

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 15 2023

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

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?
29-14461 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-14441 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: A. W. Hardy Family Investments Ltd., a Utah limited partnership

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Scott Wheatley and Schaunee Wheatley

New owner(s) as listed on the conveyance document

Name connector

☐ and ☐ or12505 N. Walton RoadPocatello

ID

83202

Mailing address

City

State

Zip

208 241-2738

Telephone

Email

lwheatleymax5@gmail.com

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: 08/15/2022

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.

SUPPORT DATA

IN FILE # 29-14441

8. Signature: Scott Wheatley Title, if applicable: _____ Date: 11/11/2023

Signature of new owner/claimant

Scott Wheatley

Print name

- Signature: Schaunee Wheatley Title, if applicable: _____ Date: 11/11/2023

Signature of new owner/claimant

Schaunee Wheatley

Print name

Received by JB Date 11/15/2023 Receipt No. E049615 Receipt Amt. \$50.-

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 11/2/2024



OFFICIAL RECORD BK# 0
BANNOCK COUNTY IDAHO

FEE 15.00 DEPUTY VH
RECORDED AT REQUEST OF

AmeriTitle - Pocatello

22007144

2020 May 01 AM 11:24

Electronically Recorded by Simplifile

WARRANTY DEED

Order No.: 359877AM

FOR VALUE RECEIVED

**A. W. Hardy Family Investments, Ltd, a Utah Limited Partnership
The Ruth B. Hardy Revocable Trust;
Finesse P.S.P.;
Nupetco Associates, a Utah Limited Liability Company;
and MJS Real Properties, a Utah Limited Liability Company**

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Scott Wheatley and Schannee Wheatley, husband and wife

whose current address is:

10819 Deerridge
Pocatello, ID 83202

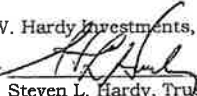
the grantee(s), the following described premises, in Bannock County, Idaho,
TO WIT:

Lot 14, Block 2, Prairie Estates, Bannock County, Idaho, as the same appears on the official plat thereof, recorded August 31, 2007 as Instrument No. 20721291.

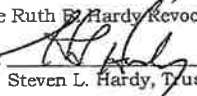
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 28, 2020

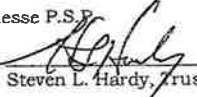
A.W. Hardy Investments, Ltd

By: 
Steven L. Hardy, Trustee

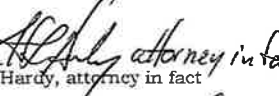
The Ruth B. Hardy Revocable Trust

By: 
Steven L. Hardy, Trustee

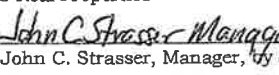
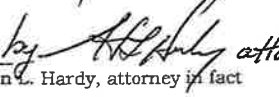
Finesse P.S.P.

By: 
Steven L. Hardy, Trustee

Nupetco Associates

By:  Manager by  attorney in fact
Wayne Petty, Manager, by Steven L. Hardy, attorney in fact

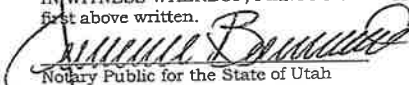
MJS Real Properties

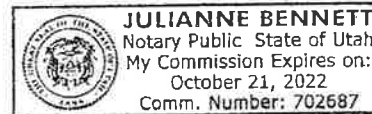
By:  Manager by  attorney in fact
John C. Strasser, Manager, by Steven L. Hardy, attorney in fact

State of Utah) ss.
County of Salt Lake

On this 29th day of April, 2020, before me, Julianne Bennett a Notary Public in and for said state, personally appeared Steven L. Hardy known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the A.W. Hardy Family Investments, Ltd, and acknowledged to me that he executed the same as Trustee.

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

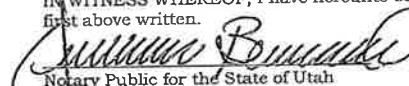

Notary Public for the State of Utah
Residing at: Salt Lake City, Utah
Commission Expires: October 21, 2022

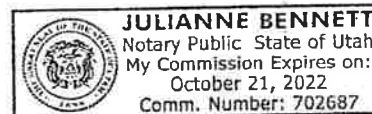


State of Utah) ss.
County of Salt Lake

On this 29th day of April, 2020, before me, Julianne Bennett a Notary Public in and for said state, personally appeared Steven L. Hardy known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the Ruth B. Hardy Revocable Trust, and acknowledged to me that he executed the same as Trustee.

