



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

November 14, 2014

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Hard Way LLP
4371 S 5500 W
Rexburg ID 83440

RE: Notice of Change in Water Right Ownership
Water Rights: 22-7009

Dear Sir/Madam:

On April 24, 2014, you filed a Notice of Change in Water Right Ownership (ownership change) with the Idaho Department of Water Resources (IDWR), seeking to update the ownership records for the water rights listed above. After an initial review, we determined that you needed to provide additional evidence of ownership/additional filing fees, specifically evidence of ownership of the entire place of use of the water right or the additional filing fee for a split. On May 29, 2014, we sent a letter requesting the additional information. The additional information was to be provided within 30 days.

IDWR has never received a response to the request for additional information. Without the requested documents, we cannot verify ownership of the water right and cannot complete the ownership change. We are therefore returning your original ownership change and have initiated a refund of your filing fee (\$25.00). The refund from the state of Idaho will arrive at the address listed above within a couple of weeks.

Please feel free to re-file your ownership change any time in the future when you have collected the requested documentation of ownership. Because your filing fee is being refunded, you will need to determine and provide the proper filing fee at the time you re-file the ownership change.

If you have any questions, feel free to contact me at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

Barg, Jonie

From: Barg, Jonie
Sent: Friday, November 14, 2014 4:06 PM
To: Sutcliffe, Lorna
Subject: Refund Request
Attachments: E039758.pdf

Lorna,

Good afternoon!!

I have a refund request as follows:

Receipt number: E039758
Amount: \$25.00
Payable to: Rigby Andrus & Rigby
PO Box 250
Rexburg ID 83440

Reason: Total filing fee received \$25.00 for ownership change for 1 water right. The department cannot complete the ownership change, therefore a full 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

APR 24 2014

Department 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?
22-7009	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Joyce Ranklev
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Hard Way LP
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 4371 S. 5500 W. Rexburg ID 83440
Mailing address City State ZIP
- 208-390-4348 _____
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: April 21, 2010
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: [Signature] Partner/President 4/23/14
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 [Signature] Date 4/24/2014 Receipt No. E039758 Receipt Amt. \$25. -

Approved by _____ Processed by _____ Date _____

WARRANTY DEED

FOR VALUE RECEIVED, **JOYCE RANDKLEV**, a married person, dealing with her sole and separate property, of 5458 S. 5700 W., ID 83440, hereinafter called "Grantor", hereby remise, release, and forever warrants unto **HARD WAY, LP**, an Idaho Limited Partnership, of 4371 S. 5500 W., Rexburg, Idaho 83440, hereinafter called "Grantee", the following real property located in Madison County, State of Idaho, to-wit:

See Attached Exhibit "A"

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, unto the said Grantees, their successors and assigns forever. Grantor does hereby covenant to and with the said Grantees, that she is the owners in fee simple of said premises; that she is free from all encumbrances, and that she will warrant and defend the same from all lawful claims whatsoever, except as noted.

It is understood that Grantor, Joyce Randklev, spouse has joined in the execution of this Warranty Deed in order to convey any doubtful community interest in order to clear title to Grantor's interest.

DATED This 21st day of April, 2010.

Joyce Randklev
Joyce Randklev

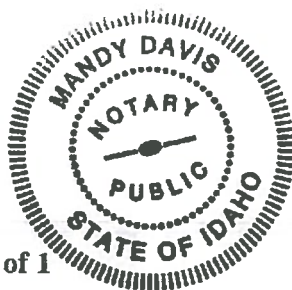
George David Olson
George David Olson

STATE OF IDAHO)

ss.

County of Madison)

On this 21st day of April, in the year of 2010, before me, the undersigned, a Notary Public, personally appeared **Joyce Randklev and George David Olson**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.



Mandy Davis
Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

Warranty Deed - Page 1 of 1
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Instrument # 360667
REXBURG, MADISON, IDAHO
4-22-2010 10:02:26 No. of Pages: 3
Recorded for: RIGBY THATCHER ANDRUS
MARILYN R. RASMUSSEN Fee: 9.00
Ex-Officio Recorder Deputy ML

Tract 1:

**Section 20: Township 5 North Range 39, East Boise Meridian
East Half Northeast Quarter, EXCEPTING THEREFROM that portion lying North and East of the
Bannock Jim Slough**

LESS AND EXCEPTING:

A parcel of land situated in Madison County, Idaho, Township 5 North, Range 39 East, Boise Meridian, Section 20, more particularly described as follows: Beginning at the Northeast corner of Section 20, Township 5 North, Range 39 East Boise Meridian, Madison County, Idaho, thence South $00^{\circ}00'15''$ along the East line of Section 20 for a distance of 2580.09 feet to the East Quarter corner of Section 20; thence South $89^{\circ}54'46''$ West along the East/West centerline of said section 20 for a distance of 965.08 feet to the True Point of Beginning; thence South $89^{\circ}54'46''$ West along said centerline for a distance of 352.35 feet to the Southwest corner of the Southeast Quarter Northeast Quarter of Section 20 for a distance of 260.00 feet; thence South $86^{\circ}34'00''$ East for a distance of 353.00 feet; thence South $00^{\circ}03'22''$ East for a distance of 238.32 feet to the True Point of Beginning.

Tract 2:

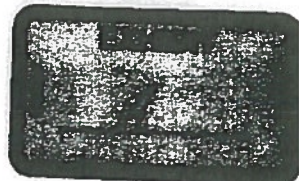
**Section 21: Township 5 North, Range 39 East, Boise Meridian
That part of the South 58 rods of the North Half Northwest Quarter lying West of the Warm Slough
(Daniels Slough), SAVING AND EXCEPTING THEREFROM the following: All the property lying East
of the thread of the Slough.**

LESS AND EXCEPTING THE FOLLOWING:

Part of the North Half of the Northwest Quarter of Section 21, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, described as: Beginning at a point that is North $00^{\circ}00'51''$ East 1311.03 feet along the Section line, and North $89^{\circ}51'51''$ West 3255.62 feet along the South line of the North Half of the Northwest Quarter of said Section 21, from the East Quarter corner of said Section 21, and running thence North $89^{\circ}51'51''$ West along said South line 250.00 feet; thence North $00^{\circ}08'09''$ East 143.24 feet to the Southerly bank of an existing irrigation ditch; thence South $89^{\circ}56'02''$ East along said Southerly bank, 250.00 feet; thence South $00^{\circ}08'09''$ West 143.54 feet to the point of beginning.

Part of the North Half of the Northwest Quarter of Section 21, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, described as: Beginning at a point that is North $00^{\circ}00'51''$ East 1311.03 feet along the Section line, and North $89^{\circ}51'51''$ West 3505.62 feet along the South line of the North Half of the Northwest Quarter of said Section 21, from the East Quarter corner of said Section 21, and running thence North $89^{\circ}51'51''$ West along said South line 250.00 feet; thence North $00^{\circ}08'09''$ East 142.93 feet to the Southerly bank of an existing irrigation ditch; thence South $89^{\circ}56'02''$ East along said Southerly bank, 250.00 feet; thence South $00^{\circ}08'09''$ West 143.24 feet to the point of beginning.

Part of the North Half of the Northwest Quarter of Section 21, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, described as: Beginning at a point that is North $00^{\circ}00'51''$ East 1311.03 feet along the Section line, and North $89^{\circ}51'51''$ West 3755.62 feet along the South line of the North Half of the Northwest Quarter of said Section 21, from the East Quarter corner of said Section 21, and running thence along said South line the following two (2) courses: (1) North $89^{\circ}51'51''$ West 166.18 feet to a recovered iron rod; (2) North $89^{\circ}13'22''$ West 83.83 feet; thence North $00^{\circ}08'09''$ East 141.69 feet to the Southerly bank of an existing irrigation ditch; thence South $89^{\circ}56'02''$ East along said Southerly bank, 250.00 feet; thence South $00^{\circ}08'09''$ West 142.93 feet to the point of beginning.



Part of the North Half of the Northwest Quarter of Section 21, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, described as: Beginning at a point that is North $00^{\circ}00'51''$ East 1311.03 feet along the Section line, and North $89^{\circ}51'51''$ West 3022.62 feet along the South line of the North half of the Northwest Quarter of said Section 21, from the East Quarter corner of said Section 21, said point coincident with the thread of stream and Daniels Slough, and running thence North $89^{\circ}51'51''$ West along said South line 233.00 feet; thence North $00^{\circ}08'09''$ East 136.00 feet; thence South $89^{\circ}51'51''$ East 279.27 feet to the thread of stream of Daniels Slough; thence South $18^{\circ}55'25''$ West 143.65 feet along said thread of stream to the point of beginning.