

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## Notice of Change in Water Right Ownership

**RECEIVED**  
**APR 09 2018**  
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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 25-10973 OK           | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 25-10975 OK           | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 25-10971 OK           | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 25-10972 OK           | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 25-4030 OK            | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Errol W. Tibbitts  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Tibbitts Agricultural Science LLC  
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☐ or ☐ and/or
- 127 North 3750 East Rigby IO 83442  
Mailing address City State ZIP
- 208-521-6213 tomtibbitts@aol.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: December 29, 2017
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.

8. Signature: Thomas R. Tibbitts owner/Governor of LLC 4-9-2018  
Signature of new owner/claimant Title, if applicable Date

Signature: Kate Tibbitts owner/Governor of LLC 4/9/18  
Signature of new owner/claimant Title, if applicable Date

**For IDWR Office Use Only:**

Received by se Date 4/9/18 Receipt No. E043869 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 JB Processed by JB Date 4/17/2018

Question Legal - Checked parcel viewer Jefferson Co. Domestic WR parcel closely (not exactly) matches parcel.

SUPPORT DATA  
IN FILE # 25-4030

**AFFIDAVIT IN LIEU OF ADMINISTRATION**

State of Idaho  
County of Jefferson

Marilyn Tibbitts, being first duly sworn upon her oath says that:

- a) She is now and has been a resident of Rigby, County of Jefferson, State of Idaho for 11 years.
- b) She makes this affidavit as of personal knowledge of the facts herein stated and for the purpose of inducing to issue title insurance of the following described premises:

Lots 5, 9, 12, 14 and 15, less that portion of Lot 14 lying West of Island Canal, Section 29, Township 5 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho; and

That portion of Tract 46 lying between the North-South quarter section line and the East 16th line, formerly designated as Lot 18 (a portion) and Lot 20 in Section 29, Township 5 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho.

ALSO Excepting therefrom:

Township 5 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho.  
Section 29: Beginning at the SE Corner of Lot 5 and running thence North along the East line of Lot 5 a distance of 230 feet; thence West a distance of 265 feet; thence South a distance of 230 feet to the South line of said Lot 5; thence East 265 feet along the South line to the point of beginning.

Also excepting out property deed to the State of Idaho for Highway in deeds 124-60 and 124-66.

- c) She was personally acquainted with Errol W Tibbitts aka Errol Wayne Tibbitts during his lifetime.
- d) Errol W Tibbitts aka Errol Wayne Tibbitts, died, intestate (without a will), testate (with a will) in Bonneville County, State of Idaho, on August 13, 2014.
- e) The property was held between Errol W Tibbitts and Marilyn Tibbitts, husband and wife decedent as community property. In accordance with Idaho Code 15-2-102, all of the descendant's share of community property passed to the surviving spouse, Marilyn Tibbitts.
- f) In accordance with Idaho Code 15-2-103, the decedent died intestate, and has a surviving spouse, the estate passes to the surviving spouse. Therefore, the decedents interest in the property described above, together with any and all other assets owned by the decedent at the time of his (her) death, are vested in his (her) surviving spouse, with all of the property vested in [Enter Data]. Marilyn Tibbitts, an unmarried woman
- g) At the time of his death Errol W Tibbitts was a resident of Rigby, County of Jefferson County, State of Idaho.
- h) At the time of his death, Errol W Tibbitts was married to Marilyn Tibbitts and had been continuously so married from the May 16, 1960 day of May 16, 1960
- i) At the time of his death Errol W Tibbitts in addition to his wife was survived by the following heirs:

