

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?
29-14345 <i>OK</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
<i>29-14345</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
<i>29-14345 29-14502</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Egan Farms, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Potter Creek Ranch, L.C.
New owner(s) as listed on the conveyance document
- 925 West 100 North, Suite F, P.O. Box 540478 North Salt Lake UT 84054
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 ☒
 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 # 29-14345

8. Signature: *Luke H. Marchant* Attorney _____ November 18, 2022
 Signature of new owner/claimant Title, if applicable Date
Luke H. Marchant
 Print name

Signature: _____ Attorney _____
 Signature of new owner/claimant Title, if applicable Date
 Print name

For IDWR Office Use Only: \$100. - for this app.
 Received by _____ Date 7/29/2022 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 11/23/2022

Instrument # 22212235
Bannock County, Pocatello, Idaho
07/20/2022 04:23:21 PM No. of Pages: 6
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

EGAN FARMS, LLC, an Idaho limited liability company, whose address is 1451 West Hawkins Road, Arimo, Idaho, 83214, ("Grantor") does hereby grant, bargain, sell, assign, and convey unto 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 ("Grantee") and to Grantee's heirs and assigns forever, **eight one-hundredths (0.08) cubic feet per second for the irrigation of four (4.0) acres and ten one-hundredths (0.10) cubic feet per second for stockwater**, of Grantor's right, title, and interest in **Water Right No. 29-14345** described on Exhibit A attached hereto (hereinafter the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantors are the owners of the Water Right;
- (B) Grantors have 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) Grantors have the authority to convey the Water Right to Grantee.

Grantors make no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, Grantor has caused its name to be hereunto subscribed.

DATED this 20th day of July, 2022.

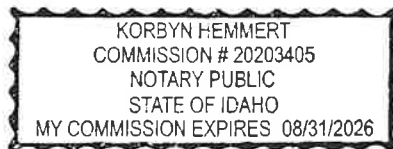
“GRANTOR:”

EGAN FARMS, LLC, an Idaho limited liability company

By William A. Egan
Its: Owner - Manager

STATE OF IDAHO)
)ss.
County of Bannock)

This record was acknowledged before me on the 20th day of July, 2022, by William A. Egan, the Owner - Manager of EGAN FARMS, LLC, an Idaho limited liability company.



Korbyn Hemmert
Notary Public

My Commission Expires: 8-31-2024

EXHIBIT A
WATER RIGHT DESCRIPTION

WATER RIGHT REPORT
FOR 29-14345

[SEE ATTACHED]

Water Right Report : 29-14345(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	EGAN FARMS LLC	1451 W HAWKINS RD	ARIMO	ID	83214-1525
Previous Owner	EGAN, KATHLEEN M	1451 W HAWKINS RD	ARIMO	ID	83214
Previous Owner	EGAN, WILLIAM A	1451 W HAWKINS RD	ARIMO	ID	83214

Water Right Status

Priority Date : 6/1/1936

Basis : Decreed

Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
POTTER CREEK		MARSH CREEK	
SHRIVES SPRING		POTTER CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQ	QQ	Q	County	Diversion Type
POTTER CREEK	11S	36E	10	0			NE SE	BANNOCK	
POTTER CREEK	11S	36E	11	0			NE SW	BANNOCK	
SHRIVES SPRING	11S	36E	17	0			SW NE	BANNOCK	
SHRIVES SPRING	11S	36E	17	0			SE NW	BANNOCK	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.08 CFS	
STOCKWATER	04/01	10/31	0.12 CFS	17.50 AFA
TOTAL			0.20 CFS	17.50 AFA

Places of Use

Place of Use Legal Description : STOCKWATER (BANNOCK county)

Township	Range	Section	Lot	QQ	QQ	Q	Acres
10S	36E	29				NW SW	
10S	36E	29				SE SW	
10S	36E	32				SW SW	
10S	36E	32				NW SE	
10S	36E	32				SW SE	
11S	36E	4				SE NW	
11S	36E	4				NE SW	
11S	36E	5				SW NE	
11S	36E	5	6			NE SE	
11S	36E	5				SW SE	
11S	36E	8	1			NE NE	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
11S	36E	8			NE	SW	
11S	36E	8	3		NE	SE	
11S	36E	8			NW	SE	
11S	36E	9			NE	NE	
11S	36E	9			NE	SW	
11S	36E	9			SE	SW	
11S	36E	10			NE	NE	
11S	36E	10			SE	NE	
11S	36E	10			NE	SW	
11S	36E	10			SW	SE	
11S	36E	11			NE	SW	
11S	36E	11			SE	SW	
11S	36E	14			NE	NW	
11S	36E	15			NE	NE	
11S	36E	15			NW	NE	
11S	36E	15			SW	SE	
11S	36E	16			NW	SW	
11S	36E	16			SW	SW	
11S	36E	16			SE	SE	
11S	36E	17			NW	NE	
11S	36E	17			NW	SE	
11S	36E	17			SE	SE	
11S	36E	23			NW	NW	

Place of Use Legal Description : IRRIGATION (BANNOCK county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
11S	36E	11			NW	SW	4

Irrigation Totals

Total Acres Acre Limit
4.00

Conditions

Code Conditions

- G23 Diversion of water under this right is limited to those times when water is available for diversion under the priority of this right at the original point of diversion from Potter Creek in Township 11S, Range 36E, Section 11, NESW.
- 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 measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
- 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.
- 004 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 : 3/22/2004
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 29H
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
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

Place of Use

Potter Creek Ranch, L.C.

