

Name on W-9 _____ Approved by [Signature] Processed by [Signature] Date 12/18/2017

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

Microfilm No. 431144
7-6-2017
At 4:36 O'Clock P M
COLLEEN C. POOLE
Jefferson Co. Recorder
Fee \$ 25 Deputy
Recorded at Request of Evy Gilstrap

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHT

Mickelsen Properties, L.L.C., an Idaho limited liability company, whose address is P.O. Box 438, Rigby, Idaho 83442, ("Grantor") does hereby grant, bargain, sell, assign, and convey unto **Larry Chapple**, an individual, d/b/a Rolling Hills Development, whose address is P.O. Box 465, Rigby, Idaho 83442 ("Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right title and interest in the Water Right described in Exhibit A hereto (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.

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

DATED this 5 day of July, 2017.

MICKELSEN PROPERTIES, L.L.C.

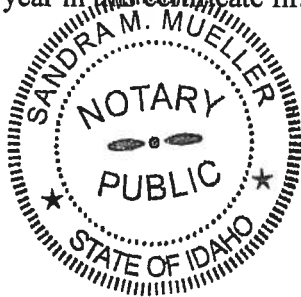
By: Mark Mickelsen
Mark Mickelsen, Manager

STATE OF IDAHO)

) ss.
County of BONNEVILLE)

On this 5th day of July, 2017, before me, a Notary Public for said County and State, personally appeared **MARK MICKELSEN**, known or identified to me, to be one of the members of the limited liability company of **MICKELSEN PROPERTIES, L.L.C.**, and the member or one of the members who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.

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




NOTARY PUBLIC FOR IDAHO
Residing at: Shelley, Idaho
My commission expires: 6/7/2022

EXHIBIT A

7/3/2017

Water Right Report

Close

IDAHO DEPARTMENT OF WATER RESOURCES Water Right Report

7/3/2017

WATER RIGHT NO. 35-14535

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICKELSEN PROPERTIES LLC PO BOX 438 RIGBY, ID 83442 2087456626
Original Owner	TAMCO INC

Priority Date: 04/15/1959

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	4/01	10/31	0.38 CFS	100 AFA
Total Diversion			0.38 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENE	Sec. 34	Township 04N	Range 37E	JEFFERSON County
GROUND WATER	SESENE	Sec. 34	Township 04N	Range 37E	JEFFERSON County

IRRIGATION Use:

Acre Limit: 25

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<http://www.idwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=35&SequenceNumber=14535&SplitSuffix=%20%20&TypeWaterRight=Tr...> 1/3

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	37E	34		NENE	30.7		NWNE	5.4		SENE	18.8			

Total Acres: 54.9

Conditions of Approval:

1. X27 This right is limited to the irrigation of 25 acres within the authorized place of use in a single irrigation season.
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 place of use.
3. 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.
4. 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.
5. 214 Prior to the diversion and use of water under Transfer approval 81594, 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.
6. X60 Place of use is within Rolling Hills Subdivision.
7. X59 Points of diversion are located within Lot 3, Blk. 1, Rolling Hills Subdivision.
8. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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.
12. T19 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.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

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:

<http://www.idwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=35&SequenceNumber=14535&SplitSuffix=%20%20&TypeWaterRight=Tr...> 2/3

7/3/2017

Water Right Report

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

Close



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

December 21, 2017

C.L. "BUTCH" OTTER
Governor

Rolling Hills Development
Po Box 465
Rigby ID 83442

GARY SPACKMAN
Director

RE: Change of Ownership for Water Right No(s). 35-14535

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s) to you. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

cc: Holden Kidwell Hahn & Crapo
Water District 120
Bonneville Jefferson Ground Water District



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

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

December 12, 2017

Jonie Barg
Idaho Department of Water Resources
Eastern Idaho Regional Office
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED
DEC 15 2017
Department of Water Resources
Eastern Region

RE: Notice of Change of Water Right Ownership for Water Right No. 35-14535

Dear Jonie:

Enclosed for processing is a *Notice of Change of Water Right Ownership* for the above numbered water right. A copy of the Special Warranty Deed for Water Right from Mickelsen Properties, L.L.C., to Larry Chapple d/b/a Rolling Hills Development is also enclosed. We have also included a check for the required \$25.00 filing fee.

If you have any questions, please let me know.

Best regards,

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

RLH/rew
Enclosures

g:\wpdata\rlh\19432-000 larry chapple\2017-12-12, barg.docx