183535)

Township 15 South, Range 40 east of the Boise Meridian, Franklin County, Idaho
 Section 11: N1/2SE1/4, N1/2SW1/4, SW1/4SE1/4, SW1/4NW1/4. ALSO, Commencing at the Southeast corner of the SW1/4 of Section 11, running thence North 80 rods, thence West 102 rods, thence Southeasterly to a point which is 34 rods West of the place of beginning, thence East 34 rods to the place of beginning.

EXCEPTING THEREFROM: Commencing at a point 700 feet East of the Northwest corner of the SW1/4SW1/4 of Section 11, and running thence South 58° East 537 feet; thence South 44°40' East 359 feet; thence South 31°55' East 380.5 feet; thence South 37°15' East 329 feet; thence South 39°45' East 406 feet; thence East 35 rods, more or less, to the Southwesterly boundary line of the Cub River Worm Creek Canal; thence Northwesterly following the said canal right of way to the North boundary line of the SW1/4SW1/4 of Section 11; thence West to the place of beginning, and MORE FULLY described as all the land between the said Cub River Worm Creek Canal Right of Way and lands previously owned by L. Bertus Wanner.

ALSO, Commencing at the Northeast corner of the NW1/4NE1/4 of Section 11, running thence Southwesterly to the Southwest corner of the SE1/4NW1/4, thence North 80 rods; thence East 80 rods; thence North 20 rods; thence East 35 rods; thence Northeasterly to a point which is 42 rods West of place of beginning; thence East 42 rods to the place of beginning.

LESS that part included in the following described tract of land, to-wit: commencing at a point 38 rods East of the Northwest corner of the NE1/4 of Section 11, running thence Southwesterly following the meanderings of the county road to a point 1 rod East of the Southwest corner of the SE1/4NW1/4 of said Section 11, thence Southwesterly 600 feet, thence Southeasterly 550 feet to a point 750 feet South of a point 1 rod East of the Southwest corner of the SE1/4NW1/4 of said Section 11, thence Northeasterly following the meanderings of Sand Stone Quarry Spring Creek to the Southeast corner of the SW1/4NE1/4 of said Section 11; thence North 80 rods; thence East 80 rods; thence North 80 rods; thence West 122 rods to the place of beginning.

ALSO EXCEPTING, Commencing at a point 40 rods East of the Southeast corner of the NW1/4SE1/4 of Section 11, running thence East 40 rods; thence North 80 rods; thence West 40 rods; thence South 80 rods to the place of beginning.

Section 10: NE1/4SE1/4, EXCEPTING THEREFROM: Commencing at the Southwest corner of the NE1/4SE1/4 of Section 10, and running thence East along the North boundary line of Glendale Road 690 feet, more or less, to the Worm Creek Road, thence in a Northeasterly direction following the West boundary line of Worm Creek Road 713 feet, more or less, to a point 1 rod North of Cub River Ditch, thence following the

meanderings of the Cub River ditch and Worm Creek at a point 1 rod North to a point 400 feet North of the Southwest corner of the NE1/4SE1/4, thence South 460 feet to the point of beginning.

EXCEPTING THEREFROM: (200474)

Parts of the South half of Section 11 and the Southeast Quarter of Section 10, Township 15 South, Range 40 East of the Boise Meridian, Franklin County, Idaho, described as follows:

Beginning at the Southeast Corner of the Northeast Quarter of the Southeast Quarter of Section 11, Township 15 South, Range 40 East of the Boise Meridian and running thence West 40 rods; thence North 80 rods to the center line of Section 11; thence West 40 rods, more or less, to a point that intersects Sand Stone Quarry Spring Creek; thence Southwesterly following the meandering of said creek to a point 750 feet south of a point 1 rod East of the Southwest Corner of the Southeast Quarter of the Northwest Quarter of said Section; thence Northwesterly 550 feet, more or less, to the west line of Worm Creek Road; thence Southwesterly along said road to a point on the North line of the Glendale Road, 690 feet, more or less, East of the Southwest corner of the Northeast Quarter of the Southeast Quarter of Section 10 of said Township and Range; thence East along said North line to the Cub River, Worm Creek, & Preston Whitney Canal, at a point about 22 rods West of the Northwest Corner of the Southeast Quarter of the Southwest Quarter of said Section 11; thence Southeasterly following the meandering of said canal about 34 rods to the South line of said Section 11; thence leaving said canal East along said South Section line to the Preston Whitney Irrigation Company's South right of way line; thence Northeasterly following said right of way line along the meandering of said canal to a point that will intersect a straight line drawn from the northeast Corner of the Southeast Quarter of the Southeast Quarter of said Section 11 (the point of beginning of this legal description) to a point 80 rods South and 40 rods West of said POINT OF BEGINNING; thence Northeasterly along above described line to the POINT OF BEGINNING.

