



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

April 5, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Rocky Mountain Environmental Assoc Inc
482 Constitution Way Ste 303
Idaho Falls ID 83402

RE: Change in Ownership Water Right No. 22-14025

Dear Sir/Madam:

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

The "Change of Ownership" FOR 22-14025 has been returned for the following items.

**** Evidence of Ownership: specifically a revised Warranty Deed. On February 16, 2012 the department contacted you regarding problems in completing the Notice of Change in Water Right Ownership received from you on February 15, 2012 due to discrepancies in the Notice of Change in Water Right Ownership form and the Warranty Deed attached. The water right number listed on the ownership change application is 22-14025 which is currently in the name of Kent Merrill, it is the department belief this is the correct number that should be listed on the Warranty Deed. However the Warranty Deed attached to application lists water right number 25-14025, which is in the name of Lombard Land & Livestock. In addition please verify the name that should be listed on the water rights, the form lists Walter's Ready Mix, but the deed puts the water right in the name of D & C Properties. The department is required to list the current owner the same way it is deeded.

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.

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

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 15 2012

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?
22-14025	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name Kent Merrill

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s) Walters Ready Mix

Name of each new owner as listed in the conveyance document

New owner continued

Name Connector ☐ and ☐ or ☐ and/or

P.O. Box 390

Mailing address

Rexburg

City

(208) 356-5491

Telephone

Idaho

State

83440

ZIP

Email:

Prepared by: Keith C. Wilson c/o Rocky Mountain Environmental Assoc. Inc.

482 Constitution Way, Suite 303, Idaho Falls, ID 83402

Email: kwilson@rockymountainenvironmental.com

(208) 524-2353 / (208) 524-1795 Fax



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: 1-5-20126. 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 photography 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.

7. Signature:

David J. Walters
 Signature of New owner/claimant

president
 Title if applicable

2-9-12
 Date

Signature:

Signature of New owner/claimant

Title if applicable

Date

For IDWR Office Use Only:

Received by JRDate 2/16/2012 Receipt No. E037331Receipt Amt. \$25.-

Approved by _____

Processed by _____ Date _____

When Recorded Return to:
Rocky Mountain Environmental Associates, Inc
482 Constitution Way Ste 303
Idaho Falls, ID 83402

Microfilm No. 395456
At 9:24 O'Clock 1-11-2012 M
CHRISTIE E. ECKHART
Jefferson Co. Recorder
Fee \$ 13.00 Deputy
Recorded at Request of Rocky Mtn. Environmental

SPECIAL WARRANTY DEED FOR WATER RIGHT

Kent Merrill, whose address is 532 N 3825 E, Rigby, ID 83442, ("Grantor"), does hereby grant, bargain, sell, assign, and convey unto David Z. Walters, member of D & C Properties LLC, an Idaho Limited Liability Company, whose address is 342 W 4th N, Rexburg, ID 83440 ("Grantee"), and to Grantee's heirs, successors, and assigns forever, all of Grantor's right, title, and interest in the following described water right portion (hereinafter the "Water Right"), to-wit:

A portion of Idaho Department of Water Resources (IDWR) Water Right License No. 25-14247.

Source:	Groundwater
Purpose:	Irrigation
Priority:	February 28, 1992
Quantity (Diversion Rate):	0.13 cfs (Total of the right is 0.63 cfs for 31.4 acres)
Quantity (Volume):	25.6 afa
Place of Use (Acreage):	6.4 acres

After approval of Transfer No. 77586, this portion of Right No. 25-14247 is described as Water Right License No. 25-14025:

Source:	Groundwater
Purpose:	Industrial
Priority:	February 28, 1992
Quantity (Diversion Rate):	0.13 cfs
Quantity (Volume):	15.4 afa

Grantor assigns to Seller any other interest it may have in the Water Right including any claim, permit, license, or shares of stock evidencing, claiming, or representing such Water Right.

To the extent the Water Right, or any of them, are represented by a permit or other property not conveyable by deed, this deed shall be deemed and shall operate as a bill of sale therefore.

Grantor retains no residual or reversionary interest in any of the Water Right.

Grantor hereby covenants and warrants to Grantee as follows:

A. That Grantor is the owner in fee simple of the Water Right;

- B. That Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- C. That the Water Right is free from all liens, claims, or encumbrances;
- D. That Grantor has the authority to convey the Water Right 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 Right.

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

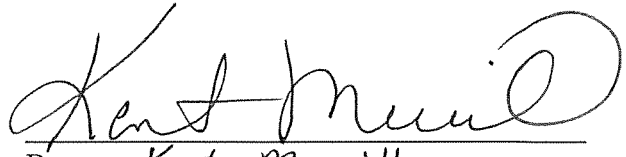
IN WITNESS WHEREOF, the undersigned authorized officers of Grantor, acting on behalf of Grantor, have caused their names to be hereunto subscribed on the date shown by each name.

GRANTOR:

KENT MERRILL

DATE:

1-5-12



By: Kent Merrill

Its: _____

STATE OF IDAHO)

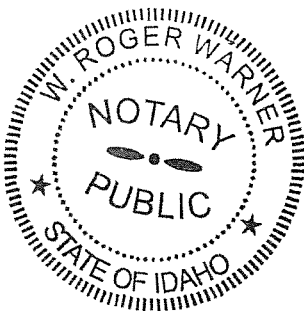
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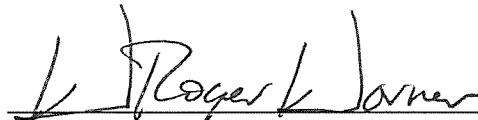
County of Bonneville)

On this 5 day of January, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Kent Merrill known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.

(seal)





Notary Public for Idaho

Residing at: 432 N 3900 E Rigby, ID

My commission expires: June 24, 2016