

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 20 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?
31-2435	Yes ☒	Yes ☐	31-2435 (Split into 31-2435 and 31-12464) 31-7136 (Split into 31-7136 and 31-12465) 31-10699 (Split into 31-10699 and 31-12466)	Yes ☐	Yes ☐
31-7136	Yes ☒	Yes ☐			
31-10699	Yes ☒	Yes ☐			
	Yes ☐	Yes ☐			
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

- | | |
|---|-------|
| 2. Previous Owner's Name: <u>Mickelsen Properties, L.L.C.</u> | |
| Name of current water right holder/claimant | |
| 3. New Owner(s)/Claimant(s): <u>Jacobs Land, LLC</u> | |
| New owner(s) as listed on the conveyance document | |
| P.O. Box 119 | Hamer |
| Mailing address | City |
| | ID |
| | 83425 |
| | State |
| | ZIP |
| 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: April 10, 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 # 31-2435

- | | | |
|---|---|-----------------------------|
| 8. Signature: <u><i>Robert L. Jannis</i></u>
Signature of new owner/claimant | <u>Attorney</u>
Title, if applicable | <u>May 17, 2019</u>
Date |
| Signature: _____
Signature of new owner/claimant | _____
Title, if applicable | _____
Date |

For IDWR Office Use Only:

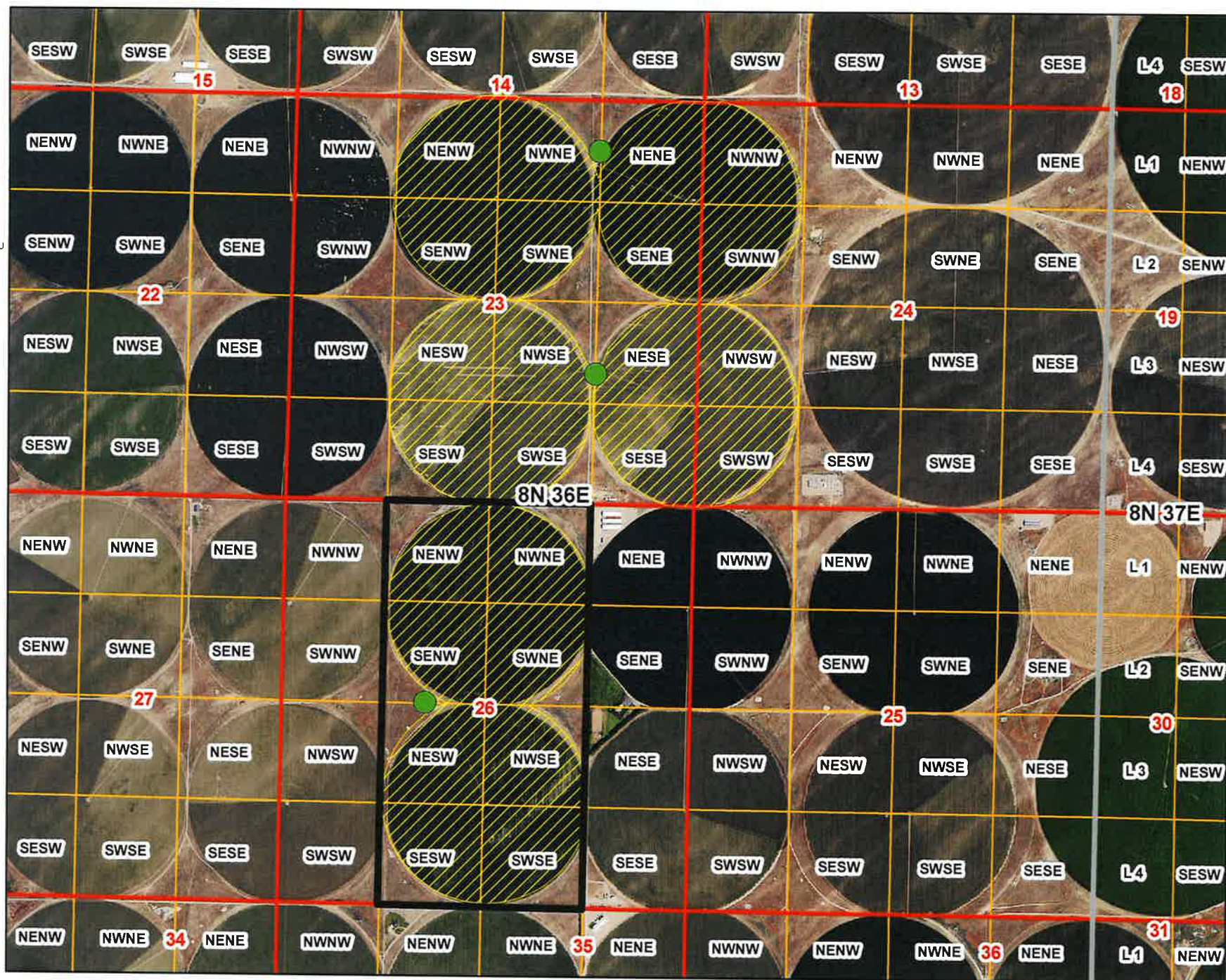
Received by JC Date 5/20/19 Receipt No. 8044995 Receipt Amt. 300-
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by JB Processed by JA Date 7/1/2019

