

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 28 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?
29-170 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-171 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-12064 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-13726 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: JRC Holdings Group LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Lava Hot Springs Golf Course LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- P.O. Box 27 Lava Hot Springs ID 83246
Mailing address City State ZIP
- _____
Telephone lhsgolfcourse@gmail.com 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: May 16, 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):
 - ☐ \$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 # 29-170

8. Signature: *Robert L. Jaramila* *Attorney* *Oct. 23, 2019*
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 *JLB* Date *10/28/2019* Receipt No. *E045417* Receipt Amt. *\$100.-*
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 *CR* Date *11/5/2019*

Pioneer Title Pocatello

21906593

2019 May 17 PM 04:06

Electronically Recorded by Simplifile

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Robert L. Harris, Esq.

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130

Idaho Falls, ID 83405-0130

File No. 16712509 mo/mh

(Space Above for Recorder's Use)

QUITCLAIM DEED FOR WATER RIGHTS

THIS INDENTURE is made this 16 day of May, 2019, between **The Nancy Van Kampen Family Trust**, referred to herein as the "GRANTOR" and **Lava Hot Springs Golf Course LLC**, an Idaho limited liability company, whose mailing address is P.O. Box 27, 9898 East Merrick Road, Lava Hot Springs, ID 83246, referred to herein as the "GRANTEE".

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release, and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor to all or portions of **Water Right Nos. 29-170, 29-171, 29-12064, and 29-13726** located upon or appurtenant to property not described/identified on the attached **Exhibit 1**.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

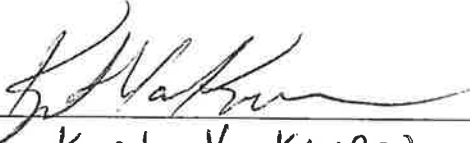
TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

[SIGNATURE AND NOTARY BLOCK ON FOLLOWING PAGE]

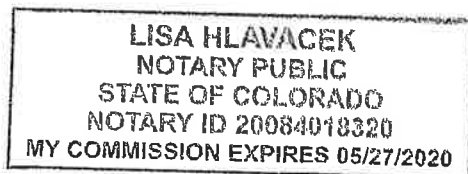
"GRANTOR"

THE NANCY VAN KAMPEN FAMILY TRUST


By: Kurtis Van Kampen
Its: TRUSTEE

STATE OF Colorado,
County of El Paso)ss.

This record was acknowledged before me on the 16th day of May, 2019, by Kurtis Van Kampen as the trustee of The Nancy Van Kampen Family Trust.



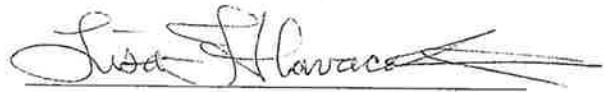

Notary Public for ~~Idaho~~ Colorado
My Commission Expires: 05/27/2020

EXHIBIT 1
(Tax Parcel Identification Numbers as of May 15, 2019)

Parcels:	Acreage:	Description:	Legal Description:
RRTC2005600	14.78	South of Merrick	LOT 1 BLOCK 9 GOLF COURSE THUNDER CANYON ESTATES DIV #2
RRTC2005702	12.37	#4	LOT 1 BLOCK 10 GOLF COURSE THUNDER CANYON ESTATES DIV #2
RRTC2005801	29.57	Lower Land	LOT 1 BLOCK 11 GOLF COURSE THUNDER CANYON ESTATES DIV #2
RRTC2005701	2.35	West, Behind 3 Green	LOT 1 BLOCK 10 GOLF COURSE THUNDER CANYON ESTATES DIV #2
R4227024407	2.44	#3 Fairway	See Deed 21119773-4-5
R4227024407	1.84	Putting Green East	See Deed 21119773-4-5
R4227026103	2.07	Lwr Field, 3 & 1	See Deed
R4227024408	3.59	Upr Field, 3 & 1	See Deed
R4227025105	0.17	Road to Field	See Deed
R4227025104	0.71	East, Behind 3 Green	See Deed
R4227026104	8.74	Upper Land	See Deed
R4227020102	0.81	Well house	See Deed
R4227025106	1.28	Club house, #9	See Deed
TOTAL ACREAGE	80.72		

Pioneer Title Pocatello

21906592

2019 May 17 PM 04:06

Electronically Recorded by Simplifile



135 N. Arthur Ave.
Pocatello, ID 83204

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 676509 MO/MH

WARRANTY DEED

For Value Received Nancy Van Kampen Trust

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Lava Hot Springs Golf Course LLC

hereinafter referred to as Grantee, whose current address is P.O. Box 27, Lava Hot Springs, ID 83246

The following described premises, to-wit:

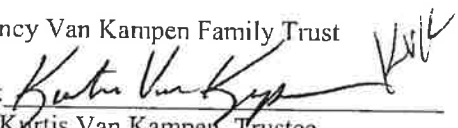
See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: May 15, 2019

Nancy Van Kampen Family Trust

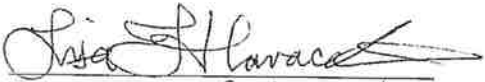
By:


Kurtis Van Kampen, Trustee

State of Colorado, County of El Paso

On this 16th day of May in the year of 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Kurtis Van Kampen, as Trustee(s) of Nancy Van Kampen Family Trust, the trust that executed the within instrument and known or identified to me to be the person who executed the within instrument on behalf of said trust, and acknowledged to me that such 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.


