



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION
August 4, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

MERKOLA PROPERTIES LLC
2150 N CANTER PL
EAGLE ID 83616

RE: Notice of Change of Water Right Ownership (NCO) for 21-85, 21-10400 and
Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

On August 2, 2006, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Keith & Rajja Nyborg

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Water Rights: 21-85, 21-10400

Case No. 39576)
)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

- | | | | | |
|-------------------------------------|--|--------------------------|--------------------------|--------------------------|
| ☐ | Address change | | | |
| ☒ | Substitution of Party NYBORG - MERKOLA | | | |
| ☐ | I.C. § 42-222 transfer | ☐ | ☐ | ☐ |
| | | point of diversion | place of use | |
| | | ☐ | ☐ | ☐ |
| | | period of use | nature of use | |
| | | ☐ | ☐ | ☐ |
| | | split of water right | change in ownership | |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding and Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing. 

DATED: Aug 3, 2006

CERTIFICATE OF MAILING

I certify that on Aug 4, 2006, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
KEITH NYBORG
RAJA NYBORG
2467 E HWY 33
SUGAR CITY ID 83448

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
MERKOLA PROPERTIES LLC
2150 N CANTER PL
EAGLE ID 83616

4. One copy to:

Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
~~21-84~~	~~NCAP~~	~~21-85~~			
\$25 21-84					
\$25 21-107					
~~21-10401~~	NCAP	21-10400			
\$25 21-10401					
\$75					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. 25 X 5 = \$125.00 \$75-
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)
Keith Nyborg
2467 E Hwy 33 Sugar City ID 83448
4. New Owner/Claimant(s)
Merkola Properties, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
2150 N Center Place
Eagle ID 83616
(208) 939-1650
81-06
5. Date you acquired the property

RECEIVED

AUG 02 2008

Department of Water Resources
 Boise, Idaho

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) James M. Lee
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by	Date	Fee
Received by	Date	Receipt No.
Processed by	Date	WR
	Date	Date

Order No.: 3040624845KL-a

WARRANTY DEED

We certify this to be a true copy of the
original document.
Alliance Title & Escrow Corp.
By: [Signature]

FOR VALUE RECEIVED

Keith F. Nyborg and Raija-Leena Nyborg aka Raija L. Nyborg, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Merkola Properties, LLC, a Idaho Limited Liability Company

whose current address is

P.O. Box 7156 Boise, ID 83707

the grantee(s), the following described premises, in Fremont County, Idaho, TO WIT:

Township 8 North, Range 44 East, Boise Meridian, Fremont County, Idaho.

Section 20: S½SE¼

Section 28: NW¼

Section 29: E½, S½ NW¼, N½SW¼

The water rights include 5.2 cfs of stream rights in Conant Creek and include, but are not limited to IDWR Water Right Numbers: 21-85; 21-84; 21-107; 21-10400; 21-10401 and 230 acre feet of storage rights from Island Park Reservoir.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated:

7/31/06

[Signature]
Keith F. Nyborg

[Signature]
Raija-Leena Nyborg

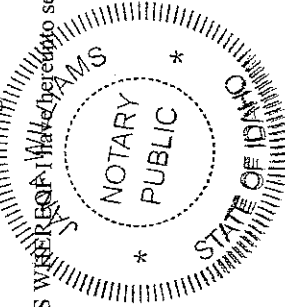
State of Idaho

}
} ss.
}

County of Madison

On this 31 day of July, in the year 2006 before me, a Notary Public in and for said state, personally appeared Keith F. Nyborg and Raija-Leena Nyborg known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

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



[Signature]
Notary Public for the State of Idaho
Residing at:
Commission Expires:

Notary Public for the State of Idaho
Residing in Fremont County
Commission Expires 06-21-2011

