

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 12 2021

Notice of Change in Water Right Ownership

Department of Water Resources
Eastern 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?
35-13800 > 35-13800 OK	Yes ☒	Yes ☐		Yes ☐	Yes ☐
35-13778 > 35-13778 OK	Yes ☒	Yes ☐		Yes ☐	Yes ☐
35-7897B > 35-7897B OK	Yes ☒	Yes ☐		Yes ☐	Yes ☐
35-2324A > 35-2324A OK	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Lyle Soderquist and Krista Soderquist
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Wayne Properties LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
P.O. Box 2906 Idaho Falls ID 83401
Mailing address City State ZIP
208-569-8194
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: March 11, 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.
- SUPPORT DATA
FILE # 35-2324H

8. Signature: <u>Robert L. Harris</u>	<u>Attorney</u>	<u>July 7, 2021</u>
Signature of new owner/claimant	Title, if applicable	Date
Signature: _____	_____	_____
Signature of new owner/claimant	Title, if applicable	Date

For IDWR Office Use Only:

IDWR Office Use Only:

Received by JB Date 7/12/2021 Receipt No. E047159 Receipt Amt. \$400. -

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 JH Date 8/11/2021

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
PO Box 50130
Idaho Falls, ID 83405

Instrument # 730768

BINGHAM COUNTY

4-8-2021 03:05:10 PM No. of Pages: 12

Recorded for : 59367 HOLDEN, KIDWELL, HAHN & CR

PAMELA W. ECKHARDT

Fee: 15.00

Ex-Officio Recorder Deputy

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Lyle and Krista Soderquist, husband and wife, whose address is 494 N. 1200 W., Blackfoot, Idaho 83221 (hereinafter "Grantor") does hereby grant, bargain, sell, assign, and convey unto **Wayne Properties LLC**, a Delaware trust, whose address is 9914 South Henry Creek Road, Idaho Falls, Idaho 83401 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, the following described portions of Grantor's right, title, and interest in the water rights described on Exhibit A:

WATER RIGHT NO. 35-13800

Diversion Rate: 1.34 cfs
Diversion Volume: 234.5 acre-feet per year
Irrigated Acres: 67 acres

WATER RIGHT NO. 35-13778

Diversion Rate: 0.12 cfs
Diversion Volume: 28 acre-feet per year
Irrigated Acres: 7 acres

WATER RIGHT NO. 35-7897B

Diversion Rate: 0.10 cfs
Diversion Volume: 28 acre-feet per year
Irrigated Acres: 7 acres

WATER RIGHT NO. 35-2324A

Diversion Rate: 0.14 cfs
Diversion Volume: 28 acre-feet per year

Irrigated Acres: 7 acres

WATER RIGHT NO. 35-13800
(overlap with 35-2324A portion)

Diversion Rate: .07 cfs

Diversion Volume: 13.33 acre-feet per year

Irrigated Acres: 3.33 acres

The above-described water right portions are depicted on Exhibit B attached hereto, and is hereinafter referred to as the "Water Rights":

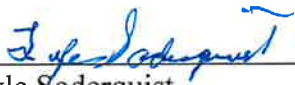
Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Rights;
- (B) Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (C) The Water Right are free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Rights to Grantee.

Grantor makes no other covenants or warranties as to the Water Rights.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 11th day of March, 2021.



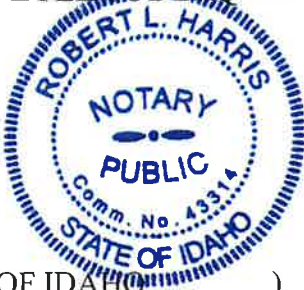
Lyle Soderquist



Krista Soderquist

STATE OF IDAHO)
)ss.
County of Bonneville)

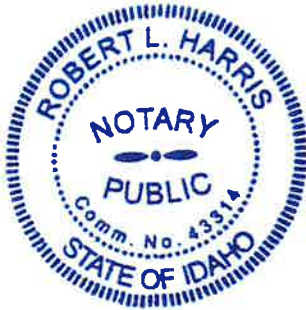
This record was acknowledged before me on the 11th day of March,
2021, by **LYLE SODERQUIST**.



Robert L. Harris
Notary Public for Idaho
My Commission Expires: 11/18/2022

STATE OF IDAHO)
)ss.
County of Bonneville)

This record was acknowledged before me on the 11th day of March,
2021, by **KRISTA SODERQUIST**.



Robert L. Harris
Notary Public for Idaho
My Commission Expires: 11/18/2022

EXHIBIT A WATER RIGHT DESCRIPTION

2/12/2021

Water Right Report



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to [call ahead for an appointment](#).

