

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
MAY 10 2016
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 a 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?
45-13987	Yes ☐	Yes ☐		Yes ☐	Yes ☐
45 13986	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): Seagle Bros. Land + Livestock LLC
New owner(s) as listed on the conveyance document

171 E. 600 S. Burley ID 83318
Mailing address City State ZIP

208 312-3802
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: _____

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 # 45-13986

8. Signature: [Signature] member 5-10-16
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 [Signature] Date 5-11-2016 Receipt No. 5035449 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 _____ Processed by _____ Date _____

SPECIAL WARRANTY DEED FOR WATER RIGHT

Idaho Water Company LLC (Grantor) does hereby grant, bargain, sell, assign, and convey unto Searle Brothers Land and Livestock(Grantee) of 171 E 600 S, Burley, Idaho, 83318 and to Grantees heirs and assigns forever, all of Grantor's right title and interest in the Water Right's #45-13986 and #45-13987 and hereto (collectively the "Water Right"). Grantor retains no residual or reversionary interest in the Water Right(s) listed in the exhibits attached.

Grantor hereby covenants and warrants to Grantee as follows:

- (A) that Grantor is the owner or has the right to sell through an option contract with the original owner of the Water Rights;
- (B) that Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (C) that each of the Water Rights is free from all liens, claims, or encumbrances at closing
- (D) that Grantor has the authority to convey the Water Rights to Grantee;
- (E) the Grantor has disclosed to Grantee in good faith all relevant information known to Grantor bearing on the validity and extent of the Water Rights.

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

The Subject Water Rights are appurtenant to the real property described in Exhibit 1 consisting of a Water Right Report for Water Rights # 45-13987 and #45-13986 and legal description of land the Water Rights are appurtenant to. **No Land is included in this Deed.**

IN WITNESS WHEREOF, the undersigned authorized officers of Grantor, acting on behalf of Grantor, have caused their names to be hereunto subscribed on the date shown by each name.

Grantor: Idaho Water Company Inc. ^{LC} Delbert G. Kontz
Dated: 1/11/16 By: Managing member

Exhibits:

Exhibit 1: Water Right Report for Water Right # 45-1398 and 45-1398
There are _____ acre feet/anum of Water included in this agreement that are appurtenant to a portion of the land covered by the Water Right Reports.

STATE OF IDAHO

)
) S.
County of Twin Falls)

On this 11 day of Jan, 2016, before me the undersigned Notary Public in and for said state, personally appeared Delbert G. Kontz, and known or identified to me to be the persons whose name is subscribed to the within and foregoing instrument, and acknowledged to me that executed the same.

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

Karlene Sheen

Notary public for Idaho

Residing at Flora ID
#43479

My commission expires 12-20-16



SPECIAL WARRANTY DEED FOR WATER RIGHTS - 2

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/9/2016

WATER RIGHT NO. 45-13987

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO WATER CO LLC C/O DEL KOHTZ 1135 VALLEY RD S EDEN, ID 83325 (208) 825-5617
Original Owner	MARILYN L PHILLIPS
Original Owner	VERNON C PHILLIPS 282 N 750 W PAUL, ID 83347 (208)438-5906

Priority Date: 11/15/1970

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>
STOCKWATER	01/01	12/31	0.13 CFS	22 AFA
COMMERCIAL	01/01	12/31	0.13 CFS	22 AFA
Total Diversion			0.13 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENWNW	Sec. 22	Township 11S	Range 23E	CASSIA County
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Place(s) of use:

Place of Use Legal Description: STOCKWATER CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11S	23E	22		NWNW										

Place of Use Legal Description: COMMERCIAL CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11S	23E	22		NWNW										

Conditions of Approval:

1.	X60	Commercial use is for a dairy barn located in the NWNW, S22, T11S, R23E.
2.	115	Prior to the diversion and use of water under Transfer approval 72060, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point of diversion, in accordance with Department specifications.
3.	082	Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4.	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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5.	106	Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6.	K01	Right 45-13989 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
7.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8.	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.
9.	X35	Rights 45-13986, 45-13987, 45-13988 and 45-13989 when combined shall not exceed a total diversion rate of 0.16 cfs and a total annual maximum diversion volume of 45.0 af.

Dates:

Licensed Date:

Decreed Date: 09/10/2004

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: 140
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit:
Combined Volume Limit: 45
Combined Rate Limit: 0.16
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust: T
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/9/2016

WATER RIGHT NO. 45-13986

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO WATER CO LLC C/O DEL KOHTZ 1135 VALLEY RD S EDEN, ID 83325 (208) 825-5617
Attorney	LING & ROBINSON C/O ROGER D LING PO BOX 396 RUPERT, ID 83350-0396 (208)436-4717
Original Owner	MARILYN L PHILLIPS
Original Owner	VERNON C PHILLIPS 282 N 750 W PAUL, ID 83347 (208)438-5906

Priority Date: 11/11/1959

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>
STOCKWATER	01/01	12/31	0.08 CFS	14.6 AFA
COMMERCIAL	01/01	12/31	0.08 CFS	14.6 AFA
Total Diversion			0.08 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENWNW	Sec. 22	Township 11S	Range 23E	CASSIA County
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Place(s) of use:

Place of Use Legal Description: STOCKWATER CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11S	23E	22		NWNW										

Place of Use Legal Description: COMMERCIAL CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11S	23E	22		NWNW										

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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: 140

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 45

Combined Rate Limit: 0.16

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: T

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 11, 2016

SEARLE BROTHERS LAND & LIVESTOCK LLC
171 E 600 S
BURLEY ID 83318

RE: Change of Ownership for Water Right Nos. 45-13986 and 45-13987

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s). 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 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,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enclosure(s)