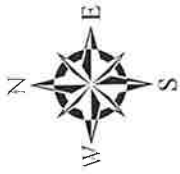
Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	29																	
		32										S					S		
11S	36E	4																	
		5									S						S		
		8	S														S		
		9	S														S		
		10																	
		11				S											S		
		14										4						4	
		15	S														S		
		16																	
		17															S		
		23																	
								S										Total Acres (for irrigation use)	4

Place of Use

Egan Farms, LLC

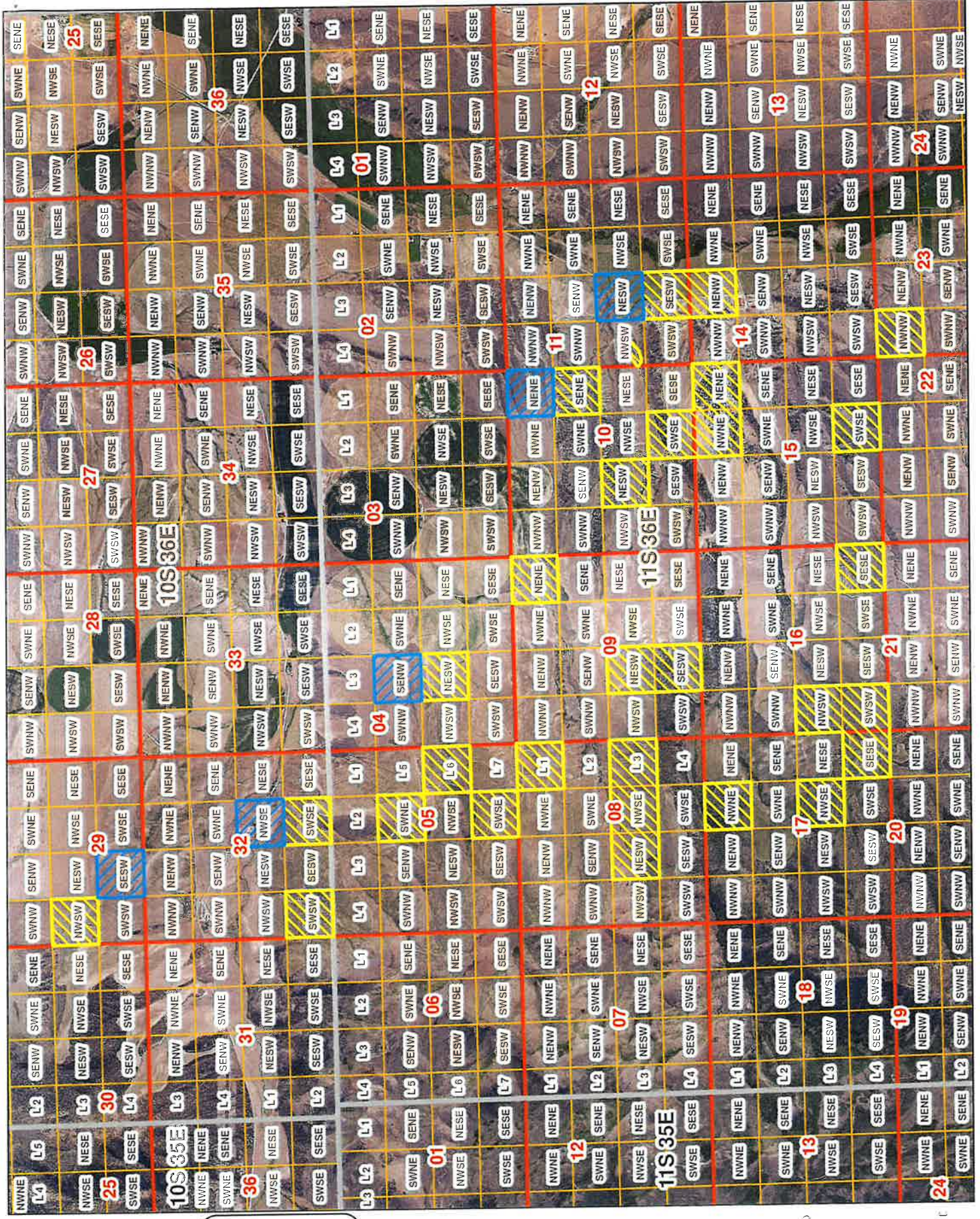
Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	29																	
		32															S		
11S	36E	4																	
		5																	
		8																	
		9																	
		10																	
		11	S											S					
		14																	
		15																	
		16																	
		17																	
		23																	
																			Total Acres (for irrigation use)

29-14345 OWNERSHIP CHANGE



Legend

- POU to Egan Farms, LLC
- POU to Potter Creek Ranch, L.C.
- TR Lines
- Section Lines
- Quarter-Quarters



2021 NAIP Photo



Prepared by:
Luke H. Marchant
11/21/2022



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

POTTER CREEK RANCH LC
PO BOX 540478
N SALT LAKE UT 84054-0478

Re: Change in Water Right Ownership: 29-14345 (Split into 29-14345 and 29-14502)

Dear Water Right Holder(s):

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

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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: EGAN FARMS LLC
WATER DISTRICT 29H
HOLDEN KIDWELL HAHN AND CRAPO