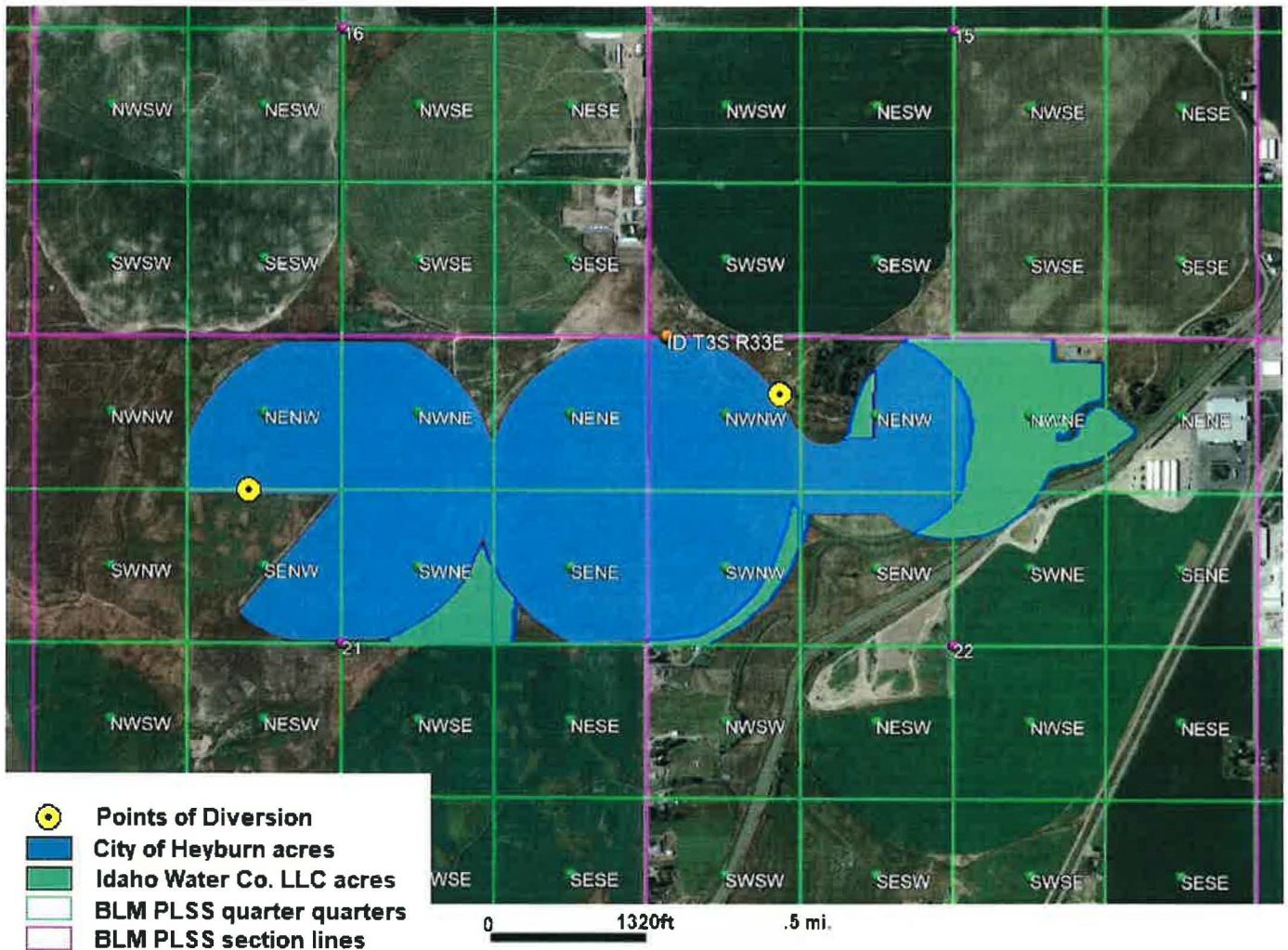


T3S R33E, Bingham County, ID



35-2122, 35-7417 / T3S R33E BINGHAM COUNTY							
SEC 21			HEYBURN	IWC	SEC 22		
NENE	33.8	33.8	0		NENE	1.2	0
NWNE	33.2	33.2	0		NWNE	33.5	2.6
SWNE	40	32	8		SWNE	4.6	0
SENE	38.1	36	2.1		NENW	28.4	25.5
NENW	33.1	33.1	0		NWNW	34	34
SENW	15.9	15.9	0		SWNW	34.3	29.3
					SENW	7.4	6.3
	194.1	184	10.1			143.4	97.7
Total ac. Heyburn				IWC			
337.5				281.7	55.8		

ACCOMMODATION RECORDING

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Idaho Water Company LLC.
PO BOX 191190
Boise, ID 83719

Instrument # 711347

BINGHAM COUNTY, IDAHO
2019-10-16 01:01:50 PM No. of Pages: 7
Recorded for: TITLEONE BOISE
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy DWootton
Index To: DEED
Electronically Recorded by Simplifile

(Space Above For Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

FOR VALUE RECEIVED, Kip and Brandi Hunter, husband and wife ("Grantors"), whose address is 467 South 1600 West Pingree, ID 83262, do hereby grant, bargain, sell, assign, and convey unto

Idaho Water Company LLC, an Idaho Limited Liability company

herein after referred to as ("Grantee"), whose address is 1135 Valley Road South, Eden, Idaho 83325, and to Grantee's heirs, successors, and assigns forever, 337.5 acres of Water Rights 35-7417 and 35-2122 that had been appurtenant to the Bingham County, State of Idaho, real property, to-wit:

SEE EXHIBIT "A" ATTACHED

and subsequently severed therefrom.