Notary Public for Colorado
Commission expires: 05/27/2020

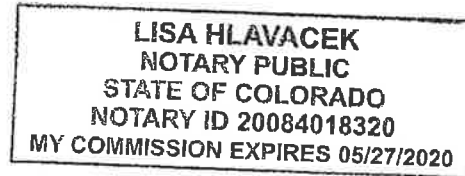


EXHIBIT A

Parcel 1:

All of Block 9, Thunder Canyon Estates, Division 1 and 2, Bannock County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho.

Parcel 2:

All of Blocks 10 and 11, Thunder Canyon Estates, Division 1 and 2, Bannock County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho.

All that portion of the Northeast Quarter of the Northeast Quarter, Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho, lying East of Block 10 and South of Block 11, Thunder Canyon Estates, Division No. 2, Bannock County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho.

And including Lot 1 and 2, Block 7 and Lot 1-R, Block 8, Thunder Canyon Estates Division No. 1, Bannock County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho.

All that portion of the Northwest Quarter of the Northwest Quarter of Section 33, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho, lying South and West of Block 11, Thunder Canyon Estates Division No. 2 and including Lot 2-R, Block 8, Thunder Canyon Estates Division No. 1, Bannock County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho.

EXCEPTING THEREFROM:

Lots 1 and 2, Block 1, Thunder Canyon Annex Subdivision, Bannock County, Idaho, (A Subdivision of Part of Block 11, Lot 1, Thunder Canyon Estates, Division No. 2) as the same appears on the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho.

673441.MH

NON-MERGER SPECIAL WARRANTY DEED IN LIEU OF FORECLOSURE

THIS DEED, made this 23 day of January, 2019, between **NANCY VAN KAMPEN FAMILY TRUST**, by Kurtis Van Kampen, Trustee, of 3138 Westcliff Drive E., Colorado Springs, CO 80906 ("Grantee"), and **JRC HOLDINGS GROUP, LLC**, an Idaho limited liability company, of 9898 E. Merrick Road, Lava Hot Springs, ID 83246 ("Grantor").

WITNESSETH:

That for and in consideration of the covenants hereinafter contained, the avoidance of the costs and expense of foreclosure litigation, and other good and valuable consideration, the Grantor does by these presents grant, convey and warrant forever unto the Grantee, and to its successors and assigns, all the property described on Exhibit "A" attached hereto and incorporated herein (the "Property").

ALL SITUATE IN County of Bannock, State of Idaho, subject to rights of way and easements for roads, utilities and irrigation ditches as same exist or appear of record, unpaid real property taxes, and Mortgage to Grantee dated December 29, 2011, recorded as Instrument No. 21119776 in the records of Bannock County, Idaho.

TOGETHER WITH all water and water rights of every kind and description and however evidenced, used upon or appurtenant to said property, which in any manner entitle Grantor to water.

TOGETHER WITH any and all tenements, hereditaments, easements, rights, privileges and appurtenances thereunto belonging or used in connection therewith, and the reversions, remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the Property, together with the appurtenances, unto the said Grantee, and to its successors and assigns forever. Grantor covenants with Grantee that the former is now seized in fee simple of the property granted; that the latter shall enjoy the same without any lawful disturbance; that the same is free from all encumbrances done, made or suffered by Grantor or any persons claiming under Grantor, except those set forth above; that Grantor will, on demand, execute and deliver to Grantee, any further assurance of the same that may be reasonably required; and that Grantor warrants to Grantee all of the said property against any person lawfully claiming under Grantor, except those claiming under the above exceptions.

This Deed is absolute in effect and conveys fee simple title of the Property to the Grantee and does not operate as a rescission or as a mortgage, trust conveyance, or security agreement of any kind.

Grantee's acceptance of this conveyance is conditioned upon there being no liens against the property, except for those set forth above.

673441.MH

NON-MERGER SPECIAL WARRANTY DEED IN LIEU OF FORECLOSURE

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This Deed is absolute in effect and conveys fee simple title of the Property to the Grantee and does not operate as a rescission or as a mortgage, trust conveyance, or security agreement of any kind.

Grantee's acceptance of this conveyance is conditioned upon there being no liens against the property, except for those set forth above.

This Deed does not effect a merger of the fee ownership and the lien of the Mortgage described herein. The fee and lien shall hereafter remain separate and distinct. It is not the intent of the parties to affect the subrogation rights of any third parties.

