

DEC 21 2020

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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. **✓ DB**

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
✓ 35-14614	Yes ☒	Yes ☐	35-14614 (Split into 35-14614 and 35-14724)		Yes ☐
✓ 35-14616	Yes ☒	Yes ☐	35-14616 (Split into 35-14616 and 35-14727)		Yes ☐
✓ 35-14618	Yes ☒	Yes ☐	35-14618 (Split into 35-14618 and 35-14730)		Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Benny and Elipor South
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Matthew and Aleisha Kruckeberg
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- Mailing address 679 N 3400 E City Menan State ID ZIP 83434
Telephone (208) 569-4796 Email matkruckeberg707@gmail.com
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: _____
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] Title, if applicable owner Date 12-6-2020
 Signature: [Signature] Title, if applicable owner Date 12-6-2020

For IDWR Office Use Only:

Received by JB Date 12/21/20 Receipt No. E046526
E046527
E046528 Receipt Amt. \$100. -
\$100. -
\$100. -

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 1/13/2021

WARRANTY DEED

First American Title Company

923845 - RX
South Lands, LLC, an Idaho limited liability company, c/o Rod South, of 4946 N. 2900 East, Idaho Falls, ID 83401 (hereinafter "Grantor"), for and in consideration of \$10.00 and other good and valuable consideration, hereby transfers, grants, conveys, and warrants unto **Matthew Kruckeberg and Aleisha Kruckeberg, husband and wife**, of 679 N. 3400 E., Menan ID 83434 (hereinafter collectively "Grantee"), the following described real property (hereinafter referred to as the "Subject Property") located in Madison County, Idaho, to wit:

See Exhibit A, which is attached hereto and incorporated herein by reference.

Together with: Except as provided herein, all and singular the tenements, hereditaments, appurtenances, easements, rights, water rights (if any), rights of way, and improvements thereunto belonging or in anywise appertaining; the reversion and reversions, remainder and remainders, rents, issues, profits thereof; and all estate, right, title, and interest in and to the said property, as well in law as in equity.

Subject to: All easements, encumbrances, rights of way, covenants, conditions, restrictions, reservations, patent reservations, dedications, easements, applicable building and zoning ordinances and use regulations and restrictions of record, all facts and circumstances that would be revealed by inspection of the property or inquiry of persons in possession thereof, and payment of present year's property taxes, which are an accruing lien not yet due.

Grantor, for itself, its heirs, successors, and assigns, warrants and represents as follows:

Grantor has the legal right to transfer the real property described herein.

Grantor is the owner of the real property described in this Warranty Deed and has the legal right to convey said real property to Grantees.

The real property described in this deed is free from all liens, encumbrances, and defects in title, except as otherwise shown in this deed or of record.

Grantor will forever warrant and defend the quiet and peaceful possession of the Subject Property granted by this warranty deed to Grantees, their successors in interest, heirs, and assigns against all lawful claims.

Date: September 1, 2020.

WARRANTY DEED - PAGE 1

ID: 433745

County: MADISON

Date: 9/4/2020 Time: 4:39

WARRANTY DEED

First American Title Company

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Subject to: All easements, encumbrances, rights of way, covenants, conditions, restrictions, reservations, patent reservations, dedications, easements, applicable building and zoning ordinances and use regulations and restrictions of record, all facts and circumstances that would be revealed by inspection of the property or inquiry of persons in possession thereof, and payment of present year's property taxes, which are an accruing lien not yet due.

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The real property described in this deed is free from all liens, encumbrances, and defects in title, except as otherwise shown in this deed or of record.

Grantor will forever warrant and defend the quiet and peaceful possession of the Subject Property granted by this warranty deed to Grantees, their successors in interest, heirs, and assigns against all lawful claims.

Date: September 1, 2020.



South Lands, LLC
By: Rod South
Its: Member

Acknowledgment

State of Idaho
County of Madison ss.

On this 1st day of September, 2020, before me, the undersigned, a notary public, personally appeared Rod South in his capacity as member of South Lands, LLC, an Idaho limited liability company, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that said limited liability company executed the same.