ALSO INCLUDING (235050 - Home)

A parcel of land located in Section 11, Township 15 South, Range 40 East, Boise Meridian, Franklin County, Idaho, and more particularly described as follows:

Commencing at the West quarter corner of said Section 11, from which the Southwest corner of Section 11 bears South 00°06'02" West 2638.46 feet; Thence North 85°33'28" East 662.40 feet to a 5/8" rebar and cap labeled "Brian Allen, PLS 9163", the True Point of Beginning.

Thence North 71°06'45" East 415.47 feet to a 5/8" rebar and cap;

Thence South 19°25'58" East 433.29 feet to a point on the Northerly right of way line of the Worm Creek Road, said point being on a 370.00 foot radius non-tangent curve concave to the Northwest whose center bears North 51°24'29" West;

259114 7-8

Thence Southwesterly along said curve (right of way line) through a central angle of 42°00'27" a distance of 271.31 feet to the Point of Tangency (Chord = South 59°35'45" West 265.27 feet);

Thence South 80°36'09" West 124.47 feet to the beginning of a 230.00 foot radius curve concave to the Southeast;

Thence Southwesterly along said curve (Right of Way line) through a central angle of 30°43'24" a distance of 123.33 feet to the Point of Tangency (Chord = South 65°14'27" West 121.86 feet);

Thence North 08°53'11" West 485.56 feet to the True Point of Beginning.

Containing approximately 5.00 acres.

TOGETHER WITH 11 shares of the Capital Stock of Consolidated Irrigation Company.
ALSO TOGETHER WITH all other water rights appurtenant or appertaining thereto.

ALSO INCLUDING: (182809)

An undivided one-fourth (1/4) interest in Parcel B:

PARCEL B:

Township 15 South, Range 40 East of the Boise Meridian, Franklin County, Idaho.
Section 7: Commencing at a point 1320 feet North and 300 feet East of the Southwest corner of Section 7, and running thence East 1020 feet, more or less, to the Northeast corner of the SW1/4SW1/4, and running thence South 80 rods; thence West 540 feet, more or less, thence North 323 feet; thence North 87°46' West 462 feet; thence North 15°20' East 426 feet; thence North 89°40' West 278 feet; thence North 11°55' East 592 feet, more or less, to the place of beginning.

ALSO, SE1/4SW1/4. EXCEPTING THEREFROM HOWEVER: Commencing at a point 785 feet East of the Southwest corner of Section 7, and running thence North 323 feet; thence South 66°48' East 110 feet; thence South 43°00' East 201 feet; thence South 60°47' East 268 feet; thence West 474 feet to the place of beginning. ALSO EXCEPTING THEREFROM: Commencing at a point 300 feet East of the Northwest corner of SW1/4SW1/4 of Section 7, and running thence East 532 feet; thence South 69°50' West 313 feet; thence South 30°35' West 165 feet; thence North 83°43' East 289 feet; thence South 55°04' East 260 feet; thence South 71°06' West 316 feet; thence South 26°30' West 153 feet; thence South 78°52' East 414 feet; thence North 86°02' East 375 feet; thence South 49°05' East 203 feet; thence North 76°11' East 196 feet; thence South 71°19' East 165 feet; thence North 75°21' East 311 feet; thence South 13°19' West 819 feet; thence North 78°06' West 389 feet; thence North 49°26' West 316 feet; thence South 81°34' West 56 feet; thence South 65 feet; thence West 45 feet; thence North 60°47' West 268 feet; thence North 43°00' West 201 feet; thence North 66°48' West 100 feet; thence North

259114 8-8

87°46' West 462 feet; thence North 15°20' East 426 feet; thence West 278 feet; thence North 11°58' East 595 feet to the place of beginning.

