

JAN 28 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department 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?
22-387A <i>OK</i>	Yes ☒	Yes ☐	22-14144 <i>OK</i>	Yes ☐	Yes ☐
22-7029 <i>OK</i>	Yes ☒	Yes ☐	22-14145 <i>OK</i>	Yes ☐	Yes ☐
22-7479 <i>OK</i>	Yes ☒	Yes ☐	22-14146 <i>OK</i>	Yes ☐	Yes ☐
22-11709	Yes ☒	Yes ☐	22-14147 <i>OK</i>	Yes ☐	Yes ☐
22-11710	Yes ☒	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Sunrain Varieties

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Mahogany Creek LLC

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or

53 North 1650 West

Springville

Utah

84663

Mailing address

City

State

Zip

801-420-2400

ken@condieconstruction.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: 12/17/2021

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.

☒ \$100 per split water right. = \$900.00

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.

DocuSigned by:

Ken Condie

1/26/2022

8. Signature: Ken Condie 1/26/2022

Signature of new owner/claimant

Title, if applicable

Date

Print name

- Signature: _____ Title, if applicable _____ Date _____

Signature of new owner/claimant

Title, if applicable

Date

Print name

Received by JB Date 1/28/2022 Receipt No. E047749 Receipt Amt. \$900.-

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 9/6/2022

SUPPORT DATA

IN FILE # 22-387A

22-387 A (Split into 22-387 A and 22-14484), 22-7029 (Split into 22-7029 and 22-14485), 22-7479 (Split into 22-7479 and 22-14486), 22-14144 (Split into 22-14144 and 22-14487), 22-14145 (Split into 22-14145 and 22-14488), 22-14146 (Split into 22-14146 and 22-14489), 22-14147 (Split into 22-14147 and 22-14490), 22-14148 (Split into 22-14149 and 22-14491), 22-14292 (Split into 22-14292 and 22-14492)

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Instrument # 272974

TETON COUNTY, IDAHO
12-17-2021 08:36:00 No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - DRIGGS
KIM KEELEY Fee: \$16.00
Ex-Officio Recorder Deputy, Kim Keeley
Index for: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **978895-T (JP)**

Date: **November 22, 2021**

For Value Received, **Sunrain Varieties, LLC, a Delaware limited liability company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Mahogany Creek, LLC, a Utah limited liability company**, hereinafter called the Grantee, whose current address is **53 North 1650 West, Springville, UT 84663**, the following described premises, situated in **Teton County, Idaho**, to-wit:

Parcel 1:

A tract of land being the **West One-Half of the Northwest Quarter of the Southeast Quarter (W1/2 NW1/4 SE1/4) of Section 12, Township 4 North, Range 44 East, Boise Meridian, Teton County Idaho**, being further described as follows;
Beginning at the **Center Quarter Corner of said Section 12**, marked by a rebar with aluminum cap inscribed "AW-ENG 2860", along with other markings;
Thence **N 89°18'31" E, 661.45 feet**, along the north line of said **W1/2 NW1/4 SE1/4** to the **C-W-E 1/64th corner of said Section 12**, marked by a **5/8 Inch diameter rebar with a 2-1/2 Inch diameter aluminum cap inscribed "PLS 19140"**;
Thence **S 00°24'23" E, 1323.73 feet**, along the east line of said **W1/2 NW1/4 SE1/4** to the **C-W-SE 1/16th corner of said Section 12**, marked by a **5/8 Inch diameter rebar with a 2-1/2 Inch diameter aluminum cap inscribed "PLS 19140"**;
Thence **S 89° 17'52" W, 661.95 feet**, along the south line of said **W1/2 NW1/4 SE1/4** to the **CS 1/16th corner of said Section 12**, marked by a rebar with plastic cap inscribed "PLS 14750";
Thence **N 00°23'05" W, 1323.86 feet**, along the west line of said **W1/2 NW1/4 SE1/4** to the **POINT OF BEGINNING**;

Parcel 2:

Together with that **30 foot wide Road and Utility Easement** being recorded as Instrument No. **271445**.

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,

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Together with that 30 foot wide Road and Utility Easement being recorded as Instrument No. 271445.

