

For IDWR Office Use Only:

Received by JB Date 6/24/2024 Receipt No. E050167 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 6/24/2024

Recording requested by and  
when recorded deliver to:

Luke H. Marchant  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.  
P O Box 50130  
Idaho Falls, ID 83405

(Space above line for Recorder's use only)

## SPECIAL WARRANTY DEED FOR WATER RIGHTS

**Idaho Water Company, LLC**, an Idaho limited liability company whose address is 1135 Valley Road South, Eden, Idaho 83325, ("Grantor") does hereby grant, bargain, sell, assign, and convey unto South Interchange Properties, LLC, an Idaho limited liability company, with offices located at 4609 W 65<sup>th</sup> Street South, Idaho Falls, ID 83402 ("Grantee"), and to Grantee's heirs and assigns forever, all of Grantor's right title and interest in and to, 13.8 acres of its water rights 35-7417 and 35-2122, as modified by Idaho Department of Water Resources transfer #84515, further described in "Attachment A" attached hereto and incorporated herein by reference as water rights 35-14700 and 35-14701 (the "Water Rights").

Grantor hereby covenants and warrants to Grantee as follows:

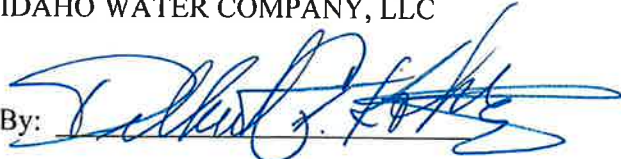
- (A) Grantor is the owner in fee simple of the Water Rights;
- (B) Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (C) The Water Rights are free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Rights to Grantee.

Grantor makes no other covenants or warranties as to the Water Rights.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 5<sup>th</sup> day of May, 2021

IDAHO WATER COMPANY, LLC

By: 

Delbert G. Kohtz, Member

STATE OF IDAHO )

) ss.

County of Bonneville)

On this 5th day of May, 2021 before me, a Notary Public for said County and State, personally appeared DELBERT G. KOHTZ, known or identified to me, to be one of the members of the limited liability company of IDAHO WATER COMPANY, LLC, and the member or one of the members who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.

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



*[Signature]*  
NOTARY PUBLIC FOR IDAHO  
Residing at: Blackfoot, ID  
My commission expires: July 20, 2021

## WATER RIGHT NO. 35-14701

### As Modified by Transfer No. 84515

In accordance with the approval of Transfer No. 84515, Water Right No. 35-14701 is now described as follows:

**Right Holder:** IDAHO WATER COMPANY LLC  
1135 VALLEY RD  
EDEN, ID 83325-5245

**Priority Date:** 5/27/1974

**Source:** GROUND WATER

**BENEFICIAL USE**  
IRRIGATION

**From**  
04/01

**To**  
to 11/01

**Diversion Rate**  
0.070 cfs  
0.070 cfs

**Diversion Volume**  
30.7 af  
30.7 af

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |                                         |
|--------------|------|-----------------------------------------|
| GROUND WATER | NWNE | Sec 8 Twp 01N Rge 37E BONNEVILLE County |
| GROUND WATER | NWNE | Sec 8 Twp 01N Rge 37E BONNEVILLE County |
| GROUND WATER | NWNE | Sec 8 Twp 01N Rge 37E BONNEVILLE County |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE  |     |      |     | NW  |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|-----|-----|------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE  | NW  | SW   | SE  | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 01N | 37E | 8   | 0.8 | 5.1 | 13.3 | 3.8 | 0.8 |    |    |    |    |    |    |    |    |    |    |    | 23.8   |

Right Acre Limit: 8.2  
POU Total Acres: 23.8

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 8.2 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14700 and 35-14701 are limited to the irrigation of a specific 13.8 acres within the 23.8 acre place of use authorized by this right in a single irrigation season. The specific 13.8 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 13.8 acres to be irrigated within the 23.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. Rights 35-14700 and 35-14701 when combined shall not exceed a total annual maximum diversion volume of 55.2 af at the field headgate, and the irrigation of 13.8 acres.