Section 18: NE1/4NW1/4. EXCEPTING THOSE PORTIONS DEEDED TO PRESTON WHITNEY IRRIGATION COMPANY. ALSO, Commencing at the Northeast corner of the SE1/4NW1/4 of Section 18, and running thence West 40 rods; thence South 12 rods; thence East 40 rods; thence North 12 rods to the place of beginning.

EXCEPTING THEREFROM HOWEVER; Commencing 92 rods South of the Northeast corner of the NW1/4 of Section 18, and running thence West 400 feet; thence North 76°30' East 316 feet; thence East 100 feet; thence South 100 feet to the place of beginning.

ALSO, Commencing at a point 28 rods South of the Northwest corner of NE1/4 of Section 18, and running thence East 9 rods; thence South 32 rods; thence East 13-1/2 rods; thence in a Southerly direction along County road 30 rods; thence South 5 rods 11 feet; thence West 45 rods 14 feet; thence North 56 rods to the place of beginning.

ALSO, Commencing 24 rods South and 43 rods 20 feet East of the Northwest corner of the NE1/4 of Section 18, and thence running Southwesterly 45 rods 12 feet; thence Southeasterly 30 rods; thence South 5 rods 11 feet; thence East 34 rods 2-1/2 feet; thence North 60 rods; thence West 35 rods 13 feet to the place of beginning.

TOGETHER WITH an undivided one-fourth (1/4) interest in all water rights appurtenant or appertaining thereto.

Personal Property

Farm Machinery and Equipment

2005 Dodge Stratus

2005 Dodge Dakota Pickup

32 head US forest Grazing Permit

401 K with Utah Retirement

Home Furnishings and Appliances

Checking Account at Lewiston State Bank

Savings Accounts with Deseret First Federal Savings

25% interest in Owen Family Farm, LLC

260073 1-2

Recorded at the request of
Lyle Porter
Time 3:29P Amount \$ 13.00

When recorded return to:
Lyle Porter
President, Consolidated Irrigation Company
33 S. 1st E.
Preston, Idaho 83263

NOV 15 2013

SHAUNA T. GEDDES, RECORDER
By [Signature] Deputy
Franklin County, Idaho

SPECIAL WARRANTY DEED FOR WATER RIGHT

IVA R. OWEN whose address is 1929 Worm Creek Road, Preston, Idaho, 83263 ("Grantor") does hereby grant, bargain, sell, assign, and convey unto **Consolidated Irrigation Company**, of 33 S. 1st E., Preston, ID 83263, ("Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in and to the following described water right:

Water Right No. 13-305A, (the "Water Right"),
EXCLUDING and RESERVING unto Grantor
any stockwater portion of the Water Right.

Grantor covenants and warrants to Grantee as follows:

- A. Grantor is the owner of the Water Right;
- B. Grantor has not previously conveyed the Water Right to any person other than the Grantee;
- C. The Water Right is being conveyed free from all liens, claims or encumbrances; and
- D. Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants, representations or warranties as to the Water Right.

No land is included in or conveyed by this grant.

IN WITNESS WHEREOF, the undersigned has caused his name to be hereunto subscribed this 14 day of November, 2013.

[Signature: IVA R. OWEN]

State of IDAHO)
)
 County of Franklin)

On this 14 day of November, 2013, before me the undersigned notary public in and for said state, personally appeared Iva R. Owen, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me they execute the same.

IN WITNESS WHEREOF, I set my hand and affixed my official seal the day and year above written.