| Name of Heir               | Relationship    | Residence if Known          | Age       |
|----------------------------|-----------------|-----------------------------|-----------|
| <u>Kim E. Tibbitts</u>     | <u>son</u>      | <u>Ogden, Utah</u>          | <u>56</u> |
| <u>Todd W. Tibbitts</u>    | <u>son</u>      | <u>North Powder, Oregon</u> | <u>55</u> |
| <u>Craig H. Tibbitts</u>   | <u>son</u>      | <u>Idaho Falls, Idaho</u>   | <u>53</u> |
| <u>Mitch H. Tibbitts</u>   | <u>son</u>      | <u>Farmington, Utah</u>     | <u>52</u> |
| <u>Lia Kella E. Madsen</u> | <u>daughter</u> | <u>St. George, Utah</u>     | <u>48</u> |
| <u>Russ A. Tibbitts</u>    | <u>son</u>      | <u>Bath, Michigan</u>       | <u>46</u> |
| <u>Tom R. Tibbitts</u>     | <u>son</u>      | <u>Rigby, Idaho</u>         | <u>45</u> |

j) At the time of his death, decedent's entire estate was of the approximate value of \$720,000.00 dollars.

k) That as a result of the forgoing facts and sections 15-3-101 and 15-3-901 Idaho Code, all right, title and interest in the real property hereinabove described should now be vested in Marilyn Tibbitts, an unmarried woman.

Marilyn Tibbitts  
Marilyn Tibbitts

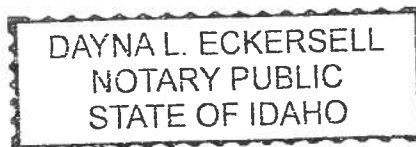
Subscribed and sworn to before me this December 29, 2017

State of Idaho } ss  
County of Jefferson }

On this 29th day of December, 2017, before me, the undersigned a Notary Public in and for said state, personally appeared Marilyn Tibbitts, 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 same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Dayna L. Eckersell  
Notary Public for the State of Idaho  
Residing at: Jefferson County  
Commission Expires: 4/23/2019





## WARRANTY DEED

Order No.: 212400AM

### FOR VALUE RECEIVED

Marilyn Tibbitts, an unmarried woman

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Tibbitts Agricultural Science, LLC, an Idaho Limited Liability Company

whose current address is:

127 N 3750 E  
Rigby, ID 83442

T.T.  
KT

the grantee(s), the following described premises, in Jefferson County, Idaho, TO WIT:

Lots 5, 9, 12, 14 and 15, less that portion of Lot 14 lying West of Island Canal, Section 29, Township 5 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho; and

That portion of Tract 46 lying between the North-South quarter section line and the East 16th line, formerly designated as Lot 18 (a portion) and Lot 20 in Section 29, Township 5 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho.

#### ALSO Excepting therefrom:

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Section 29: Beginning at the SE Corner of Lot 5 and running thence North along the East line of Lot 5 a distance of 230 feet; thence West a distance of 265 feet; thence South a distance of 230 feet to the South line of said Lot 5; thence East 265 feet along the South line to the point of beginning.

Also excepting out property deed to the State of Idaho for Highway in deeds 124-60 and 124-66.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: December 29, 2017

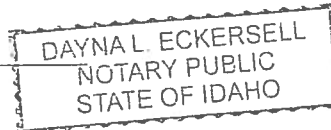
Marilyn Tibbitts  
Marilyn Tibbitts

State of Idaho } ss  
County of Jefferson}

On this 29th day of December, 2017, before me, the undersigned a Notary Public in and for said state, personally appeared Marilyn Tibbitts, 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 same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Dayna L. Eckersell  
Notary Public for the State of Idaho  
Residing at: Jefferson County  
Commission Expires: 4/23/2019





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](http://www.idwr.idaho.gov)

C.L. "Butch" Otter  
Governor

Gary Spackman  
Director

April 20, 2018

TIBBITTS AGRICULTURAL SCIENCE LLC  
127 N 3750 E  
RIGBY ID 83442

Re: Change in Ownership for Water Right No(s): 25-4030, 25-10973, 25-10975, 25-10971 & 25-10972

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,

Jonie Barg  
Technical Records Spec I

Enclosure(s)

cc: Water District 120  
Water District 01