

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEC 13 2019

Notice of Change in Water Right Ownership

WATER RESOURCES
WESTERN 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?
63-2614	Yes <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
63-10437	Yes <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
63-19830	Yes <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
<i>↳ cancelled</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Naugle Hereford Ranch (63-2614, 63-19830); Wayne Naugle (63-10437)
3. New Owner(s)/Claimant(s): Flamingo West 2, LLC
- New owner(s) as listed on the conveyance document
- | Name connector | <input type="checkbox"/> and | <input type="checkbox"/> or | <input type="checkbox"/> and/or |
|------------------------------|------------------------------|-----------------------------|---------------------------------|
| <u>Star</u> | | | |
| <u>ID</u> | | | <u>83669</u> |
| <u>City</u> | | <u>State</u> | <u>ZIP</u> |
| <u>seneca@franzwitte.com</u> | | | |
| <u>Email</u> | | | |
- Mailing address
10906 W. Vega Ln
208-853-0808
Telephone
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: October 21, 2019
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):
- ☐ \$25 per *undivided* water right.
 - ☐ \$100 per *split* water right.
 - ☐ 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**
- IN FILE #** 63-2614

SUPPORT DATA

IN FILE # 63-2614

8. Signature: [Signature] Signature of new owner/claimant
 Title, if applicable
 Date 12/4/2019
- Signature: _____ Signature of new owner/claimant
 Title, if applicable
 Date _____

For IDWR Office Use Only:

Received by VT Date 12/13/19 Receipt No. W047925 Receipt Amt. \$625.00
 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 AB Processed by AB Date 04/22/2020

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

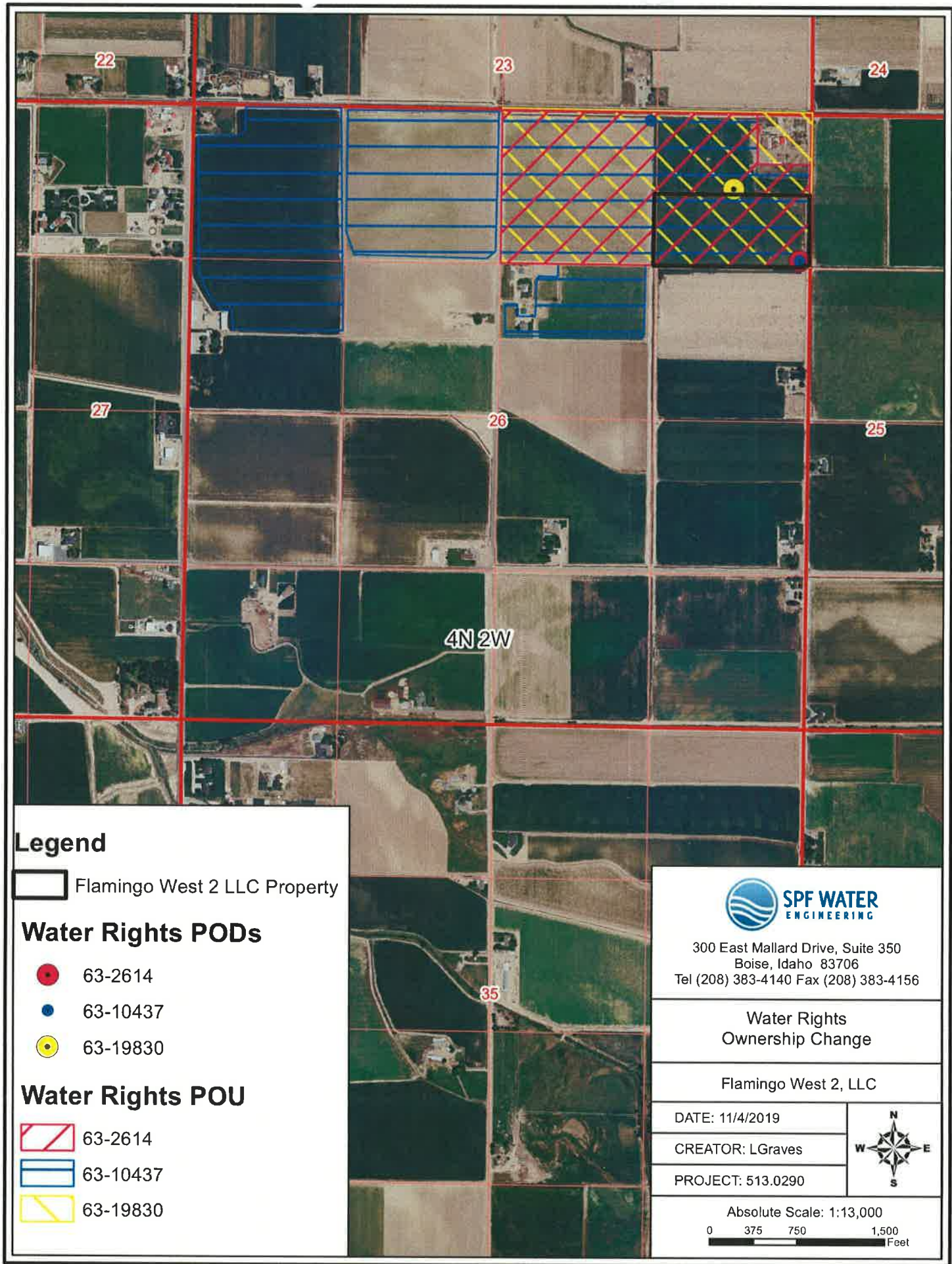
North 89°51'58" West a distance of 50.00 feet to a point; thence parallel with said East line

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.



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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 08, 2020

FLAMINGO WEST 2 LLC
10906 W VEGA LN
STAR ID 83669-5458

Re: Notice of Change in Ownership for Water Right No(s):

63-2614 (split into 63-34881 and 63-34882),

63-10437 (split into 63-34884, 63-34885, and 63-34886)

Dear Water Right Holder(s):

The Department of Water Resources (Western) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water rights to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Water right nos. **63-2614** and **63-10437** have been split, and portion nos. **63-34882** and **63-34886** have been assigned to your ownership. Please refer to your new water right numbers when corresponding with our office.

Your portion of each water right 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 this matter, please contact me at (208) 334-2910.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lynne Evans", with a stylized flourish at the end.

Lynne Evans
Office Specialist II

Enclosures

c: Wayne Naugle, Naugle Hereford Ranch



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 8, 2020

NAUGLE HEREFORD RANCH
WAYNE NAUGLE
7027 HWY 20
NAMPA ID 83687

Re: Notice of Change in Ownership for Water Right No(s): 63-2614, 63-10437, 63-19830, 63-19831

Dear Water Right Holder:

The Department has received and processed three (3) Notices of Change in Water Right Ownership for portions of the above referenced water rights. These changes in ownership resulted in splits of your original water rights. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Water right nos. 63-2614, 63-19830, and 63-19831 have been assigned to new ownership. Water right no. **63-10437** has been split, and a portion retaining the original water right number remains in your ownership.

When a portion of an original water right has been conveyed to a new owner and the original right has been split, a new water right number is created to represent the portion obtained by the new owners. Please note your original water right numbers do not change as a result of these splits. For your records a proof report for **63-10437** and map depicting the place of use (POU) and point(s) of diversion (POD) after the split are enclosed.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited 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 Sections 42-222 and 42-223, Idaho Code.

If you have any questions concerning the enclosed information or this letter, please feel free to contact this office at 208-334-2190.

Sincerely,

Lynne Evans
Office Specialist II

Enclosures