TO HAVE AND TO HOLD, the said Water Rights, together with any and all interests, and appurtenances incident thereto, and all the rights, estates, titles, claims, permits, licenses, or shares of stock evidencing, claiming, or representing said Water Rights, unto the said Grantee, and to the Grantees heirs and assigns forever. Grantors, for themselves, successors and assigns, covenant and agree to and with the Grantee that Grantors are the owners in fee simple of said Water Rights, that they deliver the Water Rights free and clear of all encumbrances and that they will warrant title and forever defend the Water Rights in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons claiming the whole of any part

711347

EXHIBIT A

10/1/2019
IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report
WATER RIGHT NO. 35-7417

Owner Type **Name and Address**

Current Owner BRANDI HUNTER

Current Owner KIP M HUNTER

467 S 1600 W

PINGREE, ID 83262-1235

2086803449

Security Interest DELWYN LON MICKELSEN

Security Interest JANE MICKELSEN

125 S 800 W

BLACKFOOT, ID 83221-6174

2083393803

Priority Date: 05/27/1974

Basis: Decreed

Status: Active

Source **Tributary**

GROUND WATER

Beneficial Use **From To** **Diversion Rate** **Volume**

IRRIGATION 04/01 11/01 1.77 CFS 751.3 AFA

Total Diversion 1.77 CFS 751.3 AFA

Location of Point(s) of Diversion:

GROUND WATER NENW Sec. 21 Township 03S Range 33E BINGHAM County

GROUND WATER NENWNW Sec. 22 Township 03S Range 33E BINGHAM County

IRRIGATION Use:

Acre Limit: 200

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
03S	33E	21		NENE	33.8		NWNE	33.2		SWNE	40		SENE	38.1
				NENW	33.1		SENE	15.9						
		22		NENE	1.2		NWNE	33.5		SWNE	4.6			
				NENW	28.4		NWNW	34		SWNW	34.3		SENE	7.4

Total Acres: 337.5

Conditions of Approval:

1. X27 This right is limited to the irrigation of 200.0 acres within the authorized place of use in a single irrigation season.