MICKELSEN PROPRIETIES, L.L.C. & JACOBS LAND, LLC SPLIT



Legend

- Well Locations
- Jacobs_Property_Purchased
- 31-2435_7136_&10699_POU
- TR Lines_2014
- Section Lines_2014
- Quarter Quarters_2014



MICKELSEN PROPERTIES LLC CURRENT WATER RIGHTS

Status	Water Right No.	Name on Water Right	Priority Date	Source	Individual Diversion Rate (cfs)	Combined Diversion Rate (cfs)	Individual Diversion Volume (AF)	Combined Diversion Volume (AF)	Individual Acres Authorized for Irrigation	Combined Acres Authorized for Irrigation (PPU)	Point of Diversion
Partial Decree	31-2435	Mickelsen Properties LLC	4/6/1967	Ground water	10	12.03	1820	None	520	782	North Well: SWNESE, Sec. 23, 8N, 36E Middle Well: SWNESE, Sec. 23, 8N, 36E South Well: SWSENW, Sec. 26, 8N, 36E
	31-7136		9/11/1974		2.03		366.8		120.4		
Partial Decree (enlargement right)	31-10699		4/12/1994 (5/1/1981 as between enlargement water rights)		1.82		495.6		141.6		
				TOTAL	13.9	12.0	2,682.4	None	782.0	782.0	

KIRK JACOBS SPLIT PORTION OF WATER RIGHTS BASED ON PERCENTAGE OF POU PURCHASED (NO UNSTACKING)

Purchased Percentage of Current Mickelsen Water Right Place of Use
0.33504

Status	Water Right No. (Pre-split #; IDWR will issue new number for each water right)	Name on Water Right	Priority Date	Source	Individual Diversion Rate (cfs)	Combined Diversion Rate (cfs)	Individual Diversion Volume (AF)	Combined Diversion Volume (AF)	Individual Acres Authorized for Irrigation	Combined Acres Authorized for Irrigation (PPU)	Point of Diversion
Partial Decree	31-2435	Mickelsen Properties LLC	4/6/1967	Ground water	3.35	4.03	609.8	None	174.2	262	North Well: SWNEENE, Sec. 23, 8N, 36E Middle Well: SWNESE, Sec. 23, 8N, 36E South Well: SWSENW, Sec. 26 8N, 36E
	31-7136		9/11/1974		0.68		122.9		40.3		
Partial Decree (enlargement right)	31-10699		4/12/1994 (5/1/1981 as between enlargement water rights)		0.61		166.0		47.4		
					TOTAL	4.64	4.03	898.7	None	262.0	

REMAINING MICKELSEN PORTION OF SPLIT OF WATER RIGHTS BASED ON PERCENTAGE OF POU RETAINED (NO UNSTACKING)

Remaining Percentage of Current Mickelsen Water Right Place of Use
0.66496

Status	Water Right No. (Pre-split #; IDWR will issue new number for each water right)	Name on Water Right	Priority Date	Source	Individual Diversion Rate (cfs)	Combined Diversion Rate (cfs)	Individual Diversion Volume (AF)	Combined Diversion Volume (AF)	Individual Acres Authorized for Irrigation	Combined Acres Authorized for Irrigation (PPU)	Point of Diversion
Partial Decree	31-2435	Mickelsen Properties LLC	4/6/1967	Ground water	6.65	8.00	1210.2	None	345.8	520.0	North Well: SWNESE, Sec. 23, 8N, 36E Middle Well: SWNESE, Sec. 23, 8N, 36E South Well: SWSENW, Sec. 26, 8N, 36E
	31-7136		9/11/1974		1.35		243.9		80.1		
Partial Decree (enlargement right)	31-10699		4/12/1994 (5/1/1981 as between enlargement water rights)		1.21		329.6		94.2		
					TOTAL	9.2	8.0	1,783.7	0.0	520.0	520.0

