

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 09 2017

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?
35-14485 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-14486 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Idaho Water Company, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): South Interchange Properties, LLC
New owner(s) as listed on the conveyance document
- 4609 W. 65th S. Idaho Falls Name connector ☐ and ☐ or ☐ and/or
Mailing address City ID 83402
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 8, 2016

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.

SUPPORT DATA

IN FILE # 35-14485

8. Signature: *Juliet H. Mancini* Attorney 01/05/2017
Signature of new owner/claimant Title, if applicable Date
- Signature: _____ Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 1/9/2017 Receipt No. E042677 Receipt Amt. \$50.-

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 1/9/2017

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Luke H. Marchant

Holden, Kidwell, Hahn & Crapo, P.L.L.C.

PO Box 50130

Idaho Falls, ID 83405

Instrument # 1541819

IDAHO FALLS, BONNEVILLE, IDAHO

12-16-2016 04:22:48 PM No. of Pages: 8

Recorded for : HOLDEN KIDWELL

PENNY MANNING

Fee: 31.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Idaho Water Company LLC, an Idaho limited liability company whose address is 1135 Valley Road South, Eden, Idaho 83325, ("Grantor") does hereby grant, bargain, sell, assign, and convey unto South Interchange Properties, LLC, an Idaho limited liability company, whose address is 4609 W. 65th S., Idaho Falls, ID 83402 ("Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right title and interest in the Water Rights described in Exhibit A hereto (collectively the "Water Rights").

Grantor hereby covenants and warrants to Grantee as follows:

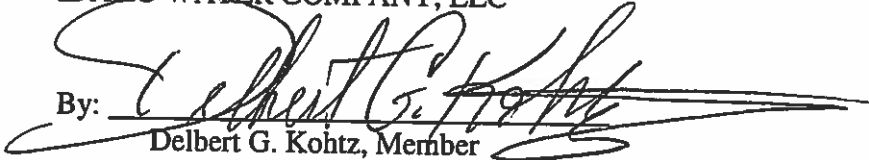
- (A) Grantor is the owner of the Water Rights;
- (B) Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (C) The Water Rights are free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Rights to Grantee.

Grantor makes no other covenants or warranties as to the Water Rights.

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

DATED this 8th day of December, 2016.

IDAHO WATER COMPANY, LLC

By: 

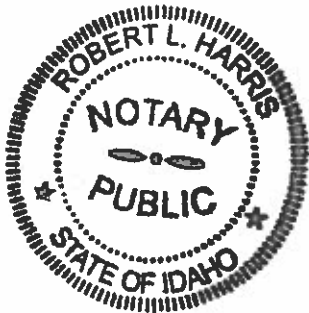
Delbert G. Kohtz, Member

STATE OF IDAHO)

) ss.
County of BONNEVILLE)

On this 8th day of December, 2016, before me, a Notary Public for said County and State, personally appeared DELBERT G. KOHTZ, known or identified to me, to be one of the members of the limited liability company of IDAHO WATER COMPANY, LLC, 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.



Robert L. Harris
NOTARY PUBLIC FOR IDAHO
Residing at: Ammon, Idaho
My commission expires: 11/18/2022

EXHIBIT A

IDAHO DEPARTMENT OF WATER RESOURCES Water Right Report

12/6/2016

WATER RIGHT NO. 35-14485

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO WATER CO LLC 1135 VALLEY RD S EDEN, ID 83325 (208) 312-1135
Original Owner	ALICE HEYREND
Original Owner	PAUL HEYREND PO BOX 169 ARTOIS, CA 95913 (530)934-3010

Priority Date: 11/29/1971

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	04/01	10/31	0.02 CFS	6.3 AFA
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNE|Sec. 08|Township 01N|Range 37E|BONNEVILLE County

IRRIGATION Use:

Acre Limit: 1.8

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	37E	8		NENE	0.8		NWNE	5.1		SWNE	13.3		SENE	3.8
				NENW	0.8									

Total Acres: 23.8

Conditions of Approval:

1. X27 This right is limited to the irrigation of 1.8 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-14485 and 35-14486 when combined shall not exceed the irrigation of 2.0 acres.
3. X35 Rights 35-13975, 35-14484, 35-14485 and 35-14486 when combined shall not exceed the irrigation of 23.8 acres.
4. R05 Use of water under this right will 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.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 81240, 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.
7. 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.
8. 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.
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:
State or Federal: S
Owner Name Connector:
Water District Number: 120
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 3.5
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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/6/2016

WATER RIGHT NO. 35-14486

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO WATER CO LLC 1135 VALLEY RD S EDEN, ID 83325 (208) 312-1135
Original Owner	BLAINE L LARSEN
Original Owner	CONNIE L LARSEN PO BOX 188 HAMER, ID 83425-0188 (208) 662-5501

Priority Date: 11/29/1971
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	04/01	10/31	0.002 CFS	0.7 AFA
Total Diversion			0.002 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNE|Sec. 08|Township 01N|Range 37E|BONNEVILLE County

IRRIGATION Use:
Acre Limit: 0.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	37E	8		NENE	0.8		NWNE	5.1		SWNE	13.3		SENE	3.8
				NENW	0.8									

Total Acres: 23.8

Conditions of Approval:

1. X27 This right is limited to the irrigation of 0.2 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-14485 and 35-14486 when combined shall not exceed the irrigation of 2.0 acres.
3. X35 Rights 35-13975, 35-14484, 35-14485 and 35-14486 when combined shall not exceed the irrigation of 23.8 acres.
4. R05 Use of water under this right will 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.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 81240, 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.
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10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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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:
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

January 10, 2017

C.L. "BUTCH" OTTER
Governor

South Interchange Properties LLC
4609 W 65th S
Idaho Falls ID 83402

GARY SPACKMAN
Director

RE: Change of Ownership for Water Right No(s). 35-14485 & 35-14486

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: Water District 120
Bonneville Jefferson Ground Water District



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

RECEIVED

JAN 09 2017

Department of Water Resources
Eastern Region

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: lmarchant@holdenlegal.com

January 5, 2017

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

RE: Notice of Change of Ownership for Water Right Nos. 35-14485 and 35-14486

Dear Jonie:

Enclosed for processing is a *Notice of Change of Water Right Ownership* form for Water Right Nos. 35-14485 and 35-14486. We have included a copy of the Special Warranty Deed conveying the water rights to South Interchange Properties, LLC, the new owners.

If you have any questions regarding this matter, please do not hesitate to contact me.

Best Regards,

Luke H. Marchant
Holden, Kidwell, Hahn & Crapo, P.L.L.C.

Enclosures

G:\WP\DATA\RL114619-03 MELALEUCA\2016 2 Acre Water Right Purchase\2017-01-05, Barg.docx