

Rushing, Emalee

From: Rushing, Emalee
Sent: Tuesday, September 15, 2009 3:33 PM
To: 'myron.nield@zionsbank.com'
Cc: Van Dyke, Nick
Subject: RE: Notice of Security Interest in Water Rights 36-2153B and 36-8289

Attachments: NOTICE OF SECURITY INTEREST.doc



NOTICE OF
SECURITY INTEREST.d

Mr. Nield,

On April 5, 2007, the department did receive the attached notice of security interest as well as a notice of change in water right ownership. Both were submitted with a cover letter from Land, Title & Escrow, Inc. On May 9, 2007, the department mailed a letter to Land, Title, and Escrow requesting additional information. When no response was received, the notices were not processed and the documents were returned on July 16, 2007.

I do note that the notice incorrectly lists the Idaho Department of Water Resources as the water right owner, there is no expiration date listed and the signature appears to be that of water right holder.

Please resubmit your notice with the correct owner listed, the expiration date (if applicable) and have the person authorized to sign on behalf of Zions First National Bank sign the form. You must include a copy of the deed of trust or mortgage (this was not included with the original request). I have attached a blank form and instructions for your convenience.

If you have further questions, please feel free to call me at 208-287-4952.

Thank you,
Emalee

-----Original Message-----

From: Van Dyke, Nick
Sent: Tuesday, September 15, 2009 8:52 AM
To: Rushing, Emalee
Subject: FW: Notice of Security Interest in Water Rights 36-2153B and 36-8289

-----Original Message-----

From: Myron Nield [mailto:Myron.Nield@zionsbank.com]
Sent: Monday, September 14, 2009 5:28 PM
To: Van Dyke, Nick
Cc: Gloria Harman
Subject: Notice of Security Interest in Water Rights 36-2153B and 36-8289

Nick,

We would like notice from you that we have a security interest in these water rights (see attached form 42248(6)). Please let me know the status and if there is something undone on our part. It has been over 2 years now since this was submitted. Thank You, Myron

-----Original Message-----

From: CanyonParkSharp@zionsbancorp.com
[mailto:CanyonParkSharp@zionsbancorp.com] On Behalf Of CanyonParkSharp@
Sent: Tuesday, September 15, 2009 7:12 AM
To: Myron Nield
Subject: Scanned image from MX-M350N

DEVICE NAME: MX-M350N
DEVICE MODEL: MX-M350N
LOCATION: Twin Falls, ID (Canyon Park)

FILE FORMAT: PDF MMR(G4)
RESOLUTION: 300dpi x 300dpi

Attached file is scanned image in PDF format.

Use Acrobat(R)Reader4.0 or later version, or Adobe(R)Reader(TM) of Adobe Systems
Incorporated to view the document.

Acrobat(R)Reader4.0 or later version, or Adobe(R)Reader(TM) can be downloaded from the
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 05 2007
DEPARTMENT OF WATER RESOURCES **DEV**

Notice of Security Interest in a Water Right

And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned

1. Water Right No(s) PD LIC 36-2153B and 36-8289

Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:

A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water right or claim in question, **WITH ATTACHED LEGAL DESCRIPTION.**

B) A **FEE** of \$25.00 per water right or adjudication claim.

3. Name and Mailing Address of Person or Company holding Security Interest

ZIONS FIRST NATIONAL BANK
TWIN FALLS/CANYON PARK OFFICE
1863 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

4. Name of Water Right Owner/Claimant(s) IDAHO DEPARTMENT OF WATER RESOURCES

5. Expiration Date of Notification Period N/A

6. Is this a Renewal of Request for Notification? YES ☐ NO ☒

7. Signature(s) (and title if applicable)

Dan Hestley Ellen Hestley
Myr Hestley Owen Hestley

For Office Use Only

Received by KAW Date 4/5/07 Fee 25.00
Received by KAW Date 4/5/07 Receipt No. C083789
Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED

APR 05 2007 DE

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
PP 36-2153B		*			
LLC 36-8289		*			

*See attached explanatory note on Exhibit A.

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).

