

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 09 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?
25-14478 <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): Jefferson Greens Estates Homeowners Association, Inc.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 4076 E 450 N Rigby ID 83442
Mailing address City State ZIP
- 208-221-7790
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: May 27, 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):
 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: *Dale Richardson* Title, if applicable _____ Date 5/27/20
Signature of new owner/claimant

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

For IDWR Office Use Only:

Received by CA Ph Date 6/9/2020 Receipt No. E045994 Receipt Amt. \$25.00
 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 JB Processed by CR Date 6/9/2020

Instrument # 452231

RIGBY, JEFFERSON, IDAHO
05-27-2020 01:09:26 PM No. of Pages: 5
Recorded for: PIONEER TITLE CO OF BONNEVILLE CO LLC
COLLEEN C POOLE Fee: \$15.00
Ex-Officio Recorder Deputy: LK
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Rocky Mountain Environmental Associates, Inc
482 Constitution Way Ste 303
Idaho Falls, ID 83402

PTC 676273

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Rocky Mountain Water Exchange, LLC, an Idaho limited liability company, whose address is 482 Constitution Way Suite 303, Idaho Falls, Idaho 83402 (hereinafter collectively "**Grantor**") does hereby grant, bargain, sell, assign, and convey unto **Jefferson Greens Estates Homeowners Association, Inc.**, an Idaho corporation, whose address is 445 N 4185 E, Rigby, Idaho 83442 (hereinafter "**Grantee**") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in water right 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 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 27 day of May, 2020.

"GRANTOR"

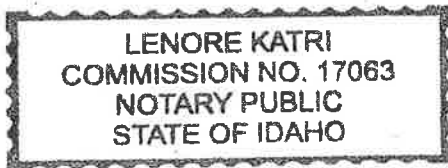
Rocky Mountain Water Exchange LLC

[Signature]

By: W. Roger Warner
Its: Managing Member

STATE OF IDAHO)
)ss.
County of Bonner (Id)

This record was acknowledged before me on the 27 day of May, 2020, by **W. ROGER WARNER**, Managing Member of Rocky Mountain Water Exchange, LLC.



[Signature]
Notary Public for Idaho
My Commission Expires: _____

Residing at Idaho Falls, ID
My Commission Expires 01-30-2021

EXHIBIT A
WATER RIGHT DESCRIPTION



WATER RIGHT REPORT

3/10/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 25-14478

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JENNIFER COOK
Current Owner	TODD COOK 796 N 1800 W BLACKFOOT, ID 83221 2083514910
Original Owner	PATRICK O DONNELL 1012 DEEPWOOD PL WILMINGTON, NC 28405 9102562850
Security Interest	AXA EQUITABLE LIFE INSURANCE CO C/O AXA EQUITABLE AGRIFINANCE LLC 6300 C STREET SW CEDAR RAPIDS, IA 52499-0001 3193558063

Priority Date: 01/24/1978

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	4/01	11/01	0.06 CFS	12.4 AFA
Total Diversion			0.06 CFS	12.4 AFA

Location of Point(s) of Diversion:

GROUND WATER	NWSE	Sec. 08	Township 04N	Range 39E	JEFFERSON County
GROUND WATER	NWSE	Sec. 08	Township 04N	Range 39E	JEFFERSON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	39E	8		SWNE	0.9		SENE	1.1						
				NESE	0.6		NWSE	0.5						

Total Acres: 3.1

Conditions of Approval:

1. X59 The two authorized points of diversion are located within Lot 23, Blk. 2 (Well Lot), Jefferson Greens Estates Div #1.
2. X60 Place of use is located within Taxlot 97, Lot 13 less Taxlot 97, Lot 17 and Lot 20, Block 1; Lots 5 and 8, Block 2; and Lots 11, 16, and 18, Block 3; Jefferson Greens Estates.
3. R05 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. 120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 214 Prior to the diversion and use of water under Transfer approval 83262, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 213 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.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. T19 Pursuant to Idaho Code § 42-1412(6), 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.

Dates:

Licensed Date:

Decreed Date: 04/30/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

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: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

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

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Microfilm No. 451542
5/17/2010
At 9:29 O'Clock A M
COLLEEN C. POOLE
Jefferson Co. Recorder
Fee \$ 15.00 Deputy
Recorded at Request of Roger Warner

(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 **Rocky Mountain Water Exchange, LLC**, an Idaho limited liability company, whose address is 482 Constitution Way, Suite 303, Idaho Falls, Idaho 83402 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in Water Right No. 25-14478 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.

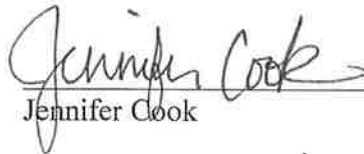
[SIGNATURES ON FOLLOWING PAGE]

DATED this 30th day of April, 2020.

"GRANTOR"



Todd Cook

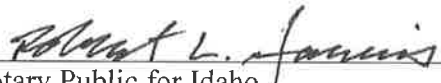


Jennifer Cook

STATE OF IDAHO)
)ss.
County of Bonneville)

This record was acknowledged before me on the 30th day of April, 2020, by **TODD COOK.**




Notary Public for Idaho
My Commission Expires: 11/18/2022

STATE OF IDAHO)
)ss.
County of Bonneville)

This record was acknowledged before me on the 30th day of April, 2020, by **JENNIFER COOK.**




Notary Public for Idaho
My Commission Expires: 11/18/2022

EXHIBIT A **DESCRIPTION OF WATER RIGHT NO. 25-14478**

Page 4 of 7

WATER RIGHT NO. 25-14478 **As Modified by Transfer No. 83262**

In accordance with the approval of Transfer No. 83262, Water Right No. 25-14478 is now described as follows:

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

Priority Date: 1/24/1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 11/01	0.060 cfs	12.4 af
			0.060 cfs	12.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSE	Sec 8	Twp 04N Rge 39E	JEFFERSON County
GROUND WATER	NWSE	Sec 8	Twp 04N Rge 39E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34N	39E	8			0.3	1.1									0.6	0.5			3.1

POU Total Acres:

3.1

CONDITIONS OF APPROVAL

- The two authorized points of diversion are located within Lot 23, Blk. 2 (Well Lot), Jefferson Greens Estates Div #1.
- Place of use is located within Taxlot 97, Lot 13 less Taxlot 97, Lot 17 and Lot 20, Block 1; Lots 5 and 8, Block 2; and Lots 11, 16, and 18, Block 3; Jefferson Greens Estates.
- 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. 120.
- A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 83262

WATER RIGHT NO. 25-14478
As Modified by Transfer No. 83262

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 83262, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 aia per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), 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.

Transfer No. 83262



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

June 19, 2020

JEFFERSON GREENS HOMEOWNERS ASSN.
C/O DALE MICHAELSON
4076 E 450 N
RIGBY ID 83442-5595

Re: Change in Ownership for Water Right No(s): 25-14478

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) 497-3779.

Sincerely,

Cher Ramos
Technical Records Specialist

Enclosure(s)

cc: AXA Equitable Life Insurance
Water District 120