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

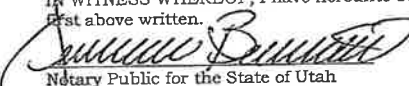

Notary Public for the State of Utah
Residing at: Salt Lake City, Utah
Commission Expires: October 21, 2022

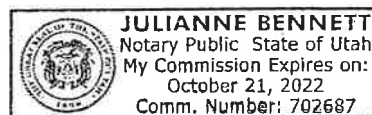


State of Utah) ss.
County of Salt Lake

On this 29th day of April, 2020, before me, Julianne Bennett a Notary Public in and for said state, personally appeared Steven L. Hardy known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of Finesse P.S.P., and acknowledged to me that he executed the same as Trustee.

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

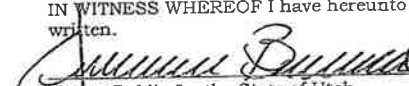

Notary Public for the State of Utah
Residing at: Salt Lake City, Utah
Commission Expires: October 21, 2022

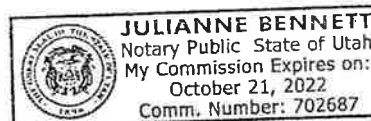


State of Utah) ss.
County of Salt Lake

On this 29th day of April, 2020, before me, Julianne Bennett a Notary Public in and for said state, personally appeared Steven L. Hardy known or identified to me to be the person(s) whose name(s) subscribed to the within instrument as Attorney-in-fact of Wayne Petty, Manager of Nupetco Associates, and acknowledged to me that he subscribed the name of Wane Petty, Manager of as principal and his own name as Attorney-in-fact.

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

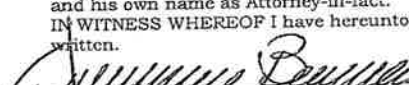

Notary Public for the State of Utah
Residing at: Salt Lake City, Utah
Commission Expires: October 21, 2022

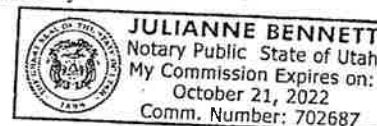


State of Utah) ss.
County of Salt Lake

On this 29th day of April, 2020, before me, Julianne Bennett a Notary Public in and for said state, personally appeared Steven L. Hardy known or identified to me to be the person(s) whose name(s) subscribed to the within instrument as Attorney-in-fact of John C. Strasser, Manager of MJS Real Properties, and acknowledged to me that he subscribed the name of John C. Strasser, Manager as principal and his own name as Attorney-in-fact.

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


Notary Public for the State of Utah
Residing at: Salt Lake City, Utah
Commission Expires: October 21, 2022



SPECIAL WARRANTY DEED FOR WATER RIGHTS

Grantor: A. W. Hardy Family Investments Ltd., a Utah limited partnership
197 W Farm Springs Ln
Midway, Utah 84049

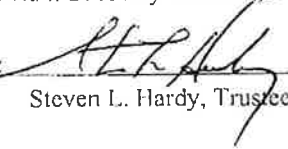
Grantee: Scott Wheatley and Schaunee Wheatley, husband and wife
12505 N. Walton Road
Pocatello, Idaho 83202

For value received, Grantor hereby conveys, grants, and warrants unto Grantee its entire right, title, and interest in and to Idaho water right nos. 29-14461 and 29-14441 in Bannock County, Idaho, as described in *Exhibit A* attached hereto (the "Water Rights"). Grantor covenants and warrants to Grantee that: (a) Grantor is the owner in fee simple of the Water Rights; (b) Grantor has not conveyed any part of the Water Rights to any-one other than Grantee; (c) the Water Rights are free from all liens, claims, or encumbrances; and (d) Grantor has authority to convey the Water Rights to Grantee. Grantor makes no other covenants or warranties as to the Water Rights.

DATED this 15th day of August, 2022.

A.W. Hardy Family Investments Ltd.

By: The Ruth B. Hardy Revocable Trust, General Partner

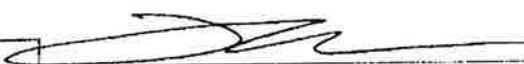
By: 

Steven L. Hardy, Trustee

STATE OF UTAH)
: ss.
COUNTY OF Wasatch)

This record was acknowledged before me on this 15th day of August, 2022, by Steven L. Hardy, as Trustee of the Ruth B. Hardy Revocable Trust, General Partner of A. W. Hardy Family Investments Ltd.