OR

D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)	<u>The Estate of Gerald Huettig, Deceased</u>
4. New Owner/Claimant(s)	<u>Star Falls Farms, LLC</u>
	Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	<u>1369 South 2000 East</u>
City, State and ZIP Code	<u>Hazelton, ID 83335</u>
New Telephone Number	<u>(208) 308-3515</u>

5. Date you acquired the property

3/30/07

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) Star Falls Farms, LLC Member
 By: Myron Huettig (title if applicable)
Myron Huettig (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by KAW Date 4/5/07
 Received by KAW Date 4/5/07
 Processed by AJ Date _____

Receipt Amt. 50.00
 Receipt No. 0083789
 WR _____ Date _____

Exhibit A

It is the intention of the former owner and the new owner described below, that this change of water right ownership not be regarded as a 'split' altering the present arrangement whereby these rights, together with additional water rights 36-2117, 36-8147, 36-2594 and 36-7639 enjoy a permissible place of use of 511 acres composed of the real property which is the subject of the current transaction and additional real property owned by Myron and Ellen Huettig, husband and wife, and the Lenore Huettig Family Limited Partnership.

J-36440

Instrument : 071938

JEROME COUNTY, JEROME, IDAHO

2007-03-30

04:38:13 No. of Pages: 2

Recorded for : LAND TITLE AND ESCROW, INC.

MICHELLE EMERSON

Fee: 6.00

Ex-Officio Recorder Deputy

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE, made this 30th day of March, 2007, between **KEITH HUETTIG**, as Personal Representative of the Estate of **GERALD HUETTIG**, Deceased, the Party of the First Part, and **STAR FALLS FARMS, LLC**, an Idaho limited liability company, 1369 South 2000 East, Hazelton, Idaho, 83335, the Party of the Second Part,

WITNESSETH:

WHEREAS, the said **GERALD HUETTIG** died testate on the July 4, 2003, and,

WHEREAS, by Order of the Magistrate Division of the District Court of the Fifth Judicial District, Jerome County, Idaho, dated the 17th day of August, 2003, Party of the First Part was appointed Personal Representative of the Estate of said Decedent.

NOW, THEREFORE, by virtue and in exercise of the powers so given by the laws of the State of Idaho, and of every other power and authority hereunto enabling, the Party of the First Part, Personal Representative as aforesaid, does hereby **GRANT, BARGAIN, SELL and CONVEY** unto said Party of the Second Part all of said Estate's right, title and interest in and to that certain real property located in Jerome County, Idaho, more particularly described as follows:

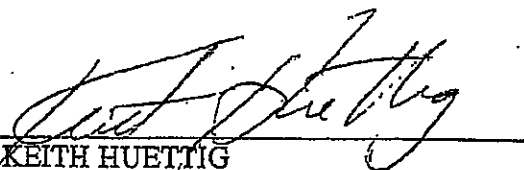
**TOWNSHIP 10 SOUTH, RANGE 20 EAST, BOISE MERIDIAN
JEROME COUNTY, IDAHO**

SECTION 29: S½SE¼ and S½SW¼

TO HAVE AND TO HOLD the same, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, unto the Party of the Second Part, its heirs and assigns forever.

IN WITNESS WHEREOF, the Party of the First Part, Personal Representative of the Estate of **GERALD HUETTIG**, has hereunto set his hand the day and year first written above.

ESTATE OF **GERALD HUETTIG**

BY: 

KEITH HUETTIG

Personal Representative

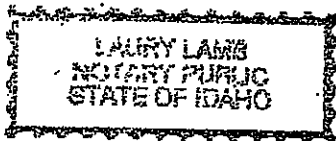
STATE OF IDAHO)

ss:

County of Jerome)

On this 30th day of March, 2007, before me, the undersigned, a Notary Public in and for said County and State, personally appeared KEITH HUETTIG, as the Personal Representative of the ESTATE OF GERALD HUETTIG, Deceased, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same in such capacity.

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



Laurie Lamb
NOTARY PUBLIC for Idaho
Residing at: Jerome
Commission Expires: 4/2/2010