



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 25, 2015

JCH Engineering & Consulting PLLC
6755 N Albert Ln
Idaho Falls ID 83401

The "Notice of Change in Water Right Ownership" for 35-7052 & 35-7731 has been returned for the following item(s):

**** Evidence of Ownership: In order for the department to complete your request for water rights 35-7052 and 35-7731, a recorded Warranty Deed for a portion and/or all of the property will be required. For these applications the department received Warranty Deeds and a Notice of Contract instrument numbers 525972 (525106) and 525106. Please note it appears these are the same notice that was rerecorded to correct the legal which would make 525106 invalid.

The original legal for the Notice of Contract instrument number 525106 cover property in the NW SW Section 1, but the legal amended version 525972 is located in the NENE Section 2 T3S R33E.

Instrument number 525106 covers the property in the NWSW Section 1, water right number 35-7731 has 1 acre in that quarter quarter . That Instrument number is not valid.

The evidence of ownership for 35-7052 is a Notice of Contract, a Warranty Deed is required. In order for the department to use a Notice of Contract as evidence of ownership the department would have to leave the current owner on the water right and add the proposed buyer as a current owner as well, unless the contract has specific instruction that the ownership change is ok to process.

It appears the property these water rights are appurtenant to is owned by LCSC Enterprises. The department has attempted to contact you via email and via usps, but has not had any response. A response was requested within 30 days, therefore we are returning your application unprocessed.

Because the ownership change is being returned unprocessed you are entitled to a refund for both water rights, the refund will be in the amount of 125.00 for receipt number E040161. The refund has been initiated and should arrive from the state office in a couple of weeks.

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 within 120 days of the change. Failure to do so could result in a \$100 late filing fee. 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.

If you have any questions please contact Jonie Barg at (208)525-7161.

Please enclose the following items(s) and resubmit the entire packet to our Idaho Falls Office at the address below:

Idaho Department of Water Resources
Eastern Region
900 N Skyline Ste A
Idaho Falls ID 83402-1718

Respectfully submitted,

Jonie Barg
Technical Records Specialist

cc: LCSC Enterprises LLC

Barg, Jonie

From: Barg, Jonie
Sent: Wednesday, February 25, 2015 11:54 AM
To: Sutcliffe, Lorna
Subject: Refund Request
Attachments: E040161

Lorna,

Good morning!!

I have a refund request as follows:

Receipt number: E040161
Amount: \$125.00
Payable to: JCH Engineering & Consulting
6755 N Albert Ln
Idaho Falls ID 83401

Reason: Total filing fee received \$275.00 for multiple ownership change applications. The department cannot complete 2 of the ownership changes, Therefore 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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

AUG 15 2014

Division 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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
35-7052	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Finch & Verna I. Robertson (listed owner)
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): LCSC Enterprises, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 433 E. Las Colinas Blvd. Ste. #1290 Irving TX 75039
Mailing address City State ZIP
- (972)556-1190
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: 4/9/2003
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.
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.

8. Signature:  Manager 8-1-14
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 WAG Date 8/15/14 Receipt No. ET40161 Receipt Amt 25.00
Approved by _____ Processed by _____ Date _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/31/2014

WATER RIGHT NO. 35-7052

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FINCH ROBERTSON
Current Owner	VERNA I ROBERTSON
	14 S 1300 W
	BLACKFOOT, ID 83221
	(208)684-4272

Priority Date: 09/05/1968
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	3/01	11/30	0.6 CFS	120 AFA
Total Diversion			0.6 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENENE Lt 1|Sec. 02|Township 03S|Range 33E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM 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>
03S	33E	2	1	NENE	30									

Total Acres: 30

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. E02 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.

Dates:

Licensed Date:

Decreed Date: 02/15/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

525106

525972

(AMENDED TO CORRECT LEGAL DESCRIPTION)
NOTICE OF CONTRACT

VERNA ILENE ROBERTSON of 14 South 1300 West, Blackfoot, Idaho 83221,
hereby give notice that they have sold, pursuant to contract, the following described
property to LCSC Enterprises, LLC of 4th 33 East Las Colinas Blvd., Suite 1290, Irving,
Texas 75039:

See attached Exhibit A.

