

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 05 2020
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?
22-14350 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Todd and Jennifer Cook
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Misty Valley LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 970 W Broadway #446 Ste E, PO Box 30000 Jackson WY 83001
Mailing address City State ZIP
- _____
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: March 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):
- ☐ \$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.

8. Signature: *[Signature]* *V.P. of Operations* *6-12-20*
Signature of new owner/claimant Title, if applicable Date

Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by *JB* Date *10/5/20* Receipt No. *E046338* Receipt Amt. *\$25.-*

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 *10/6/20*

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Instrument # 430104
LEXBURG, MADISON, IDAHO
03-2020 03:41:11 PM No. of Pages: 4
Recorded for : ROCKY MTN ENVIRONMENTAL
IM H. MUIR Fee: 15.00
I: -Officio Recorder Deputy sg

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHT

Todd Cook and Jennifer Cook, husband and wife, whose address is 796 N. 1800 W., Blackfoot, Idaho 83221 (hereinafter collectively "Grantor") does hereby grant, bargain, sell, assign, and convey unto **Misty Valley, LLC**, an Idaho limited liability company, whose address is 970 W Broadway, #446, Ste E, PO Box 30000, Jackson, Wyoming 83001 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in Water Right No. 22-14350 described on Exhibit A attached hereto (hereinafter 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 are free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

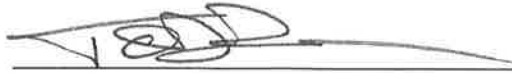
Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned Grantor has caused their names to be hereunto subscribed.

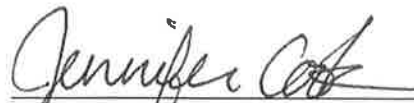
[SIGNATURES ON FOLLOWING PAGE]

DATED this 18th day of March, 2020.

"GRANTOR"



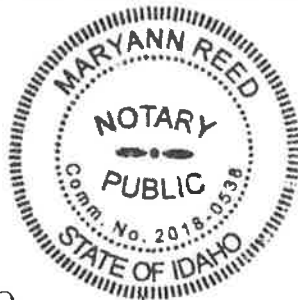
Todd Cook



Jennifer Cook

STATE OF IDAHO)
)ss.
County of Bonneville)

This record was acknowledged before me on the 18th day of March, 2020, by **TODD COOK.**





Notary Public for Idaho
My Commission Expires: 03-26-24

STATE OF IDAHO)
)ss.
County of Bonneville)

This record was acknowledged before me on the 18th day of March, 2020, by **JENNIFER COOK.**





Notary Public for Idaho
My Commission Expires: 03-26-24

EXHIBIT A **DESCRIPTION OF WATER RIGHT NO. 22-14350**

Page 4 of 7

WATER RIGHT NO. 22-14350 **As Modified by Transfer No. 83441**

In accordance with the approval of Transfer No. 83441, Water Right No. 22-14350 is now described as follows:

Right Holder: JENNIFER COOK AND
TODD COOK
796 N 1800 W
BLACKFOOT, ID 83221

Priority Date: 3/20/1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
AESTHETIC STORAGE	1/1	to 12/31		2.5 af
DIVERSION TO STORAGE	4/1	to 10/31	0.010 cfs	
FIRE PROTECTION STORAGE	1/1	to 12/31		2.5 af
			0.010 cfs	2.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (SENW) Sec 3 Twp 65N Rge 39E MADISON County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
65N	39E	3								X				X					0.08
									1.4										

PLACE OF USE: FIRE PROTECTION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
65N	39E	3								X				X					0.08
									1.4										

CONDITIONS OF APPROVAL

- The ponds established by the storage of water under this right shall not exceed a total surface area of 1.4 acres.
- This right authorizes a total annual storage volume of 2.5 acre-feet to be used for the replacement of losses caused by evaporation.
- The initial fill and any subsequent refilling of the ponds must occur through the IWRB Water Supply Bank or the Water District 1 Rental Pool.

Transfer No. 83441

**WATER RIGHT NO. 22-14350
As Modified by Transfer No. 83441**

CONDITIONS OF APPROVAL

4. The right holder shall install and maintain an impermeable liner in the ponds to eliminate seepage losses.
5. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
6. Use of water under this right may 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. 100.
7. Prior to diversion and use of water under Transfer approval 83441, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.



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

October 06, 2020

MISTY VALLEY LLC
970 W BROADWAY STE E # 446
JACKSON WY 83001-6403

Re: Change in Ownership for Water Right No(s): 22-14350

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: AXA EQUITABLE LIFE INSURANCE CO
WATER DISTRICT 100