

RECEIVED

OCT 14 2014

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 05 2013

DEPARTMENT OF  
WATER RESOURCES

## 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?                       |
|-----------------------|------------------------------|-----------------------|------------------------------|-----------------------|------------------------------|
| 57-7664               | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
| 57-7540               | 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"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |

2. Previous Owner's Name: BERGE

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): MANZANITA ENTERPRISES LLC & LYONS IDAHO INVESTMENT LLC

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/orMailing address 4320 E. BROWN RD SUITE 110City MEJAState AZZIP 85205Telephone 480-325-1800Email FRED@LYONSINTL.COM

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: JULY 27, 2006

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.

SUPPORT DATA

IN FILE # 57-7540

8. Signature: [Signature]

Signature of new owner/claimant

Title, if applicable ManagerDate 6.18.13

Signature: \_\_\_\_\_

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by [Signature]Date 10/14/14Receipt No. C099505Receipt Amt. \$25<sup>00</sup>

Approved by \_\_\_\_\_

Processed by [Signature]Date 10-15-14

27



610 South Kimball Avenue / Caldwell, Idaho  
83605 / (208) 459-1651

Instrument # 257708

MURPHY, OWYHEE, IDAHO  
2006-08-14 04:35:39 No. of Pages: 1  
Recorded for : PIONEER TITLE COMPANY  
CHARLOTTE SHERBURN  
Ex-Officio Recorder Deputy *a Dygert* Fee: 3.00  
Index to: DEED, WARRANTY

200608522

## WARRANTY DEED

For Value Received Roger W. Berg and Judy B. Berg, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Lyons Idaho Investment, LLC, an Arizona limited liability company as to an undivided 5% interest and

Manzanita Enterprises, LLC, an Arizona limited liability company as to an undivided 95% interest

hereinafter referred to as Grantee, whose current address  
is 602 E Wigwam Blvd Litchfield Park, AZ 85340  
the following described premises, to-wit:

In Township 1 North, Range 4 West, Boise Meridian, Owyhee County, Idaho.

Section 12: SE1/4 SW1/4

Section 13: Lot 3

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 27, 2006

*Roger W. Berg*  
Roger W. Berg

*Judy B. Berg*  
Judy B. Berg

State of Idaho

SS.

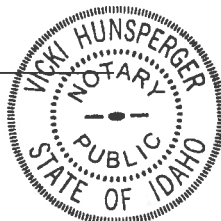
County of Canyon

On this 1st day of August, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Roger W. Berg and Judy B. Berg known to me (and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

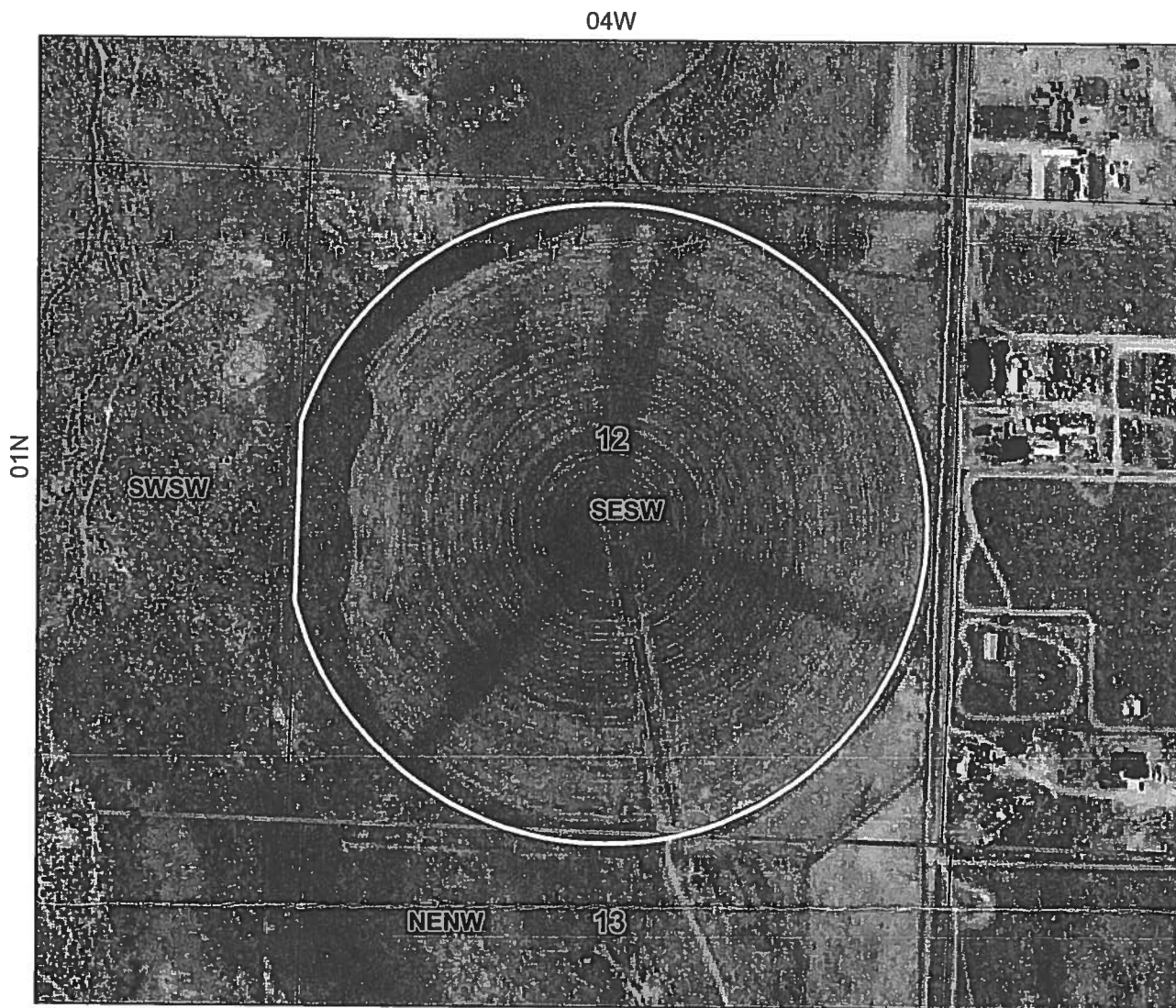
WITNESS MY HAND AND OFFICIAL SEAL

(SEAL)