Martine Haddorff
 Notary Public
 Residing at Weston Idaho
 My commission expires March 31, 2017

260072 1-2

Recorded at the request of
Lyle Porter
Time 3:27P Amount \$ 13.00

NOV 15 2013

When recorded return to:
Lyle Porter
President, Consolidated Irrigation Company
33 S. 1st E.
Preston, Idaho 83263

SHAUNA T. GEDDES, RECORDER
By [Signature] Deputy
Franklin County, Idaho

SPECIAL WARRANTY DEED FOR WATER RIGHT

IVA R. OWEN whose address is 1929 Worm Creek Road, Preston, Idaho, 83263 ("Grantor") does hereby grant, bargain, sell, assign, and convey unto **Consolidated Irrigation Company**, of 33 S. 1st E., Preston, ID 83263, ("Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in and to the following described water right:

Water Right No. 13-305B, (the "Water Right"),

Grantor covenants and warrants to Grantee as follows:

- A. Grantor is the owner of the Water Right;
- B. Grantor has not previously conveyed the Water Right to any person other than the Grantee;
- C. The Water Right is being conveyed free from all liens, claims or encumbrances; and
- D. Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants, representations or warranties as to the Water Right.

No land is included in or conveyed by this grant.

IN WITNESS WHEREOF, the undersigned has caused his name to be hereunto subscribed this 14 day of November, 2013.

[Signature: Iva R. Owen]

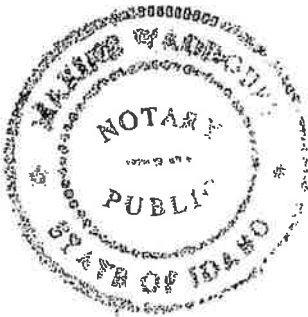
260072 2-2

State of IDAHO)

County of Franklin)

On this 14 day of November, 2013, before me the undersigned notary public in and for said state, personally appeared Iva R. Owen, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me they execute the same.

IN WITNESS WHEREOF, I set my hand and affixed my official seal the day and year above written.



Maryne Stoddard
Notary Public
Residing at Weston Idaho
My commission expires March 31, 2017

Notice of Ownership Change of Water Right Nos. 13-305A and 13-305B sent to:

- Michael & Vera Wilson
- Scott and Dixie Hansen Revocable Trust
- James & Julie Miner
- Joseph and Jenna Barsch Von Benedikt Family Trust
- Wendell & Melanie Royal



January 20, 2025

RE: Change of Ownership of Water Rights

Dear landowner:

Our firm represents Consolidated Irrigation Company (“Consolidated”). In the mid-2000s your property was owned by Iva Owen. While Iva still owned the property, she conveyed two water rights (a portion of Water Right No. 13-305A and the entirety of Water Right No. 13-305B) to Consolidated. Consolidated has been working for some time to update the ownership of these water rights. Idaho code §42-248(6) requires that when ownership of a water right is changed written notice must be provided to all the landowners within the place of use of that water right.

You have been identified as a landowner within the place of use of one or both of the above water rights for which Consolidated is updating the ownership. Pursuant to Idaho code §42-248(6) this letter serves as written notice to notify you of this change of Water Right ownership.

Best Regards,

DARRINGTON MARCHANT LAW

Luke H. Marchant

Water Right Report : 13-7758(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	SMITH, CHERYL L	3987 E GLENDALE RD	PRESTON	ID	83263
Current Owner	SMITH, TERRY W	3987 E GLENDALE RD	PRESTON	ID	83263
Original Owner	NELSON, VERDA O	295 N 1ST E	PRESTON	ID	83263
Original Owner	NELSON, VERN	295 N 1ST E	PRESTON	ID	83263

Water Right Status

Priority Date : 4/1/1896
 Basis : Decreed
 Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
WORM CREEK		CUB RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
WORM CREEK	15S	40E	10	0				NW SE FRANKLIN	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	0.22 CFS	38.80 AFA
TOTAL			0.22 CFS	38.80 CFS

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (FRANKLIN county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
15S	40E	9			SE	NE	11

Irrigation Totals

Total Acres Acre Limit
 11.00

Dates

Licensed Date :
 Decreed Date : 5/21/1981
 Permit Proof Due Date :
 Permit Proof Made Date :
 Permit Approved Date :
 Permit Moratorium Expiration Date :
 Enlargment Use Priority Date :
 Enlargement Statute Priority Date :

