STATE OF IDAHO DEPARTMENT OF WATER RESOURCES



DEPARTMENT OF WATER RESOURCES

35-2122

IN FILE #

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 <u>#6</u> of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-2122	Yes 🔀	Yes 🗖		Yes 🗌	Yes 🗖
35-7417	Yes 🕅	Yes 🗌		Yes 🗌	Yes 🗌
	Yes 🗌	Yes 🗌		Yes 🗌	Yes 🗌
	Yes 🗋	Yes 📋		Yes 🗌	Yes 🗌
	Yes 🔲	Yes 🗋		Yes 🗌	Yes 🗌

Kip M. Hunter / Brandi Hunter Previous Owner's Name: 2.

Name of current water right holder/claimant

3.

New Owner(s)/Claimant(s):	Idaho Water Company LLC							
	New owner(s) as listed on the conveyance document		Name connector	and or	and/or			
1135 Valley Road South		Eden	ID	83325				
Mailing address		City	State	ZIP				
(208) 968-0099		info@idahowatercompany.com						
Telephone		Email						

If the water rights and/or adjudication claims were split, how did the division occur? 4.

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.

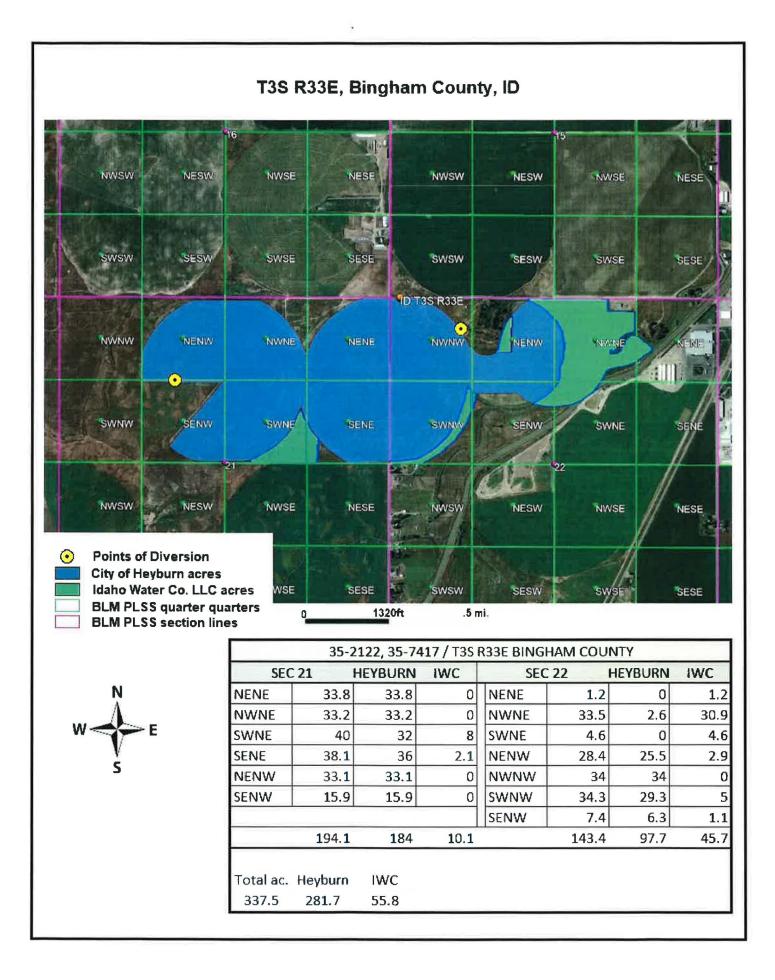
Date you acquired the water rights and/or claims listed above: 10/16/2019 5.

- 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.
 - X 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). LIPPORT DATE
 - Filing fee (see instructions for further explanation):
 - o \$25 per undivided water right.
 - o \$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 1 1 1

8.	Signature:	how fit	Member	04/17/2020
0.	Signature:	Signature of new owner/claimant	Title, if applicable	Date
	Signature:			D //
		Signature of new owner/claimant	Title, if applicable	Date
For	r IDWR Office	e Use Only:	1020 C.108654	Bassiat Aust 200
	Receipted by	Ky Date 4-23 -	2020 Receipt No000000	Receipt Amt
	Active in the V	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	Date 4-30-2020





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 thereof, by, through, or under Grantors, or against adverse claims arising by, through or under the acts or omissions of Grantors. And Grantors have disclosed to Grantee in good faith all relevant information known to Grantors bearing on the validity and extent of the Water Rights. The singular shall include the plural and the use of any gender shall be applicable to all genders.

To the extent the Water Rights, or any of them, are represented by a permit or other property not conveyable by deed, this deed shall be deemed and operate as a bill of sale therefore.

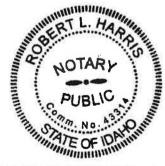
Grantors retain no residual or reversionary interest in any of the Water Rights transferred.

IN WITNESS WHEREOF, the Grantors have executed this instrument on this day of Oct , 2019.

STATE OF IDAHO,)) ss. County of **Bonnuille**

On this <u>zerol</u> day of <u>Octoben</u>, 20<u>19</u>, before me, the undersigned, a Notary Public in and for said State, personally appeared Kip and Brandi Hunter, husband and wife, known or identified by me to be persons whose names are subscribed to the forgoing instrument, and acknowledged to me that they executed the same.

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



Polant L. Ha

Notary Public for Idaho (Residing at <u>Ammun</u>, Idaho Commission expires: <u>11 / 18 / 2022</u>

SPECIAL WARRANTY DEED - 2

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	L		1.77 CFS	751.3 AFA
Location of Poi	nt(s) of	Diver	sion:	

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

Township	Range	Section Lot	Tract	Acres						
03S	33E	21	NENE	33.8	NWNE	33.2	SWNE	40	SENE	38.1
			NENW	33.1	SENW	15.9				
		22	NENE	1.2	NWNE	33.5	SWNE	4.6		
			NENW	28.4	NWNW	34	SWNW	34.3	SENW	7.4
Total Acre	s: 337.5	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.
- 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.
- 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 Plantiff: 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

Owner TypeName and AddressCurrent OwnerBRANDI HUNTERCurrent OwnerKIP M HUNTER467 S 1600 WPINGREE, ID 83262-12352086803449

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

Source <u>Tributary</u> GROUND WATER

Beneficial Use From To Diversion Rate Volume

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

Towns	hip Range	Section Lot	Tract	Acres Lot	<u>Tract</u>	Acres Lot	<u>Tract</u>	Acres Lot	<u>Tract</u>	<u>Acres</u>
03S	33E	21	NENE	33.8	NWNE	33.2	SWNE	40	SENE	38.1
			NENW	33.1	SENW	15.9				
		22	NENE	1.3	NWNE	33.3	SWNE	1.4		
			NENW	29.2	NWNW	34	SWNW	34.3	SENW	9.9

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.
- 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.
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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 Plantiff: 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
То:	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

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.

NOTICE: This email transmission is CONFIDENTIAL Work Product provided in contemplation of potential or future litigation. It is intended solely for the use of the individual(s) or entit(ies) named above, and may be Attorney-Client privileged. If you are not an intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is STRICTLY PROHIBITED, including any unauthorized use of the information or reliance thereon. Absent a separate written agreement, nothing in this transmission conveys or confers an attorney-client relationship, or creates an offer or acceptance on any specified terms. The information is solely the opinion of the author. Outside an attorney-client relationship, it should not be relied upon or taken as legal advice. If you have received this transmission in error, please delete the material in its entirety, whether in electronic or hard copy format and immediately notify the sender of the error.

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