Notary Public for Idaho
Residing at: Boylston, ID
(Seal)

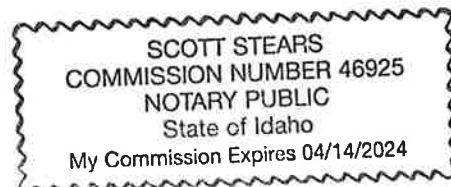
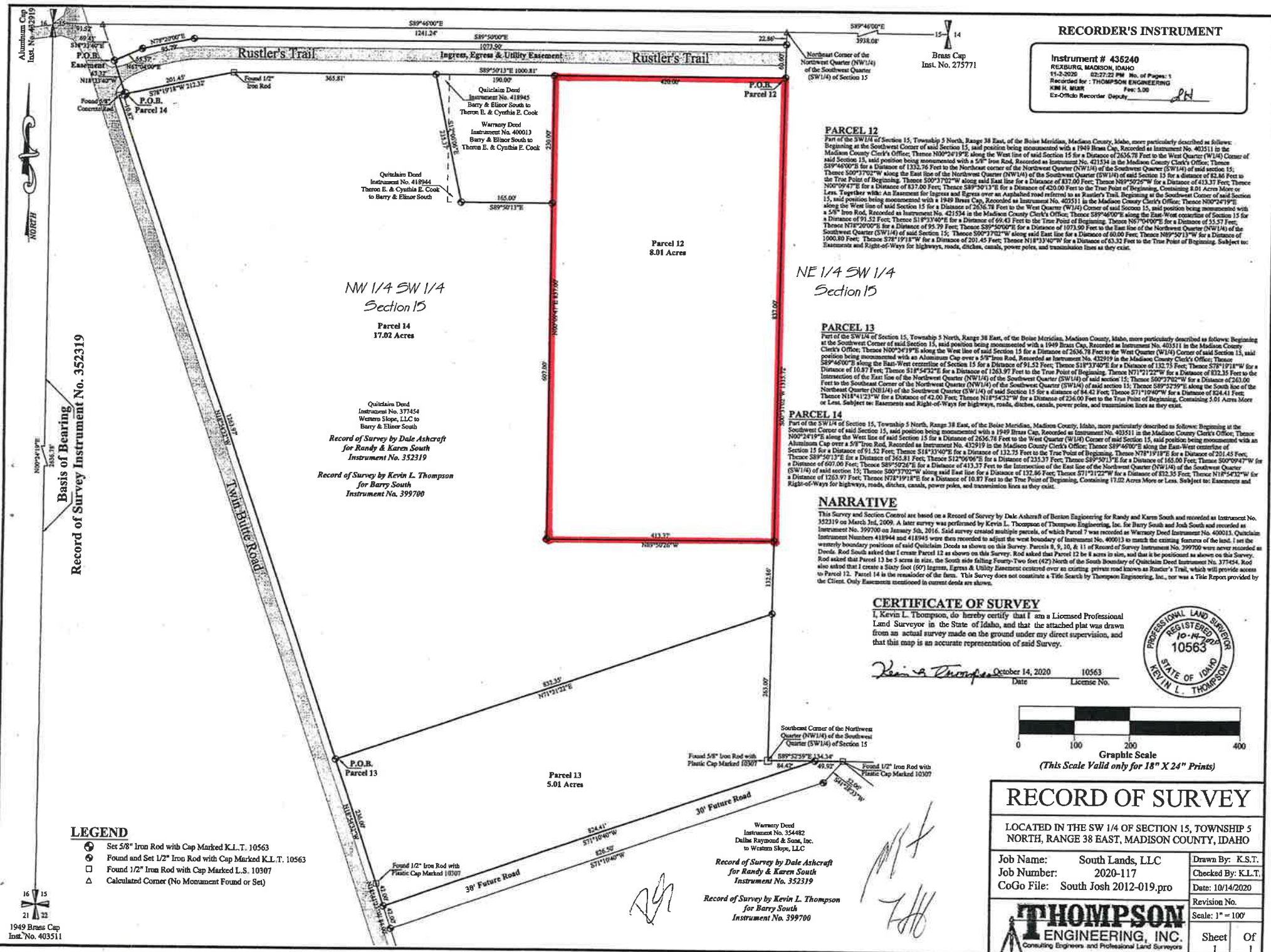


Exhibit A

Part of the SW1/4 of Section 15, Township 5 North, Range 38 East, of the Boise Meridian, Madison County, Idaho, more particularly described as follows:

Beginning at the Southwest Corner of said Section 15, said position being monumented with a 1949 Brass Cap, Recorded as Instrument No. 403511 in the Madison County Clerk's Office;
Thence N00°24'19"E along the West line of said Section 15 for a Distance of 2636.78 Feet to the West Quarter (W1/4) Corner of said Section 15, said position being monumented with a 5/8" Iron Rod, Recorded as Instrument No. 421534 in the Madison County Clerk's Office;
Thence S89°46'00"E for a Distance of 1332.76 Feet to the Northeast corner of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said section 15;
Thence S00°37'02"W along the East line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 15 for a distance of 82.86 Feet to the True Point of Beginning.
Thence S00°37'02"W along said East line for a Distance of 837.00 Feet;
Thence N89°50'26"W for a Distance of 413.37 Feet;
Thence N00°09'47"E for a Distance of 837.00 Feet;
Thence S89°50'13"E for a Distance of 420.00 Feet to the True Point of Beginning, Containing 8.01 Acres More or Less.



RECORDER'S INSTRUMENT

Instrument # 435240
REXBURG, MADISON, IDAHO
11-2-2020 10:27:22 PM Page 1
Recorded by: THOMPSON ENGINEERING
KIM H. MURPHY Fee: 5.00
Ex-Officio Recorder Deputy

PARCEL 12
Part of the SW 1/4 of Section 15, Township 5 North, Range 38 East, of the Boise Meridian, Madison County, Idaho, more particularly described as follows: Beginning at the Southwest Corner of said Section 15, said position being monumented with a 1949 Brass Cap, Recorded as Instrument No. 403511 in the Madison County Clerk's Office; Thence N00°24'19"E along the West line of said Section 15 for a Distance of 2636.78 Feet to the West Quarter (NW 1/4) Corner of said Section 15, said position being monumented with a 5/8" Iron Rod, Recorded as Instrument No. 432919 in the Madison County Clerk's Office; Thence S29°46'00"W along the East-West centerline of Section 15 for a Distance of 91.53 Feet; Thence S11°33'40"E for a Distance of 132.75 Feet to the True Point of Beginning; Thence N71°12'22"W for a Distance of 832.35 Feet to the Intersection of the East line of the Northwest Quarter (NW 1/4) of said Section 15; Thence S00°09'47"E for a Distance of 263.00 Feet to the Southwest Corner (SW 1/4) of said Section 15; Thence S89°50'13"E for a Distance of 420.00 Feet to the True Point of Beginning, Containing 8.01 Acres More or Less. Together with: An Easement for Egress and Egress over an Asphalted road referred to as Rustler's Trail, Beginning at the Southwest Corner of said Section 15, said position being monumented with a 1949 Brass Cap, Recorded as Instrument No. 403511 in the Madison County Clerk's Office; Thence N00°24'19"E along the West line of said Section 15 for a Distance of 2636.78 Feet to the West Quarter (NW 1/4) Corner of said Section 15, said position being monumented with a 5/8" Iron Rod, Recorded as Instrument No. 432919 in the Madison County Clerk's Office; Thence S29°46'00"W along the East-West centerline of Section 15 for a Distance of 91.53 Feet; Thence S11°33'40"E for a Distance of 132.75 Feet to the True Point of Beginning; Thence N71°12'22"W for a Distance of 832.35 Feet to the Intersection of the East line of the Northwest Quarter (NW 1/4) of said Section 15; Thence S00°09'47"E for a Distance of 263.00 Feet to the Southwest Corner (SW 1/4) of said Section 15; Thence S89°50'13"E for a Distance of 420.00 Feet to the True Point of Beginning, Containing 8.01 Acres More or Less. Subject to: Easements and Right-of-Ways for highways, roads, ditches, canals, power poles, and transmission lines as they exist.

PARCEL 13
Part of the SW 1/4 of Section 15, Township 5 North, Range 38 East, of the Boise Meridian, Madison County, Idaho, more particularly described as follows: Beginning at the Southwest Corner of said Section 15, said position being monumented with a 1949 Brass Cap, Recorded as Instrument No. 403511 in the Madison County Clerk's Office; Thence N00°24'19"E along the West line of said Section 15 for a Distance of 2636.78 Feet to the West Quarter (NW 1/4) Corner of said Section 15, said position being monumented with a 5/8" Iron Rod, Recorded as Instrument No. 432919 in the Madison County Clerk's Office; Thence S29°46'00"W along the East-West centerline of Section 15 for a Distance of 91.53 Feet; Thence S11°33'40"E for a Distance of 132.75 Feet to the True Point of Beginning; Thence N71°12'22"W for a Distance of 832.35 Feet to the Intersection of the East line of the Northwest Quarter (NW 1/4) of said Section 15; Thence S00°09'47"E for a Distance of 263.00 Feet to the Southwest Corner (SW 1/4) of said Section 15; Thence S89°50'13"E for a Distance of 420.00 Feet to the True Point of Beginning, Containing 5.01 Acres More or Less. Subject to: Easements and Right-of-Ways for highways, roads, ditches, canals, power poles, and transmission lines as they exist.

