

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
FEB 05 2020
DEPT OF WATER RESOURCES
SOUTHERN 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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 47-2005 | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> | | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 47-2470A | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> | | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 47-4433 | 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"/> |
| | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> | | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Cottonwood Heights Development, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Cottonwood Heights Homeowners' Association, Inc.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 3027 N. 3422 E. Kimberly ID 83341
Mailing address City State ZIP
- 208.280.3289 _____
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: 1-29-2009

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 # 47-2005

8. Signature: [Signature] President 01-30-2020
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 SG Date 2/5/20 Receipt No. 5037747 Receipt Amt. \$75.00

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 _____ Processed by JB Date 4-22-20

RECEIVED

APR 21 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

TWIN FALLS COUNTY

Recorded for:

WILLIAMS, MESERVEY, & LARSE

10:21:43 AM 04-02-2020

2020-006061

No. Pages: 1 Fee: \$ 15.00

KRISTINA GLASCOCK

County Clerk

Deputy: SBANJAC

DEED TO A WATER RIGHT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency whereof are hereby acknowledged, **COTTONWOOD HEIGHTS DEVELOPMENT, LLC**, an Idaho limited liability company, the "Grantor" does hereby grant and convey unto **COTTONWOOD HEIGHTS HOMEOWNERS' ASSOCIATION, INC.**, an Idaho non-profit corporation, the "Grantee", whose address is 3027 N. 3422 E., Kimberly, Idaho 83341, all of its right, title, and interest in Water Rights Nos. 47-2005, 47-2470A, and 47-4433.

TO HAVE AND TO HOLD the premises, with their appurtenances unto said Grantee, and the Grantee's successors and assigns forever.

DATED this 27th day of March, 2020.

"GRANTOR"

COTTONWOOD HEIGHTS DEVELOPMENT, LLC
An Idaho limited liability company

By:

Its:

John Jesser
managing partner

STATE OF IDAHO)
)ss.
County of Twin Falls)

On this 27 day of March, 2020, before me, the undersigned, a Notary Public in and for said County and State, personally appeared John Jesser, as managing partner of COTTONWOOD HEIGHTS DEVELOPMENT, LLC, an Idaho limited liability company, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he/she executed the same in such capacity.

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

Natasha Dancliff
NOTARY PUBLIC for Idaho
Residing at: Twin Falls
Commission Expires: 05/04/2023



QUITCLAIM DEED

#1312

For Value Received

Cottonwood Heights Development, LLC

TWIN FALLS COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW -
09:45:50 AM 01-29-2009
2009-001763
NO. PAGES: 2 FEE: \$6.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: claire
Electronically Recorded by Simplifile

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

Cottonwood Heights Homeowners' Association, Inc.

Whose address is: 3401 East 3100 North, Twin Falls, Idaho 83301

Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho to-wit:

SEE ATTACHED EXHIBIT A

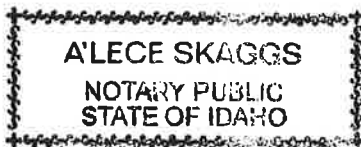
TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns

Dated: January 28, 2009


Cottonwood Heights Development LLC

STATE OF IDAHO)
) ss.
COUNTY OF Twin Falls)

On this 28th day of January, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared John Jessor, known or identified to me to be the _____ of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.





Notary Public
Residing at: First Federal
My Commission expires: July 27, 2011

EXHIBIT A

PARCEL NO. 1:

Common Area "Parcel A" as shown on the Official plat of Cottonwood Heights Subdivision as recorded February 26, 2002 as Instrument Number 2002-003591, records of Twin Falls County, Idaho.

EXCEPTING THEREFROM any portion lying within the plat of Cottonwood Heights Subdivision No. 2 as recorded October 31, 2008 as Instrument Number 2008-023776, records of Twin Falls County, Idaho.

PARCEL NO. 2

TOWNSHIP 11 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

Section 29: A parcel of land located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ being more particularly described as follows:

Commencing at the Northwest corner of said Section 29 from which the North one-quarter corner of said Section 29 bears South 89°38'23" East 2631.16 feet;
Thence South 89°38'23" East along the North boundary of the NW $\frac{1}{4}$ of said Section 29 for a distance of 1315.58 feet to the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 29 and being the TRUE POINT OF BEGINNING;
Thence South 86°28'34" East along the center of the existing county road for a distance of 183.28 feet to the point of curvature of a curve right;
Thence Southeasterly along the center of the county road and along the arc of the curve right for a distance of 347.22 feet said arc having a radius of 1081.00 feet and a chord bearing and distance of South 77°16'28" East 345.72 feet;
Thence leaving the center of the county road on a bearing of South 25°49'54" West 41.70 feet to the point of curvature of a curve right;
Thence Southwesterly along the arc of the curve right for a distance of 173.97 feet to the point of curvature of a reverse curve left, said arc having a radius of 130.00 feet and a chord bearing and distance of South 64°10'12" West 161.28 feet;
Thence Southwesterly along the arc of the reverse curve left for a distance of 44.13 feet to the point of curvature of a compound curve left, said arc having a radius of 70.00 feet and a chord bearing and distance of South 84°26'47" West, 43.41 feet;
Thence Southwesterly along the arc of the compound curve left for a distance of 137.27 feet to the point of curvature of a reverse curve right, said arc having a radius of 470.00 feet and a chord bearing and distance of South 58°01'03" West 136.78 feet;
Thence Southwesterly along the arc of the reverse curve right for a distance of 117.76 feet to the point of curvature of a reverse curve left, said arc having a radius of 230.00 feet and a chord bearing and distance of South 64°19'07" West 116.48 feet;
Thence Southwesterly along the arc of the reverse curve left for a distance of 44.86 feet to the point of tangency, said arc having a radius of 170.00 feet and a chord bearing and distance of South 71°25'35" West 44.73 feet;
Thence South 63°51'58" West for a distance of 52.58 feet to a point on the West boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 29;
Thence North 00°28'55" West along the West boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 29 for a distance of 359.77 feet to the TRUE POINT OF BEGINNING.



