

2019-050711

RECORDED

10/23/2019 09:17 AM

CHRIS YAMAMOTO
CANYON COUNTY RECORDER

Pgs=4 PBRIDGES

\$15.00

TYPE: DEED

TITLEONE BOISE

ELECTRONICALLY RECORDED

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed") is from Van Dam Properties, LLC, an Idaho limited liability company ("Grantor") to Flamingo West 2, LLC, an Idaho limited liability company ("Grantee"), whose current mailing address is 10906 W. Vega Lane, Star, Idaho 83669.

NOW THEREFORE for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby GRANTS, DELIVERS AND CONVEYS to Grantee all of the real property described on Exhibit A attached hereto together with all of Grantor's rights, title and interest in and to all improvements thereon and all rights, privileges, and hereditaments and appurtenances related or pertaining thereto, including any and all water rights (collectively, the "Property").

TO HAVE AND TO HOLD said Property with their appurtenances unto said Grantee and the Grantee's successors and assigns forever. The Grantor does hereby warrant to said Grantee, that the Grantor has not created or permitted to be created any lien, charge or encumbrance against the Property except current years taxes, levies, and assessments and except U.S. Patent reservations, restrictions, easements of record, easements visible upon the premises and the exceptions described in Exhibit "B" attached hereto and made a part hereof by this reference; and that Grantor will warrant and defend the same forever from all claims arising by, through or under Grantor.

THIS DEED SHALL BE BINDING upon and inure to the benefit of Grantor and Grantee and their respective successors, heirs, legal representatives, and assigns.

EXECUTED TO BE EFFECTIVE AS OF THE 21st **DAY OF** Oct., 2019.

Van Dam Properties, LLC, an Idaho limited liability company

By: 

William C. Van Dam, Member

State of Idaho)

) ss.

County of Canyon)

On this 21st day of October, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared William C. Van Dam, known or identified to me to be a member of the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for Idaho
My Commission Expires:

RESIDING: BOISE, ID
COMMISSION EXPIRES: 11-22-19



Exhibit A

A parcel of land in a portion of the South half of the Northeast quarter of the Northeast quarter of Section 26, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho and more particularly described as follows:

Basis of Bearing is taken as the North line of the Northeast quarter of Section 26, Township 4 North, Range 2 West, Boise Meridian derived from found monuments and taken as North 89°47'52" West.

Beginning at a point from which the Northeast corner of said Northeast quarter bears North 00°02'19" West a distance of 697.48 feet; thence along the East line of said South half

South 00°02'19" East a distance of 602.45 feet to a point; thence leaving said East line

