

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 17 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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-14268 OK	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-14268 35-14746	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Carl Taylor and Linda Taylor
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: Dec. 18, 2020
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

35-14268

8. Signature: Robert L. Francis Attorney March 17, 2021
Signature of new owner/claimant Title, if applicable Date
- Signature: _____ Title, if applicable Date

For IDWR Office Use Only:

Received by Carla Date 3/17/21 Receipt No. E046746 Receipt Amt. \$100.00
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 JB Processed by JB Date 3/23/2021

updated without a split in error. Correct 5/10/2021

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 # 1677236
Bonnevill County, Idaho Falls, Idaho
03/08/2021 04:19:10 PM No. of Pages: 6
Recorded for: HOLDEN KIDWELL
Penny Manning Fee: \$15.00
Ex-Officio Recorder Deputy
Index to: DEED, WARRANTY

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHT

Carl Taylor and Linda Taylor, husband and wife, husband and wife, whose address is PO Box 51780, Idaho Falls, Idaho 83405 (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 portion of Grantor's right, title, and interest in water right described on Exhibit A:

WATER RIGHT NO. 35-14268

Diversion Rate: 3.85 cfs
Diversion Volume: 1,400 acre-feet per year
Irrigated Acres: 350 acres

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

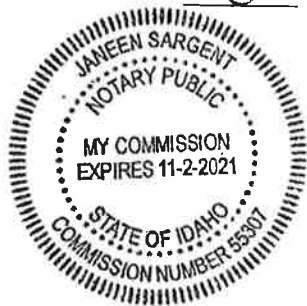
Grantor hereby covenants and warrants to Grantee as follows:

- (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.

DATED this 18th day of December, 20 20.

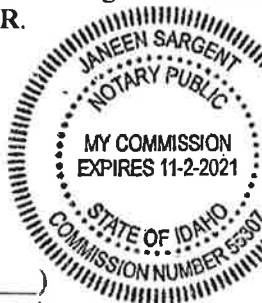


Carl Taylor
Carl Taylor

Linda Taylor
Linda Taylor

STATE OF Idaho)
County of Bonneville)ss.

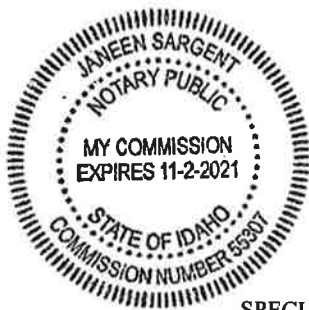
This record was acknowledged before me on the 18th day of December, 2020, by CARL TAYLOR.



Janeen Sargent
Notary Public for Idaho
My Commission Expires: 11-2-2021

STATE OF Idaho)
County of Bonneville)ss.

This record was acknowledged before me on the 18th day of December, 2020, by LINDA TAYLOR.



Janeen Sargent
Notary Public for Idaho
My Commission Expires: 11-2-2021

**EXHIBIT A
WATER RIGHT DESCRIPTION**

11/27/2020

Water Right Report

IDAHO Department of
Water Resources



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

11/27/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14268

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARL TAYLOR PO BOX 51780 IDAHO FALLS, ID 83405-1780 2085227770
Original Owner	KETTLE BUTTE FARMS LTD C/O WILLIAM PUGH 6062 ADAMS RD TALENT, OR 97540

Priority Date: 01/14/1983

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	10/31	4.15 CFS	1508 AFA
Total Diversion			4.15 CFS	1508 AFA

Location of Point(s) of Diversion:

GROUND WATER|NESW|Sec. 13|Township 03N|Range 34E|BONNEVILLE County

Licensed Diversion Capacity: 7.58

IRRIGATION Use:

<https://idwr.idaho.gov/apps/ExtISearch/RightReportAJ.asp?BasinNumber=35&SequenceNumber=14268&SplitSuffix=&TypeWaterRight=True>

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11/27/2020

Water Right Report

Acre Limit: 377

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	34E	13		NENE	33.3		NWNE	34.8		SWNE	39.7		SENE	34
				NENW	33.4		NWNW	34.2		SWNW	39.5		SENW	39.7
				NESW	39.7		NWSW	39.5		SWSW	39.6		SESW	39.7
				NESE	33.8		NWSE	39.7		SWSE	39.8		SESE	33.2
				NENE	1.6		SENE	0.8						
				NESE	1.3		NWSE	0.6		SWSE	30.3		SESE	36.6
		23		NENE	37.1		NWNE	28.7		SWNE	0.4		SENE	0.7
				NWNE	34.2									
		24		NENE	39.9		NWNW	39.9		SWNW	33.4		SENW	33.4
				NENW	39.9									

Total Acres: 912.5

Conditions of Approval:

1. 206 This right is limited to the irrigation of a specific 377.0 acres within the 912.5 acre place of use authorized by this right in a single irrigation season. The specific 377.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 377.0 acres to be irrigated within the 912.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. R05 Use of water under this right will 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.
3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. 131 Prior to the diversion and use of water under Transfer approval 74838, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
5. 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.
6. 205 The approval of transfer 77958 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

11/27/2020

Water Right Report

8. SF2 This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
10. 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.

Dates:

Licensed Date: 09/25/1997

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

<https://dwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=35&SequenceNumber=14268&SplitSuffix=&TypeWaterRight=True>

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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

May 10, 2021

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

Re: Change in Water Right Ownership **Correction:** 35-14268 (Split into 35-14268 and 35-14746)

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: CARL TAYLOR
HOLDEN KIDWELL HAHN & CRAPO
WATER DISTRICT 120
BONNEVILLE JEFFERSON GROUND WATER DISTRICT



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

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PO Box 50130
Idaho Falls, Idaho 83405
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www.holdenlegal.com
rharris@holdenlegal.com

March 17, 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 a 350-Acre Portion of WR 35-14268.*

Dear Jonie:

Enclosed for processing is a *Notice of Change in Water Right Ownership* for a 350-acre portion of WR 35-14268 filed on behalf of Wayne Properties LLC. As you can see in the enclosed *Special Warranty Deed for Water Right*, 350 acres of 35-14268 has been purchased, with 27 acres being retained from Carl and Linda Taylor. Accordingly, the water right will be split, and we have included a check in the amount of \$100.00. There is a map attached to the *Special Warranty Deed for Water Right* which shows the specific 350 acres that have been purchased. If you would like me to email you the GIS shapefile for this 350-acre area, email me at rharris@holdenlegal.com, and I will be happy to send it to you. Please let me know if you have any questions or concerns.

Best regards,

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

Enclosures

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