Other Information

State or Federal :
 Water District Number : TBD
 Generic Max Rate Per Acre : 0.02
 Generic Max Volume Per Acre : 3.5
 Civil Case Number :
 Decree Plaintiff :
 Decree Defendant :
 Swan Falls Trust or Nontrust :

Application Received Date:
Protest Deadline Date:

Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

7/28/2023

260547 1-2

Recorded at the request of
Consolidated Irrigation
Time 11:25A Amount \$ 13.00

When recorded return to:
Lyle Porter
President, Consolidated Irrigation Company
33 S. 1st E.
Preston, Idaho 83263

JAN 17 2014

SHAUNA T. GEDDES, RECORDER
By [Signature] Deputy
Franklin County, Idaho

SPECIAL WARRANTY DEED FOR WATER RIGHT

TERRY W. SMITH and CHERYL L. SMITH whose address is 3987 East Glendale Road, Preston, Idaho, 83263 ("Grantors") do hereby grant, bargain, sell, assign, and convey unto **Consolidated Irrigation Company**, of 33 S. 1st E., Preston, ID 83263, ("Grantee") and to Grantee's heirs and assigns forever, all of Grantors' right, title, and interest in and to the following described water right:

Water Right No. 13-7758, (the "Water Right"),

Grantor covenants and warrants to Grantee as follows:

- A. Grantors are the owner of the Water Right;
- B. Grantors have not previously conveyed the Water Right to any person other than the Grantee;
- C. The Water Right is being conveyed free from all liens, claims or encumbrances; and
- D. Grantors have the authority to convey the Water Right to Grantee.

Grantors make no other covenants, representations or warranties as to the Water Right.

No land is included in or conveyed by this grant.

IN WITNESS WHEREOF, the undersigned have caused their names to be hereunto subscribed this 31 day of December, 2013.

[Signature]
Terry W. Smith

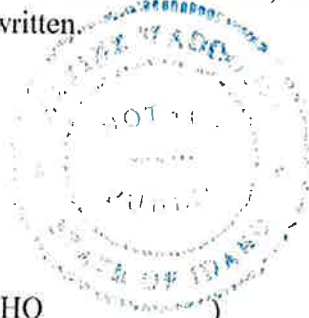
[Signature]
Cheryl L. Smith

260547 2-2

State of IDAHO)
)
County of Franklin)

On this 31 day of December, 2013, before me the undersigned notary public in and for said state, personally appeared Terry W. Smith, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me they execute the same.

IN WITNESS WHEREOF, I set my hand and affixed my official seal the day and year above written.



Marlene Huddleson
Notary Public
Residing at Weston Idaho
My commission expires March 31, 2017

State of IDAHO)
)
County of Franklin)

On this 31 day of December, 2013, before me the undersigned notary public in and for said state, personally appeared Cheryl L. Smith, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me they execute the same.

IN WITNESS WHEREOF, I set my hand and affixed my official seal the day and year above written.



Marlene Huddleson
Notary Public
Residing at Weston Idaho
My commission expires March 31, 2017

Notice of Ownership Change of Water Right No. 13-7758 sent to:

- Anthony & Barbara Larson
- Eric & Holly Stats
- Cory & Yvonne Smith



January 20, 2025

RE: Change of Ownership of Water Rights

Dear landowner:

Our firm represents Consolidated Irrigation Company ("Consolidated"). In the mid-2000s your property was owned by Terry and Cheryl Smith. While the Smiths still owned the property, they conveyed Water Right No. 13-7758, which is appurtenant to the property, to Consolidated. Consolidated has been working for some time to update the ownership of these water rights. Idaho code §42-248(6) requires that when ownership of a water right is changed written notice must be provided to all the landowners within the place of use of that water right.

You have been identified as a landowner within the place of use of Water Right No. 13-7758 for which Consolidated is updating the ownership. Pursuant to Idaho code §42-248(6) this letter serves as written notice to notify you of this change of Water Right ownership.