DATED AND SIGNED this 17 day of October 2002.

Verna Ilene Robertson
VERNA ILENE ROBERTSON

STATE OF IDAHO)

) ss.

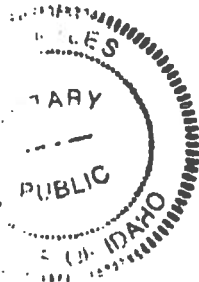
County of Bingham)

On this 17th day of October 2002, before me, the undersigned, a notary public in
and for said state, personally appeared VERNA ILENE ROBERTSON, known to me to be
the person whose name is subscribed to the within instrument, and acknowledged to me
that she executed the 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.

My cmn expires: 10-12-06

NOTICE OF CONTRACT - 1



Julie Miles
Notary Public for State of Idaho
Residing at Blackfoot

RECORDED AT THE REQUEST OF
2003 APR 29 PM 4:46
FEE \$15.00
BINGHAM COUNTY RECORDER
BLACKFOOT ID 83221
PO BOX 1047
Blackfoot ID 83221
Blaesman thru

RECORDED AT THE REQUEST OF
2003 APR -9 PM 4:47
FEE \$15.00
BINGHAM COUNTY RECORDER
BLACKFOOT ID 83221
PO BOX 1047
Blackfoot ID 83221
Blaesman thru

EXHIBIT A

A parcel located in Township 3 South, Range 33 East, Boise Meridian, Bingham County, Idaho.

Section 2: NE $\frac{1}{4}$ NE $\frac{1}{4}$

EXCEPT a parcel of property described as follows:

Commencing at the SE corner of Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), which is in the center of a County Road, in Section 2, Township 3 South, Range 33 East, Boise Meridian, Bingham County, Idaho, and thence West 300 feet; thence North 272.25 feet; thence East 300 feet; thence South 272.25 feet to the Point of Beginning.

525972

August 15, 2014

JCH Engineering & Consulting, PLLC

6755 N. Albert Lane
Idaho Falls, ID 83401
(208) 308-2109
jasoncivil@alumni.nd.edu

Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED

AUG 15 2014

Department of Water Resources
Eastern Region

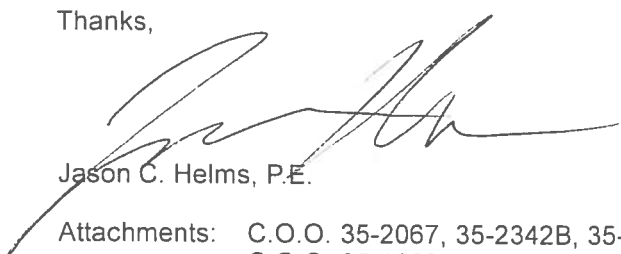
Re: Water Rights Change of Ownership (LCSC Enterprises & Borah Capital, Ltd.)

Dear Water Resource Agent:

Please find attached several notices of water right ownership change with supporting documents obtained from the Bingham County Assessor prepared on behalf of Blair Dance (registered agent for LCSC Enterprises, LLC and Borah Capital, Ltd.). It appears that only water right 35-7731 will be split according to the portion of the place of use conveyed while the other seven water rights will change ownership in their entirety.

If you have any questions regarding the applications or need any additional information to allow processing, please don't hesitate to contact me.

Thanks,



Jason C. Helms, P.E.

Attachments: C.O.O. 35-2067, 35-2342B, 35-11984 (Instrument No. 485864 & 485865)
C.O.O. 35-10327 (Instrument No. 516141)
C.O.O. 35-7052 (Instrument No. 525972)
C.O.O. split 35-7731 (Instrument No. 561070, 561069, 561067, 561068, 525106)
C.O.O. 35-7274 (Instrument No. 483657)
C.O.O. 35-4159 (Instrument No. 629910, 614469, 611214, 611213, 587943)
JCH Engineering Check #1020 (7x\$25 + 1x\$100 = \$275)

cc: Blair Dance (LCSC, Borah)