

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

581278
Microfilm No. 31 Day Aug 2020
At 12:04 O'Clock PM
ABBIE MACE
FREMONT CO RECORDER
Fee \$ 15- 00 Deputy
Recorded at Request of
Holden Kidwell
Hahn & Crapo

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHT

John Zirker and Gerry Zirker, husband and wife, whose address is 415 E. 1 N., Rexburg, Idaho 83440, ("Grantor") does hereby grant, bargain, sell, assign, and convey unto **Unit 2 LLC, Juniper View LLC, Fromover 9 LLC, RGC Farms LLC, and JKC Farms LLC**, all Idaho limited liability limited companies, which are collectively located at 1908 E. 500 N., Saint Anthony, Idaho 83445 ("Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right title and interest in the water right described on Exhibit A hereto (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 the Water Right or any portion thereof to anyone other than Grantee;
- (C) The Water Right is 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 authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 9th day of June, 2017.

Date: June 9, 2017

John Zirker
John Zirker

Date: June 9, 2017

Gerry Zirker
Gerry Zirker

STATE OF IDAHO)
) ss.
County of Madison)

On this 9th day of June, 2017, before me the undersigned notary public in and for said state, personally appeared **John Zirker** and **Gerry Zirker**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I set my hand and affixed my official seal the day and year above written.

Tina M Stowers
Notary Public for Idaho

Residing at: Saint Anthony

My commission expires: 10-17-2022

(seal)



EXHIBIT A

5/15/2017

Water Right Report

CloseIDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/15/2017

WATER RIGHT NO. 22-13019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN R ZIRKER 415 E 1 N REXBURG, ID 83440 (208)356-6951

Priority Date: 04/01/1987

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	4.01 CFS	804.6 AFA
Total Diversion			4.01 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNWNW Lt 1|Sec. 19|Township 07N|Range 42E|FREMONT County

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	41E	13		SWNE	39		SENE	39						
	42E	19		NENE	28		NWNE	33		SWNE	40		SENE	35
				NENW	40	1	NWNW	37	2	SWNW	37		SENW	40
				NESE	27		NWSE	40		SWSE	31		SESE	0.9

<http://www.idwr.idaho.gov/apps/ExtSearchRightReportAJ.asp?BasinNumber=22&SequenceNumber=13019&SplitSuffix=%20%20&TypeWaterRight=True>

1/3

5/15/2017

Water Right Report

Total Acres: 466.9

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. E51 Right Nos. 22-7163 and 22-13019 are limited to a total combined diversion rate of 4.17 cfs.
3. K02 This right is for irrigation of land leased from the Bureau of Reclamation under Lease of Land Contract #0-07-14-LA178 and based upon an enlargement of Right No. 22-7163 pursuant to Section 42-1426, Idaho Code.
4. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
5. E55 Right Nos. 22-7163 and 22-13019 are limited to the irrigation of a combined total of 466.9 acres in a single irrigation season.
6. K09 This right is for an enlargement of 229.9 acres within the place of use described for this right.

Dates:

Licensed Date:

Decreed Date: 12/02/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

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

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 466.9

Combined Volume Limit: 1634.2

Combined Rate Limit: 4.17

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

<http://www.idwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=22&SequenceNumber=13019&SplitSuffix=%20%20&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

September 09, 2020

JUNIPER VIEW LLC
1908 E 500 N
SAINT ANTHONY ID 83445-5303

FROMOVER 9 LLC
1908 E 500 N
SAINT ANTHONY ID 83445-5303

RGC FARMS LLC
1908 E 500 N
SAINT ANTHONY ID 83445-5303

JKC FARMS LLC
1908 E 500 N
SAINT ANTHONY ID 83445-5303

UNIT 2 LLC
1908 E 500 N
SAINT ANTHONY ID 83445-5303

Re: Change in Ownership for Water Right No(s): 22-13019

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: HOLDEN KIDWELL HAHN & CRAPO
WATER DISTRICT 100
HENRYS FORK GROUND WATER DISTRICT



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

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

RECEIVED
SEP 04 2020
Department of Water Resources
Eastern Region

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

September 4, 2020

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 22-13019.

Dear Jonie:

Enclosed for processing is a *Notice of Change in Water Right Ownership* for WR 22-13019. Also enclosed is a *Special Warranty Deed for Water Right* which evidences the conveyance of this water right from John and Gerry Zirkler to my clients, which are Unit 2 LLC, Juniper View LLC, Fromover 9 LLC, RGC Farms LLC, and JKC Farms LLC. We have also included the required \$25.00 filing fee. If you have any questions or concerns, please let me know.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

g:\wpdata\rlh\18417 norvue\03\1- correspondence\2020.09.04 barg.docx