

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 19 2019

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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 21-13269              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 21-13270              | 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"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Todd and Jennifer Cook  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Shovelback Holdings LLC  
New owner(s) as listed on the conveyance document      Name connector ☐ and ☐ or ☐ and/or
- 1493 W 5000 N      Rexburg      ID      83440  
Mailing address      City      State      ZIP
- 208-351-6236      \_\_\_\_\_  
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: October 22, 2019
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: [Signature] Owners 11-8-19  
 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 JB Date 11/19/2019 Receipt No. E045460 Receipt Amt. \$50.-  
 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 JB Date 11/19/2019

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Microfilm No. **576450**  
Day **NOV** 20**19**  
At **11:56** O'Clock **A** M  
ABBIE MACE  
FREMONT CO RECORDER  
Fee \$ **15-** **22** Deputy **(e)**  
Recorded at Request of  
**Rocky Mountain**  
**Environmental**

(Space Above for Recorder's Use)

**SPECIAL WARRANTY DEED FOR WATER RIGHTS**

**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 **Shovelback Holdings LLC**, an Idaho limited liability company, whose address is 1493 W. 5000 N., Rexburg, Idaho 83440 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in Water Right Nos. 21-13270 and 21-13269 described on Exhibit A attached hereto (hereinafter the "Water Rights").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Rights;
- (B) Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (C) The Water Rights are free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Rights to Grantee.

Grantor makes no other covenants or warranties as to the Water Rights.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

[SIGNATURES ON FOLLOWING PAGE]

DATED this 22<sup>nd</sup> day of October, 2019.

**"GRANTOR"**



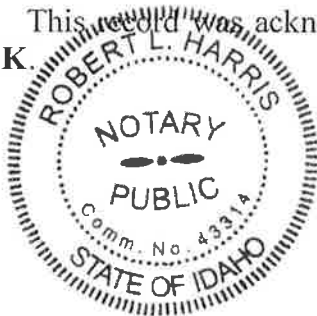
Todd Cook

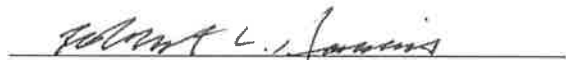


Jennifer Cook

STATE OF IDAHO                    )  
                                                  )ss.  
County of Bonneville            )

This record was acknowledged before me on the 22<sup>nd</sup> day of October, 2019, by **TODD COOK.**

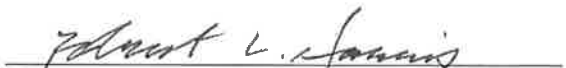


  
Notary Public for Idaho  
My Commission Expires: 11/18/2022

STATE OF IDAHO                    )  
                                                  )ss.  
County of Bonneville            )

This record was acknowledged before me on the 22<sup>nd</sup> day of October, 2019, by **JENNIFER COOK.**



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

## EXHIBIT A

## DESCRIPTION OF WATER RIGHT NO. 21-13270

Page 4 of 7

## WATER RIGHT NO. 21-13270

## As Modified by Transfer No. 82525

In accordance with the approval of Transfer No. 82525, Water Right No. 21-13270 is now described as follows:

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

**Priority Date:** 3/20/1959

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 5/01        | to 10/31  | 0.030 cfs             | 7.5 af                  |
|                       |             |           | 0.030 cfs             | 7.5 af                  |

LOCATION OF POINT(S) OF DIVERSION

|              |      |                        |                |
|--------------|------|------------------------|----------------|
| GROUND WATER | SWSW | Sec 20 Twp 15N Rge 43E | FREMONT County |
| GROUND WATER | SWSW | Sec 20 Twp 15N Rge 43E | FREMONT 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 |        |
| 15N | 43E | 20  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 2.5    |

POU Total Acres: 2.5

CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. The diversion and use of water, as authorized by Transfer 82525 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement (Fremont County, Instrument #573428, 5/3/2019) to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 82525

Page 5 of 7

**WATER RIGHT NO. 21-13270**

**As Modified by Transfer No. 82525**

**CONDITIONS OF APPROVAL**

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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. 82525

# DESCRIPTION OF WATER RIGHT NO. 21-13269

Page 4 of 7

## WATER RIGHT NO. 21-13269

### As Modified by Transfer No. 83237

In accordance with the approval of Transfer No. 83237, Water Right No. 21-13269 is now described as follows:

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

Priority Date: 3/20/1959

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 10/31  | 0.030 cfs             | 10.5 af                 |
|                       |             |           | 0.030 cfs             | 10.5 af                 |

#### LOCATION OF POINT(S) OF DIVERSION

|              |      |                        |                |
|--------------|------|------------------------|----------------|
| GROUND WATER | SWSW | Sec 20 Twp 15N Rge 43E | FREMONT County |
| GROUND WATER | SWSW | Sec 20 Twp 15N Rge 43E | FREMONT 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 |        |
| 15N | 43E | 20  |    |    |    |    |    |    |    |    |    |    | 3.5 |    |    |    |    |    | 3.5    |

POU Total Acres: 3.5

#### CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. The diversion and use of water, as authorized by Transfer 82525 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement (Fremont County, Instrument #573428, 5/3/2019) to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 83237

Page 5 of 7

**WATER RIGHT NO. 21-13269**

**As Modified by Transfer No. 83237**

**CONDITIONS OF APPROVAL**

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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. 83237

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Robert L. Harris

Holden, Kidwell, Hahn & Crapo, P.L.L.C.