PARCEL 14
Part of the SW 1/4 of Section 15, Township 5 North, Range 38 East, of the Boise Meridian, Madison County, Idaho, more particularly described as follows: Beginning at the Southwest Corner of said Section 15, said position being monumented with a 1949 Brass Cap, Recorded as Instrument No. 403511 in the Madison County Clerk's Office; Thence N00°24'19"E along the West line of said Section 15 for a Distance of 2636.78 Feet to the West Quarter (NW 1/4) Corner of said Section 15, said position being monumented with a 5/8" Iron Rod, Recorded as Instrument No. 432919 in the Madison County Clerk's Office; Thence S29°46'00"W along the East-West centerline of Section 15 for a Distance of 91.53 Feet; Thence S11°33'40"E for a Distance of 132.75 Feet to the True Point of Beginning; Thence N71°12'22"W for a Distance of 832.35 Feet to the Intersection of the East line of the Northwest Quarter (NW 1/4) of said Section 15; Thence S00°09'47"E for a Distance of 263.00 Feet to the Southwest Corner (SW 1/4) of said Section 15; Thence S89°50'13"E for a Distance of 420.00 Feet to the True Point of Beginning, Containing 17.02 Acres More or Less. Subject to: Easements and Right-of-Ways for highways, roads, ditches, canals, power poles, and transmission lines as they exist.

NARRATIVE
This Survey and Section Control are based on a Record of Survey by Dale Ashcraft of Barton Engineering for Randy and Karen South and recorded as Instrument No. 352319 on March 3rd, 2009. A later survey was performed by Kevin L. Thompson of Thompson Engineering, Inc. for Barry South and Josh South and recorded as Instrument No. 399700 on January 5th, 2016. Said survey created multiple parcels, of which Parcel 7 was recorded as Warranty Deed Instrument No. 400013. Quitclaim Instrument Numbers 418944 and 418945 were then recorded to adjust the west boundary of Instrument No. 400013 to match the existing features of the land. I set the westerly boundary positions of said Quitclaim Deeds as shown on this Survey. Parcels 8, 9, 10, & 11 of Record of Survey Instrument No. 399700 were never recorded as Deeds. Rod South asked that I create Parcel 12, as shown on this Survey. Rod asked that Parcel 12 be 8 acres in size, and that it be positioned as shown on the Survey. Rod asked that I create a 30' Future Road (30' Future Road) as shown on this Survey. This Survey does not constitute a Title Survey by Thompson Engineering, Inc., nor was a Title Report provided to the Client. Only Easements mentioned in current deeds are shown.

CERTIFICATE OF SURVEY

I, Kevin L. Thompson, do hereby certify that I am a Licensed Professional Land Surveyor in the State of Idaho, and that the attached plat was drawn from an actual survey made on the ground under my direct supervision, and that this map is an accurate representation of said Survey.

Kevin L. Thompson October 14, 2020 10563
Date License No.



RECORD OF SURVEY

LOCATED IN THE SW 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 38 EAST, MADISON COUNTY, IDAHO

Job Name: South Lands, LLC
Job Number: 2020-117
CoGo File: South Josh 2012-019.pro
Drawn By: K.S.T.
Checked By: K.L.T.
Date: 10/14/2020

Revision No.
Scale: 1" = 100'
Sheet 1 Of 1
THOMPSON ENGINEERING, INC.
Consulting Engineers and Professional Land Surveyors

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/16/2020

Water Right 35-14614

Owner Type **Name**
Current Owner BARRY SOUTH
Current Owner ELINOR SOUTH
Priority Date: 3/5/1948
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.200 CFS	40.7 AF
	Total Diversion		0.200 CFS	40.7 AF

Source and Point(s) of Diversion

GROUND WATER	NWNENW	Sec. 22, Twp 05N, Rge 38E, MADISON County
GROUND WATER	SWSWSW	Sec. 15, Twp 05N, Rge 38E, MADISON County

