

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED ✓
JUL 21 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
47-12906	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: KENNETH J VIERSTRA
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Moon Valley Development LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 428 S 200 W Rupert ID 83350
Mailing address City State ZIP
- 208-420-7478 rwduch@hotmail.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: 7/14/2021
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
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: [Signature] member 7-16-2021
Signature of new owner/claimant Title, if applicable Date

Signature: _____ _____ _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by A. SKINNER Date 7/21/2021 Receipt No. 5038721 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 _____ Processed by JB Date 10-7-2021

RETURNED

RECEIVED

Form 42-248/42-1409(6) Rev. 1/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 21 2021

DEPT OF WATER RESOURCES
SOUTHERN 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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
47-12906	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: KENNETH J VIERSTRA
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Moon Valley Development LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 428 S 200 W Rupert ID 83350
Mailing address City State ZIP
- 208-420-7478 rwdutch@hotmail.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: 7/14/2021
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
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☐ 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.
 ☐ \$100 per *split* water right.
 ☐ 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: Luke D. Dixon, Trustee Title, if applicable _____ Date 7/16/2021 | 11:49 AM
 Signature of new owner/claimant
- Signature: Ryan Mallett, Member Title, if applicable _____ Date 7/16/2021 | 10:37
 Signature of new owner/claimant

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

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 _____ Processed by _____ Date _____



TWIN FALLS COUNTY
RECORDED FOR:
ALLIANCE TITLE - TWIN FALLS OF
03:44:57 PM 07-19-2021
2021017173
NO. PAGES 2 FEE: \$15.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: CT
Electronically Recorded by Simplifile

QUITCLAIM DEED

Alliance Title & Escrow, LLC ORDER NO.: 546720

FOR VALUE RECEIVED,

Darla D. Vierstra, an unmarried woman

do(es) hereby convey, release, remise and forever quitclaim unto

Phoenix-Dairy, L.L.C. an Idaho Limited Liability Company also shown of record as Phoenix-Dairy, LLC

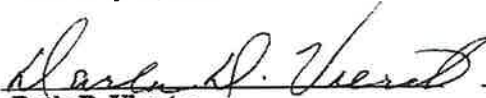
whose current address is: 3261 S. Yorktown Lane, Boise, ID 83706

the following described premises:

See Attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: July 13, 2021

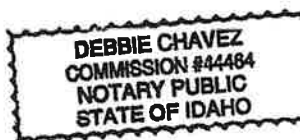


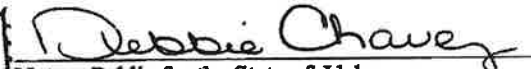
Darla D. Vierstra

State of Idaho
County of Twin Falls

On this 13 day of July, 2021, before me, the undersigned, a Notary Public in and for said state, personally appeared Darla D. Vierstra, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged that he/she/they executed the same.

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





Notary Public for the State of Idaho
Residing at: Kimberly, ID
Commission Expires: 05-16-2023

Township 10 South, Range 16 East. Boise Meridian, Twin Falls County, Idaho

Section 14: A parcel of land located in a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ more particularly described as follows:

COMMENCING at the Southeast corner of Section 14;

THENCE North 89°20'22" West 1315.51 feet along the South boundary of SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14 to the Southwest corner thereof and being the REAL POINT OF BEGINNING;

THENCE North 00°25'22" East 492.56 feet along the West boundary of SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14;

THENCE South 89°20'22" East 286.30 feet;

THENCE South 00°25'22" West 286.30 feet;

THENCE North 89°20'22" West 261.30 feet;

THENCE South 00°25'22" West 206.26 feet to a point on the South boundary of Section 14;

THENCE North 89°20'22" West 25.00 feet along the South boundary of Section 14 to the REAL POINT OF BEGINNING.

