

DE ✓

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)
35-4204	OK				

RECEIVED

JAN 23 2009

Department of Water Resources
Eastern Region

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)

x Nukays Farms Inc. by
Brent Nukays

4. New Owner/Claimant(s)

Mickelsen Properties LLC
Name Connector (Check one) ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 438

City, State and ZIP Code

Rigby Idaho 83442

New Telephone Number

(208) 313 1295

Email: mickfarms@ida.net

5. Date you acquired the property

12/29/2008

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)

Richard Properties LLC
by *Mark Richard*
(title if applicable)
(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 *BMK*
 Received by *BMK*
 Processed by _____ AJ

Date *1/23/09*
 Date *1/23/09*
 Date _____

Receipt Amt. *\$25.00*
 Receipt No. *E034734*
 WR _____ Date _____

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-4204

WATER RIGHT NUMBER: 35-4204

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LEONARD J STEINKE 390 CYPRESS AVE IDAHO FALLS, ID 83402 (208)523-3445
Current Owner	NUKAYA FARMS INC C/O BRENT NUKAYA 2636 E 200 N ROBERTS, ID 83444 (208)228-6483

Priority Date: 08/01/1958

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	4.100 CFS	1,180.00 AF
	<u>Total Diversion:</u>	4.100 CFS	1,180.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4	Sec. 25, Twp 04N, Rge 36E, B.M.
JEFFERSON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	36E	25					32.0	23.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	295.0

Total Acres: 295

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-4204

Comments:

1. AJU10-DS 2/26/1998 CONDITION H02/H03 UPDATE

Comment: CONDITION CODES H02 AND H03 ADDED IF NOT ALREADY PART OF RECORD.

2. JHOAGLAN 4/2/1998 ADDRESS CHANGE

Comment: CHANGED ADDRESS PER REQUEST

3. AJU21-DS 5/12/1998 AJU21 CONDITION UPDATE

Comment: DELETED CONDITION CODE(S) H02 H03

4. AJU10-DS 6/15/1998 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART OF RECORD THRU

5. AJU21-DS 2/19/1999 AJU21 CONDITION UPDATE

Comment: DELETED CONDITION CODE(S) A07

6. kpickett 10/6/2005 POD

Comment: Correlated PODID 241891 from SpatialDataID 243289 to SpatialDataID 243282

SubCase:

SubCase Number: 35-4204

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 11/13/2001

Attorney Assigned: SARA C DENISTON

Adjudication Agent:

Basis of Claim:

Date Filed: 8/24/1998 Objection Status: Active

Date Filed: 6/2/1999 Objection Status: Active

Date Filed: 8/24/1998 Objection Status: Active

Date Filed: 6/2/1999 Objection Status: Active

Water Supply Bank:

Recorded 12-30-08
Inst. # 373227
CERTIFIED TRUE COPY
By: [Signature]

WARRANTY DEED

SHOJI NUKAYA and HARUMI NUKAYA, husband and wife; and BRENT S. NUKAYA and JEANETTE NUKAYA, husband and wife, as GRANTOR, for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto MICKELSEN PROPERTIES, LLC, an Idaho Limited Liability Company, as GRANTEE, whose address is 9008 N. River Road Idaho Falls, Idaho 83401, and Grantee's successors and assigns, all of the following described real property, to-wit: P.O. Box 438 Rigley, Id. 83442

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT TO the 2009 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warranty and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: December 29, 2008.

[Signature]
SHOJI NUKAYA

[Signature]
HARUMI NUKAYA

[Signature]
BRENT S. NUKUYA

[Signature]
JEANETTE NUKUYA

STATE OF IDAHO)
) ss
COUNTY OF BONNEVILLE)

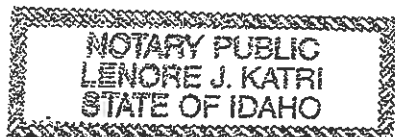
On December 29, 2008, before me, the undersigned, personally appeared SHOJI NUKAYA and HARUMI NUKAYA; AND BRENT S. NUKUYA and JEANETTE NUKUYA

known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that /they executed the same.

[Signature]
Notary Public for the State of Idaho

Commission Expiration Date: _____

Residing at Idaho Falls, Idaho
My Commission Expires: 01/30/09



Tract 1:

Township 4 North, Range 36 East of the Boise Meridian, Jefferson County, Idaho.

Section 24: Beginning at the South Quarter corner of said Section 24, said point being the true point of beginning; thence North 67.53 feet to the center of a county road; thence North $88^{\circ}33'50''$ West along said county road for a distance of 1270.64 feet; thence South $82^{\circ}43'08''$ West 134.29 feet; thence South $66^{\circ}38'18''$ West 83.95 feet; thence South $61^{\circ}55'10''$ West 86.29 feet; thence South $89^{\circ}41'20''$ East 1556.67 feet to the true point of beginning.

