

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 03 2016

Department 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?
21-13083 OK	Yes ☒	Split into	21-13083 + 21-13214	Yes ☐	Yes ☐
~~21-13084~~ NOT APPURTINANT				Yes ☐	Yes ☐
21-13141 OK	Yes ☒	Split into	21-13141 + 21-13215	Yes ☐	Yes ☐
21-13143 OK	Yes ☒	Split into	21-13143 + 21-13216	Yes ☐	Yes ☐
21-21666 OK	Yes ☒	Split into	21-21666 + 21-13213	Yes ☐	Yes ☐

2. Previous Owner's Name: Don Muckelsen
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Muckelsen Properties, LLC
New owner(s) as listed on the conveyance document
- Mailing address: P.O. Box 438 City: Rgby State: DO ZIP: 83442
Telephone: (208) 709-1295 Email: Sjwmuck@gmail.com

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: 12/23/16 recorded deed date

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 # 21-21666

8. Signature: [Signature] Title, if applicable: Owner Date: 1/3/17
Signature of new owner/claimant

- Signature: _____ Title, if applicable: _____ Date: _____
Signature of new owner/claimant

For IDWR Office Use Only: Request \$25. - Refund.

Received by: [Signature] Date: 1/3/2017 Receipt No. E042672 Receipt Amt. \$425.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: 2/16/2017

Recording Requested By and
When Recorded Return to:

MICKELSEN PROPERTIES, LLC
PO Box 438
Rigby, ID. 83442

Recorded Electronically	
ID	406921
County	Madison
Date	12/23/16
Time	12:01 PM
Simplifile.com 800.460.5657	

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

ALLIANCE TITLE & ESCROW

130 EAST MAIN

REXBURG, ID 83440

314793

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed"), made as of the 16th day of December, 2016, is between **#281 PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER, LLC**, an Idaho limited liability company ("Grantor"), and **MICKELSEN PROPERTIES, LLC, AN IDAHO LIMITED LIABILITY COMPANY** ("Grantee"), whose legal address is: PO Box 438, Rigby, ID. 83442.

WITNESSETH, That Grantor, for and in consideration of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns forever, all the real property, together with improvements, located in the County of Madison, State of Idaho, more particularly described as follows:

See legal description attached hereto and made a part thereof as Exhibit "A"

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of in and to the above bargained premises, with the hereditaments, easements, rights of way and appurtenances, and with all of Grantor's interest, if any, in and to any and all minerals, water, ditches, wells, reservoirs and drains, and all water, ditch, well, reservoir and drainage rights which are appurtenant to, located on, now or hereafter acquired under or above or used in connection with the property (collectively, the "Property").

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, its successors and assigns forever. Grantor, for itself, and its successors and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that at the time of the ensembling and delivery of these presents, Grantor is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, as of May 23, 2016.

Recording Requested By and
When Recorded Return to:

MICKELSEN PROPERTIES, LLC
PO Box 438
Rigby, ID. 83442

Microfile No. 406921
23 DAY Dec 2016
At 12 O'Clock 09 PM
KIM H. MUIR
MADISON CO RECORDER
Fee \$16.00
Deputy
Recorded at Request of
ALLIANCE TITLE - REXBURG OFFICE

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

ALLIANCE TITLE & ESCROW

130 EAST MAIN

REXBURG, ID 83440

314793

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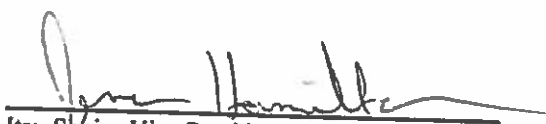
TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, its successors and assigns forever. Grantor, for itself, and its successors and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that at the time of the ensembling and delivery of these presents, Grantor is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, as of May 23, 2016.

The Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof BY, THROUGH OR UNDER Grantor.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the date set forth above.

#281 PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER, LLC,
an Idaho limited liability company

By: Pioneer 1031 Company, Member

By: 
Its: Senior Vice President

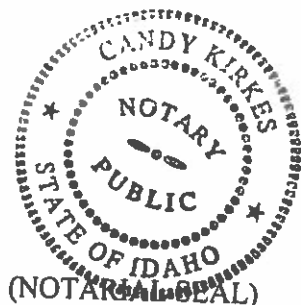
STATE OF IDAHO

COUNTY OF ADA

)
) ss.
)

On this 17th day of December, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Jesse Hamilton, known to me to be the Senior Vice President of Pioneer 1031 Company, an Idaho corporation, which corporation is the Sole Member of #281 Pioneer Exchange Accommodation Titleholder, LLC, an Idaho limited liability company, and acknowledged to me that she/he executed the within and foregoing instrument for and on behalf of said corporation as Sole Member of said limited liability company and in said corporation's name as Sole Member of said limited liability company.

