

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 29 2018

DEPT OF WATER RESOURCES
SOUTHERN 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?
43-286A	Yes ☒	Yes ☐		Yes ☐	Yes ☐
<i>split # 43-13826</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Round Mountain Ranch
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Mark Higley Inc.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 928 West 1800 North, Ste J Clinton UT 84015
Mailing address City 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: June 12, 2014
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] Sec. 10/24/18
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 DM Date 10-29-2018 Receipt No. 5037618 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 [Signature] Processed by [Signature] Date 11-1-18

WARRANTY DEED

THIS INDENTURE, made this 12th day of June,

2014, between **ROUND MOUNTAIN RANCH, LLC**, a Utah Limited Liability Company, also a Limited Liability Company filed in Idaho, of 3475 S. Round Mountain Lane, Malta, ID 83342 ("**GRANTOR**") and **MARK HIGLEY, INC.**, a Utah Corporation, whose address is 928 West 1800 North, Ste. J, Clinton, Utah 84015 ("**GRANTEE**").

W I T N E S S E T H:

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, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, to-wit:

Township 16 South, Range 27 East of the Boise Meridian, Cassia County, Idaho

Section 26: W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 27: NE $\frac{1}{4}$, S $\frac{1}{2}$

SUBJECT TO: Accruing taxes, levies and assessments, Gas and Mineral Lease recorded as Instrument No. 72433 on Film 84 records of Cassia County, Idaho, as assigned by Instrument No. 95180 on Film 105 records of Cassia County, Idaho. Reservations of Mineral Rights as recorded as Instrument No. 269545 records of Cassia County, Idaho on June 2, 2000, and any encroachments visible by inspection.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, Water Rights particularly 43-84 and 43-85 as they pertain to the conveyed property, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the successors and assigns of Grantee forever.

The Grantor shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee, and the successors and assigns of Grantee against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

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

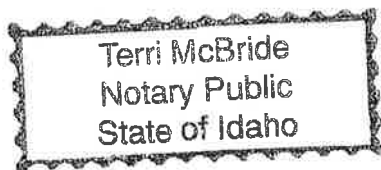
GRANTOR

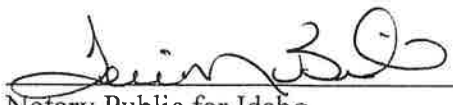
ROUND MOUNTAIN RANCH, LLC

BY Jeff I. Seim
Jennifer Sessions

STATE OF IDAHO)
) ss
County of Cassia)

On this 12th day of June, in the year 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Jeff L. Sessions + Jennifer Sessions, known or identified to me to be the Member or Members of the Limited Liability Company of **ROUND MOUNTAIN RANCH, LLC** and the Member or one of the Members who subscribed said Limited Liability Company's name to the foregoing instrument, and acknowledged to me that ~~they~~ executed the same in said Limited Liability Company's name.




Notary Public for Idaho
Residing at: Rupert
Comm. Exp.: 2-5-20

(SessionsJeff/RoundMountainHigleyWD.doc)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

November 01, 2018

MARK HIGLEY INC
928 W 1800 N STE J
CLEARFIELD UT 84015-6608

Re: Changes in Water Right Ownership: 43-84 (Split into 43-84 and **43-13824**);
43-85 (Split into 43-85 and **43-13825**) and 43-286A (Split into 43-286A and **43-13826**)

Dear Water Right Holders:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water rights to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each of the water rights has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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.

Additionally, a security interest holder, Western AgCredit FLCA, was added to the water right records in 2008 prior to the property being divided and a portion sold to Mark Higley INC. As a result, the security interest holder was retained on all portions of the water rights. If Western AgCredit FLCA no longer carries a mortgage and/or security interest in the portions of the water rights now owned by Mark Higley INC, a written notice from Western AgCredit notifying the Department to release the security interest from those water rights (43-13824; 43-13825 & 43-13826) is required to remove them as security interest holders on those water rights.

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) 736-3033.

Sincerely,

William Mills
Water Resource Agent Senior

Enclosures

c: ROUND MOUNTAIN RANCH; WESTERN AGCREDIT FLCA; LAND TITLE AND ESCROW INC