

SEP 06 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment 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?
21 - 73h OK	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: Wayne C + De Lois Davis
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Rafter Heart Holdings LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☒ or

948 N 3300 E
Mailing address
208 - 313 - 0794
Telephone

Ashton ID 83420
City State Zip
dalgalloway @ yahoo.com
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: May 23 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):
- \$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: [Signature] Pres Sept 3 / 2024
Signature of new owner/claimant Title, if applicable Date
L. Galloway
Print name
- Signature: [Signature] Sec Aug 31 / 2024
Signature of new owner/claimant Title, if applicable Date
Shauna Galloway
Print name

For IDWR Office Use Only:

Received by M. Peltis Date 9-6-24 Receipt No. E050346 Receipt Amt. 25.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by JB Processed by JB Date 9/12/2024

IDAHO DEPARTMENT OF WATER RESOURCES

5/29/2024

Proof Report

Water Right 21-73H

Owner Type **Name and Address**
 Current Owner WAYNE C DAVIS
 209 N 3800 E
 RIGBY, ID 83442
 (208) 709-7646

Current Owner DE LOIS DAVIS
 PO BOX 91
 CHESTER, ID 83421
 (208) 624-7760

Priority Date: 11/5/1895

Basis: Decreed

Status: Active

Source
 FALL RIVER

Tributary
 HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.417 CFS	
	<u>Total Diversion</u>		0.417 CFS	

Source and Point(s) of Diversion:

FALL RIVER NESWSE

Sec. 20, Twp 08N, Rge 42E, FREMONT County

Place Of Use:

IRRIGATION within FREMONT County

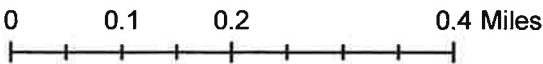
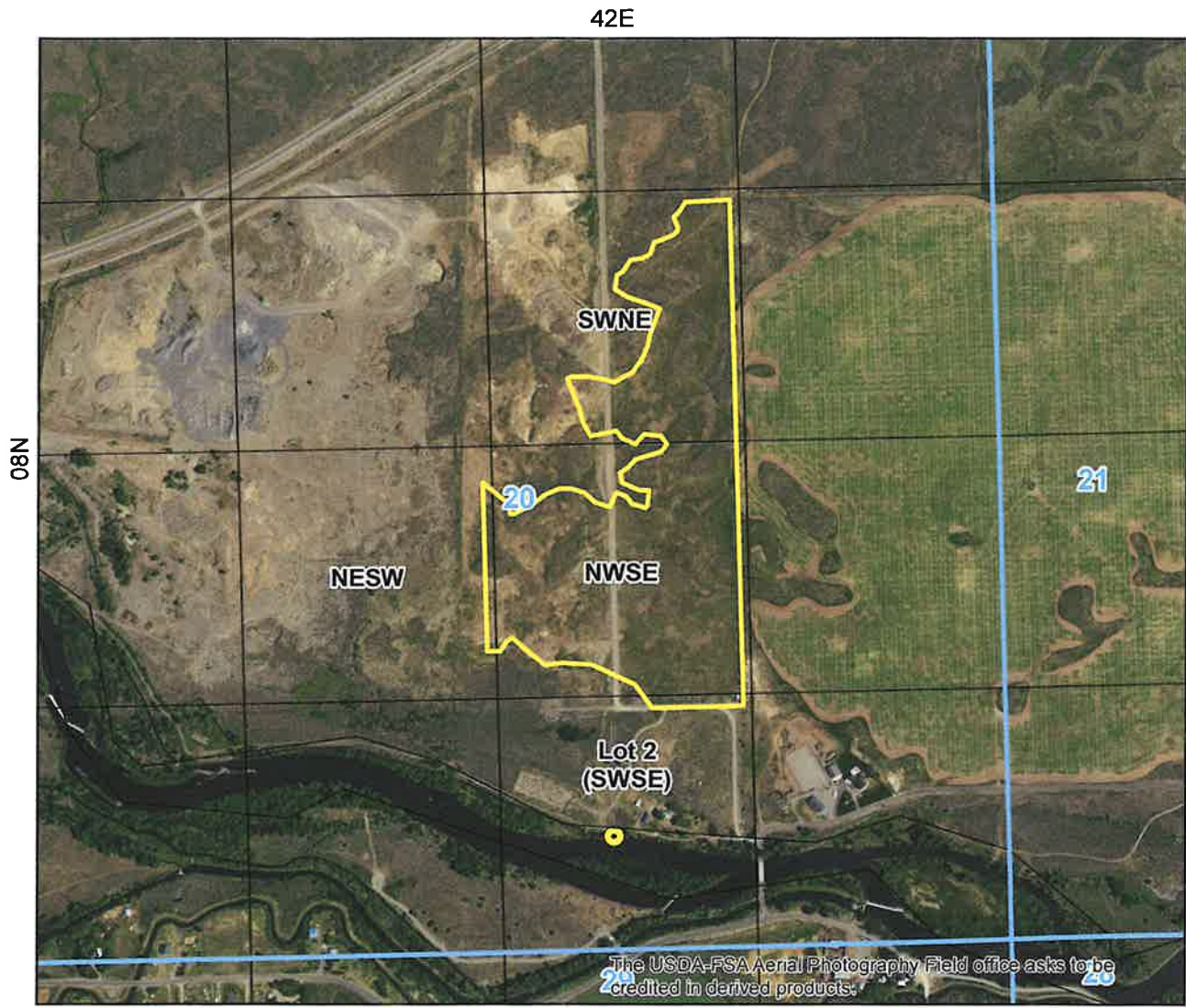
			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	42E	20			16.0											32.0			48.0