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 Boise, Idaho
My Commission Expires: 3/1/2019

EXHIBIT "A"

314793

Part of Section 34, Township 6 North, Range 38 East of the Boise Meridian, Madison County, Idaho, described as follows:

Beginning at a found aluminum cap at the Northeast Corner of said Section 34 and running thence South $00^{\circ}00'37''$ West 2639.21 feet to a found $\frac{5}{8}$ " iron rod at the East Quarter Corner of said Section 34; thence South $00^{\circ}1'42''$ West 1552.35 feet along the section line to the Northeast Corner of the property as described in Quit Claim Deed, Instrument No. 364312; thence North $89^{\circ}04'41''$ West 1318.69 feet along the North line of said property to the West line of the Southeast Quarter of the Southeast Quarter of said Section 34; thence North $00^{\circ}07'37''$ East 205.79 feet along said West line to the Southeast Corner of the Northwest Quarter of the Southeast Quarter of said Section 34; thence South $89^{\circ}45'27''$ West 1318.60 feet to the Southeast Corner of the Northeast Quarter of the Southwest Quarter of said Section 34; thence South $89^{\circ}53'43''$ West 1317.15 feet to the Southwest corner of the Northeast Corner of the Southwest Quarter of said Section 34; thence North $00^{\circ}00'06''$ West 679.79 feet along the West line of said Northeast Quarter of the Southwest Quarter to a point on a non-tangent curve created by an existing irrigation pivot; thence 710.71 feet along said curve to the right, Curve Data: Delta = $25^{\circ}39'32''$, Radius = 1587.00 feet, Chord bearing = North $26^{\circ}32'07''$ West 704.79 feet; thence North $58^{\circ}00'11''$ West 61.65 feet; thence South $57^{\circ}07'13''$ West 839.25 feet to the North line of a 50 foot access easement described in Warranty Deed, Instrument No. 249876; thence South $82^{\circ}10'56''$ West 247.46 feet along said North line to the West line of said Section 34; thence North $00^{\circ}00'16''$ East 463.13 feet to a found aluminum cap at the West Quarter Corner of said Section 34; thence North $00^{\circ}00'06''$ East 719.23 feet along the section line to a point on a non-tangent curve on the Northerly right of way line of an existing County Road (Twin Butte Road); thence along said Northerly right of way line the following 2 courses: 1) 178.53 feet along said curve to the right, Curve Data = $31^{\circ}57'53''$, Radius = 320.00 feet, Chord bearing = North $45^{\circ}26'22''$ East 176.22 feet; thence 2) North $61^{\circ}25'18''$ East 1000.66 feet to the South line of the Northwest Quarter of the Northwest Quarter of said Section 34; thence North $89^{\circ}52'19''$ East 312.77 feet to the Southeast Corner of said Northwest Quarter of the Northwest Quarter of Section 34; thence North $00^{\circ}00'04''$ East 1318.09 feet to the Northwest Corner of the Northeast Quarter of the Northwest Quarter of said Section 34; thence North $89^{\circ}55'15''$ East 1316.80 feet to the North Quarter Corner of said Section 34; thence North $89^{\circ}42'59''$ East 532.66 feet along the North line of said Section 34 to the Northwest Corner of the property as described and shown on Record of Survey, Instrument No. 335069; thence South $20^{\circ}43'23''$ East 461.38 feet along the West line of said property to the Northerly right of way line of an existing County Road (Twin Butte Road); thence along said Northerly right of way of said property as described and shown on Record of Survey, Instrument No. 335069 the following 3 courses: 1) North $70^{\circ}30'23''$ East 360.00 feet; thence 2) North $71^{\circ}00'23''$ East 250.00 feet; thence 3) North $71^{\circ}17'22''$ East 739.99 feet to the North line of said Section 34; thence North $89^{\circ}42'23''$ East 665.61 feet to the point of beginning.

ENDORSEMENT

Attached to Policy No. 72306-45348400

Issued By

Chicago Title Insurance Company

Order No.: 314793

The policy is amended by adding as a named Insured therein Mickelsen Properties, LLC, an Idaho Limited Liability Company.

This endorsement does not extend the coverage of the policy to any later date than Date of Policy, nor does it impose any liability on the Company for loss or damage resulting from (1) failure of such added Insured to acquire an insurable estate or interest in the Land, or (2) any defect, lien or encumbrance attaching by reason of the acquisition of an estate or interest in the Land by such added Insured.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