0003681952

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003681952

Date Filed: 11/21/2019 11:53:32 AM

Entity Name and Mailing Address:

COTTONWOOD HEIGHTS HOMEOWNERS' ASSOCIATION, INC.

The file number of this entity on the records of the Idaho Secretary
of State is: 0000545165

Address 3027 N 3422 E
KIMBERLY, ID 83341-5362

Entity Details:

Entity Status Active-Good Standing

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the
Idaho Secretary of State was: C180241

The registered agent on record is:

Registered Agent COTTONWOOD HEIGHTS DEVELOPMENT, LLC
Registered Agent
Physical Address
3027 N 3422 E
KIMBERLY, ID 83341
Mailing Address
3027 N 3422 E
KIMBERLY, ID 83341

Corporate Officers and Directors:

| Name | Title | Business Address |
|------------------|-----------|-------------------------------------|
| Raymond J Silene | President | 3027 N 3422 E KIMBERLY, ID 83341 |
| Kalisa Price | Secretary | 3030 N 3422 E KIMBERLY, ID 83341 |
| Joshua Reed | Treasurer | 3072 N 3422 E KIMBERLY, ID 83341 |

The annual report must be signed by an authorized signer of the entity.

Raymond J Silene

Sign Here

11/21/2019

Date

Signer's Title: President

B0410-8717 11/21/2019 11:53 AM Received by ID Secretary of State Lawrence Denney



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 22, 2020

COTTONWOOD HEIGHTS HOMEOWNERS ASSOCIATION INC
3027 N 3422 E
KIMBERLY ID 83341-5362

Re: Change in Ownership for Water Right No(s): 47-4433, 47-2470A, and 47-2005

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) 293-9909.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Bitzenburg', written over a horizontal line.

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: Williams, Meservy, and Larsen, LLP

Water District 47-O

Bitzenburg, James

From: Monica Brown <mmbrown@wmlattys.com>
Sent: Tuesday, April 21, 2020 10:24 AM
To: Bitzenburg, James
Cc: Kimberly Williams
Subject: Change of Ownership or Water Right Nos. 47-2005, 47-2470A, & 47-4433 - Cottonwood Heights HOA
Attachments: Deed to a Water Right - CHD, LLC to CH HOA, Inc 2020-006061.pdf; Ltr from IDWR to Client 2020.03.20 NCWRO Deficiency.pdf

Good morning Mr. Bitzenburg,

In conformance with your letter dated March 20th, 2020, attached please find a copy of the *Deed to a Water Right* conveying ownership of Water Rights Nos. 47-2005, 47-2470A, and 47-4433 from Cottonwood Heights Development, LLC to Cottonwood Heights Homeowners' Association, Inc. The Deed was recorded in the records of the Twin Falls County Recorder's office on April 2nd, 2020, as Instrument No. 2020-006061.

I would appreciate a reply email confirming that this Deed has resolved the ownership issue described in your letter. If there are no additional issues please proceed with processing the change of ownership in the records of IDWR and send confirmation of the same to our office. Let me know if you have any questions or concerns, or if I can be of further assistance.

Thank you very much for your assistance in this matter.

Best regards,

Monica



MONICA BROWN, LEGAL ASSISTANT

WILLIAMS, MESERVY & LARSEN, LLP
153 East Main Street
P.O. Box 168
Jerome, Idaho 83338
Telephone: 208.324.2303
Facsimile: 208.324.3135

To reduce client costs and be more environmentally responsible a hard copy of this transmission will not be mailed to you unless requested.

* Personal and Confidential. This message originates from the law firm Williams, Meservy & Larsen, LLP. This message and any file(s) or attachment(s) transmitted with it are confidential, intended only for the named recipient, and may contain information that is a trade secret, proprietary, protected by the attorney work product doctrine, subject to the attorney-client privilege, or is otherwise protected against unauthorized use or disclosure. Any disclosure, distribution, copying or use of this information by anyone other than the intended recipient, regardless of address or routing, is strictly prohibited. If you received this message in error, please reply to the sender that you have received this information in error and delete this email after replying to the sender.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

March 20, 2020

COTTONWOOD HEIGHTS HOMEOWNERS ASSN INC
3027 N 3422 E
KIMBERLY ID 83341

RE: Water Right No(s): 47-2005, 47-2470A, & 47-4433; Change in Ownership Deficiency Letter

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

During our review of the documentation you submitted, it appears that the conveyance document submitted with the Notice conveys only a portion of the three water rights. On February 13 of this year, I spoke with Monica Brown with Williams, Meservy, and Larsen law offices about the possibility of submitting a Quitclaim Deed from Cottonwood Heights Development, LLC to Cottonwood Heights Homeowners Association, Inc. specifically naming the three rights, with no mention of property descriptions. This would be sufficient on our end to convey the rights and not risk the necessity of splitting the rights.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary documentation. If we do not receive the necessary documents within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 293-9909.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: Williams, Meservy, and Larsen, LLP; Cottonwood Heights Development, LLC