2. X35 Rights 35-2122 and 35-7417 when combined shall not exceed a total annual maximum diversion volume of 1350 af at the field headgate, and the irrigation of 337.5 acres.
3. R05 Use of water under this right will 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 78473, 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 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 02/15/2002

Permit Proof Due Date: 6/1/1979

Permit Proof Made Date: 1/1/1900

Permit Approved Date: 6/13/1974

Permit Moratorium Expiration Date:

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: AND

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 337.5

Combined Volume Limit: 1350

Combined Rate Limit:

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

10/1/2019
IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report
WATER RIGHT NO. 35-2122

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRANDI HUNTER
Current Owner	KIP M HUNTER
	467 S 1600 W
	PINGREE, ID 83262-1235
	2086803449
Security Interest	DELWYN LON MICKELSEN
Security Interest	JANE MICKELSEN
	125 S 800 W
	BLACKFOOT, ID 83221-6174
	2083393803

Priority Date: 12/24/1948
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	3.2 CFS	640 AFA
Total Diversion			3.2 CFS	640 AFA

Location of Point(s) of Diversion:

GROUND WATER NENW Sec. 21 Township 03S Range 33E BINGHAM County
GROUND WATER NENWNW Sec. 22 Township 03S Range 33E BINGHAM County
IRRIGATION Use:
Acre Limit: 160
Place(s) of use:
Place of Use Legal Description: IRRIGATION BINGHAM 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>
03S	33E	21		NENE	33.8		NWNE	33.2		SWNE	40		SENE	38.1
				NENW	33.1		SENE	15.9						
		22		NENE	1.3		NWNE	33.3		SWNE	1.4			
				NENW	29.2		NWNW	34		SWNW	34.3		SENE	9.9

SPECIAL WARRANTY DEED - 5

Total Acres: 337.5

Conditions of Approval:

1. X27 This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-2122 and 35-7417 when combined shall not exceed a total annual maximum diversion volume of 1350 af at the field headgate, and the irrigation of 337.5 acres.
3. R05 Use of water under this right will 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 78473, 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 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 02/15/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

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: AND

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 337.5

Combined Volume Limit: 1350

Combined Rate Limit:
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



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 4, 2020

IDAHO WATER COMPANY LLC
1135 VALLEY RD
EDEN ID 83325-5245

Re: Change in Ownership for Water Right No(s): 35-2122 & 35-7417

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

Hersley, Jean

From: kevin@idahowatercompany.com
Sent: Thursday, April 23, 2020 4:16 PM
To: Hersley, Jean
Subject: RE: Notice of change in Water Right Ownership for 35-2122 & 35-7417

Hi Jean,

Yes, you are correct. The split is between the City of Heyburn and Idaho Water Co. LLC. The divisions are specified on the included spreadsheet with the map attachment.

Thank you for your work on this. We appreciate you still being available during the shutdown.

Best,

Kevin G. Kohtz, J.D.
IDAHO WATER CO. LLC.
WATER RIGHTS & TRANSFERS
P.O. Box 191190
Boise, ID 83719
Tel: +1.208.391.4700
Mobile: +1.208.559.0974
Email: kevin@idahowatercompany.com

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From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Thursday, April 23, 2020 3:35 PM
To: info@idahowatercompany.com
Subject: Notice of change in Water Right Ownership for 35-2122 & 35-7417

The Department of Water Resources received a Notice of Change in Water Right Ownership for water rights 35-2122 and 35-7417. I have a few things that need to be clarified before I proceed.

There is a box on the form that asks if this is a split. That box was checked. According to the deeds provided, Kip and Brandi Hunter conveyed the entirety of water rights 35-2122 and 35-7417 to the Idaho Water Company, LLC. However, another deed conveys a portion of these rights to the City of Heyburn. Is this the split? Would you like me to split these rights so a portion is in the name of the Idaho Water Company and a portion is in the name of the City of Heyburn? With the information I have, that is how I will proceed unless I hear differently from you. Thank you.

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942