POU Total Acres: 48.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

State of Idaho
Department of Water Resources
Water Right
21-73h



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion
- State Outline



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

AND WHEN RECORDED MAIL TO:
Flying S Title and Escrow of Idaho, Inc.
535 First American Circle
Rexburg, ID 83440

Instrument No. 603413
23 Day May 2024
At 03 O'Clock 48 PM
ABBIE MACE
FREMONT CO RECORDER
Fee \$15.00
EL Deputy
Recorded at Request of
Flying S Title and Escrow - Rex

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **1140866-RX (mh)**

Date: **May 21, 2024**

For Value Received, **Wayne C. Davis and Delois Ann Davis, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Rafter Heart Holdings, LLC, an Idaho limited liability company**, hereinafter called the Grantee, whose current address is **948 N. 3300 E., Ashton, ID 83420**, the following described premises, situated in **Fremont County, Idaho**, to-wit:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, AND 11, BLOCK 1 AND LOT 1, BLOCK 2, FALLS CROSSING, FREMONT COUNTY, IDAHO, AS SHOWN ON THE PLAT RECORDED SEPTEMBER 12, 2008, AS INSTRUMENT NO.518838.

EXCEPT:

A parcel of land being Lot 1, Block 2, Falls Crossing Subdivision Instrument No.518838, located in Section 20, Township 8 North, Range 42 East, Boise Meridian, Fremont County, Idaho, more particularly described as follows:

BEGINNING at the N 1/4 corner of said Section 20, monumented by a 3" aluminum cap, PLS 10781 (CP&F Record No. 508596), from which the NE corner of said Section 20, monumented by a 3" aluminum cap, PE/LS 4440 (CP&F Record No. 419180), bears North 89°43'30" East, a distance of 2651.01 feet, point being 245.90 feet left of U.S. 20 Highway Centerline Station 481+29.96, ITD Project A022(163), Key No. 22163; Thence continuing North 89°43'30" East, coincident with the North line of the NE 1/4 of said Section 20, a distance of 511.98 feet to the northwesterly Right-of-Way line of U.S. Highway 20, point being 21.22 feet right of Centerline Station 485+66.74; Thence South 59°28'52" West, coincident with said northwesterly Right-of-Way line, a distance of 590.56 feet to the West line of the NE 1/4 of said Section 20, point being 8.88 feet right of Centerline Station 479+76.36; Thence North 00°37'19" West, coincident with said West line, a distance of 297.46 feet to the POINT OF BEGINNING.

AND:

**TOWNSHIP 8 NORTH, RANGE 42 E.B.M., FREMONT COUNTY, IDAHO
SECTION 16: SW¼SW¼.**

EXCEPT: THAT PORTION CONVEYED TO THE STATE OF IDAHO FOR HIGHWAY PURPOSES AS DESCRIBED IN WARRANTY DEED RECORDED IN BOOK 70, PAGE 387.

ALSO EXCEPT: RAILROAD RIGHT OF WAY

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

AND WHEN RECORDED MAIL TO:
Flying S Title and Escrow of Idaho, Inc.
535 First American Circle
Rexburg, ID 83440

ID: 603413
County: Fremont
Date: 5/23/21 Time: 3:40pm

Space Above This Line for Recorder's Use Only

WARRANTY DEED

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Date: **May 21, 2024**

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Thence continuing North 89°43'30" East, coincident with the North line of the NE 1/4 of said Section 20, a distance of 511.98 feet to the northwesterly Right-of-Way line of U.S. Highway 20, point being 21.22 feet right of Centerline Station 485+66.74;
Thence South 59°28'52" West, coincident with said northwesterly Right-of-Way line, a distance of 590.56 feet to the West line of the NE 1/4 of said Section 20, point being 8.88 feet right of Centerline Station 479+76.36;
Thence North 00°37'19" West, coincident with said West line, a distance of 297.46 feet to the POINT OF BEGINNING.