By acceptance of this Deed, Grantee covenants and agrees that it shall not enforce any judgment against Grantor for the indebtedness evidenced by the Promissory Note secured by that certain Real Estate Mortgage and Fixture Filing dated December 29, 2011, recorded as Instrument No. 21119776 in the records of Bannock County, Idaho. This Deed shall not operate to preclude Grantee from proceeding in any action to enforce the Mortgage, but shall preclude Grantee from obtaining a deficiency judgment against Grantor.

Grantor does hereby waive, surrender, convey, and relinquish any equity of redemption and statutory rights of redemption concerning the property and Mortgage described above.

Grantor hereby surrenders and delivers possession of the Property to Grantee.

Grantor declares that this conveyance is freely and fairly made, and Grantor is not acting under any misapprehension as to the legal effect of this Deed, nor under any duress, undue influence, or misrepresentation of Grantee, its agent, or attorney, or any other person.

IN WITNESS WHEREOF, the Grantor has hereunto executed this deed on the day and year first above written.

JRC HOLDINGS GROUP, LLC

Dated: 01/23/19

Josef Benglan
Josef P. Benglan, Member

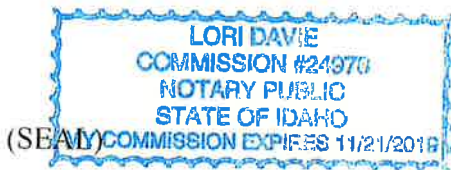
Dated: 1/24/19

Anson Chester Davids
Anson Chester Davids, Member

STATE OF IDAHO)
:SS
County of Bannock)

On this 23 day of January, 2019, before me, the undersigned Notary Public in and for said County and State, personally appeared **JOSEF P. BENGLAN** known or identified to me to be a member of **JRC HOLDINGS GROUP, LLC**, an Idaho limited liability company, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that they executed the same on behalf of **JRC HOLDINGS GROUP, LLC**.

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



Lori Davie
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID
Commission Expires: 11/21/2019

STATE OF Idaho)
:SS
County of Bannock)

On this 24 day of January, 2019, before me, the undersigned Notary Public in and for said County and State, personally appeared ANSON CHESTER DAVIDS known or identified to me to be a member of **JRC HOLDINGS GROUP, LLC**, an Idaho limited liability company, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that they executed the same on behalf of **JRC HOLDINGS GROUP, LLC**.

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



Lori Davie
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello ID
Commission Expires: 11/21/2019

Exhibit "A"
[Real Property Description]

All of Blocks 9, 10 and 11, Thunder Canyon Estates, Division 1 and 2, Bannock County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho.

All that portion of the Northeast Quarter of the Northeast Quarter, Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho, lying East of Block 10 and South of Block 11, Thunder Canyon Estates, Division No. 2, Bannock County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho.

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Brad Little
Governor

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

Gary Spackman
Director

November 05, 2019

LAVA HOT SPRINGS GOLF COURSE
PO BOX 27
LAVA HOT SPGS ID 83246-0027

Re: Change in Ownership for Water Right No(s): 29-170

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) 497-3779.

Sincerely,

Cher Ramos
Technical Records Specialist 1

Enclosure(s)

cc: Water District 29



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

October 23, 2019

RECEIVED

OCT 28 2019

Department of Water Resources
Eastern Region

Jonie Barg
Idaho Department of Water Resources
Easter Region Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402

Re: Notice of Change of Water Right Ownership for Water Right Nos. 29-170, 29-171, 29-12064, and 29-13726.

Dear Jonie:

Enclosed for processing is a *Notice of Change in Water Right Ownership* for the above-referenced water rights. By way of information, the water rights are currently held in the name of JRC Holdings Group LLC ("JRC") on the records of the Department of Water Resources. JRC purchased the property from The Nancy Van Kampen Family Trust ("Trust") subject to a mortgage held by the Trust. The Trust had to foreclose for breach of the mortgage agreement, and the result of that proceeding was the enclosed *Non-Merger Special Warranty Deed in Lieu of Foreclosure* conveying the property and all of its water rights back to the Trust. Subsequent to that foreclosure action, the Trust has now sold the property to the new owner, Lava Hot Springs Golf Course LLC. Enclosed is a *Warranty Deed* conveying the property and all of its appurtenances to this entity. Additionally, because the shapefile for portions of the above-referenced water rights overlapped onto subdivision lots, the Trust also executed the enclosed *Quitclaim Deed for Water Rights* conveying the entirety of those overlapping water right portions to Lava Hot Springs Golf Course LLC. The water rights were recently amended to only be appurtenant to golf course property under Transfer No. 83246, which was approved on July 8, 2019. We believe this is all of the necessary documentation you need to update ownership accordingly. Because we are updating ownership of four (4) water rights, we have included a check in the amount of \$100.00 for the filing fee. Please let me know if you have any questions or concerns.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

g:\wpdata\rlh\lava hot springs golf course llc\2019.10.23 barg.docx

Established in 1896