

MAY 09 2024

DEPT. OF WATER RESOURCES  
EASTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

| Water Right/Claim No.           | Split?                                  | Leased to Water Supply Bank? | Water Right/Claim No. | Split?                       | Leased to Water Supply Bank? |
|---------------------------------|-----------------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 34-7040A <u>OK</u>              | Yes <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| <u>34-7040A</u> <u>34-14942</u> | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                                 | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                                 | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                                 | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Dean V Coburn  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Randy and Claudia Dains  
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 4120 N 4100 W Mackay ID 83251  
Mailing address City State Zip  
(208)709-0512 randydains@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: 11/16/2023
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 # 34-7040A

8. Signature: Randy Dains 5/6/2024  
Signature of new owner/claimant Title, if applicable Date  
Print name Randy Dains
- Signature: Claudia Dains 5/6/2024  
Signature of new owner/claimant Title, if applicable Date  
Print name Claudia Dains

For IDWR Office Use Only:  
Received by JB Date 5/9/2024 Receipt No. E050056 Receipt Amt. \$100.-  
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 5/20/2024

Randy Dains

Time 11:07 AM Date 11/7/2023

Lura H. Baker, Clerk

Jim Hawkins \$15.00

Deputy

264796

## WARRANTY DEED

For Value Received, **Estate of Laverne S Coburn**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Randy and Claudia Dains**, husband and wife, hereinafter called the Grantees, whose current address is 4120 N 4100 W, Mackay Idaho 83251 the following described premises in Custer County, Idaho, to wit:

A parcel of land generally described as being a portion of the southwest quarter of Section 4, T.6 N., R. 25 E., B.M., Custer County, State of Idaho; being more particularly described as follows:

Beginning at the Southwest Corner of Section 4, T.6 N., R. 25 E., from which the Northwest Corner of the Southwest Corner (the West  $\frac{1}{4}$  corner) of said Section 4 bears North  $00^{\circ} 28' 10''$  W 2749.77 feet; thence N  $00^{\circ} 28' 07''$  W 30.00 feet along the west line of the southwest quarter of said section to a found  $\frac{5}{8}$ " diameter rebar witness corner with plastic cap (Bill Erickson PLS 3577); thence continuing along said west line N  $00^{\circ} 28' 07''$  W 576.86 feet to a found  $\frac{5}{8}$ " diameter rebar with plastic cap (Bill Erickson PLS 3577); thence continuing along said west line N  $00^{\circ} 28' 07''$  W 278.11 feet to a unmarked point from which a found  $\frac{1}{2}$ " diameter rebar with plastic cap (HLE PLS 4563) bears N  $89^{\circ} 53' 29''$  W 0.07 feet; thence leaving said west line S  $89^{\circ} 53' 29''$  E 227.05 feet to a found  $\frac{1}{2}$ " diameter rebar with plastic cap (HLE PLS 4563); thence N  $00^{\circ} 26' 56''$  W 425.99 feet to a found  $\frac{1}{2}$ " diameter rebar with plastic cap (HLE PLS 4563) lying on or along the southwesterly right of way line of Highway No. 93; thence S  $65^{\circ} 05' 02''$  E 1244.06 feet on or along said right of way line to a found  $\frac{1}{2}$ " diameter rebar with plastic cap (LS826); thence leaving said right of way line S  $00^{\circ} 21' 23''$  W 139.68 feet to a found  $\frac{5}{8}$ " diameter rebar with plastic cap (Bill Erickson PLS 3577); thence S  $00^{\circ} 20' 39''$  W 619.53 feet to a found  $\frac{5}{8}$ " diameter rebar with plastic cap (Bill Erickson PLS 3577) witness corner; thence S  $00^{\circ} 13' 01''$  W 30.00 feet to a found  $\frac{5}{8}$ " diameter rebar with no cap lying on or along the centerline of a county road; thence N  $89^{\circ} 52' 46''$  W 1340.04 feet on or along said centerline to the point of beginning.

Containing 31.610 acres, more or less.

Subject to a county road easement along the south side and a utility easement along the south and west sides of the above-described parcel.

**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 are agreed to by parties above.

**TO HAVE AND TO HOLD** the said premises, with their appurtenances including water and water rights including, but not limited to: State of Idaho Water Right No. 34-7040A, mineral rights, and irrigation equipment located on the property, unto the said Grantees, its successors and assigns forever. And the said Grantor do hereby covenant to and with the said Grantees, that it is the owner in fee simple of said premises, that the Grantor is free from all encumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho, and that it will warrant and defend the same from all lawful claims whatsoever.

By: Deborah Cole (Personal Representative for the Estate of Laverne S Coburn)

Dated: This 16<sup>th</sup> day of November 2023.

State of Idaho

ss:

264796

County of Bingham

On this 16th day of November, in the year 2023, before me, a Notary Public in and for said State, personally appeared Randy and Claudia Dains, Grantees, and Ms. Deborah Cates, Personal Representative for the Estate of Laverne S. Coburn, Grantor, known or identified to me to be the person whose names are subscribed to the written instrument, and acknowledged to me that they executed the same.