D. V.



TWIN FALLS COUNTY
RECORDED FOR:
ALLIANCE TITLE - TWIN FALLS OF
03:45:03 PM 07-19-2021
2021017175
NO. PAGES 3 FEE: \$15.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: CT
Electronically Recorded by Simplifile

WARRANTY DEED

Alliance Title & Escrow, LLC Order No.:546720

FOR VALUE RECEIVED

**Phoenix-Dairy, L.L.C., an Idaho Limited Liability Company also shown of record as
Phoenix-Dairy, LLC**

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

Moon Valley Development, LLC, an Idaho Limited Liability Company

whose current address is

**2066 E. 400 S.
Hazelton, ID 83335**

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

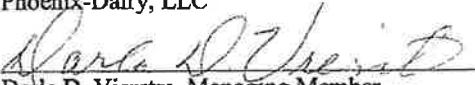
SEE ATTACHED EXHIBIT "A"

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: July 13, 2021

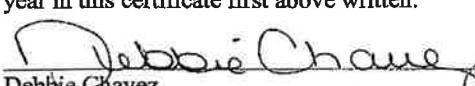
Phoenix-Dairy, LLC


Darla D. Vierstra, Managing Member

State of Idaho} ss
County of Twin Falls}

On this 19th day of July, 2021, before me, Debbie Chavez, a Notary Public in and for said state, personally appeared Darla D. Vierstra known or identified to me to be the Managing Member in the Limited Liability Company known as Phoenix-Dairy, LLC who executed the foregoing instrument in said LLC name.

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


Debbie Chavez

Notary Public for the State of Idaho
Residing at: Kimberly, ID
Commission Expires: 05-16-2023

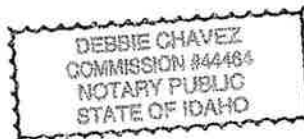


EXHIBIT "A"

546720

Parcel No. 1

Township 10 South, Range 16 East of the Boise Meridian, Twin Falls County, Idaho,
Section 14: A portion of the West half of the Southeast Quarter described as follows;

Commencing at the southeast corner of said section 14 that is marked by a railroad spike, from which the south quarter corner of said section 14 bears N89°20'22"W, a distance of 2631.02 feet,
Thence along the South Line of the Southeast Quarter of said Section 14 N89°20'22"W, a distance of 1594.51 feet to a point, said point being the TRUE POINT OF BEGINNING for this description;

Thence continuing along said South line N89°20'22"W, a distance of 1036.51 feet to the South Quarter Corner of said section that is marked by an 5/8" rebar with aluminum cap PLS 10110;

Thence departing said South line, along the North / South center of section line N00°18'16"E a distance of 2647.62 feet to the center of section marked by an 5/8" rebar with aluminum cap PLS 10110;

Thence departing said North / South center of section line, along the East / West center of section line S89°23'24"E, a distance of 1320.97 feet to its intersection with the 1/16th line of said Section 14;

Thence along said 1/16th line S00°25'22"W, a distance of 2177.75 feet to a point;

Thence departing said 1/16th line N 89°20'22"W, a distance of 279.00 feet to a point;

Thence S00°25'22"W, a distance of 471.00 feet to the POINT OF BEGINNING;

Parcel containing 77.12 acres

Parcel No. 2

Township 10 South, Range 16 East of the Boise Meridian, Twin Falls County, Idaho,
Section 14: A portion of the West Half of the Southeast Quarter described as follows;

Commencing at the southeast corner of said section 14 that is marked by a railroad spike, from which the south quarter corner of said section 14 bears N89°20'22"W, a distance of 2631.02 feet,
Thence along the South Line of the Southeast Quarter of said Section 14 N89°20'22"W, a distance of 1315.51 feet to its intersection with the 1/16th line, said point being the TRUE POINT OF BEGINNING for this description;

Thence continuing along said South line N89°20'22"W, a distance of 279.00 feet to a point;

Thence departing said South line, N00°25'22"E, a distance of 471.00 feet to a point;

