

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
MAY 16 2019
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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-14624 <u>OK</u>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Walker Land & Cattle, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): City of Idaho Falls
New owner(s) as listed on the conveyance document Name connector ☐ **and** ☐ **or** ☐ **and/or**
- c/o HKHC P.O. Box 50130 Idaho Falls ID 83405
Mailing address City State ZIP
- (208) 523-0620 _____
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: March 12, 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: *Robert L. Harris* Attorney May 13, 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 JB Date 5/16/2019 Receipt No. E044979 Receipt Amt. \$25 -
 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 5/21/2019

IDAHO Department of Water Resources



WATER RIGHT REPORT

5/13/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-14624

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WALKER LAND & CATTLE LLC C/O MIKE BARNES OR TERRY WADSWORTH 1070 RIVERWALK DR STE 200 IDAHO FALLS, ID 83402 2085243341
Original Owner	REED L BUTIKOFER IDAHO FALLS, ID
Original Owner	ELDRED C BUTIKOFER 758 W 129TH N IDAHO FALLS, ID 83401 2085224539
Security Interest	MICKELSEN PROPERTIES LLC 9088 N RIVER RD IDAHO FALLS, ID 83402-5231 2087456626

Priority Date: 03/17/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.22 CFS	60 AFA
Total Diversion			0.22 CFS	

Location of Point(s) of Diversion:

GROUND WATER | NWNWNW | Sec. 14 | Township 02N | Range 36E | BONNEVILLE County

IRRIGATION Use:

Acre Limit: 15

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	36E	10		SESE	36									
		14		NWNE	27									
				NENW	36		NWNW	40		SWNW	40			
		15		NENE	40		NWNE	40		SENE	40			
				NESE	40		SESE	40						

Total Acres: 379

Conditions of Approval:

1. 206 This right is limited to the irrigation of a specific 15.0 acres within the 379 acre place of use authorized by this right in a single irrigation season. The specific 15.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 15.0 acres to be irrigated within the 379 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
4. 214 Prior to the diversion and use of water under Transfer approval 82872, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. T19 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.

Dates:**Licensed Date:****Decreed Date:** 08/29/2002**Enlargement Use Priority Date:****Enlargement Statute Priority Date:****Water Supply Bank Enrollment Date Accepted:****Water Supply Bank Enrollment Date Removed:****Application Received Date:****Protest Deadline Date:****Number of Protests:** 0**Other Information:****State or Federal:** S**Owner Name Connector:****Water District Number:** 120**Generic Max Rate per Acre:** 0.02**Generic Max Volume per Acre:** 4**Civil Case Number:****Old Case Number:****Decree Plaintiff:****Decree Defendant:****Swan Falls Trust or Nontrust:****Swan Falls Dismissed:****DLE Act Number:****Cary Act Number:****Mitigation Plan:** False

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHT

Walker Land & Cattle, LLC, an Idaho limited liability company, whose address is 1070 Riverwalk Dr., Ste. 200, Idaho Falls, Idaho 83402 (hereinafter "Grantor") does hereby grant, bargain, sell, assign, and convey unto the **City of Idaho Falls**, a political subdivision and municipality existing under and by virtue of the laws of the State of Idaho, whose address is P.O. Box 50220, Idaho Falls, Idaho 83405 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in Water Right No. 35-14624 described on Exhibit A attached hereto (hereinafter the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

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

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

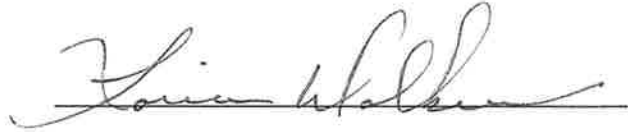
[SIGNATURE AND NOTARY BLOCK ON FOLLOWING PAGE]

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

DATED this 12th day of March 2019.

"GRANTOR"

WALKER LAND & CATTLE, LLC

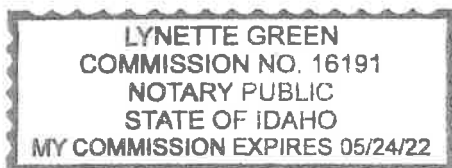


By: Lorin Walker

Its: Member

STATE OF IDAHO)
) ss.
County of BONNEVILLE)

This record was acknowledged before me on this 12 day of March 2019, by
LORIN WALKER as a member of Walker Land & Cattle, LLC.



NOTARY PUBLIC FOR IDAHO
My commission expires: 5/24/2022

EXHIBIT A WATER RIGHT DESCRIPTION

Page 4 of 5

WATER RIGHT NO. 35-14624

As Modified by Transfer No. 82872

In accordance with the approval of Transfer No. 82872, Water Right No. 35-14624 is now described as follows:

Right Holder: WALKER LAND & CATTLE LLC
C/O MIKE BARNES OR TERRY WADSWORTH
1070 RIVERWALK DR STE 200
IDAHO FALLS, ID 83402

Priority Date: 3/17/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.220 cfs 0.220 cfs	60.0 af 60.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNWNW Sec 14 Twp 02N Rge 36E BONNEVILLE 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	
02N	36E	10																	
02N	36E	14		27.0			36.0	40.0	40.0									36.0	38.0
02N	36E	15		40.0	40.0	40.0									40.0			40.0	143.0
Right Acre Limit:						15.0													
POU Total Acres:						379.0													