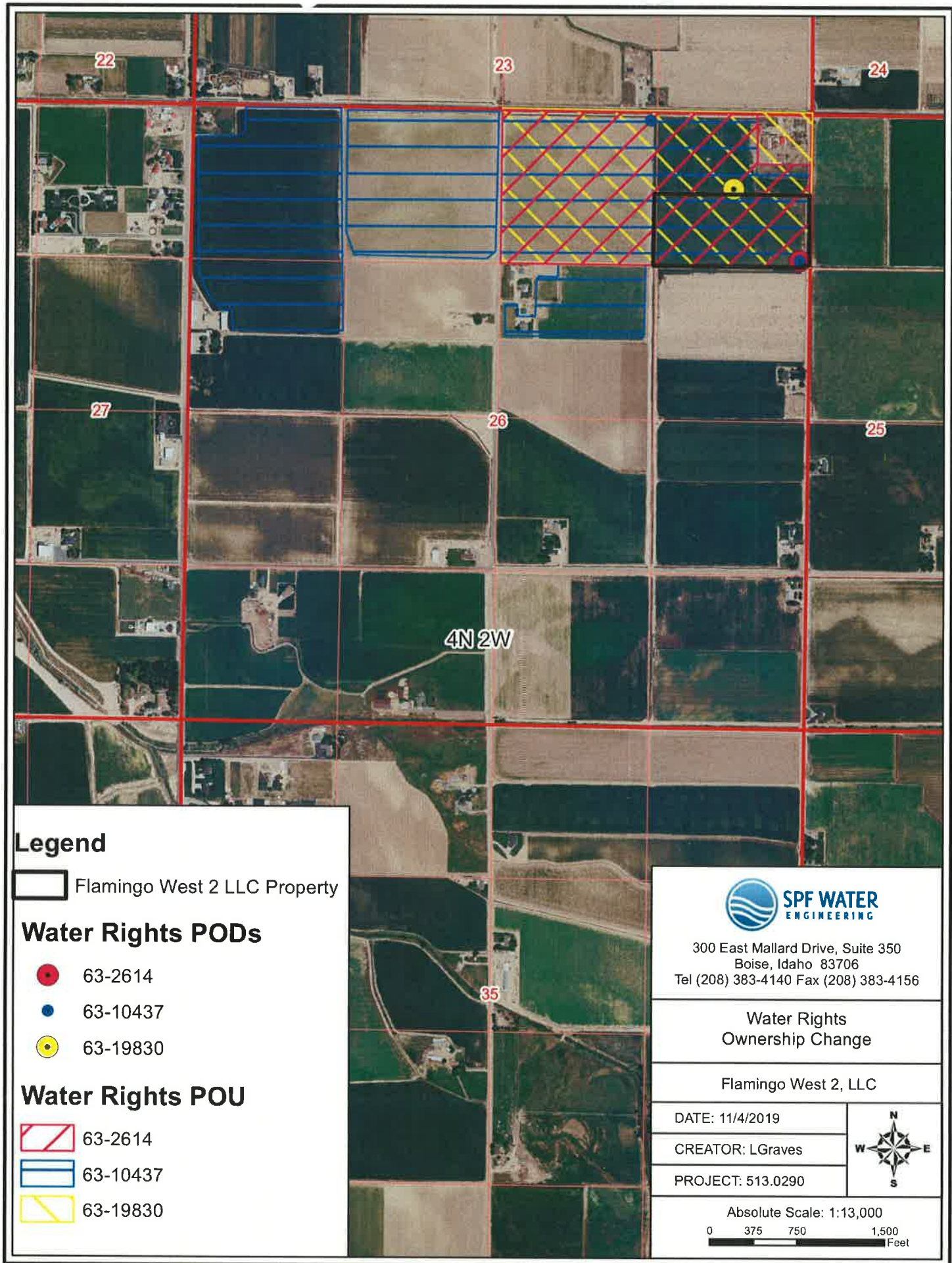
North 89°51'58" West a distance of 50.00 feet to a point; thence parallel with said East line

South 00°02'19" East a distance of 20.00 feet to a point on the South line of said South half; thence along said South line

North 89°51'58" West a distance of 1288.25 feet to the Southwest corner of said South half; thence leaving said South line and along the West line of said South half

North 00°01'59" West a distance of 622.45 feet to a point; thence leaving said West line

South 89°51'58" East a distance of 1338.19 feet to the Point of Beginning.



Flamingo West stockwater right 63-19830

• Bradbury, Allen

Friday, April 24, 2020 2:33 PM

Hi Steve,

Thanks for getting back with me. I believe this email is sufficient. I will double check and arrange for any reimbursement for not splitting.

Allen

IDWR-Western

• Steve Hannula [SHannula@spfwater.com]

Friday, April 24, 2020 2:15 PM

Hi Allen,

Lori Graves forwarded your email to me. I also talked to the new owner (cc'd on this email).

With condition #4 of 63-19830 we concluded that splitting 63-19830 does not make sense; keeping the stockwater right on Parcel #1R342230000 in the name of Flamingo West makes good sense and the owner concluded that is the preferred way.

Will this email suffice for that direction or will you need additional information?

Thank you. Let Lori or I know how we can help.