WATER RIGHT REPORT

2/12/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13800

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KRISTA SODERQUIST
Current Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 2086849300
Original Owner	EDGAR A HARMON 416 W 100 N BLACKFOOT, ID 83221 2087855559
Original Owner	BONNIE R HARMON 2351 N 400 E LOGAN, UT 84341 4352324515

Priority Date: 04/14/1983

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	1.46 CFS	255.5 AFA
Total Diversion			1.46 CFS	255.5 AFA

Location of Point(s) of Diversion:

GROUND WATER|SESE|Sec. 06|Township 02S|Range 34E|BINGHAM County

Licensed Diversion Capacity: 3.86

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	34E	6		NENE	34		SENE	33						
				NESE	6									

Total Acres: 73

Conditions of Approval:

1. X35 Rights 35-2324A and 35-13800 when combined shall not exceed the irrigation of 135 acres.
2. Transfer No. 3789 changed original place of use & point of diversion.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

Dates:

Licensed Date: 09/18/1990

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

IDAHO Department of Water Resources



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WATER RIGHT REPORT

3/2/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-13778

Owner Type	Name and Address
Current Owner	KRISTA SODERQUIST
Current Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 2086849300
Original Owner	LARRY D MARTIN 223 N 900 W BLACKFOOT, ID 83221 2086844957

Priority Date: 06/28/1980

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	4.92 CFS	1180 AFA
Total Diversion			4.92 CFS	1180 AFA

Location of Point(s) of Diversion:

GROUND WATER | NESESE | Sec. 01 | Township 02S | Range 33E | BINGHAM County

Licensed Diversion Capacity: 5.19

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	33E	1		NESW	38		NWSW	32		SWSW	33		SESW	37
				NESE	39		NWSE	40		SWSE	40		SESE	36

Total Acres: 295

Conditions of Approval:

1. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
2. F06 The following rights are diverted through point(s) of diversion described above: 35-13778, 35-13779, 35-13801, 35-13823.

Dates:

Licensed Date: 11/07/1996

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: AND

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

IDAHO Department of Water Resources



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WATER RIGHT REPORT

3/2/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-7897B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 2086244544
Original Owner	LARRY D MARTIN 223 N 900 W BLACKFOOT, ID 83221 2086844957

Priority Date: 06/28/1980

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	3.12 CFS	920 AFA
Total Diversion			3.12 CFS	920 AFA

Location of Point(s) of Diversion:

GROUND WATER | SESE | Sec. 06 | Township 02S | Range 34E | BINGHAM County

Licensed Diversion Capacity: 3.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	34E	6		NESW	40		NWSW	39		SWSW	32		SESW	39
				NWSE	40		SWSE	40						

Total Acres: 230

Conditions of Approval:

1. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. Rights 35-02324A and 35-08130 are also diverted through the point of diversion described above.

Dates:

Licensed Date: 05/14/1999

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

IDAHO Department of Water Resources



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WATER RIGHT REPORT

3/2/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-2324A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KRISTA SODERQUIST
Current Owner	LYLE R SODERQUIST 494 N 1200 W BLACKFOOT, ID 83221 2086849300
Original Owner	BONNIE R HARMON
Original Owner	EDGAR A HARMON 551 SOUTH ST BLACKFOOT, ID 83221 2087855559
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 04/14/1953

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	1.36 CFS	272 AFA
Total Diversion			1.36 CFS	272 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWSESE|Sec. 06|Township 02S|Range 34E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	34E	6		NESE	38		SESE	30						

Total Acres: 68

Conditions of Approval:

1. X35 Rights 35-2324A and 35-13800 when combined shall not exceed the irrigation of 135 acres.
2. T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 02/25/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