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



*Kallie Harral*

Notary Public for the State of Idaho

Residing at:

*Bingham County US Bank*

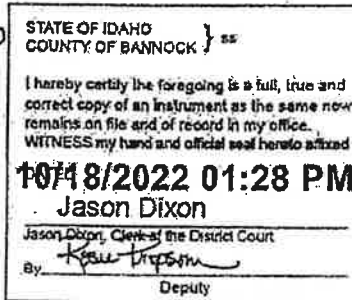
Commission Expires:

*April 27, 2029*

264746

Filed: 10/18/2022 13:27:07  
Sixth Judicial District, Bannock County  
Jason Dixon, Clerk of the Court  
By: Deputy Clerk - Propsom, Rosie

Kent A. Higgins  
MERRILL & MERRILL, CHARTERED  
109 North Arthur - 5th Floor  
Pocatello, ID 83204-0991  
(208) 232-2286  
(208) 232-2499 Telefax  
ISB#: 3025  
khiggins@mmlawid.com  
Attorneys for Applicant



IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK  
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE  
OF LAVERNE COBURN

Case No. CV03-22-03312

LETTERS TESTAMENTARY

Deceased.

1. Deborah Cates was duly appointed and qualified as Personal Representative of the estate of above-named decedent on this date: 10/18/2022 9:06:52 AM, by the Court with all authority pertaining thereto.

2. Administration of the estate is unsupervised.

These Letters are issued to evidence the appointment, qualification, and authority of the personal representative or special administrator.

WITNESS: Aaron N. Thompson, Magistrate of the District Court, County of Bannock, State of Idaho, with the seal of the Court affixed this date: 10/18/2022 9:06:39 AM

MAGISTRATE

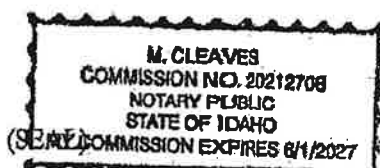
STATE OF IDAHO )  
 ) ss  
County of Bannock )

I, Deborah Cates hereby accept the appointment to the office of personal representative of the Estate of Laverne Coburn, deceased, and do solemnly swear that I will perform, according to law, the duties of personal representative of this estate.

DATED: October \_\_\_\_\_, 2022

Deborah Cates  
Deborah Cates

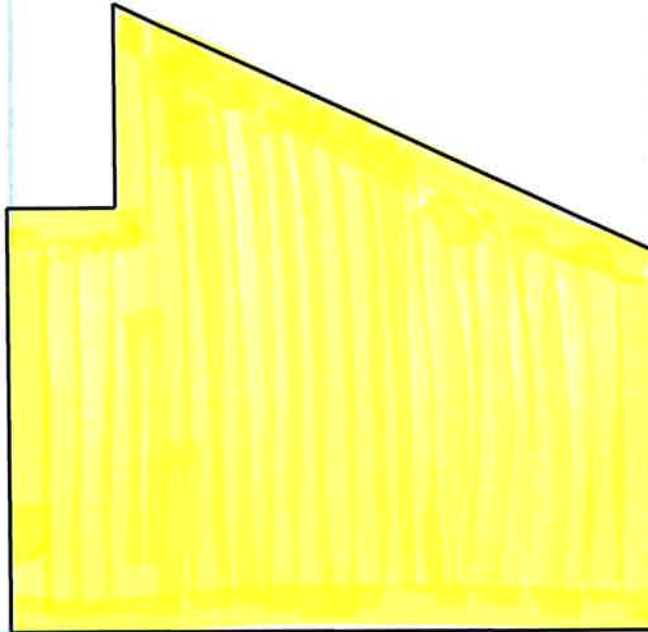
SUBSCRIBED AND SWORN to before me this 17th day of October, 2022.



[Signature]  
NOTARY PUBLIC

Residing at: Pocatello, ID

My Commission Expires: 6/1/22



264796 Randy & Claudia Dains

5/9/2024

Scale: 1 inch= 400 feet

File: 34-7040A

Tract 1: 31.6095 Acres, Closure: n89.4035e 0.07 ft. (1/73576), Perimeter=4911 ft.

01 /sw,4,6n,25e  
02 n00.2807w 30.00  
03 n00.2807w 576.86  
04 n00.2807w 278.11  
05 n89.5329w 0.07  
06 s89.5329e 227.05  
07 n00.2656w 425.99  
08 s65.0502e 1244.06  
09 s00.2123w 139.68

10 s00.2039w 619.53  
11 s00.1301w 30.00  
12 n89.5246w 1340.04



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](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Mathew Weaver

May 20, 2024

RANDY MARK DAINS  
CLAUDIA DAINS  
4120 N 4100 W  
MACKAY ID 83251-4515

Re: Change in Water Right Ownership: 34-7040 A (Split into 34-7040 A and 34-14942),

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: DEAN COBURN  
WATER DISTRICT 34  
BIG LOST RIVER GROUND WATER DISTRICT