AND:

**TOWNSHIP 8 NORTH, RANGE 42 E.B.M., FREMONT COUNTY, IDAHO
SECTION 16: SW¹/₄SW¹/₄.**

**EXCEPT: THAT PORTION CONVEYED TO THE STATE OF IDAHO FOR HIGHWAY PURPOSES AS DESCRIBED IN WARRANTY DEED RECORDED IN BOOK 70, PAGE 387.
ALSO EXCEPT: RAILROAD RIGHT OF WAY**

Date: **05/21/2024**

Warranty Deed
- continued

File No.: **1140866-RX (mh)**

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: 05/21/2024

Warranty Deed
- continued

File No.: 1140866-RX (mh)

Wayne C Davis
Wayne C Davis

Delois Ann Davis
Delois Ann Davis

STATE OF Idaho)
COUNTY OF Madison)

On this **22nd Day of May, 2024**, before me, a Notary Public in and for said State, personally appeared **Wayne C Davis and Delois Ann Davis**, 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.



[Signature]
Notary Public for the State of Idaho
Residing at: Rexburg, ID
My Commission Expires: 4-14-2030

**TERMINATION
OF
MEMORANDUM OF LEASE TO PURCHASE AGREEMENT**

NAME OF OWNER/SELLER: Wayne C. Davis and Delois Ann Davis

NAME OF LESSEE/PURCHASER: Lyle Galloway

PROPERTY DESCRIPTION:

The following Lots located in Section 20, Township 8, Range 42 E.B.M.,
Fremont County, Idaho:

Falls Crossing Lots 1-11, Block 1, as per the recorded plat thereof
Falls Crossing Lot 1, Block 2, as per the recorded plat thereof

ALSO:
Township 8 North, Range 42 E.B.M., Fremont County, Idaho
Section 16: SW1/4SW1/4

EXCEPT: That portion conveyed to the State of Idaho for Highway
purposes as described in Warranty Deed recorded in Book 70, Page
387.

ALSO EXCEPT: Railroad right-of-way.

NOTICE IS HEREBY GIVEN by the parties hereto that Lessee/Purchaser, as party to
that certain Lease to Purchase Agreement dated April 13, 2015 (the "**Purchase Agreement**")
and that certain Memorandum of Lease to Purchase Agreement recorded with the Fremont
County, Idaho Recorder on September 29, 2020 as Instrument No. 581964 (the "**Memorandum
of Lease**"), has satisfied all obligations under the Memorandum of Lease and paid in full all
amounts due under the Purchase Agreement.

Now therefore, the Memorandum of Lease is therefore terminated and released in its
entirety.

[Remainder of Page Left Blank.]

TERMINATION
OF

MEMORANDUM OF LEASE TO PURCHASE AGREEMENT

RECORDED
ID: 603412
County: Fremont
Date: 5/23/24 Time: 3:48pm

NAME OF OWNER/SELLER: Wayne C. Davis and Delois Ann Davis

NAME OF LESSEE/PURCHASER: Lyle Galloway

PROPERTY DESCRIPTION:

The following Lots located in Section 20, Township 8, Range 42 E.B.M.,
Fremont County, Idaho:

Falls Crossing Lots 1-11, Block 1, as per the recorded plat thereof
Falls Crossing Lot 1, Block 2, as per the recorded plat thereof

ALSO:

Township 8 North, Range 42 E.B.M., Fremont County, Idaho
Section 16: SW1/4SW1/4

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amounts due under the Purchase Agreement.

Now therefore, the Memorandum of Lease is therefore terminated and released in its
entirety.

[Remainder of Page Left Blank.]

IN WITNESS WHEREOF, the parties have caused their names to be subscribed, all as of the date herein first above written.

Owner/Seller:

Wayne C Davis
Wayne C. Davis

DeLois Ann Davis
DeLois Ann Davis

Lesser/Purchaser:

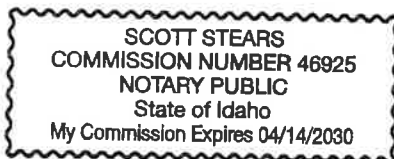
Lyle Galloway
Lyle Galloway

STATE OF IDAHO)
: ss.

County of Madison)

On the 22 day of may, 2024, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Wayne C. Davis and DeLois Ann Davis, known or proven to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same for the purposes stated therein.