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 15.0 acres within the 379 acre place of use authorized by this right in a single irrigation season. The specific 15.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 15.0 acres to be irrigated within the 379 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

Transfer No. 82872

WATER RIGHT NO. 35-14624
As Modified by Transfer No. 82872

CONDITIONS OF APPROVAL

4. Prior to the diversion and use of water under Transfer approval 82872, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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. 82872

Instrument # 1605210

Bonneville County, Idaho Falls, Idaho

04/02/2019 09:42:55 AM No. of Pages: 3

Recorded for: HOLDEN KIDWELL HAHN & CRAPO PLLC

Penny Manning Fee: \$16.00

Ex-Officio Recorder Deputy

Index to: PARTIAL RELEASE OF LIEN

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

(Space Above For Recorder's Use)

PARTIAL RELEASE OF SECURITY INTEREST AND/OR LIEN

Mickelsen Properties, LLC (hereinafter "Mickelsen") holds a security interest and/or lien on Water Right No. 35-14624. Mickelsen hereby releases its security interest and/or lien in Water Right No. 35-14624 described on **Exhibit 1**.

This *Partial Release of Security Interest and/or Lien* applies only to Water Right No. 35-14624 and no other property.

MICKELSEN PROPERTIES, LLC



By: Mark Mickelsen
Managing Member
Mickelsen Properties, LLC

STATE OF IDAHO)
) ss.
COUNTY OF BONNEVILLE)

This record was acknowledged before me on this 27 day of March, 2019, by Mark Mickelsen, a Managing Member of **MICKELSEN PROPERTIES, LLC**.




NOTARY PUBLIC FOR IDAHO
My commission expires: 9/28/2019

WATER RIGHT NO. 35-14624
As Modified by Transfer No. 82872

CONDITIONS OF APPROVAL

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Transfer No. 82872

EXHIBIT 1 **DESCRIPTION OF WATER RIGHT NO. 35-14624**

Page 4 of 5

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C/O MIKE BARNES OR TERRY WADSWORTH
1070 RIVERWALK DR STE 200
IDAHO FALLS, ID 83402

Priority Date: 3/17/1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.220 cfs	60.0 af
			0.220 cfs	60.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNWNW Sec 14 Twp 02N Rge 36E BONNEVILLE 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	
02N	36E	10																	
02N	36E	14			27.0		36.0	40.0	40.0									36.0	38.0
02N	36E	15	40.0		40.0										40.0			40.0	143.0
																			200.0

Right Acre Limit: 15.0
POU Total Acres: 379.0

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Transfer No. 82872



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

RECEIVED

MAY 16 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 13, 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 No. 35-14624 and Partial Release of Security Interest and/or Lien Executed by Mickelsen Properties, LLC.

Dear Jonie:

Enclosed for processing is a *Notice of Change in Water Right Ownership* for Water Right No. 35-14624. Included with the completed form is a copy of the recorded *Special Warranty Deed for Water Right* that conveys the water right to the City of Idaho Falls. The water right will not be split, and therefore, we have included the required filing fee of \$25.

Also enclosed is a recorded *Partial Release of Security Interest and/or Lien* executed by Mickelsen Properties, LLC specific to Water Right No. 35-14624. Mickelsen Properties, LLC recently submitted documents to your office updating the security interest holder to their name. With this recorded release, their name should be removed as a security interest holder from the Department's database so that printing a water right report for 35-14624 will not show Mickelsen Properties, LLC as a security interest holder.

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

Best regards,

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

Enclosures

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Established in 1896

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

058233

DATE : May/13/2019
CHE # : 58233
AMOUNT : \$25.00
ACCOUNT: GENERAL - 6
PAID TO: Idaho Department of Water Resources

Notice of Change in Water Right Ownership

CLIENT: 17358 - CITY OF IDAHO FALLS
MATTER: 17358-008

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
GENERAL ACCOUNT
P.O. BOX 50130
IDAHO FALLS, ID 83405
(208) 523-0620

CITIZENS COMMUNITY BANK
900 S. UTAH
IDAHO FALLS, IDAHO 83402
92-0377/1241

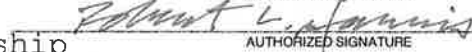
058233

Twenty Five ***** 00/100
PAY TO THE ORDER OF DATE AMOUNT
May/13/2019 \$25.00

Idaho Department of Water Resources

Notice of Change in Water Right Ownership

RUB RED IMAGE
COPIES WITH


AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

MP

MP

THE BACK OF THIS DOCUMENT CONTAINS CHECK SECURITY WATERMARK AND COIN REACTIVE INK

2759



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

May 21, 2019

CITY OF IDAHO FALLS
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

Re: Change in Ownership for Water Right No(s): 35-14624

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) 525-7161.

Sincerely,

A handwritten signature in cursive script that reads "Cher Ramos".

Cher Ramos
Technical Records Specialist 1

Enclosure(s)

cc: Mickelsen Properties LLC
Water District 120
Bonneville-Jefferson Ground Water District