

Received
April 26 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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?
35-7720	Yes ☒	Yes ☐		Yes ☐	Yes ☐
1-7017	Yes ☒	Yes ☐		Yes ☐	Yes ☐
1-7017 (Split into 1-7017, 1- 10686 and 1-10687)				Yes ☐	Yes ☐
35-7720 (Split into 35-7720, 35-14649 and 35-14650)				Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: PT Elliot LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): PT Elliot LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 392 N 4500 E Rigby ID 83442
Mailing address City State ZIP
- 208-538-7140 _____
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: 4/16/2009, 5/5/2015
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: Carl R. H. Lane _____ 6-10-19
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 7/26/19 Receipt No. EO14913 Receipt Amt. \$200

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 BN Processed by BN Date 6/12/2019

IN FILE # 1-7017

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
110 N. Clark Street/PO Box 405
Rigby, ID 83442

Instrument # 416723

RIGBY, JEFFERSON, IDAHO
05-08-2015 01:48:12 PM No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - RIGBY
COLLEEN C POOLE Fee: \$13.00
Ex-Officio Recorder Deputy: LK
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **545418-RI (ss)**

Date: **May 05, 2015**

For Value Received, **Jimmy Bingham, an unmarried person**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **PT Elliott, LLC, an Idaho limited liability company**, hereinafter called the Grantee, whose current address is **392 North 4500 East, Rigby, ID 83442**, the following described premises, situated in **Jefferson County, Idaho**, to-wit:

Lot 4 in Block 1 of West Equestrian Pointe, Division No. 1, Jefferson County, Idaho, as shown on the plat recorded October 10, 2006, as Instrument No. 352715.

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: 05/05/2015

Warranty Deed
- continued

File No.: 545418-R1 (ss)

X Jimmy Bingham
Jimmy Bingham

STATE OF Utah)
COUNTY OF WASHINGTON) ss.

On this Sixth day of May, 2015, before me, a Notary Public in and for said State, personally appeared **Jimmy Bingham**, 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.

Michelle Northampton
Notary Public for the State of Utah
Residing at: 1091 N. Butler St. Georgetown UT 84720
My Commission Expires: April 6, 2019



↑
state -

Kipp L. Manwaring ~ ISB 3817
MANWARING LAW OFFICE, P.A.
381 Shoup Avenue, Suite 210
Idaho Falls, Idaho 83402
Telephone: (208) 782-2300
Facsimile: (208) 523-9109

Attorney for Plaintiff

Instrument # 375739

RIGBY, JEFFERSON, IDAHO
4-16-2009 10:06:00 No. of Pages: 4
Recorded for : BARBARA POOLE
CHRISTINE BOULTER Fee: 12.00
Ex-Officio Recorder Deputy
Index to: DEED, SHERIFF'S

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF JEFFERSON**

PT ELLIOT, LLC, an Idaho Limited
Liability Company,

Plaintiff,

vs.

DAVID HARDY, an Individual, and
JOHN DOES I through X,

Defendants.

STATE OF IDAHO)
COUNTY OF JEFFERSON)

Case No. CV-08-487
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING
IS A FULL, TRUE AND CORRECT COPY OF THE
ORIGINAL THEREOF (ON FILE)(ON RECORD) IN MY
OFFICE.

DATED 4-16-09

SHERIFF'S DEED CHRISTINE BOULTER
EX-OFFICIO AUDITOR AND RECORDER

BY [Signature] DEPUTY

THIS INDENTURE, made this 7th day of April, 2009, between Blair Olsen, Sheriff of Jefferson County, State of Idaho, and PT Elliot, LLC, an Idaho Limited Liability Company, whose address is 392 N 4500 E, Rigby, Idaho 83442.

WHEREAS, in and by that certain decree of foreclosure rendered by the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Jefferson, on 9th day of March, 2009, in a certain action then pending in said court, wherein PT Elliot was plaintiff, and a copy with an order of sale thereon, was delivered to said Sheriff, for execution, it was, among other things, ordered, adjudged and decreed, that all and singular the mortgaged premises described in the complaint in said action, and specifically described in said decree, be sold at public auction by said Sheriff, in the manner required by law, and according to the course and practice of said court, that any of the parties to said action might become the purchaser at such sale; and the Defendant, David Hardy, having waived his statutory right to redemption, that said Sheriff execute the usual deed to the purchaser, as required by law;

AND WHEREAS, said Sheriff did, at the hour of 9:30 a.m. on April 7, 2009, after due public notice had been given, as required by the laws of this state, and the course and practice of said court, duly sell at public auction, in front of the courthouse in the County of Jefferson, Idaho, pursuant to said decree, and the provisions of law, the premises in said decree mentioned; at which sale the premises in said decree, and hereinafter described, were fairly struck off to said PT Elliot for the sum of \$2,500,000.00, entered as a credit bid based upon the judgment entered, it being the highest bidder, and that, being the highest sum bid for the same;

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AND WHEREAS, said PT Elliot thereupon by virtue of its judgment amount entered its credit bid as value for said sum of money so bidden by it;

NOW, said Sheriff, in order to carry into effect the sale so made by him as aforesaid, in pursuance of said decree, and in conformity to the statute in such case made and provided, and also, in consideration of the premises and of said sum of \$2,500,000.00 lawful money of the United States, so bidden by said purchaser, said PT Elliot, LLC, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto said purchaser, and to its successors and assigns forever, the following described real property:

Parcel One

All of Block 1, except Lots 1, and 3 through 6 inclusive, and all of Block 2 of the West Equestrian Pointe Subdivision, Division 1, according to the recorded plat thereof, recorded October 10, 2006 as Instrument No. 352715 in the Recorder's Office for Jefferson County, Idaho.