Place Of Use

IRRIGATION within MADISON County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	38E	15										24.0	4.0	0.1					28.1

Right Acre Limit: 10.2

POU Total Acres: 28.1

Conditions of Approval:

1. E17 Use of this right is combined with water from Palisades Water Users Association.
2. E03 Use of this right is combined with water from Butte & Market Lake Canal Co.
3. X27 This right is limited to the irrigation of 10.2 acres within the authorized place of use in a single irrigation season.
4. F06 The following rights are diverted through point(s) of diversion described above:
35-14174, 35-14176, 35-14178, 35-14613, 35-14614, 35-14615, 35-14616, 35-14617 and 35-14618.
5. X35 Rights 35-14614, 35-14616 and 35-14618 when combined shall not exceed the irrigation of 28.1 acres.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, 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.
7. U45 The place of use does not include federal land.

Dates and Other Information

Decreed Date: 8/29/2002
Civil Case Number: 39576

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/16/2020

Water Right 35-14616

Owner Type **Name**
Current Owner BARRY SOUTH
Current Owner ELINOR SOUTH
Priority Date: 12/31/1940
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.300 CFS	67.7 AF
	Total Diversion		0.300 CFS	67.7 AF

Source and Point(s) of Diversion

GROUND WATER	NWNENW	Sec. 22, Twp 05N, Rge 38E, MADISON County
GROUND WATER	SWSWSW	Sec. 15, Twp 05N, Rge 38E, MADISON County

Place Of Use

IRRIGATION within MADISON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	38E	15										24.0	4.0	0.1					28.1

Right Acre Limit: 16.9

POU Total Acres: 28.1

Conditions of Approval:

1. E17 Use of this right is combined with water from Palisades Water Users Association.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, 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.
3. X35 Rights 35-14614, 35-14616 and 35-14618 when combined shall not exceed the irrigation of 28.1 acres.
4. U45 The place of use does not include federal land.
5. E03 Use of this right is combined with water from Butte & Market Lake Canal Co.
6. X27 This right is limited to the irrigation of 16.9 acres within the authorized place of use in a single irrigation season.
7. F06 The following rights are diverted through point(s) of diversion described above:
35-14174, 35-14176, 35-14178, 35-14613, 35-14614, 35-14615, 35-14616, 35-14617 and 35-14618.

Dates and Other Information

Decreed Date: 8/29/2002
Civil Case Number: 39576

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/16/2020

Water Right 35-14618

Owner Type **Name**
Current Owner BARRY SOUTH
Current Owner ELINOR SOUTH
Priority Date: 9/28/1981
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.020 CFS	4.0 AF
	<u>Total Diversion</u>		0.020 CFS	4.0 AF

Source and Point(s) of Diversion

GROUND WATER	NWNENW	Sec. 22, Twp 05N, Rge 38E, MADISON County
GROUND WATER	SWSWSW	Sec. 15, Twp 05N, Rge 38E, MADISON County

Place Of Use

IRRIGATION within MADISON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	38E	15										24.0	4.0	0.1					28.1

Right Acre Limit: 1.0

POU Total Acres: 28.1

Conditions of Approval:

1. X27 This right is limited to the irrigation of 1.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-14614, 35-14616 and 35-14618 when combined shall not exceed the irrigation of 28.1 acres.
3. U45 The place of use does not include federal land.
4. F06 The following rights are diverted through point(s) of diversion described above:
35-14174, 35-14176, 35-14178, 35-14613, 35-14614, 35-14615, 35-14616, 35-14617 and 35-14618.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, 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.
6. E03 Use of this right is combined with water from Butte & Market Lake Canal Co.
7. E17 Use of this right is combined with water from Palisades Water Users Association.

Dates and Other Information

Decreed Date: 4/2/2002
Civil Case Number: 39576



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

January 13, 2021

MATTHEW KRUCKEBERG
ALEISHA KRUCKEBERG
679 N 3400 E
MENAN ID 83434-5077

Re: Change in Water Right Ownership: 35-14614 (Split into 35-14614 and 35-14724), 35-14616 (Split into 35-14616 and 35-14727) and 35-14618 (Split into 35-14618 and 35-14730)

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: BARRY & ELINOR SOUTH
DAVID & HEATHER HARPER
SPENCER & KARA STANGER
WATER DISTRICT 120