

RECEIVED

MAR 19 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment 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?
23-11468 <i>OK</i>	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: Todd and Jennifer Cook
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Rainey Creek Enterprises LLC
New owner(s) as listed on the conveyance document
- PO Box 5
Mailing address
973-997-4551
Telephone
- Irwin
City
- Name connector ☐ and ☐ or ☐ and/or
ID 83428
State ZIP
- 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 6, 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] Signature of new owner/claimant
[Signature] Title, if applicable
3/12/19 Date

Signature: _____ Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by JLB Date 3/19/19 Receipt No. E0447840 Receipt Amt. \$25. - for this app. \$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 JLB Processed by CR Date 3/27/2019

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Instrument # 1604151
Bonneville County, Idaho Falls, Idaho
03/18/2019 10:00:02 AM No. of Pages: 6
Recorded for: ROCKY MTN ENV
Penny Manning Fee: \$15.00
Ex-Officio Recorder Deputy
Index to: DEED, WARRANTY

dm

(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 **Rainey Creek Enterprises LLC**, an Idaho limited liability company, whose address is P.O. Box 5, Irwin, Idaho 83428 (hereinafter "**Grantee**") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in Water Right Nos. 23-11468 and 23-11469 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 6th day of March, 2019.

"GRANTOR"



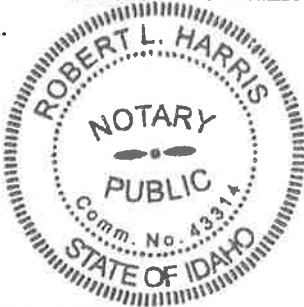
Todd Cook

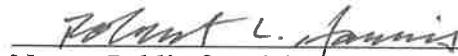


Jennifer Cook

STATE OF IDAHO)
)ss.
County of Bonneville)

This record was acknowledged before me on the 6th day of March, 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 6th day of March, 2019, by **JENNIFER COOK.**




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

EXHIBIT A
WATER RIGHT DESCRIPTION

Page 4 of 7

WATER RIGHT NO. 23-11468
As Modified by Transfer No. 82568

In accordance with the approval of Transfer No. 82568, Water Right No. 23-11468 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	4/15	to 10/31	0.030 cfs 0.030 cfs	9.5 af 9.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 36 Twp 02N Rge 43E BONNEVILLE County
GROUND WATER	SESW	Sec 36 Twp 02N Rge 43E 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	43E	36																18.7					3.3		22.0

Right Acre Limit: 2.7
POU Total Acres: 22.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2.7 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 2.7 acres within the 22 acre place of use authorized by this right in a single irrigation season. The specific 2.7 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 2.7 acres to be irrigated within the 22 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

Transfer No. 82568

WATER RIGHT NO. 23-11468
As Modified by Transfer No. 82568

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, 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. 82568

WATER RIGHT NO. 23-11469
As Modified by Transfer No. 82729

In accordance with the approval of Transfer No. 82729, Water Right No. 23-11469 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	4/15	to 10/31	0.030 cfs 0.030 cfs	9.5 af 9.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 26 Twp 01N Rge 44E 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	
01N	44E	25							1.1				0.1						1.2
01N	44E	26				1.2									0.3				1.5

POU Total Acres: 2.7

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
2. Point of diversion is located within Lot 22, Blk. 1, Palisades Creek Ranch Subdivision.
3. Place of use is located within Lots 21-23, Blk. 1, Palisades Creek Ranch Subdivision.
4. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. This right does not grant any right-of-way or easement across the land of another.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 82729

WATER RIGHT NO. 23-11469

As Modified by Transfer No. 82729

CONDITIONS OF APPROVAL

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, 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. 82729

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 # 704483

BINGHAM COUNTY

2-11-2019 11:59:15 AM No. of Pages: 6

Recorded for : 058031 HOLDEN, KIDWELL, HAHN & C

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 5.4-acre portion of a water right appurtenant to the above-described encumbered property to be sold to a third party. The transfer of said 5.4-acre portion has been accomplished, and the Idaho Department of Water Resources has assigned the identification numbers of 23-11468 and 23-11469 to said 5.4-acre water right portion as described on **Exhibit 1** attached hereto.

AXA hereby releases, from the lien of the Mortgage, Water Right Nos. 23-11468 and 23-11469 as described on **Exhibit 1**. 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]

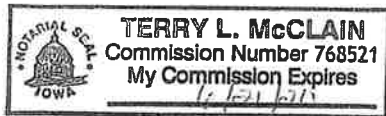
AXA EQUITABLE LIFE INSURANCE COMPANY


By: Michael Mercure
Investment Officer
AXA Equitable Life Insurance Company

AWM

STATE OF IOWA)
) ss.
COUNTY OF LINN)

This record was acknowledged before me on this 5th day of February, 2019,
by **MICHAEL MERCURE** an investment officer and authorized representative of **AXA
EQUITABLE LIFE INSURANCE COMPANY**, an Iowa corporation.



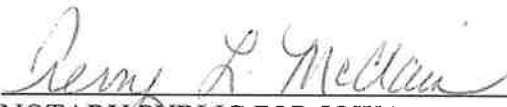

NOTARY PUBLIC FOR IOWA
My commission expires: 6/21/20

EXHIBIT 1
DESCRIPTION OF WATER RIGHT NOS. 23-11468 and 23-11469

Page 4 of 7

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Transfer No. 82568

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As Modified by Transfer No. 82729

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TODD COOK
796 N 1800 W
BLACKFOOT, ID 83221

Priority Date: 3/20/1959

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LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 26 Twp 01N Rge 44E. 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	
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Transfer No. 82729

WATER RIGHT NO. 23-11469
As Modified by Transfer No. 82729

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Transfer No. 82729

704483



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

March 27, 2019

RAINEY CREEK ENTERPRISES LLC
PO BOX 5
IRWIN ID 83428-0005

Re: Change in Ownership for Water Right No(s): 23-11468

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,

Cher Ramos
Technical Records Specialist 1

Enclosure(s)

cc: AXA Equitable Life Insurance Co
Water District 01