

JAN 17 2012

Department of Water Resources
Eastern Region

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF 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?
27-12235	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Idaho Water Company, LLC
 Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Cannon Shelley Property Limited Partnership
 Name of each new owner as listed on the conveyance document

New owner Continued Name Connector ☐ and ☐ or ☐ and/or

1470 N. 750 E.
 Mailing Address

Shelley
 City

ID
 State

83274
 Zip

208-357-2564
 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. December 1, 2011
6. 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.

7. Signature: Robert L. Jannis ATTORNEY 1/10/2012
 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]
 Approved by [Signature]
 G:\WPDATA\GLM\6141\601\NCO.docx

Date 1/17/2012
 Processed by _____

Receipt No. E037256
 Date _____

Receipt Amt. \$25.00

SUPPORT DATA

COPY

When recorded return to:
Ryan B. Meikle
Holden, Kidwell, Hahn & Crafo PLLC
P.O. Box 50130
Idaho Falls, Idaho 83405

Instrument # 633421

BINGHAM COUNTY

12-1-2011 11:02:35 No. of Pages: 4

Recorded for: 47608-HOLDEN KIDWELL HAHN & CRAPO

SARA J. STAUB Fee: 19.00

Ex-Officio Recorder Deputy

Smile

SPECIAL WARRANTY DEED FOR WATER RIGHT

Idaho Water Company, LLC whose address is 1135 Valley Road South, Eden, Idaho, 83325 ("Grantor") does hereby grant, bargain, sell, assign, and convey unto Cannon Shelley Property Limited Partnership, an Idaho limited partnership, whose address is 1470 N. 750 E., Shelley, Idaho 83274 ("Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in and to Water Right No. 27-12235 (a portion of formerly designated Water Right No. 35-14019), as now described in Exhibit A hereto (the "Water Right").

Grantor covenants and warrants to Grantee as follows:

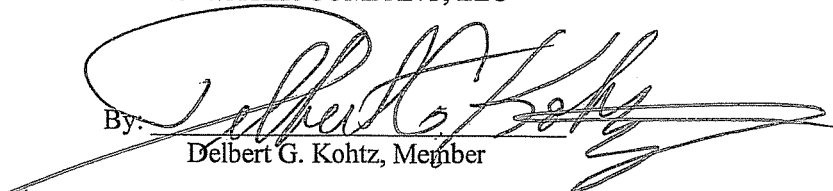
- A. Grantor is the owner of the Water Right;
- B. Grantor has not conveyed the Water Right to anyone other than Grantee;
- C. The Water Right is being conveyed free from all liens, claims or encumbrances; and
- D. Grantor has the authority to convey the Water Right to Grantee.

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

No land is included in or conveyed by this grant.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed this 30 day of November 2011.

IDAHO WATER COMPANY, LLC

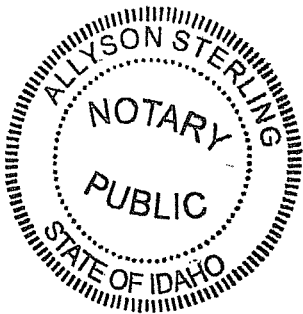
By: 

Delbert G. Kohtz, Member

STATE OF IDAHO)
County of Bonneville) ss.

On this 30th day of Nov, 2011, before me, a Notary Public for said County and State, personally appeared DELBERT G. KOHTZ, known or identified to me, to be one of the members of the limited liability company of IDAHO WATER COMPANY, LLC, and the member or one of the members who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.

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



Allyson Sterling
NOTARY PUBLIC FOR IDAHO
Residing at: Idaho Falls, Id.
My commission expires: 6/6/2017

Exhibit A
(Description of Water Right)

WATER RIGHT NO. 27-12235
As Modified by Transfer No. 77443

In accordance with the approval of Transfer No. 77443, Water Right No. 27-12235 is now described as follows.

Right Holder: IDAHO WATER CO LLC
C/O DEL KOHTZ
1135 VALLEY RD S
EDEN ID 83325

Priority Date: August 19, 1952

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01	to 12/31	0.43 CFS	85.6 AF
STOCKWATER	01/01	to 12/31	0.43 CFS	85.6 AF
			0.43 CFS	85.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENW Sec. 20 Twp 01N Rge 37E BINGHAM County

PLACE OF USE: COMMERCIAL and STOCKWATER

Twp Rge Sec	NE			NW			SW			SE			Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 37E 20								X					

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 20.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Prior to diversion and use of water under Transfer approval 77443, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. Stockwater use is for 2,700 dairy cows.
6. Commercial use is for a dairy facility.

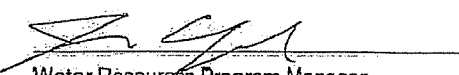
WATER RIGHT NO. 27-12235
As Modified by Transfer No. 77443

CONDITIONS OF APPROVAL

7. The combination of changes under:
Transfer approval 77438 as described under rights 29-14012 and 29-14013;
Transfer approval 77439 as described under rights 25-14345 and 25-14346;
Transfer approval 77440 as described under right 36-16917;
Transfer approval 77441 as described under right 22-14018;
Transfer approval 77443 as described under right 27-12235;
Transfer approval 77444 as described under right 25-14347;
- provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.
- Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right.
8. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
9. This right does not grant any right-of-way or easement across the land of another.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of October, 20 11


Water Resources Program Manager

633421

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77443

This is to certify that: CANNON SHELLEY PROPERTY LIMITED PARTNERSHIP
 1470 N 750 E
 SHELLEY ID 83274
 (208)357-2564

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-14160	WR/Decreed	08/19/1952	0.43 cfs	125.6 af	N/A	*31.4	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-14160	NO	YES	YES	NO	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-14160	27-12235	0.43 cfs	85.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.43 cfs	85.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7th day of October, 2011

 Water Resources Program Manager

SUPPORT DATA

IN FILE # 35-14160

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PLACE OF USE: COMMERCIAL and STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
01N	37E	20					

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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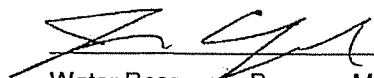
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Water Resources Program Manager