

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 02 2014

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.

| Water Right/Claim No. | Split?                       | Water Right/Claim No. | Split?                       | Water Right/Claim No. | Split?                       |
|-----------------------|------------------------------|-----------------------|------------------------------|-----------------------|------------------------------|
| 22-11906 <i>OK</i>    | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
| CLAIM POD + POL       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
| SUNLUSE               | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Donald or James Thompson

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Cosmic Apple Gardens *Sed Restuccia* *Dale Sharkey*

New owner(s) as listed on the conveyance document

Name connector

☒ and

☒ or

☒ and/or

PO Box 775

Victor

ID

83455

Mailing address

City

State

ZIP

787-2082

dale@cosmicapple.com

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: 7/31/14

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: *Dale Sharkey* 8/5/14
- Signature of new owner/claimant Title, if applicable Date

- Signature: *[Signature]* 8/5/14
- Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by *JB* Date 9/2/14 Receipt No. E040211 Receipt Amt. 25<sup>00</sup>

Approved by *JB* Processed by *JB* Date 10/8/2014



x = well

# VICINITY MAP

SECTION 12, TWP. 3N., RING. 45E., B.M., TETON COUNTY, IDAHO

## WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:230040

### FOR VALUE RECEIVED

**James G Thompson a single man**

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

**Cosmic Apple Gardens, LLC, an Idaho Limited Liability Company**

whose current address is

**PO Box 775  
Victor, ID 83455**

the grantee(s), the following described premises, in Teton County, Idaho, TO WIT:

#### **PARCEL 1:**

The South Half of the Northwest Quarter of the Southeast Quarter of Section 12, Township 3 North, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as: From the Center Quarter corner of said Section 12, South 00°16'04" East, 662.63 feet along the West line of the Southeast Quarter to the Northwest corner of the South Half of the Northwest Quarter of the Southeast Quarter of said Section 12, THE POINT OF BEGINNING; thence North 89°44'07" East, 1320.96 feet to the Northeast corner of the South Half of the Northwest Quarter of the Southeast Quarter of said Section 12; thence South 00°18'36" East, 662.00 feet to the Southeast corner of the South Half of the Northwest Quarter of the Southeast Quarter of said Section 12; thence South 89°42'29" West, 1321.45 feet to the Southwest corner of the South Half of the Northwest Quarter of the Southeast Quarter of said Section 12; thence North 00°16'04" West 662.63 feet to the POINT OF BEGINNING.

SUBJECT TO a 40 foot easement along the Western property boundary of the Northwest Quarter of the Southeast Quarter of Section 12, Township 3 North, Range 45 East, Boise Meridian, Teton County, Idaho, as described in Declaration of Mutual Access, Irrigation and Utility Easement recorded as Instrument No.

#### **PARCEL 2**

A 40 foot easement along the Western property boundary of the Northwest Quarter of the Southeast Quarter of Section 12, Township 3 North, Range 45 East, Boise Meridian, Teton County, Idaho, as described in Declaration of Mutual Access, Irrigation and Utility Easement recorded as Instrument No.



TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 30, 2014

James G. Thompson by Donald W. Thompson, his attorney in fact

State of            Idaho} ss.  
County of Teton}

On this 30th day of July, 2014, before me, Jeanne Fagg, a Notary Public in and for said state, personally appeared Donald W. Thompson known or identified to me to be the person(s) whose name(s) subscribed to the within instrument as Attorney-in-fact of James G. Thompson, and acknowledged to me that he/she/they subscribed the name of James G. Thompson as principal and his/her own name as Attorney-in-fact.

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

Jeanne Fagg  
Notary Public for the State of Idaho  
Residing at: Victor, Idaho  
Commission Expires: March 21, 2019

Recorded Electronically  
ID 233318  
County Teton  
Date 8/1/14 Time 12:02pm

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Instrument # 233318  
TETON COUNTY, IDAHO  
08-01-2014 12:02:04 No. of Pages: 2  
Recorded for: ALLIANCE TITLE - DRIGGS OFFICE  
MARY LOU HANSEN Fee: \$13.00  
Ex-Officio Recorder Deputy, Mary Lou Hansen  
Index to: DEED, WARRANTY

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## 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](http://www.idwr.idaho.gov)

September 10, 2014

C.L. "BUTCH" OTTER  
Governor

Cosmic Apple Gardens  
PO Box 775  
Victor ID 83455

GARY SPACKMAN  
Director

RE: Change in Ownership Water Right No. 22-11906

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

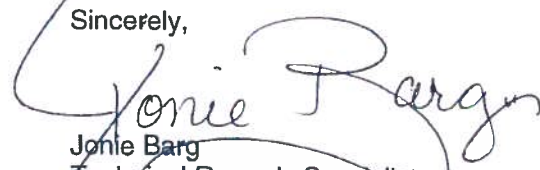
\*\*\*\* **Evidence of Ownership:** Please provide a copy of the recorded a 'recorded' Warranty Deed or other legal evidence of ownership. The department did receive a copy of a deed, however it is not a copy of the 'recorded' Warranty Deed.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

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](http://www.idwr.idaho.gov).

Please feel free to contact the Department if you have any questions.

Sincerely,

  
Jonie Barg  
Technical Records Specialist

Enclosure(s)

*jonie.barg@idwr.idaho.gov*

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And that (s)he will warrant and defend the same from all lawful claims whatsoever.

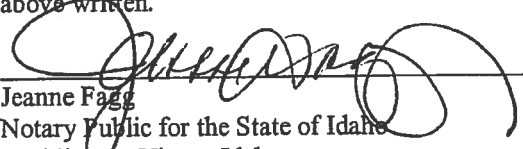
Dated: July 30, 2014

*James G. Thompson by Donald W. Thompson, his attorney in fact*  
James G. Thompson by Donald W. Thompson, his attorney in fact

State of Idaho } ss.  
County of Teton }

On this 30th day of July, 2014, before me, Jeanne Fagg, a Notary Public in and for said state, personally appeared Donald W. Thompson known or identified to me to be the person(s) whose name(s) subscribed to the within instrument as Attorney-in-fact of James G. Thompson, and acknowledged to me that he/she/they subscribed the name of James G. Thompson as principal and his/her own name as Attorney-in-fact.

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

  
\_\_\_\_\_  
Jeanne Fagg  
Notary Public for the State of Idaho  
Residing at: Victor, Idaho  
Commission Expires: March 21, 2019