Transfer No. 84515

**WATER RIGHT NO. 35-14701**  
**As Modified by Transfer No. 84515**

**CONDITIONS OF APPROVAL**

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. Prior to the diversion and use of water under Transfer approval 84515, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. Use of this right is combined with water from New Sweden Irrigation District.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

# ATTACHMENT A - 4 Pages

## WATER RIGHT NO. 35-14700 As Modified by Transfer No. 84515

In accordance with the approval of Transfer No. 84515, Water Right No. 35-14700 is now described as follows:

**Right Holder:** IDAHO WATER COMPANY LLC  
1135 VALLEY RD  
EDEN, ID 83325-5245

**Priority Date:** 12/24/1948

**Source:** GROUND WATER

### BENEFICIAL USE

|            | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION | 04/01       | to 10/31  | 0.130 cfs             | 26.2 af                 |
|            |             |           | 0.130 cfs             | 26.2 af                 |

### LOCATION OF POINT(S) OF DIVERSION

|              |      |                                          |
|--------------|------|------------------------------------------|
| GROUND WATER | NWNE | Sec 8, Twp 01N Rge 37E BONNEVILLE County |
| GROUND WATER | NWNE | Sec 8, Twp 01N Rge 37E BONNEVILLE County |
| GROUND WATER | NWNE | Sec 8, Twp 01N Rge 37E BONNEVILLE County |

### PLACE OF USE: IRRIGATION

| Twp | Rng | Sec | NE  |     |      |     | NW  |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|-----|-----|------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE  | NW  | SW   | SE  | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 01N | 37E | 8   | 0.8 | 5.1 | 13.3 | 3.8 | 0.8 |    |    |    |    |    |    |    |    |    |    |    | 23.8   |

Right Acre Limit: 6.6

POU Total Acres: 23.8

### CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 6.6 acres within the authorized place of use in a single irrigation season.
2. Rights 35-14700 and 35-14701 are limited to the irrigation of a specific 13.8 acres within the 23.8 acre place of use authorized by this right in a single irrigation season. The specific 13.8 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 13.8 acres to be irrigated within the 23.8 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. Rights 35-14700 and 35-14701 when combined shall not exceed a total annual maximum diversion volume of 55.2 af at the field headgate and the irrigation of 13.8 acres.

Transfer No. 84515

**WATER RIGHT NO. 35-14700**

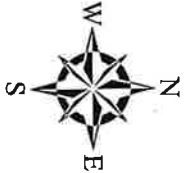
**As Modified by Transfer No. 84515**

**CONDITIONS OF APPROVAL**

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. Prior to the diversion and use of water under Transfer approval 84515, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. Use of this right is combined with water from New Sweden Irrigation District.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

