

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 03 2018

Notice of Change in Water Right Ownership

DEPT OF WATER RESOURCES
SOUTHERN 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?
43-2442	Yes ☐	Yes ☐		Yes ☐	Yes ☐
43-2437	Yes ☐	Yes ☐		Yes ☐	Yes ☐
43-4006	Yes ☐	Yes ☐		Yes ☐	Yes ☐
43-2436A	Yes ☐	Yes ☐		Yes ☐	Yes ☐
43-2438A	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Five Rivers Ranch Cattle Feeding, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Fiver Rivers Cattle Feeding LLC **Business Entity Name Change Only**
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 4848 Thompson Parkway, Suite 410 Johnstown CO 80534
Mailing address City State ZIP
(806) 681-1484 Tom.McDonald@5rcattle.com
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: See attached letter.
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 # 43-2436A

8. Signature: *Tom McDonald* Vice President-Environmental Affairs September 24, 2018
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 10.3.2018 Receipt No. 5036984 Receipt Amt. \$125-

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 _____ Processed by *DM* Date 10/11/2018

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "JBS FIVE RIVERS CATTLE FEEDING LLC", CHANGING ITS NAME FROM "JBS FIVE RIVERS CATTLE FEEDING LLC" TO "FIVE RIVERS CATTLE FEEDING, LLC", FILED IN THIS OFFICE ON THE TWENTIETH DAY OF MARCH, A.D. 2018, AT 1:25 O`CLOCK P.M.

ATTACHMENT B



A handwritten signature of Jeffrey W. Bullock in black ink, written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

3951895 8100
SR# 20182049462

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 202356658
Date: 03-20-18

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "FIVE RIVERS RANCH CATTLE FEEDING LLC", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "JBS FIVE RIVERS CATTLE FEEDING LLC", THE TWENTY-EIGHTH DAY OF OCTOBER, A.D. 2008, AT 2:36 O'CLOCK P.M.

3951895 8320

081072684

You may verify this certificate online
at ocsp.delaware.gov/authver.shtml



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6936501

DATE: 10-28-08

ATTACHMENT A

**STATE OF DELAWARE
CERTIFICATE OF AMENDMENT**

1. Name of Limited Liability Company: JBS Five Rivers Cattle Feeding LLC
2. The Certificate of Formation of the limited liability company is hereby amended as follows:

The name of the limited liability company shall henceforth be, Five Rivers Cattle Feeding, LLC.

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 19th day of March, A.D. 2018.

By: 

Authorized Person(s)

Name: Henry Cleland

Print or Type



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

October 12, 2018

FIVE RIVERS CATTLE FEEDING LLC
4848 THOMPSON PKWY STE 410
JOHNSTOWN CO 80534-6511

Re: Business Entity Name Change for Water Right No(s): 43-2436A, 43-2437, 43-2438A, 43-2442,
43-4006

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing the business name of the above referenced water right(s). The Department has modified its records and has enclosed a computer-generated report for you. In addition, filing fees are not required for a business entity name change, in which the ownership of the water rights did not change hands. A refund request in the amount of \$125.00 has been submitted. Upon approval, the refund will be sent to Holland & Hart LLP, as they paid the filing fees received by the department on October 3, 2018.

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) 736-3033.

Sincerely,

Denise Maline
Administrative Assistant I

Enclosure(s)

c: William H Caile @ Holland & Hart LLP



October 2, 2018

VIA OVERNIGHT DELIVERY

Idaho Department of Water Resources
Southern Region
650 Addison Ave. W, Suite 500
Twin Falls, ID 83301-5858

RECEIVED
OCT 03 2018
DEPT OF WATER RESOURCES
SOUTHERN REGION

**Re: Notice of Change of Water Right Owner's Name and Contact Information
for Five Rivers Cattle Feeding, LLC**

To Whom it May Concern:

On behalf of Five Rivers Cattle Feeding, LLC, enclosed for filing please find a completed Notice of Change in Water Right Ownership, IDWR Form 42-248/42-1409(6), together with supporting documentation. This form is being filed to update the owner's name and contact information for the following five ground water rights: Water Rights 43-2442, 43-2437, 43-4006, 43-2436A and 43-2438A (collectively, the "Subject Water Rights").

While not technically a change of ownership, the entity name and contact information for the owner of these water rights has changed, as further described below:

1. The Subject Water Rights are currently identified in IDWR records as being owned by Five Rivers Ranch Cattle Feeding, LLC ("Five Rivers Ranch").
2. Effective October 28, 2008, Five Rivers Ranch was acquired by JBS, and its name changed to JBS Five Rivers Cattle Feeding LLC. See Notice of Certificate of Amendment (change of name), attached hereto as Attachment A.
3. Effective March 20, 2018, JBS Five Rivers Cattle Feeding LLC changed its name to Five Rivers Cattle Feeding LLC. See Notice of Certificate of Amendment (change of name), attached hereto as Attachment B.
4. Accordingly, the name, address and contact information for the current owner of the Subject Water Rights is:



Five Rivers Cattle Feeding, LLC
Attn: Tom McDonald
4848 Thompson Parkway, Suite 410
Johnstown, Colorado 80534

The Subject Water Rights are currently used in connection with a cattle-feeding and agricultural operation at the Interstate Feedlot in Malta, Idaho. A check for the filing fee in the amount of \$125 (for five undivided water rights) is also enclosed.

Please return a file stamped copy, or otherwise acknowledge receipt of this form, via email or U.S. mail at the contact information provided above. Please do not hesitate to contact me in the meantime should you have questions.

Very truly yours,

William H. Caile
Of Counsel

WHC:whc

cc: Mr. Tom McDonald
Christopher L. Thorne, Esq.

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