Also: Township 4 North, Range 36 East of the Boise Meridian, Jefferson County, Idaho.

Section 25: West Half

Excepting therefrom: Beginning at the Northwest Corner of said Section 25 and running thence East 523.5 feet; thence South $51^{\circ}04'$ West 286.2 feet; thence South $11^{\circ}04'$ West 478.3 feet; thence South $53^{\circ}21'$ West 275.3 feet; thence North 804.7 feet, more or less, to the point of beginning.

Also excepting: Township 4 North, Range 36 East of the Boise Meridian, Jefferson County, Idaho.

Section 25: Beginning at the Northwest corner of said Section 25 and running thence South $89^{\circ}41'20''$ East 1888.54 feet to the true point of beginning; thence South $04^{\circ}02'38''$ West 179.94 feet; thence North $66^{\circ}57'36''$ East 633.21 feet; thence North $88^{\circ}33'50''$ West 571.15 feet; thence South $00^{\circ}39'55''$ East 82.65 feet to the true point of beginning.

Tract 2: Township 4 North, Range 36 East of the Boise Meridian, Jefferson County, Idaho.

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320 MEMORIAL DRIVE
IDAHO FALLS, ID 83402

P.O. BOX 50898
IDAHO FALLS, ID 83405

PHONE 208-542-0040
FAX 208-542-0080

PAGES BEING SENT, INCLUDING THIS PAGE: 3

THIS FAX MAY CONTAIN CONFIDENTIAL INFORMATION INTENDED EXPRESSLY FOR THE RECIPIENT NAMED HEREIN. IF YOU HAVE RECEIVED THIS FAX IN ERROR, PLEASE NOTIFY MOUNTAIN WEST TITLE AND ESCROW, INC. IMMEDIATELY. THANK YOU.

DATE: 1-23-09
TO: Boddy
Water Resources
FAX No.: 525-7177

FROM:

☞ LENORE J. KATRI
PRESIDENT
LENORE@MWTANDE.COM

☞ WENDY K. NELSON
VICE PRESIDENT
WENDY@MWTANDE.COM

☞ JILL BECK
TITLE DEPARTMENT
JILL@MWTANDE.COM

☞ MIRANDA MCKINLAY
PRODUCTION DEPARTMENT
MIRANDA@MWTANDE.COM

☞ SUSIE JOHN
PRODUCTION DEPARTMENT
SUSIE@MWTANDE.COM

☒ COMMITMENT FOR TITLE INSURANCE
☒ PLAT MAP
☒ COVENANTS
☒ PROPERTY PROFILE
☒ HIGH LIABILITY APPROVAL

☒ REVISED SCHEDULE A
☒ WIRE TRANSFER INSTRUCTIONS
☒ SETTLEMENT STATEMENT/HUD1
☒ CLOSING PROTECTION LETTER
☒ CLOSING CONDITIONS

RE: Deed YOUR ESCROW No. _____

Comments: Mark Mickelsen

Mountain West Title & Escrow
2008122183

WARRANTY DEED

3060819688
ALLIANCE TITLE & ESCROW CORP

SHOJI NUKAYA and HARUMI NUKAYA, husband and wife; and BRENT S. NUKAYA and JEANETTE NUKAYA, husband and wife, as GRANTOR, for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto MICKELSEN PROPERTIES, LLC, an Idaho Limited Liability Company, as GRANTEE, whose address is 9000 N. River Road Idaho Falls, Idaho 83401, and Grantee's successors and assigns, all of the following described real property, to-wit: P.O. Box 438 Rigby, Id. 83442

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Dated: December 29, 2008

Instrument # 373227

RIGBY, JEFFERSON, IDAHO
2008-12-30 11:34:00 AM No. of Pages: 2
Recorded for: ALLIANCE TITLE - RIGBY
CHRISTINE BOULTER Fee: 6.00
Ex-Officio Recorder Deputy L. Kinghorn
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

SHOJI NUKAYA

HARUMI NUKAYA

BRENT S. NUKUYA

JEANETTE NUKUYA

STATE OF IDAHO)

) ss

COUNTY OF BONNEVILLE)

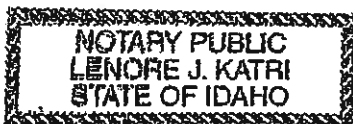
On December 29, 2008, before me, the undersigned, personally appeared
SHOJI NUKAYA and HARUMI NUKAYA; AND BRENT S. NUKUYA and
JEANETTE NUKUYA

known or identified to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they executed the same.

Notary Public for the State of Idaho

Commission Expiration Date: _____

Residing at Idaho Falls, Idaho
My Commission Expires: 01/30/09



373227

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