

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

MAR 04 2020

Department of Water Resources
Eastern 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. WD 83 ✓

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
<u>33-148670</u>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
<u>33-70620</u>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
<u>33-20920</u>	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: Thomas & Barbara Heytmanek
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Nickerson Farms LLP
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 3880 N. 1300 W. Howe Idaho 83244
Mailing address City State ZIP
- 208 705-3103 nickers@atcnet.net
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: 2-27-2020

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):
- ☐ \$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.

8. Signature: Kirk S. Nickerson Partner 2-3-4-2020
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 Cx Date 3/4/2020 Receipt No. E045701 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 JB Processed by mp Date 3-18-20

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

BUTTE COUNTY
Recorded for:
First American Title - Blackfo
03:05:44 PM 02-27-2020
0000-057852
No. Pages: 3 Fee: \$15.00
SHELLY SHAFFER
County Clerk
Deputy: KG

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 875492-B (jcm)

Date: February 27, 2020

For Value Received, **Thomas Hejtmanek and Barbara C. Hejtmanek, husband and wife, also shown of record as Thomas Hetjmanek, Jr., and also shown of record as Barbara C. Hetjmanek**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Nickerson Farms LLP, an Idaho Limited Liability Partnership**, hereinafter called the Grantee, whose current address is **3880 North 1300 West, Howe, ID 83244**, the following described premises, situated in **Butte County, Idaho**, to-wit:

KGW
1/27

Parcel 1:
Township 6 North, Range 29 E.B.M., Butte County, Idaho
Section 23: E $\frac{1}{2}$ SW $\frac{1}{4}$

Parcel 2:
Township 6 North, Range 29 E.B.M., Butte County, Idaho
Section 23: NW $\frac{1}{4}$

EXCEPT: Part of the NW $\frac{1}{4}$ of Section 23 more particularly described as:
Beginning at the Northwest corner of Section 23, from which the N $\frac{1}{4}$ corner of said section bears S. 89°55'22" E. 2672.37 feet, the basis of bearings for this description.
thence S. 89°55'22" E. 821.60 feet along the North line of said section from said Northwest corner to a calculated position being N. 00°04'38" E. 25.00 feet from a witness corner being marked by a 5/8" iron rod with plastic cap stamped PLS 12222;
thence S. 00°04'38" W. 25.00 feet from said calculated position to a point being marked by a 5/8" iron rod with plastic cap stamped PLS 12222;
thence S. 53°57'17" W. 443.17 feet to a point being marked by a 5/8" iron rod with cap stamped PLS 12222;
thence S. 45°20'51" W. 596.91 feet to a point being marked by a 5/8" iron rod with cap stamped PLS 12222 which bears N. 88°53'49" E. 25.0 feet from a calculated point on the West line of the NW $\frac{1}{4}$ that bears S. 01°06'11" E. 707.00 feet from the Northwest corner of Section 23;
thence S. 88°53'49" W. 25.00 feet to the West line of the NW $\frac{1}{4}$;
thence N. 01°06'11" W. 707.00 feet along the section line to the Point of Beginning.

ALSO EXCEPT: Part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23, Township 6 North, Range 29 East of the Boise Meridian, Butte County, Idaho more particularly described as:
Commencing at the W $\frac{1}{4}$ corner of Section 23 from which the Northwest corners bears N. 01°06'11" W. 2627.01 feet, the basis of bearings for this description; Thence from said West $\frac{1}{4}$ corner S. 89°46'20" E. 269.16 feet along south line of Northwest $\frac{1}{4}$ of Section 23 to the

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

E-RECORDED simplifile®

ID: 57852
County: Butte
Date: 2-27-2020 Time: 3:05pm

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **875492-B (jcm)**

Date: **February 27, 2020**

For Value Received, **Thomas Hejtmanek and Barbara C. Hejtmanek, husband and wife, also shown of record as Thomas Hetjmanek, Jr., and also shown of record as Barbara C. Hetjmanek**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Nickerson Farms LLP, an Idaho Limited Liability Partnership**, hereinafter called the Grantee, whose current address is **3880 North 1300 West, Howe, ID 83244**, the following described premises, situated in **Butte County, Idaho**, to-wit:

Handwritten initials: KJW, 1/2/20

Parcel 1:
Township 6 North, Range 29 E.B.M., Butte County, Idaho
Section 23: E $\frac{1}{2}$ SW $\frac{1}{4}$

Parcel 2:
Township 6 North, Range 29 E.B.M., Butte County, Idaho
Section 23: NW $\frac{1}{4}$

EXCEPT: Part of the NW $\frac{1}{4}$ of Section 23 more particularly described as:
Beginning at the Northwest corner of Section 23, from which the N $\frac{1}{4}$ corner of said section bears S. 89°55'22" E. 2672.37 feet, the basis of bearings for this description.
thence S. 89°55'22" E. 821.60 feet along the North line of said section from said Northwest corner to a calculated position being N. 00°04'38" E. 25.00 feet from a witness corner being marked by a 5/8" iron rod with plastic cap stamped PLS 12222;
thence S. 00°04'38" W. 25.00 feet from said calculated position to a point being marked by a 5/8" iron rod with plastic cap stamped PLS 12222;
thence S. 53°57'17" W. 443.17 feet to a point being marked by a 5/8" iron rod with cap stamped PLS 12222;
thence S. 45°20'51" W. 596.91 feet to a point being marked by a 5/8" iron rod with cap stamped PLS 12222 which bears N. 88°53'49" E. 25.0 feet from a calculated point on the West line of the NW $\frac{1}{4}$ that bears S. 01°06'11" E. 707.00 feet from the Northwest corner of Section 23;
thence S. 88°53'49" W. 25.00 feet to the West line of the NW $\frac{1}{4}$;
thence N. 01°06'11" W. 707.00 feet along the section line to the Point of Beginning.

ALSO EXCEPT: Part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23, Township 6 North, Range 29 East of the Boise Meridian, Butte County, Idaho more particularly described as:
Commencing at the W $\frac{1}{4}$ corner of Section 23 from which the Northwest corners bears N. 01°06'11" W. 2627.01 feet, the basis of bearings for this description; Thence from said West $\frac{1}{4}$ corner S. 89°46'20" E. 269.16 feet along south line of Northwest $\frac{1}{4}$ of Section 23 to the

Point of Beginning; said Point of Beginning being 30 feet south and 30 feet west of the centerline of an existing well as described in an unrecorded Purchase and Sale Agreement between Thomas Hejtamanek and Jason Fuger acknowledged by both parties on November 30, 2016;

Thence N. 00°00'00" E. 54.18 feet to a point being 30 feet west and 30 feet north of the centerline of existing well, said point being marked by a 1/2 " iron rod with plastic cap stamped 12222; Thence East 60.00 feet to a point being 30 feet east and 30 feet north of the centerline of existing said well, said point being marked by a 1/2 " iron rod with plastic cap stamped 12222; Thence S. 00°00'00" W. 54.42 feet to a point on said south line of the Northwest 1/4 of Section 23, said point being marked by a 1/2 " iron rod plastic cap stamped 12222; Thence N. 89°46'20" W. 60.00 feet along said South line to the Point of Beginning.


SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

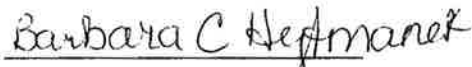
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: **02/27/2020**

Warranty Deed
- continued

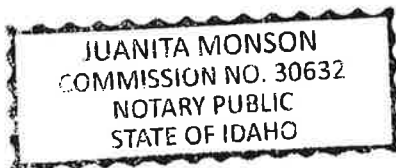
File No.: **875492-B (jcm)**



Thomas Hejtmanek, Jr.


Barbara C. Hejtmanek

STATE OF Idaho)
COUNTY OF Bingham)
SS.

On this **Twenty-seventh day of February, 2020**, before me, a Notary Public in and for said State, personally appeared **Thomas Hejtmanek, Jr. and Barbara C. Hejtmanek**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.




Notary Public for the State of Idaho
Residing at: Blackfoot, ID
My Commission Expires: 01/14/2025



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

March 18, 2020

NICKERSON FARMS LLP
3880 N 1300 W
HOWE ID 83244-8711

Re: Change in Ownership for Water Right No(s): 33-2092, 33-7062, 33-14867

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) 497-3797.

Sincerely,

Misty Pettis
Office Specialist 2

Enclosure(s)

Water District 33