Instrument # 443041

RIGBY, JEFFERSON, IDAHO
04-12-2019 04:30:44 PM No. of Pages: 5
Recorded for: FIRST AMERICAN TITLE - RIGBY
COLLEEN C POOLE Fee: \$15.00
Ex-Officio Recorder Deputy: LK
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

PTC 67276
FATCO 714366-RJ

(Space Above for Recorder's Use)

WARRANTY DEED

THIS INDENTURE, made this 10th day of April, 2019, by and between **Mickelsen Properties, L.L.C.**, an Idaho Limited Liability Company, whose mailing address is P.O. Box 438, Rigby, Idaho, 83442-0438 ("Grantor"), and **Jacobs Land, LLC**, an Idaho limited liability company, whose mailing address is P.O. Box 119, Hamer, Idaho 83425 ("Grantee").

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's successors and assigns forever, all of the following described property in the County of Jefferson, State of Idaho, to-wit:

See property described in **Exhibit 1** attached hereto and the appurtenant water rights described in **Exhibit 2** attached hereto.

SUBJECT to Right-of-way or easement of county roads.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the water rights described in **Exhibit 2**, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

ALSO TOGETHER WITH all irrigation equipment located on the property described in **Exhibit 1** attached hereto, including but not limited to, two pivot systems, irrigation pumps and motors and well appurtenances.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's successors and assigns forever. The Grantor and the Grantor's successors shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's successors and assigns, against the Grantor and the Grantor's successors, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

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

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

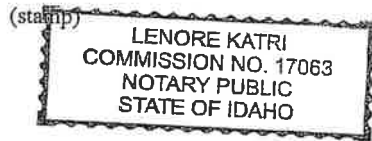
[SIGNATURES AND NOTARY BLOCKS ON FOLLOWING PAGE]

MICKELSEN PROPERTIES, L.L.C

By: *Mark Mickelsen*
Mark Mickelsen Manager

STATE OF IDAHO)
) ss.
County of Bonneville)

This record was acknowledged before me on the 10th day of April, 2019, by Mark Mickelsen, the Manager of Mickelsen Properties, L.L.C.



Lenore Katri
Signature of Notary Public
My Commission Expires: _____
Residing at Idaho Falls, ID
My Commission Expires 01-30-2021

Exhibit 1 to Warranty Deed

Township 8 North, Range 36 East of the Boise Meridian, Jefferson County, Idaho.
Section 26: $W\frac{1}{2}E\frac{1}{2}$; $E\frac{1}{2}W\frac{1}{2}$

Exhibit 2 to Warranty Deed

KIRK JACOBS SPLIT PORTION OF WATER RIGHTS BASED ON PERCENTAGE OF POU PURCHASED (NO UNSTACKING)											Purchased Percentage of Current Michelson Water Right Prior to Use
Deed	Water Right No. (from title etc. Shows with division for each water right)	Formerly Water Right	Purchase Date	Source	Individual Diversion Rate (cfs)	Combined Diversion Rate (cfs)	Individual Diversion Volume (AF)	Combined Diversion Volume (AF)	Individual Acres Apportioned for Irrigation	Combined Acres Apportioned for Irrigation (PMA)	Point of Diversion
Partial Deeds	31-10425	Michelson Properties LLC	4/4/1967	Groundwater	2.83	4.03	609.8	None	174.2	345	North Well: SW1/4 Sec. 31, R4, ME 3164th Water Conveyance, Sec. 31, R4, ME South Well: SW1/4 Sec. 31, R4, ME
	31-10426		9/11/1974		0.63		123.9		20.2		
Partial Deeds (reassignment rights)	31-10459		4/12/1994 (5/1/1991 as between purchasers water right)		0.61		166.0		47.4		
TOTAL					4.04	4.03	899.7	None	262.0	262.0	

AGREEMENT FOR DIVISION OF WATER RIGHTS POINTS OF DIVERSION

This Agreement For Division of Water Rights Points of Diversion ("Agreement") is executed to be effective as the 1st day of April, 2019, by and between Mickelsen Properties, L.L.C., an Idaho limited liability company ("Seller") and Jacobs Land, LLC, an Idaho limited liability company ("Buyer").

