

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 06 2023

DEPT OF WATER RESOURCES
SOUTHERN 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 #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
36-7359	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: Eugene D. Fredericksen and Judith K. Fredericksen
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): M & M Land Holdings, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 53 N. 200 W. Jerome ID 83338
Mailing address City State Zip
208.539.3959 mike@westec.us
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: 12/21/2022
6. Do you own the land identified as the water right place of use? Yes ☐ No ☐
o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
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):
o \$25 per *undivided* water right.
o \$100 per *split* water right.
o 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: Michael Bingham Member 12/21/22
Signature of new owner/claimant Title, if applicable Date
Michael Bingham
Print name
- Signature: Amanda Bingham Member 21 Dec 2022
Signature of new owner/claimant Title, if applicable Date
Amanda Bingham
Print name

Received by SG Date 1/6/2023 For IDWR Office Use Only: Receipt No. 5039580 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 _____ Processed by KA Date 01-25-2023

ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged the **ESTATE OF EUGENE D. FREDERICKSEN**, deceased, **JUDITH K. FREDERICKSEN**, Personal Representative, and **JUDITH K. FREDERICKSEN**, an individual, the "Grantors", do hereby grant, sell and convey unto **M & M LAND HOLDINGS, LLC**, an Idaho limited liability company, whose mailing address is 53 N. 200 W., Jerome, Idaho 83338, the "Grantee", the following described premises located in Jerome County, Idaho:

PARCEL NO. 1:

**TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO**

Section 10: N $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$ SAVE AND EXCEPT the following described tracts:

Tract No. 1:

Commencing at the Northwest corner of said Section 10, which shall be the True Point of Beginning;

Thence South 89°48' East for a distance of 180.00 feet along the north section line;

Thence South for 242.00 feet;

Thence North 89°48' West for a distance of 180.00 feet;

Thence North 242.00 feet along the west section line to the True Point of Beginning.

Tract No. 2:

Commencing at the North $\frac{1}{4}$ Corner of Section 10, said corner marked by a $\frac{5}{8}$ inch rebar with aluminum cap which shall be the Point of Beginning;

Thence South 00°04'09" West along the east line of the NW $\frac{1}{4}$ for a distance of 607.88 feet to a $\frac{1}{2}$ inch rebar at the centerline of Pump Ditch 4;

Thence North 58°13'19" West along said centerline for a distance of 129.27 feet to a $\frac{1}{2}$ inch rebar;

Thence North 31°05'28" West along said centerline for a distance of 42.19 feet to a $\frac{1}{2}$ inch rebar;

Thence North 07°38'49" West along said centerline for a distance of 90.69 feet to a $\frac{1}{2}$ inch rebar;

Thence North 02°21'24" West along said centerline for a distance of 105.42 feet to a $\frac{1}{2}$ inch rebar;

Thence North 25°36'49" West along said centerline for a distance of 40.02 feet to a $\frac{1}{2}$ inch rebar;

Thence North 42°54'43" West along said centerline for a distance of 119.65 feet to a $\frac{1}{2}$ inch rebar;

Thence North 18°16'56" West along said centerline for a distance of 66.51 feet to a $\frac{1}{2}$ inch rebar;

Thence North 03°20'00" West along said centerline for a distance of 40.71 feet to a ½ inch rebar;
Thence North 35°53'07" East along said centerline for a distance of 70.02 feet to a ½ inch rebar;
Thence North 35°53'07" East along said centerline for a distance of 30.78 feet to the north line of Section 10;
Thence South 89°48'23" East along said section line for a distance of 211.73 feet to the Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 10: SE¼NW¼

Together with all water rights appurtenant thereto, including, but not limited to, five (5) shares of stock of the North Side Pumping Company, issued under Certificate No. 1344, and Water Right No. 36-7359.

TO HAVE AND TO HOLD the premises, with their appurtenances, unto the Grantee, its successors and assigns forever.

Grantors warrant that they are the owner in fee simple of the premises; that they have not conveyed any interest in the premises to any person other than Grantee; that the premises are free from all encumbrances created or suffered by Grantors; and that Grantors will warrant and defend the same against all lawful claims of all persons claiming by, through or under Grantors, SUBJECT TO the following:

1. Taxes and assessments for 2023 and subsequent years.
2. The land described herein is located within the boundaries of the American Falls Reservoir District and is subject to any assessments levied thereby.
3. The land described herein is located within the district boundaries of the North Side Pumping Company and is subject to any assessments levied thereby.
4. The land described herein is located within the district boundaries of the North Side Canal Company, Ltd. and is subject to any assessments levied thereby.
5. The land described herein is located within the boundaries of the North Snake Ground Water District and is subject to any assessments levied thereby.
6. Right-of-way for roads, canals, laterals and waste ditches and the rights of access thereto for maintenance of said ditches, dated August 21, 1907, recorded in Book 15 Page 589, records of Jerome County, Idaho.
7. County Road Right-of-ways and the rights of access thereto for maintenance of.
8. An easement for the purpose shown below and rights incidental thereto as set forth in a/an Power Line Easement.

Granted to: Idaho Power Company
Recorded: August 6, 1974
Instrument No.: 207455
(Covers the SW¼NW¼ of Section 10, Township 8 South, Range 17 East of the
Boise Meridian)

DATED THIS 19th day of December, 2022.