NOTARY PUBLIC FOR UTAH

My Commission Expires: 8/21/2022

EXHIBIT A

Water Right Description

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

5/26/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 29-14461

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT ROWLAND 1141 ROWLAND RD POCATELLO, ID 83204-7416 2082512627

Priority Date: 10/28/1953

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>Volume</u>
IRRIGATION	04/01	10/31	0.02 CFS	3.6 AFA
Total Diversion			0.02 CFS	3.6 AFA

Location of Point(s) of Diversion:

GROUND WATER|NENE|Sec. 35|Township 05S|Range 34E|BANNOCK County

IRRIGATION Use:

Acre Limit: 0.9

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05S	34E	35		NENE	2									

Total Acres: 2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 0.9 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 29-14441 and 29-14461 when combined shall not exceed a total diversion rate of 0.04 cfs, a total annual maximum diversion volume of 8.0 af at the field headgate, and the irrigation of 2.0 acres.
3. X59 Point of diversion and place of use are located within Lot 14, Block 2 Prairie Estates Subdivision.
4. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. 046 Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. T19 Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 03/22/2004

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: NWD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

WATER RIGHT REPORT

WATER RIGHT NO. 29-14441

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	A W HARDY FAMILY INVESTMENTS LTD 197 W FARM SPRINGS LN MIDWAY, UT 84049-1272 8018843991
Original Owner	ROBERT ROWLAND 1141 ROWLAND RD POCATELLO, ID 83204-7416 2082512627

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>Volume</u>
IRRIGATION	04/01	10/31	0.02 CFS	4.4 AFA
Total Diversion			0.02 CFS	4.4 AFA

Location of Point(s) of Diversion:

GROUND WATER|NENE|Sec. 35|Township 05S|Range 34E|BANNOCK County

Place of Use Legal Description: IRRIGATION BANNOCK County

[illegible]

Total Acres: 2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 1.1 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 29-14441 and 29-14461 when combined shall not exceed a total diversion rate of 0.04 cfs, a total annual maximum diversion volume of 8.0 af at the field headgate, and the irrigation of 2.0 acres.
3. X59 Point of diversion and place of use are located within Lot 14, Block 2 Prairie Estates Subdivision.
4. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. T19 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 03/22/2004

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: NWD

Generic Max Rate per Acre: 0.02



WARRANTY DEED

Order No.: 359877AM

FOR VALUE RECEIVED

A. W. Hardy Family Investments, Ltd;
Nupetco Associates;
The Ruth B. Hardy Revocable Trust;
Finesse P.S.P.;
and MJS Real Properties, a Utah Limited Liability Company

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Scott Wheatley and Shaunee Wheatley, husband and wife

SW SW

whose current address is:
10819 Deeridge
Pocatello, ID 83202

the grantee(s), the following described premises, in Bannock County, Idaho,
TO WIT:

Lot 14, Block 2, Prairie Estates, Bannock County, Idaho, as the same appears on the official plat thereof, recorded August 31, 2007 as Instrument No. 20721291.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 28, 2020

A.W. Hardy Family Investments, Ltd

By: _____
Steven L. Hardy, Trustee

Nupetco Associates

By: _____
Wayne Petty, Manager, by Steven L. Hardy, attorney in fact

The Ruth B. Hardy Revocable Trust

By: _____
Steven L. Hardy, Trustee

Finesse P.S.P.

By: _____
Steven L. Hardy, Trustee

MJS Real Properties

By: _____
John C. Strasser, Manager, by Steven L. Hardy, attorney in fact



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

January 02, 2024

SCOTT WHEATLEY
SCHAUNEE WHEATLEY
12505 N WALTON RD
POCATELLO ID 83202-4720

Re: Change in Ownership for Water Right No(s): 29-14441, 29-14461

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 Baily
Technical Records Specialist 1

Enclosure(s)



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

December 14, 2023

SCOTT WHEATLEY
SCHAUNEE WHEATLEY
12505 N WALTON RD
POCATELLO ID 83202

RE: Change in Ownership Water Right No. 29-14461, 29-14441

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

**** **Evidence of Ownership:** The department acknowledges receipt of a Warranty Deed on December 14, 2023, unfortunately this copy is not a "full" copy nor is a "recorded" copy. The copy received was also not a signed copy. I have enclosed a copy of what was received for your review. In order for the department to update ownership of a water right a "full" copy of the 'recorded' Warranty Deed or other legal document indicating your ownership in the water right and/or property is required. Please provide evidence of ownership.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions.

Sincerely,

Jonie Bailly
Technical Records Specialist



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

November 15, 2023

SCOTT WHEATLEY
SCHAUNEE WHEATLEY
12505 N WALTON RD
POCATELLO ID 83202

RE: Change in Ownership Water Right No. 29-14461, 29-14441

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

**** **Evidence of Ownership:** Please provide a full copy of the 'recorded' Warranty Deed or other legal document indicating your ownership in the above mentioned water rights.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions.

Sincerely,

Jonie Baily
Technical Records Specialist