Thence S89°20'24"E, a distance of 279.00 feet to a point on the 1/16th line of said Section 14;

Thence along said 1/16th line S00°25'22"W, a distance of 471.00 fee to the POINT OF BEGINNING;

Parcel containing 3.02 acres

Parcel 3

Township 10 South, Range 16 East of the Boise Meridian, Twin Falls County, Idaho,
Section 14: A portion of the east half of the southeast quarter described as follows;

Commencing at the southeast corner of said section 14 that is marked by a railroad spike, from which the south quarter corner of said section 14 bears N89°20'22"W, a distance of 2631.02 feet,
Thence along the South Line of the Southeast Quarter of said Section 14 N89°20'22"W, a distance of 736.79 feet to a point, said point being the TRUE POINT OF BEGINNING for this description;



Thence continuing along said South line $N89^{\circ}20'22''W$, a distance of 578.72 feet to its intersection with the 1/16th line;

Thence along said 1/16th line $N00^{\circ}25'22''E$ a distance of 968.20 feet to a point;

Thence $S43^{\circ}58'31''E$, a distance of 827.16 feet to a point;

Thence $S00^{\circ}25'22''W$, a distance of 379.60 feet to the POINT OF BEGINNING;

Parcel containing 8.95 acres

D. J.



Recorded for the Purpose of Combining Tax Parcels
RP10S16E149200A and RP10S16E149350A

QUITCLAIM DEED

Alliance Title & Escrow, LLC ORDER NO.: 546720

FOR VALUE RECEIVED,

**Phoenix-Dairy, L.L.C. an Idaho Limited Liability Company also shown of record as
Phoenix-Dairy, LLC**

do(es) hereby convey, release, remise and forever quitclaim unto

**Phoenix-Dairy, L.L.C. an Idaho Limited Liability Company also shown of record as
Phoenix-Dairy, LLC**

whose current address is: 3261 S. Yorktown Lane, Boise, ID 83706

the following described premises:

See Attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns
forever.

Dated: July 13, 2021

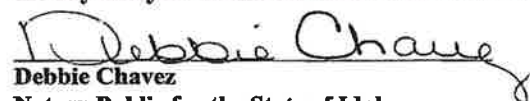
Phoenix-Dairy, LLC


Darla D. Vierstra

State of Idaho} ss
County of Twin Falls}

On this 19th day of July, 2021, before me, Debbie Chavez, a Notary Public in
and for said state, personally appeared Darla D. Vierstra known or identified to me
to be the Managing Member in the Limited Liability Company known as Phoenix-
Dairy, LLC who executed the foregoing instrument in said LLC name.

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


Debbie Chavez
Notary Public for the State of Idaho
Residing at: Kimberly, ID
Commission Expires: 05-16-2023

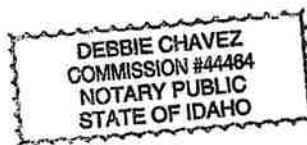


Exhibit 'A'

Parcel No. 1

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Section 14: A portion of the West half of the Southeast Quarter described as follows;

Commencing at the southeast corner of said section 14 that is marked by a railroad spike, from which the south quarter corner of said section 14 bears N89°20'22"W, a distance of 2631.02 feet,
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Thence continuing along said South line N89°20'22"W, a distance of 1036.51 feet to the South Quarter Corner of said section that is marked by an 5/8" rebar with aluminum cap PLS 10110;

Thence departing said South line, along the North / South center of section line N00°18'16"E a distance of 2647.62 feet to the center of section marked by an 5/8" rebar with aluminum cap PLS 10110;

Thence departing said North / South center of section line, along the East / West center of section line S89°23'24"E, a distance of 1320.97 feet to its intersection with the 1/16th line of said Section 14;

Thence along said 1/16th line S00°25'22"W, a distance of 2177.75 feet to a point;

Thence departing said 1/16th line N 89°20'22"W, a distance of 279.00 feet to a point;