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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,

Date: 11/22/2021

Warranty Deed
- continued

File No.: 978295-T (JP)

restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 11/22/2021

Warranty Deed
- continued

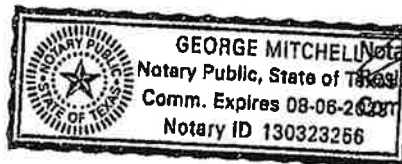
File No.: 978895-T (JP)

Sunrain Varieties, LLC, a Delaware limited liability company

By: Melvin Davenport
Name: Melvin Davenport
Title: Manager

STATE OF Texas)
COUNTY OF Tarrant) ss.

On this 22nd day of November, 2021, before me, a Notary Public in and for said State, personally appeared **Melvin Davenport**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Sunrain Varieties, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within Instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.



George Mitchell
Notary Public of Texas
Residing at: Tarrant County
Commission Expires: 08/06/2023

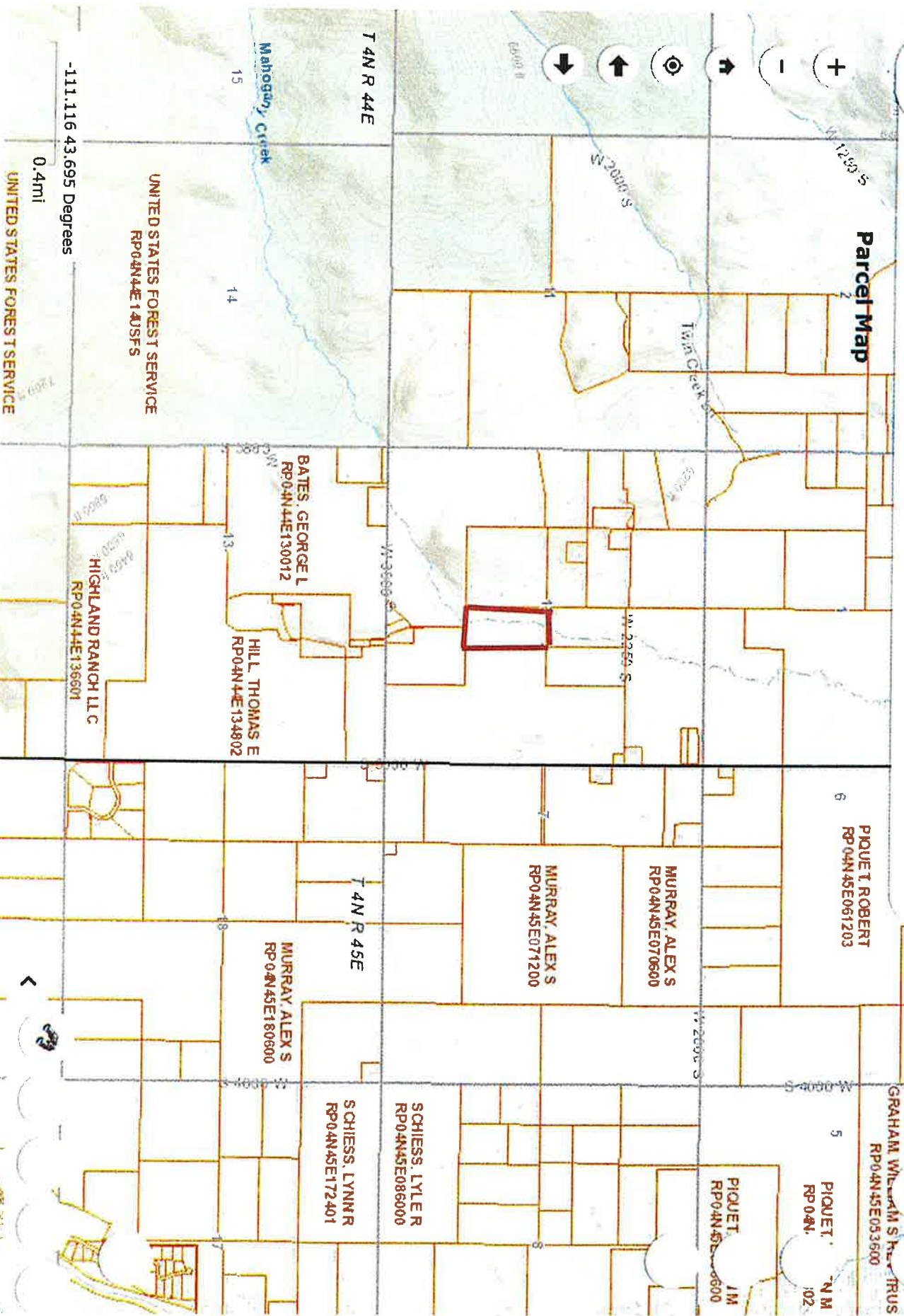


Teton County Address &

Find address, place or owner



Parcel Map





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 Gary Spackman

September 02, 2022

MAHOGANY CREEK LLC
53 N 1650 W
SPRINGVILLE UT 84663-5954

Re: Change in Water Right Ownership: 22-387 A (Split into 22-387 A and 22-14484), 22-7029 (Split into 22-7029 and 22-14485), 22-7479 (Split into 22-7479 and 22-14486), 22-14144 (Split into 22-14144 and 22-14487), 22-14145 (Split into 22-14145 and 22-14488), 22-14146 (Split into 22-14146 and 22-14489), 22-14147 (Split into 22-14147 and 22-14490), 22-14148 (Split into 22-14149 and 22-14491), 22-14292 (Split into 22-14292 and 22-14492)

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 Barg
Technical Records Specialist 1

Enclosure(s)

cc: ALEX S MURRAY
WHITNEY MURRAY
WILD ROSE REALTY
WATER DISTRICT 01



RECEIVED

JAN 28 2022

Department of Water Resources
Eastern Region

January 26, 2022

To: Jonie Barg
