

RECEIVED

AUG 27 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment 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. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
23-10271	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: SIDNEY H. ELIASON JR TRUST
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): LANDMARK PROPERTIES LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

1855 MADISON AVE IDAHO FALLS ID 83404
Mailing address City State ZIP

208 881-2269 DRMARKFREEMAN@YAHOO.COM
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: _____

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

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.

☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.

☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] PRESIDENT 7/27/21
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable Date

For IDWR Office Use Only:

Received by CJ Date 8/21/21 Receipt No. E047305 Receipt Amt. \$25.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by JB Processed by JB Date 9/1/2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**INSTRUCTIONS FOR FILING A
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at www.idwr.idaho.gov. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the department's website using the Water Right and Adjudication Search link at www.idwr.idaho.gov.

Please note:

- Unlike licensed or decreed water rights, which are real property, water right permits, applications for new water rights, and applications to transfer existing water rights are considered the personal property of the permit holders/applicants. Permit holders and applicants must assign their interest in a permit and/or application to the new owner. Assignment forms are available on the department's website at www.idwr.idaho.gov, or from any IDWR office. The fee for an assignment of permit is \$25. There is no charge for an assignment of application for permit or application for transfer.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.
4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 23-10271

Current Owner: SIDNEY H ELIASON JR TRUST
Priority Date: 8/20/1890
Origin: Water Right
Status: Active
Basis: Decreed

Source

PALISADES CREEK

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

06/01 to 09/30

Total Diversion

Diversion Rate

0.47 CFS

0.47 CFS

Annual Volume

Location of Point(s) of Diversion

PALISADES CREEK

BONNEVILLE County

NW1/4SW1/4SE1/4

Sec. 26, Twp 01N, Rge 44E B.M.

Place of Use

IRRIGATION Within BONNEVILLE County

T01N R44E S35 Lot 4 SENE 23.00

Total Acres: 23

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.

Decreed Date: 10/21/2004

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
110 N. Clark Street/PO Box 405
Rigby, ID 83442

Instrument # 1684477
Bonneville County, Idaho Falls, Idaho
05/03/2021 11:28:56 AM No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - IDAHO FALLS
Penny Manning Fee: \$15.00
Ex-Officio Recorder Deputy Dwoolf
Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 961744-RI (ss)

Date: April 29, 2021

met

For Value Received, **Elizabeth Ellason, Successor Trustee of The Sidney H Ellason Jr. Trust, dated October 12, 1995**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Landmark Properties LLC, an Idaho limited liability company**, hereinafter called the Grantee, whose current address is **1855 Madison Avenue, Idaho Falls, ID 83404**, the following described premises, situated in **Bonneville County, Idaho**, to-wit:

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 44, EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO; RUNNING THENCE SOUTH 00°04'46" EAST ALONG THE SECTION LINE 2648.46 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 35; THENCE WEST 337.16 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 26; THENCE NORTH 35°51'00" WEST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE 3014.49 FEET TO THE TRUE POINT OF BEGINNING; RUNNING THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES; NORTH 35°51'00" WEST 133.75 FEET TO A POINT OF CURVE WITH A RADIUS OF 2901.64 FEET AND A CHORD BEARING NORTH 42°24'28" WEST 662.77 FEET; THENCE TO THE LEFT ALONG SAID CURVE 664.21 FEET THROUGH A CENTRAL ANGLE OF 13°06'56"; THENCE NORTH 38°11'00" EAST 1173.30 FEET; THENCE EAST 575.65 FEET; THENCE SOUTH 00°01'00" EAST 1518.00 FEET; THENCE SOUTH 89°51'00" WEST 776.10 FEET TO THE POINT OF BEGINNING.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the 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.

Date: 04/29/2021

Warranty Deed
- continued

File No.: 961744-RI (ss)

The Sidney H Eliason Jr. Trust

Elizabeth Eliason 4/30/21
Elizabeth Eliason, Successor Trustee

STATE OF Idaho)
COUNTY OF Jefferson)
ss.

On this **Thirtieth day of April, 2021**, before me, a Notary Public in and for said State, personally appeared **Elizabeth Eliason**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Successor Trustee of the **The Sidney H Eliason Jr. Trust, dated October 12, 1995** Trust, and acknowledged to me that she executed the same as such Successor Trustee.