Thence S00°25'22"W, a distance of 471.00 feet to the POINT OF BEGINNING;

Parcel containing 77.12 acres

Parcel No. 2

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Section 14: A portion of the West Half of the Southeast Quarter described as follows;

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Thence along the South Line of the Southeast Quarter of said Section 14 N89°20'22"W, a distance of 1315.51 feet to its intersection with the 1/16th line, said point being the TRUE POINT OF BEGINNING for this description;

Thence continuing along said South line N89°20'22"W, a distance of 279.00 feet to a point;

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Parcel containing 3.02 acres

Parcel 3

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Section 14: A portion of the east half of the southeast quarter described as follows;

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Thence along the South Line of the Southeast Quarter of said Section 14 N89°20'22"W, a distance of 736.79 feet to a point, said point being the TRUE POINT OF BEGINNING for this description;

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Thence along said 1/16th line $N00^{\circ}25'22''E$ a distance of 968.20 feet to a point;

Thence $S43^{\circ}58'31''E$, a distance of 827.16 feet to a point;

Thence $S00^{\circ}25'22''W$, a distance of 379.60 feet to the POINT OF BEGINNING;

Parcel containing 8.95 acres

sl-2



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

October 7, 2021

MOON VALLEY DEVELOPMENT LLC
428 S 200 W
RUPERT ID 83350-9665

Re: Change of Ownership for Right 47-12906

Dear Water Right Holder(s):

The change in ownership for water right 47-12906, which was listed on the Notice of Change in Water Right Ownership (Notice) received in our office on July 21, 2021, cannot be processed because none of the conveyance documents submitted demonstrate ownership of land to which 47-12906 is appurtenant. All of the conveyance documents convey land in Section 14, T10S, R16E, while 47-12906 is appurtenant to land in Section 23, T10S, R16E.

Letters mailed to you on August 20, 2021 and on August 31, 2021 requested conveyance documents which could demonstrate ownership of lands to which right 47-12906 is appurtenant, but as of this date, we have received no documentation as requested so we are returning the Notice and associated documents and I will initiate a refund of the \$25.00 fee to Alliance Title and Escrow in Twin Falls.

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) 293-9909.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: Alliance Title and Escrow, Twin Falls- File #546720

Bitzenburg, James

From: Bitzenburg, James
Sent: Thursday, October 7, 2021 2:59 PM
To: IdwrPayable
Subject: Refund Request

IDWR Payable-

On July 21, 2021, our office received a *Notice of Change in Water Right Ownership* for right 47-12906 from Moon Valley Development, LLC. The Notice was accompanied by a \$25.00 fee, but the conveyance documents did not convey property to which right 47-12906 is appurtenant. Letters were mailed out twice to obtain the proper documentation, but it was not forthcoming, so I have returned the Notice . Could you issue a refund for the \$25.00 fee? The fee was paid by Alliance Title and Escrow of Twin Falls. The address is:

**ALLIANCE TITLE & ESCROW
1411 FALLS AVE E STE 1315
TWIN FALLS ID 83301**

They paid for the notice with check #31881, and the receipt number is S038721. The title company's file number for the transaction is 546720. Thank you and let me know if you need any more information.

Jim

**Jim Bitzenburg
Senior Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov**



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 31, 2021

MOON VALLEY DEVELOPMENT LLC
428 S 200 W
RUPERT ID 83350-9665

Re: Change in Ownership for Water Right No(s): 47-8278, 47-12904, 47-12905. Cannot process Change of Ownership for Right 47-12906

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.

Please note, Rabo Agrifinance LLC is identified as a security interest holder on these water rights. If this is no longer correct, it can be removed from the rights upon written notice from the security interest holder that the interest has terminated.