"GRANTORS"

ESTATE OF EUGENE D. FREDERICKSEN,
Deceased

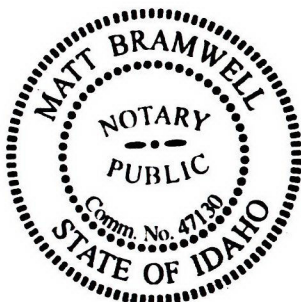
Judith K. Fredericksen
JUDITH K. FREDERICKSEN, an individual

Judith K. Fredericksen, Personal Representative
JUDITH K. FREDERICKSEN,
Personal Representative

STATE OF IDAHO)
 ss:
County of Ada)

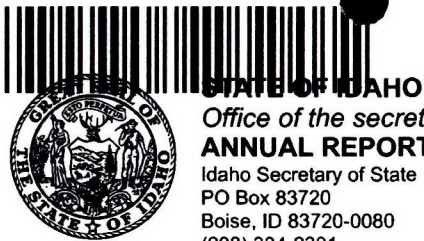
On this 19th day of December, 2022, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JUDITH K. FREDERICKSEN, individually and as Personal Representative of the ESTATE OF EUGENE D. FREDERICKSEN, deceased, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that she executed the same individually and in such capacity.

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



[Signature]
NOTARY PUBLIC for Idaho
Residing at: _____
Commission Expires: _____

Residing in: Star, ID
Commission expires: 5/11/2024



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



0004630850

For Office Use Only

-FILED-

File #: 0004630850

Date Filed: 3/3/2022 11:29:12 AM

Entity Name and Mailing Address:

Entity Name: NORTH SIDE CANAL COMPANY, LIMITED
The file number of this entity on the records of the Idaho Secretary of State is: 0000029351
Address: 921 N LINCOLN AVE
JEROME, ID 83338-1860

Entity Details:

Entity Status: Active-Good Standing
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: C5096

The registered agent on record is:

Registered Agent: ALAN HANSTEN
Registered Agent
Physical Address
921 NORTH LINCOLN
JEROME, ID 83338
Mailing Address

Corporate Officers and Directors:

Name	Title	Business Address
TERRY L WALTERS	Secretary	177 N 800 E JEROME, ID 83338
ALAN HANSTEN	Secretary	921 NORTH LINCOLN JEROME, ID 83338
JAMES FIALA	Director	521 NORTH 200 EAST JEROME, ID 83338
DEAN T BINGHAM	Vice President	156 NORTH 100 EAST JEROME, ID 83338
BART PATTERSON	Director	161 BOB BARTON RD JEROME, ID 83338
Rocky Hagan	Director	3353 EAST 4050 NORTH TWIN FALLS, ID 83301
DEWITT MARSHALL	Director	151 SOUTH 600 EAST JEROME, ID 83338
MIKE ELLIOTT	President	441 SPRING COVE RD BLISS, ID 83314
GREG HIRAI	Director	3192 SOUTH 1300 EAST WENDELL, ID 83355
ALBERT LOCKWOOD	Director	1721 EAST 1200 SOUTH EDEN, ID 83325
☒ BERWYNN MUSSMANN	Director	867 SOUTH EDEN RD EDEN, ID 83325

B0687-3401 03/03/2022 11:29 AM Received by ID Secretary of State Lawrence Denney



PAUL EMMETT WALZ	Treasurer	1532 SOUTH LINCOLN JEROME, ID 83338
 Doug Huettig	Director	2292 EAST 1300 SOUTH HAZELTON, ID 83338

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

Job Title: Assit. Secretary

Terry Walters

03/03/2022

Sign Here

Date

Important Information About Your Water Right

December 12, 2001

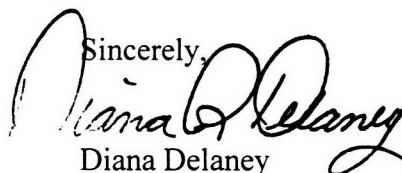
Judi K Fredericksen
Gene D Fredericksen
200 N 349 E
Jerome, ID 83338

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an ***Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc*** (hereinafter "***Order***") for water right number 36-07359. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the ***Order*** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the ***Order***, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This ***Order*** also incorporates into the ***Partial Decree*** an express statement that the ***Partial Decree*** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This ***Order***, in combination with the ***Partial Decree*** that was issued for this water right on January 15, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the ***Partial Decree*** to show evidence of this water right. The original of this ***Order*** and the original of the ***Partial Decree*** for this water right are on file with SRBA Court. If you do not have a copy of the original ***Partial Decree***, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the ***Order*** is entered ***Nunc Pro Tunc***, meaning that the ***Order*** will be treated as if it were issued on the same date that the ***Partial Decree*** was originally issued.

Sincerely,

Diana Delaney
Case Administrator

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Water Right 36-07359
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on January 15, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the ***Partial Decree*** was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the ***Partial Decree***.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated December 12, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS -

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07359

1978 JAN 15 PM 12:17

FILED
JAN 15 1978
TWIN FALLS, IDAHO

NAME & ADDRESS: JUDI K FREDERICKSEN
GENE D FREDERICKSEN
200 N 349 E
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 2.18 CFS
572.0 AFY

PRIORITY DATE: 09/27/1973

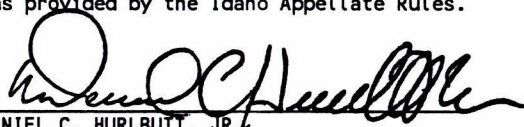
POINT OF DIVERSION: T08S R17E S10 SESWNW Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	2.18 CFS 572.0 AFY

PLACE OF USE:	IRRIGATION	Within JEROME County			
	T08S R17E S10	NENW 34	NWNW 36	SWNW 35	SENW 38
	143 ACRES TOTAL				

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 25, 2023

M & M LAND HOLDINGS LLC
53 N 200 W
JEROME ID 83338-5369

Re: Change in Ownership for Water Right No(s): 36-7359

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) 293-9916.

Sincerely,

Kent Aasa
Water Resource Agent, Senior

Enclosure(s)

WD 130