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

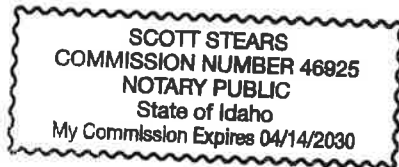


[Signature]
Notary Public for Idaho
Residing at: Nexley, ID
My Commission Expires: 4.14.2030

STATE OF IDAHO)
 : ss.
County of Malden)

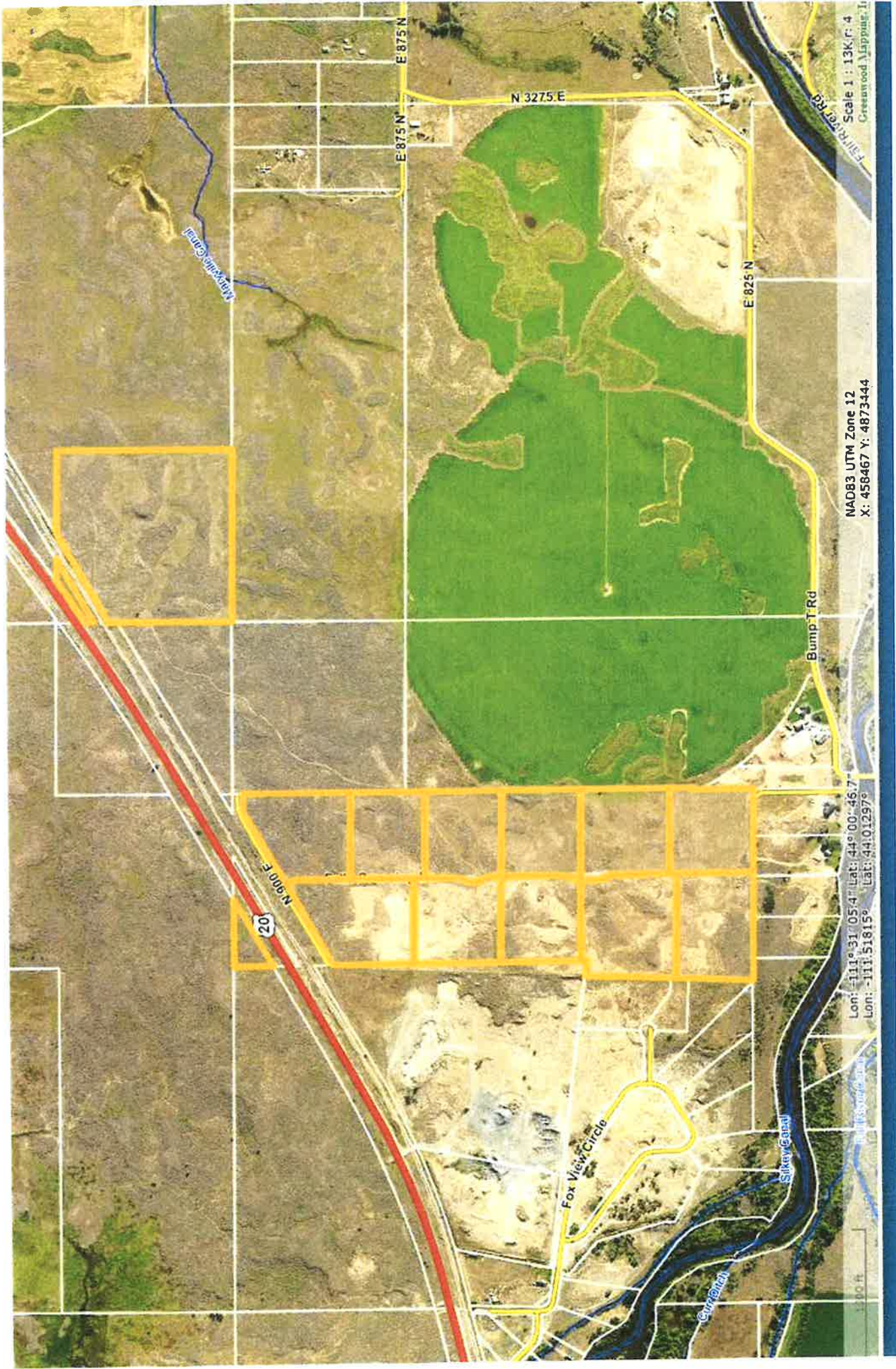
On the 23 day of May, 2024, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Lyle Galloway, known or proven to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same for the purposes stated therein.

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



A handwritten signature in blue ink, appearing to be "Scott Stears", written over a horizontal line.

Notary Public for Idaho
Residing at: Boise, ID
My Commission Expires: 4-14-2030



Scale 1 : 13K r. 4
Greenwood Lapping, I

NAD83 UTM Zone 12
X: 458467 Y: 4873444

Lon: -111°31'05.4" Lat: 44°00'46.7"
Lon: -111°51'15" Lat: 44°01'29"



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

September 12, 2024

RAFTER HEART HOLDINGS LLC
948 N 3300 E
ASHTON ID 83420-5620

Re: Change in Ownership for Water Right No(s): 21-73H

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 01