Also note, rights 47-12904 and 47-12905 currently identify Travis L. Thompson of Barker, Rosholt, & Simpson, LLP as the attorney. If this is no longer correct, the Department can remove and/or update the attorney on the water rights with your written authorization. Identifying an attorney on a water right is not required, but will ensure that they receive copies of any correspondence related to that water right.

Additionally, the change in ownership for water right 47-12906, which was listed on the original Notice of Change in Water Right Ownership (Notice), cannot be processed because none of the conveyance documents submitted demonstrate ownership of land to which 47-12906 is appurtenant. All of the conveyance documents convey land in Section 14, T10S, R16E, while 47-12906 is appurtenant to land in Section 23, T10S, R16E. Because the Department cannot process the Notice without the proper documentation, we will hold any action on that Notice pending receipt of the additional conveyance document(s). If we do not receive the material within 30 days we will return your Notice and all attachments and your Notice will not be processed.

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) 293-9909.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Bitzenburg", with a long horizontal flourish extending to the right.

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: Alliance Title and Escrow, Twin Falls- File #546720; Rabo Agrifinance, LLC; Travis
Thompson- Barker, Rosholt, & Simpson, LLP



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 20, 2021

MOON VALLEY DEVELOPMENT LLC
428 S 200 W
RUPERT ID 83350

RE: Water Right No(s): 47-12906, Change in Ownership

Dear Interested Party:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice). Our review of your Notice indicates that none of the conveyance documents submitted with this Notice, nor the Notice submitted by Over the Moon Operating Company, LLC convey any property associated with the above right to Moon Valley Development, LLC. The conveyance documents do convey the land to which rights 47-8278, 47-12904, and 47-12905 are appurtenant, to Moon Valley Development, LLC. Those rights are not listed on the Notice submitted by Moon Valley Development, LLC. If the intent is to have the three rights conveyed to Moon Valley Development, LLC, then a new form with those rights shown should be submitted. Right 47-12906 is appurtenant to land in the NWNW of Section 23, T10S, R16E and none of the conveyance documents submitted by either Notice conveyed land in Section 23.

Additionally, there is an Application for Permit to Divert Water (47-8353), in the name of Phoenix Dairy, that is currently being held pending the withdrawal of the moratorium on new applications for consumptive uses of water. This Application could be conveyed by completing an Assignment of Application for Permit which can be found on the Department's website at: <https://idwr.idaho.gov/wp-content/uploads/sites/2/forms/assignment-of-application-for-permit.pdf>.

Because the Department cannot process the Notice without the proper documentation, we will hold any action on your Notice pending receipt of the additional conveyance document(s). If we do not receive the material within 30 days we will return your notice and all attachments and your notice will not be processed.

If you have any questions regarding this matter, please contact me at (208) 293-9909.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

CC: Over the Moon Operating Company, LLC; Rabo Agrifinance, LLC; Alliance Title & Escrow



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August 20, 2021

OVER THE MOON OPERATING CO LLC
428 S 200 W
RUPERT ID 83350

RE: Water Right No(s): 47-8278, 47-12904, and 47-12905 Change in Ownership

Dear Interested Party:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice). Our review of your Notice indicates that none of the conveyance documents submitted with this Notice, nor the Notice submitted by Moon Valley Development, LLC convey any property associated with the above rights to Over the Moon Operating Company, LLC. The conveyance documents do convey the land to which the three rights are appurtenant, to Moon Valley Development, LLC. Possibly there is another deed which conveys the ground from Moon Valley Development, LLC to Over the Moon Operating Company, LLC? We will need to have the proper documentation in order to process the Notice.

Additionally, there is an Application for Permit to Divert Water (47-8353), in the name of Phoenix Dairy, that is currently being held pending the withdrawal of the moratorium on new applications for consumptive uses of water. This Application could be conveyed by completing an Assignment of Application for Permit which can be found on the Department's website at: <https://idwr.idaho.gov/wp-content/uploads/sites/2/forms/assignment-of-application-for-permit.pdf>.

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Sincerely,

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