PO Box 50130

Idaho Falls, ID 83405

**Instrument # 711223**

**BINGHAM COUNTY**

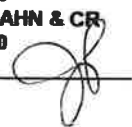
**10-11-2019 11:47:18 AM No. of Pages: 6**

**Recorded for : 58478 HOLDEN, KIDWELL, HAHN & CR**

**PAMELA W. ECKHARDT**

**Fee: 15.00**

**Ex-Officio Recorder Deputy**



(Space Above For Recorder's Use)

## **PARTIAL RELEASE OF MORTGAGE**

AXA Equitable Life Insurance Company ("AXA") holds a *Mortgage, Security Agreement, Assignment of Rents and Fixture Filing* recorded as Instrument No. 678034 in the records of Bingham County, Idaho (the "Mortgage"), which encumbers certain farm ground and its appurtenances (including all water rights) owned by Todd and Jennifer Cook located in Bingham County, Idaho. The encumbered property is described as follows:

### **EXHIBIT A**

#### **LEGAL DESCRIPTION OF REAL ESTATE**

All of Section 24, Township 1 South, Range 32 East, Boise Meridian, Bingham County, Idaho

**EXCEPTING THEREFROM:** The following described parcel:

Part of the Northeast Quarter of Section 24, Township 1 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at the NE corner of Section 24; thence South 00°00'00" West 220.00 feet along the Section line; thence North 89°55'00" West 220.00 feet parallel with the North line of Section 24; thence North 00°00'00" East 220.00 feet parallel with the North line of Section 24; thence South 89°55'00" East 220.00 feet to the Point of Beginning.

AXA previously consented to the transfer of a 6-acre portion of a water right appurtenant to the above-described encumbered property to be sold to a third party. The transfer of said 6-acre portion has been accomplished in two transfers (one for 2.5 acres and the other for 3.5 acres), and the Idaho Department of Water Resources has assigned the identification numbers of 21-13270 and 21-13269 to these 6-acre water right portions as described on **Exhibits 1 and 2** attached hereto.

AXA hereby releases, from the lien of the Mortgage, Water Right No. 21-13270 and Water Right No. 21-13269 as described on **Exhibits 1 and 2**. In all other respects, the Mortgage remains in full force and effect on the above-described property and its appurtenances that is not released.

[SIGNATURE AND NOTARY SIGNATURE BLOCK ON NEXT PAGE]

AXA EQUITABLE LIFE INSURANCE COMPANY

*Michael Mercure*

By: Michael Mercure  
Investment Officer  
AXA Equitable Life Insurance Company *2014*

STATE OF IOWA                   )  
                                          ) ss.  
COUNTY OF LINN            )

This record was acknowledged before me on this 14<sup>th</sup> day of August, 2019, by **MICHAEL MERCURE** an investment officer and authorized representative of **AXA EQUITABLE LIFE INSURANCE COMPANY**, an Iowa corporation.



*Terry L. McClain*  
NOTARY PUBLIC FOR IOWA  
My commission expires: 6/21/20

# EXHIBIT 1

## DESCRIPTION OF WATER RIGHT NO. 21-13270

Page 4 of 7

### WATER RIGHT NO. 21-13270

#### As Modified by Transfer No. 82525

In accordance with the approval of Transfer No. 82525, Water Right No. 21-13270 is now described as follows:

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

**Priority Date:** 3/20/1959

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 5/01        | to 10/31  | 0.030 cfs             | 7.5 af                  |
|                       |             |           | 0.030 cfs             | 7.5 af                  |

#### LOCATION OF POINT(S) OF DIVERSION

|              |      |                        |                |
|--------------|------|------------------------|----------------|
| GROUND WATER | SWSW | Sec 20 Twp 15N Rge 43E | FREMONT County |
| GROUND WATER | SWSW | Sec 20 Twp 15N Rge 43E | FREMONT 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 |        |
| 15N | 43E | 20  |    |    |    |    |    |    |    |    |    |    | 2.5 |    |    |    |    |    | 2.5    |

POU Total Acres: 2.5

#### CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. The diversion and use of water, as authorized by Transfer 82525 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement (Fremont County, Instrument #573428, 5/3/2019) to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 82525

**WATER RIGHT NO. 21-13270**  
**As Modified by Transfer No. 82525**

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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. 82525

# **EXHIBIT 2** **DESCRIPTION OF WATER RIGHT NO. 21-13269**

Page 4 of 7

## **WATER RIGHT NO. 21-13269** **As Modified by Transfer No. 83237**

In accordance with the approval of Transfer No. 83237, Water Right No. 21-13269 is now described as follows:

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

**Priority Date:** 3/20/1959

**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 10/31  | 0.030 cfs             | 10.5 af                 |
|                       |             |           | 0.030 cfs             | 10.5 af                 |

### LOCATION OF POINT(S) OF DIVERSION

|              |      |                        |                |
|--------------|------|------------------------|----------------|
| GROUND WATER | SWSW | Sec 20 Twp 15N Rge 43E | FREMONT County |
| GROUND WATER | SWSW | Sec 20 Twp 15N Rge 43E | FREMONT 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 |        |
| 16N | 43E | 20  |    |    |    |    |    |    |    |    |    |    | 3.5 |    |    |    |    |    | 3.5    |

POU Total Acres: 3.5

### CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. The diversion and use of water, as authorized by Transfer 82525 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement (Fremont County, Instrument #573428, 5/3/2019) to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 83237

**WATER RIGHT NO. 21-13269**  
**As Modified by Transfer No. 83237**

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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. 83237

**711223**



**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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

November 19, 2019

SHOVELBACK HOLDINGS LLC  
1493 W 5000 N  
REXBURG ID 83440-3204

Re: Change in Ownership for Water Right No(s): 21-13269 and 21-13270

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) 497-3787.

Sincerely,

Jonie Barg  
Technical Records Specialist 1

Enclosure(s)

ec: Rocky Mountain Environmental