IDWR Eastern Region
900 North Skyline Drive, Ste A
Idaho Falls, Idaho 83402-1718

Re: Notice of change in Water Right ownership/Sunrain Varieties to Alex Murray/and Split of water rights Sunrain Varieties to Mahogany Creek LLC

Dear Ms. Barg,

I have now included the notices for the changes of water right ownership from Sunrain Varieties to Alex Murray as well as the nine water right splits needed to provide Mahogany Creek LLC with their share of water for their 20 acres which will provide them water for approximately 8.2 acres.

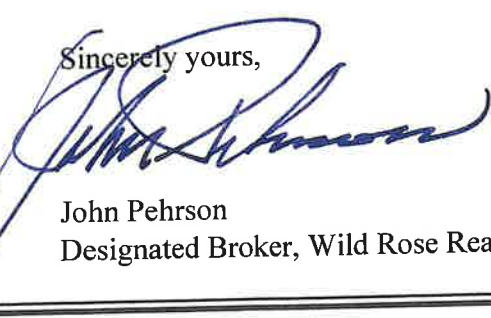
In this packet, I enclose the following:

1. Signed notice of change in water right ownership from Sunrain Varieties to Alex Murray and split of share to Mahogany Creek LLC. : Decrees 22-387A, 22-7029, 22-7479, 22-11709, 22-11710, 22-14144, 22-14145, 22-14146, 22-14147.
2. Signed notice of change in water right ownership from Sunrain Varieties to Alex Murray: Decrees 22-14148, 22-14292
3. Signed notice of split in water right ownership from Sunrain Varieties to Mahogany Creek LLC: Decrees 22-387A, 22-7029, 22-7479, 22-11709, 22-11710, 22-14144, 22-14145, 22-14146, 22-14147.
4. Copy of Conveyance Document for both Sunrain to Alex Murray and Sunrain to Mahogany Creek LLC – Warranty Deeds
5. Copies of Plat Map, Survey Map, or aerial photograph for both Alex Murray and Mahogany Creek which clearly shows the place of use and point of diversion for each water right
6. Filing Fee - \$100.00 per individual right being split = \$900.00 (Check Enclosed)

Once these water right transfers and splits have been approved and completed, please email me the new proof reports for the associated new decreed water rights. I represent both Alex Murray and Mahogany Creek LLC.

My email address is: John Pehrson, Wild Rose Realty – jpehrson@wildroserealty.net

Sincerely yours,


John Pehrson
Designated Broker, Wild Rose Realty