

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 10 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?
21-2136 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
21-7101 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: George Marotz Farms, Inc.
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. 29, 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.

8. Signature: *Robert L. Jannis* Attorney March 5, 2021
Signature of new owner/claimant Title, if applicable Date
- Signature: _____ Title, if applicable Date

For IDWR Office Use Only:

Received by *JB* Date 3/10/2021 Receipt No. E046710 Receipt Amt. \$50.-
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 3/11/2021

Microfilm No. **584170**
At 9:33 Day Jan 2021
O'Clock A M
ABBIE MACE
FREMONT CO RECORDER
Fee \$ 15- Deputy e
Recorded at Request of
Holden, Kidwell, Hahn & Crapo

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

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

George Marotz Farms, Inc., an Idaho Corporation, whose address is 7931 Silver Spur Loop, Idaho Falls, Idaho 83406 (hereinafter "**Grantor**") does hereby grant, bargain, sell, assign, and convey unto **Wayne Properties LLC**, a Delaware trust, whose address is P.O. Box 2906, Idaho Falls, Idaho 83401 (hereinafter "**Grantee**") and to Grantee's heirs and assigns forever, the entirety of Water Right No. 21-2136 and Water Right No. 21-7101, which are described on the water right reports obtained from the Idaho Department of Water Resources attached hereto as Exhibit A and Exhibit B respectively. These two water rights are hereinafter referred to collectively 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 portion of the Water Rights to anyone other than Grantee;
- (C) The Water Rights 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.

[SIGNATURE AND NOTARY ON FOLLOWING PAGE]

DATED this 29 day of December, 2020.

GEORGE MAROTZ FARMS, INC.

George Marotz Farms Inc
 By: Ronald A Marotz
 Name: Ronald A Marotz
 Title: Pres

STATE OF IDAHO)
) ss.
 County of Madison)

This record was acknowledged before me on the 29th day of Dec., 2020,
 by Don Marotz, as President of George Marotz Farms, Inc.



Lynda Merrill
 Signature of Notary Public
 My Commission Expires: 4-4-2026

EXHIBIT A
WATER RIGHT DESCRIPTION 21-2136

12/28/2020

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

12/28/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 21-2136

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGE MAROTZ FARMS INC 7931 SILVER SPUR LOOP IDAHO FALLS, ID 83406 2086527285
Original Owner	BLAINE B MAROTZ FARMS INC RT 1 BOX 13 ASHTON, ID 83420 2086527285

Priority Date: 06/28/1965

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MAROTZ SPRING	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.37 CFS	158.7 AFA
Total Diversion			0.37 CFS	158.7 AFA

Location of Point(s) of Diversion:

MAROTZ SPRING	SWSESE	Sec. 15	Township 09N	Range 43E	FREMONT County
MAROTZ SPRING	NENWNE	Sec. 22	Township 09N	Range 43E	FREMONT County

<https://idwr.idaho.gov/apos/Ext/SearchRightReportAJ.asp?BasinNumber=21&SequenceNumber=2136&SortSuffix=&TypeWaterRight=>

1/3

12/28/2020

Water Right Report

IRRIGATION Use:

Acre Limit: 131.3

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09N	43E	22		SENE	41									
				NESE	41		NWSE	41						
		23		SWNW	38									
				NWSW	38		SWSW	38						

Total Acres: 237

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E55 Right Nos. 21-2136 and 21-7101 are limited to the irrigation of a combined total of 237 acres in a single irrigation season.
3. K06 This right is limited to the irrigation of 131.3 acres within the place of use described above in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 02/02/2007

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration 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: S

<https://dwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=21&SequenceNumber=2136&SplitOutfit=&TypeWaterRight=True>

2/3

EXHIBIT B
WATER RIGHT DESCRIPTION 21-7101

12/28/2020

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

12/28/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 21-7101

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGE MAROTZ FARMS INC 7931 SILVER SPUR LOOP IDAHO FALLS, ID 83406 2086527285
Original Owner	BLAINE B MAROTZ FARMS INC RT 1 BOX 13 ASHTON, ID 83420 2086527285

Priority Date: 12/19/1978

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MAROTZ SPRING	HENRYS FORK
SPRING	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.43 CFS	195.8 AFA
Total Diversion			0.43 CFS	195.8 AFA

Location of Point(s) of Diversion:

MAROTZ SPRING	SWSESE	Sec. 15	Township 09N	Range 43E	FREMONT County
SPRING	NENWNE	Sec. 22	Township 09N	Range 43E	FREMONT County

<https://dwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=21&SequenceNumber=7101&SplitSurfs=&TypeWaterRight=True>

1/3

12/28/2020

Water Right Report

IRRIGATION Use:

Acre Limit: 105.7

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09N	43E	22		SENE	41									
				NESE	41		NWSE	41						
		23		SWNW	38									
				NWSW	38		SWSW	38						

Total Acres: 237

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E55 Right Nos. 21-2136 and 21-7101 are limited to the irrigation of a combined total of 237 acres in a single irrigation season.
3. K06 This right is limited to the irrigation of 105.7 acres within the place of use described above in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 02/02/2007

Permit Proof Due Date: 2/1/1985

Permit Proof Made Date: 6/17/1981

Permit Approved Date: 2/27/1980

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 02/19/1978

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

<https://dwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=21&SequenceNumber=7101&SplitOffix=&TypeWaterRight=True>

2/3



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

March 11, 2021

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

Re: Change in Ownership for Water Right No(s): 21-2136 & 21-7101

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: WATER DISTRICT 01



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

Established in 1896

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

March 8, 2021

Jonie Barg
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718

Re: Notice of Change in Water Right Ownership for WR Nos. 21-2136 and 21-7101.

Dear Jonie:

Enclosed for processing is a *Notice of Change in Water Right Ownership* for the above-referenced water rights. The Department previously processed an ownership change for only a portion of these rights that are associated with property that Wayne Properties LLC purchased. However, the parties' intent was to convey the entirety of these water rights, and this has been corrected and made clear with the recorded *Special Warranty Deed for Water Rights* recorded as Instrument No. 584170 in the records of Fremont County, Idaho. Accordingly, you are welcome to recombine these previously split portions back to the original water right numbers if you desire. We will be filing a transfer application to shrink the place of use of these water rights onto the property purchased by my client. If you have any questions or concerns, please let me know. We have included a check in the amount of \$50.00 for the filing fee to process this ownership change.

Best regards,

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, p.l.l.c.

Enclosures

g:\wpdata\rlh\19793-000 web holdings, llc\01 2020 general matters\marotz wr\2021.03.08 barg.docx