

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SEP 23 2021

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?
25-14490 <i>OK</i>	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: Artie S Waters and Lori F Neihart
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Jefferson Greens Estates Homeowners Association, Inc.
New owner(s) as listed on the conveyance document

4076 E 450 N Rigby ID 83402
Mailing address City State Zip
208-221-7790
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: December 2020
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.
 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]* PRESIDENT-JEFFERSON GREENS 9/20/21
 Signature of new owner/claimant Title, if applicable Date
 Print name

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

For IDWR Office Use Only:

Received by *[Signature]* Date 9/23/21 Receipt No. E047384 Receipt Amt. \$25.00 (\$15 check)
 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 *[Signature]* Processed by *[Signature]* Date _____

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Rocky Mountain Environmental Associates, Inc
482 Constitution Way Ste 303
Idaho Falls, ID 83402

Microfilm No. 458776
12-23-2020
At 9:18 O'Clock A M
COLLEEN C. POOLE
Jefferson Co. Recorder
Fee \$ 15.00 Deputy
Recorded at request of Rocky Mtn Water Exch

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Artie S. Waters and Lori F. Neihart, whose address is 381 N 100 E, Blackfoot, Idaho 83221 (hereinafter collectively "Grantor") does hereby grant, bargain, sell, assign, and convey unto **Rocky Mountain Water Exchange, LLC**, an Idaho limited liability company, whose address is 482 Constitution Way Suite 303, Idaho Falls, Idaho 83402 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in water right described on Exhibit A attached hereto (hereinafter the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

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

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

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

[SIGNATURES ON FOLLOWING PAGE]

DATED this 17 day of December, 2020.

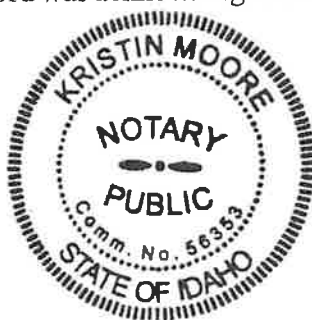
"GRANTOR"

Artie S. Waters
Artie S. Waters

Lori F. Neihart
Lori F Neihart

STATE OF IDAHO)
)ss.
County of Bingham)

This record was acknowledged before me on the 17 day of December, 2020, by **ARTIE S. WATERS.**



Kristin Moore
Notary Public for Idaho
My Commission Expires: June 29, 2022

STATE OF IDAHO)
)ss.
County of Bingham)

This record was acknowledged before me on the 17 day of December, 2020, by **LORI F. NEIHART.**



Kristin Moore
Notary Public for Idaho
My Commission Expires: June 29, 2022

EXHIBIT A
WATER RIGHT DESCRIPTION



WATER RIGHT REPORT

11/2/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 25-14490

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LORI NEIHART
Current Owner	ARTIE S WATERS 381 N 100 E BLACKFOOT, ID 83221 2087854072
Original Owner	ANNA E WATERS
Original Owner	MAX D WATERS 375 N 100 E BLACKFOOT, ID 83221 2087852491

Priority Date: 07/29/1991

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	10/31	0.6 CFS	12.8 AFA
Total Diversion			0.6 CFS	12.8 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWSE|Sec. 08|Township 04N|Range 39E|JEFFERSON County
GROUND WATER|NWSE|Sec. 08|Township 04N|Range 39E|JEFFERSON 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
04N	39E	8		SWNE	1.4									
				SENE	0.5									
				NWSE	1.3									

Total Acres: 3.2

Conditions of Approval:

1. 10 shares of stock in the North Rigby Irrigation Canal Company, Inc., which are appurtenant to a portion of the Jefferson Greens Estates Subdivision, and water rights 25-14490 25-14491, and 1-10691 shall be combined and are prohibited from being transferred independent of one another. This condition does not prevent additional rights from being transferred to the Jefferson Greens Estates Subdivision to be combined with these water entitlements and similarly conditioned to provide for additional irrigation within the subdivision.
2. 020 The diversion and use of water described in Transfers 83471, 83915 and 83918 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
3. X60 Place of use is located within Lots 3, 5, and 7, Blk1; Lot 21, Blk 2; and Lots 1 and 10, Blk 3; Jefferson Greens Estate Subdivision.
4. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. 214 Prior to the diversion and use of water under Transfer approval 83471, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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.

