

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 21 2022

Department 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 #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-14344 <i>OK</i>	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: Potter Creek Ranch, L.C.

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Egan Farms, LLC

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or

1451 West Hawkins Road

Arimo

ID

83214

Mailing address

City

State

Zip

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: July 20, 2022

6. Do you own the land identified as the water right place of use? Yes ☐ No ☐
- ☐ 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):

- ☐ \$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: *Luke H. Marchant* Attorney November 18, 2022

Signature of new owner/claimant

Title, if applicable

Date

Luke H. Marchant

Print name

- Signature: _____ Title, if applicable _____ Date _____

Signature of new owner/claimant

Title, if applicable

Date

Print name

Received by _____ Date 7/29/2022 For IDWR Office Use Only: \$25.- for this app Receipt No. E048361 Receipt Amt. \$125.-

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 11/22/2022

Instrument # 22212234
Bannock County, Pocatello, Idaho
07/20/2022 04:23:21 PM No. of Pages: 5
Recorded for: FIRST AMERICAN TITLE - POCATELLO
Jason C. Dixon Fee: \$15.00
Deputy kpovey
Electronically Recorded

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Luke H. Marchant
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
PO Box 50130
Idaho Falls, ID 83405

THIS INSTRUMENT FILED FOR RECORD BY
FIRST AMERICAN TITLE COMPANY AS AN
ACCOMMODATION ONLY AND HAS NOT BEEN
EXAMINED AS TO ITS EXECUTION OR AS
TO ITS EFFECT UPON THE TITLE

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHT

POTTER CREEK RANCH, L.C., a Utah limited liability company, whose address is 925 West 100 North, Suite F, P.O. Box 540478, North Salt Lake, Utah, 84054, ("**Grantor**") does hereby grant, bargain, sell, assign, and convey unto **EGAN FARMS, LLC, an Idaho limited liability company**, whose address is 1451 West Hawkins Road, Arimo, Idaho, 83214 (collectively "**Grantee**") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in **Water Right No. 29-14344** described on **Exhibit A** attached hereto (hereinafter the "**Water Right**").

Grantor hereby covenants and warrants to Grantee as follows:

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

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

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

DATED this 20th day of July, 2022.

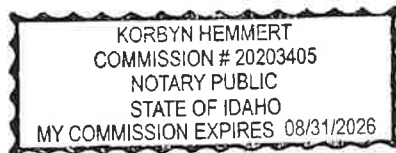
"GRANTOR:"

POTTER CREEK RANCH, L.C., a Utah limited liability company, By: its Manager, FOXBORO TERRACE ASSOCIATES, a Utah general partnership, By: its general partner, BCI FTAGP, L.C., a Utah limited liability company

By: Christopher F. Robinson
Christopher F. Robinson, Manager

STATE OF IDAHO)
)ss.
County of Bannock)

This record was acknowledged before me on the 20th day of July, 2022, by **Christopher F. Robinson, a Manager of BCI FTAGP, L.C., a Utah limited liability company, as General Partner of FOXBORO TERRACE ASSOCIATES, a Utah general partnership, as Manager of POTTER CREEK RANCH, L.C., a Utah limited liability company**



Korbyn Hemmert
Notary Public

My Commission Expires: 8-31-2026

EXHIBIT A
WATER RIGHT DESCRIPTION

WATER RIGHT REPORT
FOR 29-14344

[SEE ATTACHED]

Water Right Report : 29-14344(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	POTTER CREEK RANCH LC	PO BOX 540478	N SALT LAKE	UT	84054-0478
Original Owner	FUHRIMAN RANCH INC	RICK FUHRIMAN PRES 997 E RICHARDS RD	DOWNEY	ID	83234
Previous Owner	DIAMOND T RANCH LLC	1705 N HWY 38	BRIGHAM CITY	UT	84302

Water Right Status

Priority Date : 11/27/1950

Basis : Decreed

Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
MARSH CREEK		PORTNEUF RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
MARSH CREEK	11S	36E	11	0				NW SE BANNOCK	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	0.18 CFS	
TOTAL			0.18 CFS	

Places of Use

Place of Use Legal Description : IRRIGATION (BANNOCK county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
11S	36E	11				NW SE	3.3
11S	36E	11				SW SE	2.1
11S	36E	14				NW NE	3.6

Irrigation Totals

Total Acres	Acre Limit
9.00	

Conditions

Code Conditions

- R05** 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. 29H.
- R43** The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

- R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
- T04 This right does not grant any right-of-way or easement across the land of another.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- 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.
- 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 : 8/27/2004
 Permit Proof Due Date :
 Permit Proof Made Date :
 Permit Approved Date :
 Permit Moratorium Expiration Date :
 Enlargement Use Priority Date :
 Enlargement Statute Priority Date :
 Application Received Date:
 Protest Deadline Date:

Other Information

State or Federal :
 Water District Number : 29H
 Generic Max Rate Per Acre : 0.02
 Generic Max Volume Per Acre : 3.5
 Civil Case Number :
 Decree Plaintiff :
 Decree Defendant :
 Swan Falls Trust or Nontrust :
 Swan Falls Dismissed :
 DLE Act Number :
 Cary Act Number :
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

7/9/2022



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 Gary Spackman

November 22, 2022

EGAN FARMS LLC
1451 W HAWKINS RD
ARIMO ID 83214-1525

Re: Change in Ownership for Water Right No(s): 29-14344

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 29H
HOLDEN KIDWELL HAHN AND CRAPO