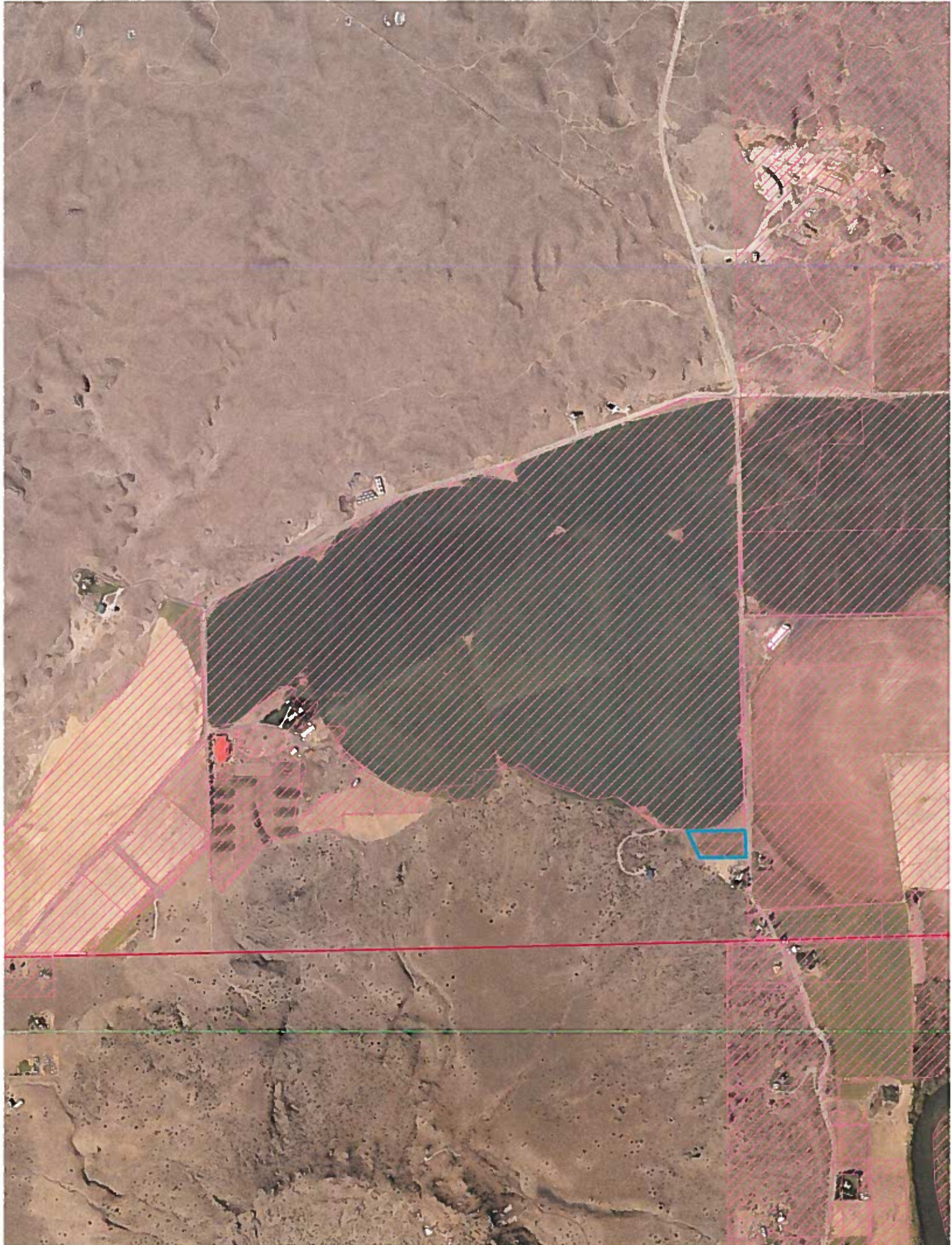
DATED: December 23, 2016

Chicago Title Insurance Company

Countersigned By:



Authorized Signatory





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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 7, 2017

Mickelsen Properties LLC
PO Box 438
Rigby ID 83442

RE: Change of Ownership for Water Rights 21-2166 (Split into 21-2166 & 2113213), 21-13083 (Split into 21-13083 & 13214), 21-13141 (Split into 21-13141 & 21-13215), 21-13143 (Split into 21-13143 & 21-13216) and 21-13084 (Not Appurtenant)

Dear Water Right Holder:

The department acknowledges receipt of correspondence changing ownership and splitting the above referenced water right. The department has modified its records to reflect the changes and has enclosed computer-generated reports for your records.

Water right number 21-13084 is not appurtenant to your property therefore you are entitled to a \$25.00 refund. The department has initiated the refund and it should arrive from the state office in a couple of weeks.

Your portion of the water right has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on your water right, then no further action is required at this time.

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.

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

Enclosures

cc: Don Mickelsen
Water District 100

Barg, Jonie

From: Barg, Jonie
Sent: Monday, February 06, 2017 8:59 AM
To: Carlos, Rhea
Subject: Refund Request
Attachments: E042672.pdf

Rhea,

Good morning!!

I have a refund request as follows:

Receipt number: E042672
Amount: \$25.00
Payable to: Mickelsen Properties
PO Box 438
Rigby ID 83442

Reason: Total filing fee received \$425.00 for an ownership change. 4 split water rights 1 non split. The water right not resulting in a division of the water right is not appurtenant to the applicants property. Therefore the ownership change cannot be complete and a partial refund is required.

Let me know if you need additional information.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

Jonie Barg

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177
email: jonie.barg@idwr.idaho.gov