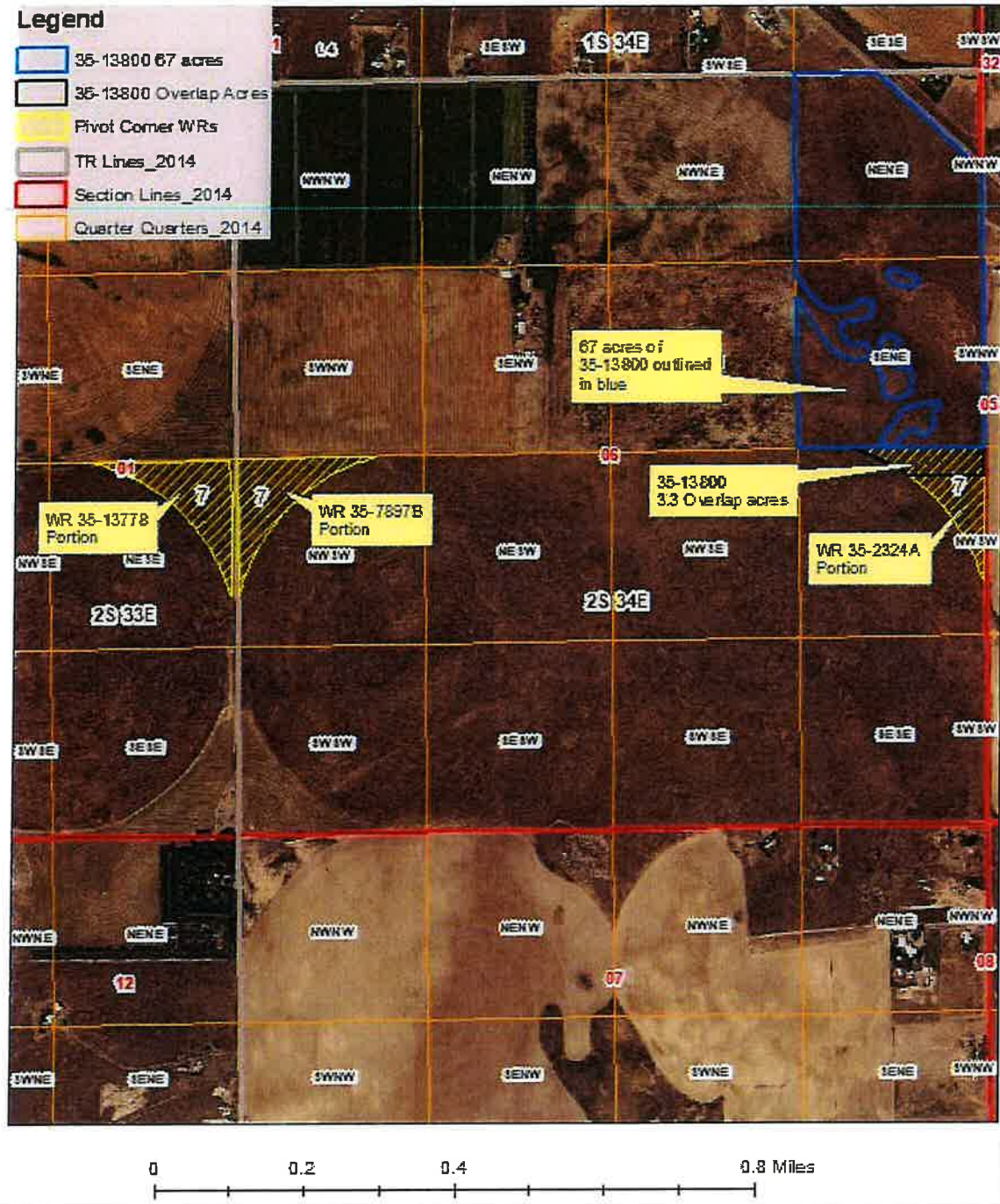
Old Case Number:

Decree Plaintiff:

Decree Defendant:

EXHIBIT B

SODERQUIST WATER RIGHTS





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

November 01, 2021

WAYNE PROPERTIES LLC
PO BOX 2906
IDAHO FALLS ID 83403-2906

Re: Change in Water Right Ownership: 35-13800 (Split into 35-13800 and 35-14748), 35-13778 (Split into 35-13778 and 35-14750), 35-7897B (Split into 35-7897B and 35-14751) & 35-2324A (Split into 35-2324A and 35-14752)

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: HOLDEN KIDWELL HAHN & CRAPO
LYLE R SODERQUIST
KRISTA SODERQUIST
THE BANK OF COMMERCE C/O WESTERN AGCREDIT



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

Established in 1896

RECEIVED

JUL 12 2021

Department of Water Resources
Eastern Region

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405
Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
rharris@holdenlegal.com

July 7, 2021

Jonie Barg
Idaho Department of Water Resources
900 N. Skyline Dr., Ste A
Idaho Falls, ID 83402

Re: Notice of Change in Water Right Ownership for Portions of WR Nos. 35-13800, 35-13778, 35-7897B, and 35-2324A.

Dear Jonie:

Enclosed for processing is a *Notice of Change in Water Right Ownership* for the above-referenced water rights. The portions that were conveyed to Wayne Properties LLC are depicted on page 12 of the *Special Warranty Deed for Water Rights* included with this filing. All of the water rights are being split, and therefore, we have included a filing fee in the amount of \$400.00 as required. If you have any questions or concerns, please let me know. The above-referenced map was prepared with GIS, and upon request, I can email them to you if you would like.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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