Teresa Anderson
Notary Public of Idaho
Residing at: *Idaho Falls, ID*
Commission Expires: *1-3-27* *7-1-23*

State of Idaho
Department of Water Resources

Water Right

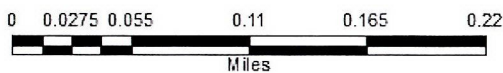
23-10271

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 7/26/2021



Legend

- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



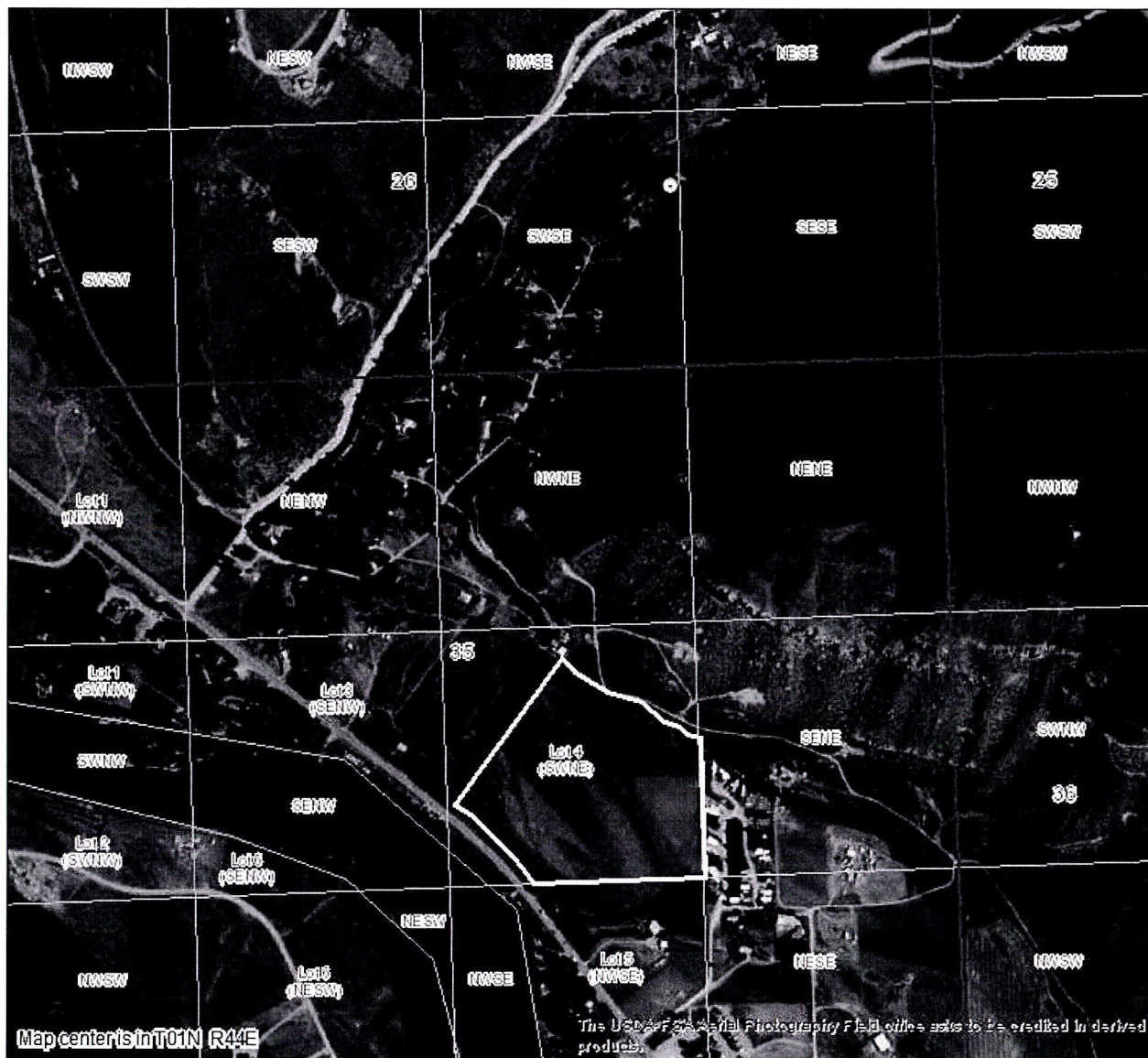
State of Idaho
Department of Water Resources