RECITALS

A. Simultaneous with the execution of this Agreement, Seller is selling and transferring to Buyer the property (the "Property") described in the Warranty Deed attached hereto as Exhibit A (the "Deed").

B. State of Idaho Department of Water Resources Water Right Nos. 31-2435, 31-10699, and 31-7136 are hereinafter jointly referred to as the "Appurtenant Water Rights".

C. In connection with the sale and transfer of the Property to Buyer, the Appurtenant Water Rights are to be divided with Buyer to receive the pro rata portion of the Appurtenant Water Rights described on the Deed ("Buyer Water Rights"). The pro rata portion of the Appurtenant Water Rights retained by Seller is hereinafter referred to as "Seller Retained Water Rights".

D. The Appurtenant Water Rights now have the following three points of diversion:

- i. Two wells located in Section 23, Township 8 North, Range 36 East of the Boise Meridian, Jefferson County, Idaho (the "North Wells"), and
- ii. One well located on the Property (the "South Well").

E. The parties have agreed to divide ownership of the North Wells and South Well and to separate and change the points of diversion for the Appurtenant Water Rights in the manner hereinafter set forth.

AGREEMENTS

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seller and Buyer agree as set forth below.

1. After the Deed is recorded in the records of Jefferson County, Idaho, Seller shall retain one hundred percent (100%) ownership of the North Wells and associated pump and equipment and Buyer shall have one hundred percent (100%) ownership of the South Well and associated pump and equipment.

2. The points of diversion for the Appurtenant Water Rights shall be separated and changed so that the points of diversion of the Seller Retained Water Rights shall be the North Wells and the point of diversion for the Buyer Water Rights shall be the South Well.

3. Seller and Buyer agree the Idaho Department of Water Resources may divide the Appurtenant Water Rights and separate and divide the points of diversion for the Appurtenant Water Rights in the manner set forth herein and in the Deed. Seller and Buyer agree to execute any other instruments or documents reasonably necessary to carry out the purpose of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the date first above written.

Seller

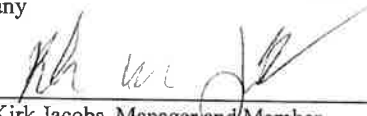
Mickelsen Properties, L.L.C., an Idaho limited liability company

By: 

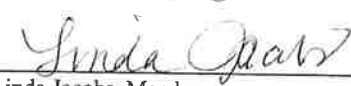
Mark Mickelsen, Manager

Buyer

Jacobs Land, LLC, an Idaho limited liability company

By: 

Kirk Jacobs, Manager and Member

By: 

Linda Jacobs, Member

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EXHIBIT A

Warranty Deed

(Space Above for Recorder's Use)

WARRANTY DEED

THIS INDENTURE, made this 10th day of April, 2019, by and between **Mickelsen Properties, L.L.C.**, an Idaho Limited Liability Company, whose mailing address is P.O. Box 438, Rigby, Idaho, 83442-0438 ("Grantor"), and **Jacobs Land, LLC**, an Idaho limited liability company, whose mailing address is P.O. Box 119, Hamer, Idaho 83425 ("Grantee").

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's successors and assigns forever, all of the following described property in the County of Jefferson, State of Idaho, to-wit:

See property described in **Exhibit 1** attached hereto and the appurtenant water rights described in **Exhibit 2** attached hereto.

SUBJECT to Right-of-way or easement of county roads.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the water rights described in **Exhibit 2**, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

ALSO TOGETHER WITH all irrigation equipment located on the property described in Exhibit 1 attached hereto, including but not limited to, two pivot systems, irrigation pumps and motors and well appurtenances.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's successors and assigns forever. The Grantor and the Grantor's successors shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's successors and assigns, against the Grantor and the Grantor's successors, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

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

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

[SIGNATURES AND NOTARY BLOCKS ON FOLLOWING PAGE]

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MICKELSEN PROPERTIES, L.L.C

By: _____
Mark Mickelsen Manager

STATE OF IDAHO)
) ss.
County of Bonneville)

This record was acknowledged before me on the _____ day of April, 2019, by Mark Mickelsen, the Manager of Mickelsen Properties, L.L.C.