Transfer No. 84515

# SOUTH INTERCHANGE PROPERTIES, LLC



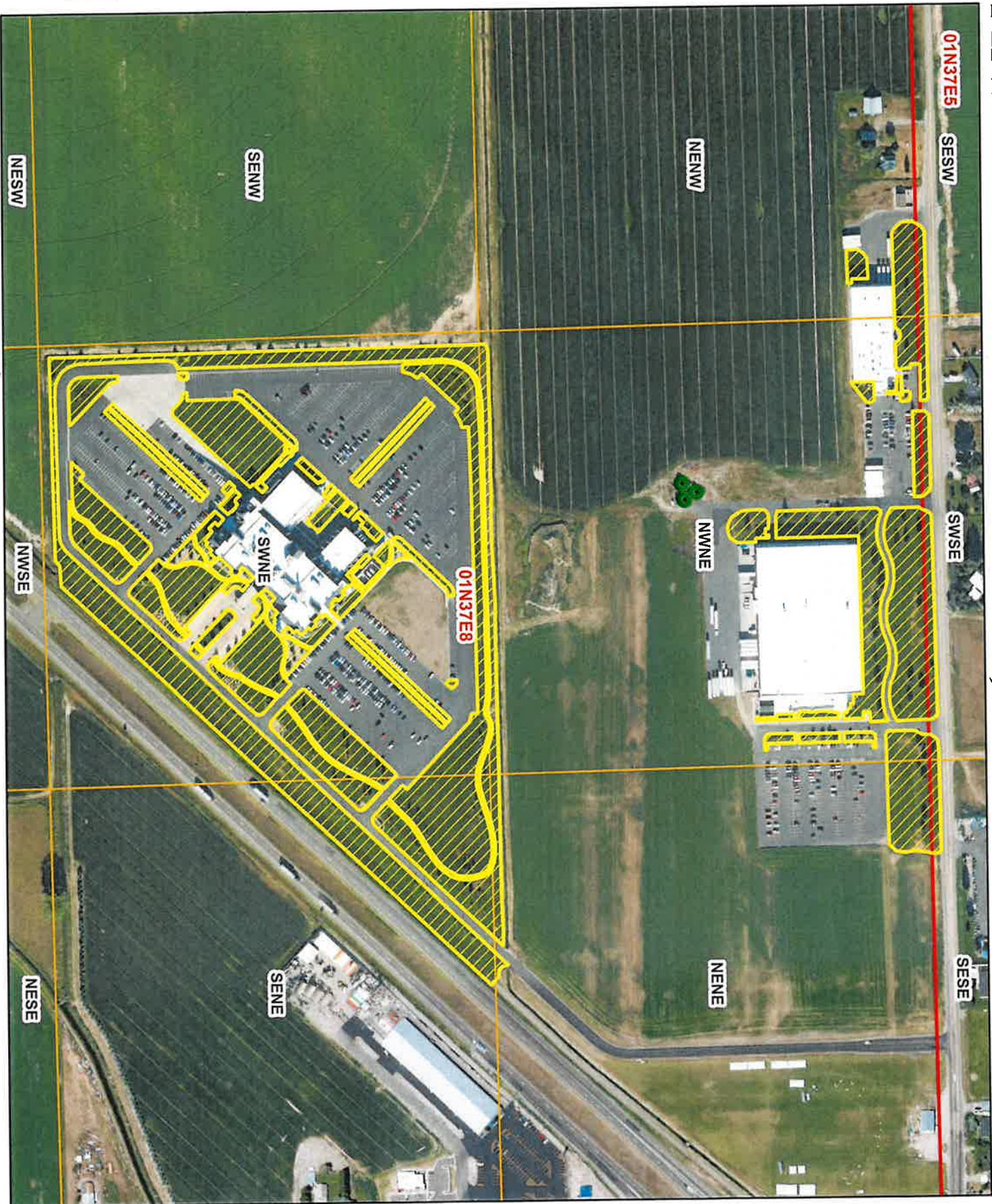
Legend

PCIDs

POI

Section Lines

Quarter Quarters



2023 NAIP Photo



Prepared by:  
Luke H. Marchant  
6/21/2024



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](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Mathew Weaver**

June 24, 2024

SOUTH INTERCHANGE PROPERTIES LLC  
4609 W 65TH S  
IDAHO FALLS ID 83402-5742

Re: Change in Ownership for Water Right No(s): 35-14700, 35-14701

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)

cc: WATER DISTRICT 120  
BONNEVILLE JEFFERSON GROUND WATER DISTRICT  
DARRINGTON LAW (LUKE MARCHANT)

RECEIVED

JUN 24 2024

DEPT. OF WATER RESOURCES  
EASTERN REGION



21 June 2024

Jonie Baily  
Eastern Region Office  
Idaho Department of Water Resources  
900 N. Skyline Dr., Ste. A  
Idaho Falls, ID 83402

**RE: Notice of Change in Water Right Ownership**

Dear Jonie:

Enclosed for processing is a Notice of Change in Water Right Ownership for WR Nos. 35-14700 and 35-14701. If you have any questions or need any additional information, do not hesitate to contact me.

Best Regards,

DARRINGTON LAW PLLC

A handwritten signature in blue ink, reading "Luke H. Marchant", is written over the printed name.

Luke H. Marchant