Best Regards,

DARRINGTON MARCHANT LAW

Luke H. Marchant



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 12, 2025

CONSOLIDATED IRRIGATION CO
33 S 1ST E
PRESTON ID 83263-1301

Re: Change in Water Right Ownership: 13-305 A (Split into 13-305 A and 13-9789), 13-305B, 13-7758

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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 Bailly
Technical Records Specialist 1

Enclosure(s)

cc: WATER DISTRICT 13A
DARRINGTON MARCHANT LAW

RECEIVED

JAN 27 2025

DEPT. OF WATER RESOURCES
EASTERN REGION


DARRINGTON MARCHANT
WATER LAW

January 20, 2025

Jonie Bailly
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Water Right Ownership Changes for Consolidated Irrigation Company

Dear Jonie:

Enclosed for processing is a Notice of Change of Water Right Ownership for three water rights which have been conveyed to Consolidated Irrigation Company. One of them, 13-305A, will need to be split (the conveyance to Consolidated reserved the stockwater portion of the right, and Iva Owen did not own the entirety of the place of use at the time of the conveyance). You may recall that I previously submitted an ownership change for these water rights in 2023, but we did not have all the necessary information at that time. I have attached an email from you dated 9/22/2023 referencing this.

Per your request in that email, I have gone through all the Owen conveyance documents and mapped which property they owned at the time of the conveyance of the two water rights to Consolidated (2013). I have also mapped the ground that appears to be irrigated at that time. Based on this mapping, it appears that Iva Owen owned well over the 82 acres authorized for irrigation and irrigated approximately 73 of those 82 acres. The NESE quarter quarter is the only part of the place of use in which it appears that Iva Owen conveyed a portion of the place of use prior to conveying the water right to Consolidated (Iva owned approximately 28 of the 35 acres authorized for irrigation at the time of the conveyance to Consolidated). I have included the map that I prepared. If you would like a copy of my GIS shapefiles, I can email those to you.

I have also included a copy of the letter that I sent to all the current property owners notifying them of the proposed ownership changes. If you have any questions, or need any additional information, do not hesitate to contact me.

Best Regards,

DARRINGTON MARCHANT LAW



Luke H. Marchant

JAN 27 2025

DEPT. OF WATER RESOURCES
EASTERN REGION**luke@minicassialaw.com**

From: Baily, Jonie <Jonie.Baily@idwr.idaho.gov>
Sent: Friday, September 22, 2023 3:33 PM
To: Luke Marchant
Subject: RE: Ownership Change Consolidated Irrigation Company

Luke:

I have talked with James. We are ok to update 13-299, 13-300, 13-7766 and 13-7765 without any additional evidence of ownership.

For water right 13-7758, the property has been subdivided notice to the property owners is required.

For water rights 13-305A and 13-305B additional information is required. First, we will need to know what property Owen owned at the time of Deed to Consolidated Irrigation Co, the deeds provided have substantial exceptions, indicating the property may have been subdivided prior to even to the to the Decree Vesting Estate in Surviving Spouse. If the property or portions of the property was sold prior to the final deed to Iva Owen signed agreement from the property owners maybe required not just a letter notifying the property owners of the change. These water rights are extra tricky because we do not have anything on file showing where the water right was being used we simple have only the quarters quarters identified, which makes this a little more difficult to pin down. If we can start with at least evidence of what was owned by Owen at the time of the sale to Consolidated Irrigation, we can do some more digging.

Please provide evidence notice was sent for the property owners in question for water right 13-7758. And please provide additional information regarding they property owned by Iva Owen at the time of the deed to Consolidated Irrigation Co or evidence of when the property was sold off showing the water rights were withheld. Then we will be able to move forward on deciding if agreements with the property owners will be required or just notice be sent to them.

Let me know if you have any questions. Thank you for your time.



IDAHO DEPARTMENT OF
WATER RESOURCES

Jonie Baily | Technical Records Specialist

900 N Skyline Drive Ste. A, Idaho Falls, ID 83402

Phone number: (208) 525-7161

Fax number: (208) 525-7177

Email: jonie.baily@idwr.idaho.gov

Website: www.idwr.idaho.gov