Water Right

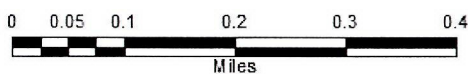
23-10271

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Date created: 7/26/2021



Legend

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





0004151104

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0004151104

Date Filed: 2/3/2021 6:13:17 AM

Entity Name and Mailing Address:

Entity Name: LANDMARK PROPERTIES LLC
The file number of this entity on the records of the Idaho Secretary of State is: 0000255686
Address: 1855 MADISON AVE
IDAHO FALLS, ID 83404-1212

Entity Details:

Entity Status: Active-Existing
This entity is organized under the laws of: IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W81903

The registered agent on record is:

Registered Agent: JAMES D FREEMAN
Registered Agent
Physical Address
1855 MADISON AVE
IDAHO FALLS, ID 83404
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
 Mark Freeman	Manager	1855 MADISON AVE IDAHO FALLS, ID 83404

The annual report must be signed by an authorized signer of the entity.

Job Title: President

Mark Freeman

Sign Here

02/03/2021

Date

B0579-4160 02/03/2021 6:13 AM Received by ID Secretary of State Lawrence Denney



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 12, 2022

COPY

LANDMARK PROPERTIES LLC
1855 MADISON AVE
IDAHO FALLS, ID 83404-1212

Re: Water Supply Bank Lease Application for 23-10271

The Department of Water Resources (“Department”) is in the process of reviewing your application to lease water right 23-10271 in the Water Supply Bank (“Bank”). Water Supply Bank Rule 25 (IDAPA 37.02.03.025) states that the Idaho Water Resource Board shall consider if the information available indicates the right has been lost to forfeiture when determining if a right should be accepted into the water supply bank. A review of the satellite and aerial imagery for the place of use is inconclusive.

Right 23-10271 authorizes irrigation of 23 acres. Review of the imagery of the place of use indicates all 23 acres have not been irrigated in recent years.

Please provide clear evidence showing irrigation has occurred on all the acres proposed to be leased or provide a valid defense to forfeiture as defined by Idaho Code § 42-223. Please submit the additional information within 14 days and the Department will continue processing the application. If a response is not received in 14 days, the Department may return your application.

Sincerely,

Tyler Smith
Senior Water Resource Agent
(208)287-4913
tyler.smith@idwr.idaho.gov

Enclosure:



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 26, 2022

COPY

LANDMARK PROPERTIES LLC
1855 MADISON AVE
IDAHO FALLS, ID 83404

The Idaho Department of Water Resources (Department) is returning your Application to Sell or Lease a Water Right to the Water Supply Bank (Application Number 2178), which was received on October 14, 2021. Your application proposed to lease the full extent of water right 23-10271 into the Bank. This letter explains how a decision was made on your application.

Water Supply Bank rule 25.02 (IDAPA 37.02.03) describes the materials needed for a complete application. Upon initial review, the Department has determined your application is incomplete. You have not provided information that the water right has not been lost through abandonment or forfeiture, required by rule 25.02.c. The Department has requested the needed information as required in rule 25.04, however the requested information has not been supplied. Therefore, the Water Supply Bank is declining to lease into the Bank water right 23-10271.

This letter is notice that the attached application to lease water to the Bank is being returned as incomplete. A refund in the amount of \$250 has been requested and will be forwarded to you in a separate mailing.

Please note that should more information become available at a later date you can reapply to the Water Supply Bank.

Sincerely,

Tyler Smith
Senior Water Resource Agent
(208)287-4913
tyler.smith@idwr.idaho.gov

Enclosure: Original application



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Gary Spackman
Director

September 01, 2021

LANDMARK PROPERTIES LLC
1855 MADISON AVE
IDAHO FALLS ID 83404-1212

Re: Change in Ownership for Water Right No(s): 23-10271

Dear Water Right Holder(s):

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

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned 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 Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: WATER DISTRICT 01