Parcel Two

Beginning at a point that is N.89°42'11"W. along the Section line 711.12 feet from the Northeast Corner of Section 4, Township 4 North, Range 37 East of the Boise Meridian, said point being the Northwest boundary corner of West Equestrian Pointe, Division No. 1, Jefferson County, Idaho; running thence N.89°42'11"W. along said Section line 1932.79 feet to the North ¼ Corner of said Section 4; thence S.00°23'32"W. along the North-South Center Section line of said Section 4 a distance of 2635.42 feet to the Center ¼ Corner of said Section 4; thence N.89°33'56"W. along the East-West Center Section line of said Section 4 a distance of 1691.97 feet to the East Right-of-Way line of an existing Railroad Right-of-Way; thence S.23°03'14"E. along said East Right-of-Way line 2510.71 feet; thence S.89°29'59"E. 2003.61 feet; thence S.75°23'57"E. 1352.49 feet to the Southeast Corner of said Section 4; thence S.89°29'25"E. 73.97 feet to the ordinary high water line of the Snake River; thence Northerly along said ordinary high water line the following four (4) courses: N.20°06'09"E. 224.09 feet; thence N.07°09'31"W. 115.78 feet; thence N.64°48'41"E. 128.04 feet; thence N.44°17'04"E. 20.00 feet to the most Southerly boundary corner of said West Equestrian Pointe, Division No. 1; thence Northerly along the West boundary line of said West Equestrian Pointe, Division No. 1 the following twelve (12) courses: N.45°42'56"W 367.28 feet; thence N.89°47'16"W. 13.89 feet to a point of curve with a radius of 180.00 feet and a chord bearing N.64°47'01"W. 152.17 feet; thence to the right along said curve 157.11 feet through a central angle of 50°00'30"; thence N.39°46'46"W. 449.32 feet to a point of a curve with a radius of 150.00 feet and a chord bearing N.64°40'21"W. 126.28 feet; thence to the left along said curve 130.34 feet through a central angle of 49°47'10"; thence N.89°33'56"W. 130.14 feet; thence N.00°26'04"E. 60.00 feet; thence N.45°26'04"E. 28.28 feet; thence N.00°26'04"E 2110.19 feet; thence

N.44°54'03"W. 28.28 feet; thence N.00°17'49"E. 30.00 feet to the POINT OF BEGINNING.

ALSO:

Beginning at the Northeast Corner of Section 4, Township 4 North, Range 37 East of the Boise Meridian, running thence N.89°42'11"W. 610.93 feet to the East Right-of-Way line of Buckskin Way; thence South along said East Right-of-Way line and the North Right-of-Way line of Quarter Horse Way the following eight (8) courses: S.00°17'49"W. 30.00 feet; thence S.45°21'57"W. 28.42 feet; thence S.00°26'04"W. 2110.19 feet; thence S.44°33'55"E. 28.28 feet; thence S.89°33'56"E. 30.14 feet to a point of curve with a radius of 210.00 feet and a chord bearing S.64°40'21"E. 176.79 feet; thence to the right along said curve 182.48 feet through a central angle of 49°47'10"; thence S.39°46'46"E. 449.32 feet to a point of curve with a radius of 120.00 feet and a chord bearing S.64°47'01"E. 101.44 feet; thence to the left along said curve 104.74 feet through a central angle of 50°00'30"; thence S.89°47'16"E. 13.99 feet to the East ¼ Corner of said Section 4; thence N.00°57'37"E. along the East line of said Section 4 a distance of 2641.89 feet to the POINT OF BEGINNING.

Containing 363.72 acres.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the premises above mentioned and described, and hereby conveyed, or intended so to be, together with the appurtenances, to said David Hardy, its successors and assigns forever.

IN WITNESS WHEREOF, said grantor, as Sheriff aforesaid, hereunto sets his hand the day and year first above written.

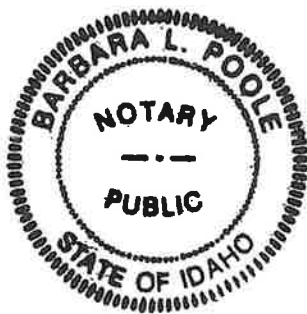


Sheriff of Jefferson County, State of Idaho

STATE OF IDAHO)
 :SS
County of Jefferson)

I, Barbara L Poole, Notary public for the State of Idaho, do hereby certify that Blair Olson, Sheriff of the County of Jefferson, State of Idaho, who is to me known to be the person named in and who executed the foregoing Sheriff's Return on Sale, this day personally appeared before me and acknowledged that he executed the same as said Deputy Sheriff of Jefferson County, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand this 16 day of April, 2009.



Barbara L Poole
NOTARY PUBLIC IN AND FOR IDAHO
Residing at: Jefferson County
My commission expires: 12/6/14



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

June 12, 2019

Pt Elliot LLC
392 N 4500 E
Rigby ID 83442

RE: Change of Ownership for Water Rights 1-7017 (Split into 1-7017, 1- 10686 and 1-10687) and 35-7720 (Split into 35-7720, 35-14649 and 35-14650)

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: John Branca
Water District 01
Water District 120
Bonneville Jefferson Ground Water District