*Ucke H.*  
Notary Public  
Residing at: Caldwell, ID  
Commission Expires: 12/2/2011



State of Idaho  
Department of Water Resources  
**Water Right License**  
57-7664



- ⊙ Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.045 0.09 0.18 Miles



State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 57-07664

Priority: May 28, 1998

Maximum Diversion Rate: 0.62 CFS  
Maximum Diversion Volume: 140.0 AF

It is hereby certified that SUSIE ALEXANDER  
And  
MARK ALEXANDER  
HC 79 BOX 123  
MELBA ID 83641

has complied with the terms and conditions of the permit,  
issued pursuant to Application for Permit dated May 28, 1998; and has submitted Proof of Beneficial Use  
on September 11, 1998. An examination confirms water is diverted from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.62 CFS              | 140.0 AF                           |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER L3 (NE1/4NW1/4) Sec. 13, Twp 01N, Rge 04W, B.M. OWYHEE County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           |               |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------|
|             | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>Totals</u> |
| 01N 04W 12  |           |           |           |           |           |           |           |           |           |           |           | 31.0      |           |           |           |           | 31.0          |
| 01N 04W 13  |           |           |           |           |           |           | .1        |           |           |           |           |           |           |           |           |           | .1            |
|             |           |           |           |           |           |           | L 3       |           |           |           |           |           |           |           |           |           |               |

Total Acres: 31.1

**CONDITIONS OF APPROVAL**

1. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

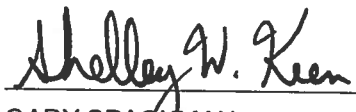
State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 57-07664

4. Rights 57-7664 and 57-7540 when combined shall not exceed a total diversion rate of 0.72 cfs, a total annual maximum diversion volume of 162 af at the field headgate, and the irrigation of 36.1 acres.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 30<sup>th</sup> day of April, 2013.

  
for GARY SPACKMAN  
Director



State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

October 15, 2014

MANZANITA ENTERPRISES LLC  
LYONS IDAHO INVESTMENT LLC  
4320 E BROWN RD STE 110  
MESA AZ 85205

Re: Change of Ownership for Water Right No(s): 57-7540 and 57-7664

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect this change in ownership and has enclosed a computer-generated report for your records.

Even though the ownership on these water right records has been updated, an additional fee of \$25 is still needed. In the letter from the Department dated July 5, 2013, it was stated that a fee of \$25 **per** water right was needed. The word "**per**" was omitted from the letter dated October 3, 2013. Please send the additional \$25 to the address above at your convenience. See § 42-248(5), Idaho Code.

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 § 42-222 and 42-223, Idaho Code.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Change reporting forms are available from any office of the Department, or at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4942.

Sincerely,

Jean Hersley  
Technical Records Specialist II

Enclosure

c: Belnap Legal PLLC



**Wm. Lyman Belnap**  
lyman@belnaplegal.com

12554 W. Bridger St., Ste. 120 Boise, Idaho 83713  
Phone: (208)375-2100 Fax: (208)375-5444

**Alexandria Kincaid**  
Of Counsel

**Raymond D. Schild**  
ray@belnaplegal.com

**Jeremy J. Andrew**  
jeremy@belnaplegal.com

October 10, 2014

Department of Water Resources  
P. O. Box 83720  
Boise, ID 83720-0098

Attn: Jean Hersley  
Technical Records Specialist II

Re: Water Rights 57-7664 and 57-7540

Dear Jean:

Enclosed is the re-submitted Notice of Change in Water Right Ownership with supporting documentation, check for \$25.00, and, for your reference, a copy of your October 3, 2013 letter.

Thank you for your attention to this matter.

Sincerely,

BELNAP LEGAL, PLLC

A handwritten signature in blue ink, appearing to read 'J. Angell', is written over the printed name.

Joyce E. Angell  
Assistant to Wm. Lyman Belnap

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**OCT 14 2014**  
**DEPARTMENT OF**  
**WATER RESOURCES**



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

October 3, 2013

MANZANITA ENTERPRISES LLC  
LYONS IDAHO INVESTMENTS LLC }  
4320 E BROWN RD STE 110  
MESA AZ 85205 }

RE: Notice of Change of Water Right Ownership: 57-7664 AND 57-7540

Dear Property Owner:

On July 05, 2013, the Department of Water Resources received a Notice of Change of a Change in address from you. After reviewing the request, it was determined additional information was needed to process your request. A letter was sent to you on July 05, 2013, requesting evidence of ownership i.e., warranty deed, quitclaim deed, etc. and a \$25 filing fee. Another letter went out on August 6, requesting the same information.

As of today, no information was received. The Department cannot process a change of ownership request without the proper documentation and fees therefore; I am returning your ownership change form. You may file again in the future if you would like. Remember to include evidence of ownership of the land the water right is appurtenant to and the appropriate fee.

Please feel free to contact me at (208) 287-4942 if you have any questions.

Sincerely,

Jean Hersley  
Technical Records Specialist II