Steve Hannula, P.E., P.G., PMP | Sr. Project Manager

SPF Water Engineering, LLC

300 E Mallard Drive, Suite 350 | Boise, ID 83706

p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2135

e. shannula@spfwater.com | w. www.spfwater.com



From: Bradbury, Allen <Allen.Bradbury@idwr.idaho.gov>

Sent: Friday, April 24, 2020 1:42 PM

To: Lori Graves <LGraves@spfwater.com>

Subject: Flamingo West stockwater right 63-19830

Hi Lori,

I was hoping you could give me some direction on the ownership change for Flamingo West. In particular the stockwater right 63-19830. Here is a brief summary of all the rights involved:

- Prescott Crossing LLC –
 - 63-2614 (SPLIT Irrigation)
 - 63-10437 (SPLIT Irrigation)
- Flamingo West LLC –
 - 63-2614 (SPLIT Irrigation)
 - 63-10437 (SPLIT Irrigation)
 - 63-19830 (SPLIT Stock water)
 - 63-19831 (Domestic)
- Flamingo West 2 LLC –
 - 63-2614 (SPLIT Irrigation)
 - 63-10437 (SPLIT Irrigation)
 - 63-19830 (SPLIT Stock water)

Some of the concerns with the split of stock water right #63-19830 include:

- NENE N½ is Parcel # 1R34223-000-0 (Flamingo W) is only parcel named on water right under condition 4 - stockwater, 150 range cattle parcel no. 1R34223-000-0
- NENE S½ is Parcel # R3422301300 (Flamingo W2) according to the OC should receive part of the stock water

The deed language is general, not listing specifics of the water rights:

Both warranty deeds for Flamingo West and Flamingo West 2 simply say "including any and all water rights"

The Non-Merger Deed in Lieu of Foreclosure for Prescott Crossing says, "... as well as all development rights, air rights, all diversion payments or third party payments made to crop producers, water rights, well rights, ditch rights and water stock relating to the real property...."

It appears that new owners could easily keep the stock water with Flamingo West (#1R342230000). However, if they want to split the stock water use they will need a transfer to go with it. And possibly an application for permit if they need to add additional water. The split would only yield 0.02 cfs for each right.

Let me know what you think.

Allen

IDWR-Western

• Bradbury, Allen

To: Lori Graves [LGraves@spfwater.com]

Actions

Friday, April 24, 2020 1:12 PM

Hi Lori,

I was hoping you could give me some direction on the ownership change for Flamingo West. In particular the stockwater right 63-

MEMORANDUM

April 20, 2020

Water Rights: 63-2614, 63-10437, 63-19830

Author: ABradbury

Subject: Split Rights

Water Right 63-2614, split into 63-34881 and 63-34882.

Water Right 63-10437, split into 63-34884, 63-34885 and 63-34886.

Water Right 63-19830, split into 63-34890.



SPF WATER
ENGINEERING

December 10, 2019

DEC 13 2019

WATER RESOURCES
WESTERN REGION

Patrick Kelly, Water Rights Supervisor
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Notices of Change in Water Right Ownerships

Dear Patrick,

Enclosed are two *Notices of Change in Water Right Ownership*; one for water right portions appurtenant to property owned by Flamingo West, LLC and the other for water right portions appurtenant to property owned by Flamingo West 2, LLC.

Check No. 23286 for \$625 is enclosed for the associated filing fees. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Phil Hull, The Land Group
Franz Witte

Enclosures

SPF file number: 513.0290

MEMORANDUM

TO: Sascha Marston
FROM: Allen Bradbury
DATE: 4/29/2020
RE: Refund on Receipt # W047925

THE LAND GROUP INC paid \$625.00 for multiple ownership changes, on 12/13/2019. Water right #63-19830 was initially requested to be split between Flamingo West LLC (\$100) and Flamingo West 2 LLC (\$100), however a condition on the water right limited use to the parcel changing to Flamingo West LLC. Upon notifying the applicant, they elected not to split the right but simply change the ownership (\$25). A refund should be issued.

Please issue a \$175.00 refund as follows:

TO

THE LAND GROUP INC
462 E SHORE DR STE 100
EAGLE ID 83616

TEL. (208) 939-4041

RECEIPT

Receipt no. W047925

Copy: 63-19830