(stamp)

Signature of Notary Public
My Commission Expires: _____

Exhibit 1 to Warranty Deed

Township 8 North, Range 36 East of the Boise Meridian, Jefferson County, Idaho.
Section 26: $W\frac{1}{2}E\frac{1}{2}$; $E\frac{1}{2}W\frac{1}{2}$

Exhibit 2 to Warranty Deed

KIRK JACOBS SPLIT PORTION OF WATER RIGHTS BASED ON PERCENTAGE OF POU PURCHASED (NO UNSTACKING)											Purchased Percentage of Current Water Right Piece of Use
Status	Water Right No. (Purchased or 100% water purchase number for each water right)	Name on Water Right	Priority Date	Source	Individual Diversion (cfs)	Combined Diversion (cfs) (if c)	Individual Diversion (AF)	Combined Diversion (AF)	Individual Acreage for Irrigation (PPL)	Combined Acreage for Irrigation (PPL)	Point of Diversion
Partial Decease	31-2455	Midtown Properties LLC	4/6/1957	Ground water	3.35	4.03	609.8	None	174.3	262.0	Lower Wells: SENECA, Sec. 23, R. 6, NE 4 Middle Wells: SENECA, Sec. 23, R. 6, NE 4 South Wells: SENECA, Sec. 23, R. 6, NE 4
	31-7136		9/3/1974		0.69		125.9		49.2		
Partial Decease (enhancement right)	31-10699		4/12/1994 (200% split as between water purchase water right)		0.61		164.8		47.4		
TOTAL					4.64	4.03	898.7	None	262.0	262.0	



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 3, 2019

Holden Kidwell Hahn & Crapo
PO Box 50130
Idaho Falls ID 83405

Jacobs Land LLC
Po Box 119
Hamer ID 83425

RE: Change of Ownership for Water Rights 31-2435 (Split into 31-2435 and 31-12464), 31-7136 (Split into 31-7136 and 31-12465) & 31-10699 (Split into 31-10699 and 31-12466)

Dear Water Right Holder:

The department acknowledges receipt of correspondence changing ownership and splitting the above referenced water right. The department has modified its records to reflect the changes and has enclosed computer-generated reports for your records.

Your portion of the water right has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on your water right, then no further action is required at this time.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosures

cc: Mickelsen Properties LLC
Idaho Ag Credit FLCA



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

RECEIVED
MAY 20 2019
Department of Water Resources
Eastern Region

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

May 17, 2019

Jonie Barg
Eastern Regional Office
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re: Notice of Change in Water Right Ownership for Water Right Nos. 31-2435, 31-7136, 31-10699; Request to Remove Points of Diversion from Split Portion of Water Rights.

Dear Jonie:

Enclosed for processing is a completed *Notice of Change in Water Right Ownership* for the above three water rights. We have also included the required \$300 filing fee for the split of each water right, along with the *Warranty Deed* evidencing the transaction between Mickelson Properties, L.L.C. and Jacobs Land, LLC. You will see in the *Warranty Deed* that the water rights were specifically addressed as to how they would be split, which is how you would split them based on the acreage covered by water rights that were purchased by Jacobs Land, LLC. We have included a map as required by the NCO form as well as a spreadsheet showing how the water rights are to be split.

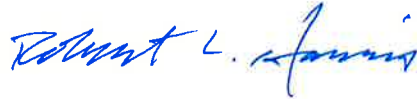
In addition, we have included a copy of an *Agreement for Division of Water Rights Points of Diversion*. As you can see from the map, Jacobs purchased property associated with two center pivots where one of the three wells authorized under the above-referenced water rights is located. For the newly assigned numbers for the portions split to Jacobs Land, LLC, we request that only the southern-most well, which is located in the SWSENW, Section 26, Township 08N., 36 E., be included on those water rights. The other two wells currently listed on the water rights should be removed as authorized points of diversion for the Jacobs Land, LLC portion of these water rights. Similarly, for the portion of the above-referenced water rights retained by Mickelson Properties, L.L.C., those water rights should only have the north and middle point of diversion listed as authorized points of diversion, and the southern-most well location should be removed from their water right descriptions.

We appreciate your attention to this matter. If you have any questions or concerns, please let me know.

Established in 1896

Jonie Barg
May 17, 2019
Page 2 of 2

Best regards,



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

Enclosures

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