8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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.
10. 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: 09/28/2001

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

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Rocky Mountain Environmental Associates, Inc
482 Constitution Way Ste 303
Idaho Falls, ID 83402

Instrument No. 458777
12-23-2020
At 9:19 O'Clock A M
COLLEEN C. POOLE
Jefferson Co. Recorder
Fee \$ 15.00 Deputy
Recorded at Request of Rocky Mtn. Water Exchange

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Rocky Mountain Water Exchange, LLC, an Idaho limited liability company, whose address is 482 Constitution Way Suite 303, Idaho Falls, Idaho 83402 (hereinafter collectively "Grantor") does hereby grant, bargain, sell, assign, and convey unto **Jefferson Greens Estates Homeowners Association, Inc.**, an Idaho corporation, whose address is 445 N 4185 E, Rigby, Idaho 83442 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in water right described on Exhibit A attached hereto (hereinafter the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

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

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

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

[SIGNATURES ON FOLLOWING PAGE]

DATED this 22 day of December, 2020.

"GRANTOR"

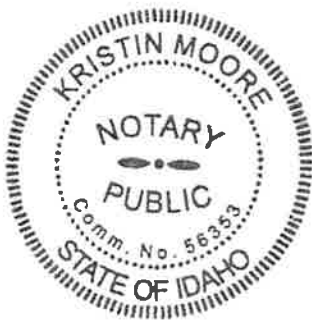
Rocky Mountain Water Exchange LLC



By: W. Roger Warner
Its: Managing Member

STATE OF IDAHO)
)ss.
County of Bonneville)

This record was acknowledged before me on the 22 day of December, 2020, by **W. ROGER WARNER**, Managing Member of Rocky Mountain Water Exchange, LLC.



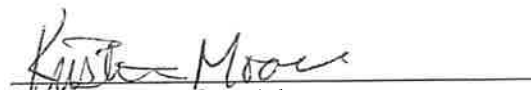

Notary Public for Idaho
My Commission Expires: June 29, 2022

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WATER RIGHT DESCRIPTION



WATER RIGHT REPORT

11/2/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 25-14490

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Basis: License

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Dates:

Licensed Date: 09/28/2001

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

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

October 07, 2021

JEFFERSON GREENS ESTATES HOMEOWNERS ASSOCIATION INC
4076 E 450 N
RIGBY ID 83442-5595

Re: Change in Ownership for Water Right No(s): 25-14490

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 Barg
Technical Records Specialist 1

Enclosure(s)

cc: ROCKY MOUNTAIN ENVIRONMENTAL ASSOCIATES INC
WATER DISTRICT 120



September 21, 2021

RMEA 19-0008

Idaho Department of Water Resources
Attn: James Cefalo
900 N Skyline Dr. Ste A
Idaho Falls, ID 83404

Re: Ownership Changes for Jefferson Greens Estates Water Rights

Dear Mr. Cefalo,

Please find enclosed two ownership change forms to update water rights recently transferred to the Jefferson Greens Estates subdivision in Rigby, Idaho. A chain of title is provided for each water right that was purchased and transferred.

Item #6 on the form asks if the land identified as the water right place of use is owned by the applicant and requires that written notice be provided to each landowner if it is not. Since this is a subdivision and the water system is owned and operated by the Homeowners Association, the applicant, who is the HOA, does not own the land to which the water right is applied. This subdivision is unique in that irrigation water rights were required to be obtained for the homeowners to continue irrigating their lawns. Each homeowner agreed to the purchase and transfer at the time the water rights were transferred to the property and a contract was provided by each homeowner who benefits from the water. The contracts that are on file with IDWR in the transfer record serve as the written notice to the landowners.

A check in the amount of \$75 for filing fees is enclosed.

Please contact our office with any questions regarding these applications.

Thank you,

Kristin Moore
Senior Water Rights Analyst

Enclosures: Notice of Change in Water Right Ownership Forms and Deeds
Check # _____