

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OCT 21 2022

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?
23-11515 <u>OK</u>	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: PT Elliot LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): The Sunnyside Ranch Revocable Trust, Daniel Wayne Sermon and Alexandra Sermon, Trustees
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

420 Lexington Avenue Ste 1756

New York

NY

10170

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: _____

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: [Signature] OWNER 8/8/2022
Signature of new owner/claimant Title, if applicable Date

Print name

- Signature: _____
Signature of new owner/claimant Title, if applicable Date

Print name

For IDWR Office Use Only:

Received by M. Petter Date 10-21-22 Receipt No. E048648 Receipt Amt. 100.00

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 JB Processed by JB Date 10/26/2022

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Instrument # 1734806
Bonneville County, Idaho Falls, Idaho
10/17/2022 03:02:33 PM No. of Pages: 4
Recorded for: PIONEER TITLE CO OF BONNEVILLE CO LLC
Penny Manning Fee: \$15.00
Ex-Officio Recorder Deputy Rupchurch
Index to: DEED, WARRANTY

Kristin Moore
Rocky Mountain Environmental Associates, Inc.
482 Constitution Way, Suite 303
Idaho Falls, ID 83402

PTC 816878

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

PT ELLIOTT, LLC, an Idaho limited liability company, also known as PT Elliot, LLC, whose address is 392 N 4500 E, Rigby, Idaho 83442 (hereinafter collectively "Grantor") does hereby grant, bargain, sell, assign, and convey unto **DANIEL WAYNE SERMON AND ALEXANDRA SERMON, TRUSTEES OF THE SUNNYSIDE RANCH REVOCABLE TRUST**, whose address is 420 Lexington Avenue Ste 1756, New York, NY 10170, (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in water right 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.

[THIS SPACE INTENTIONALLY LEFT BLANK]

E-RECORDED

simplifile®

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Kristin Moore
Rocky Mountain Environmental Associates, Inc.
482 Constitution Way, Suite 303
Idaho Falls, ID 83402

ID: 1734906
County: Bonneville
Date: 10-17-22 Time: 3:02 PM

PTC 816878

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

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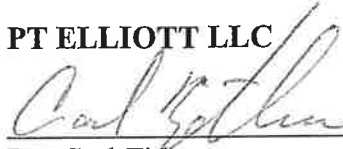
IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

[THIS SPACE INTENTIONALLY LEFT BLANK]

DATED this 21st day of Sept., 2022.

"GRANTOR"

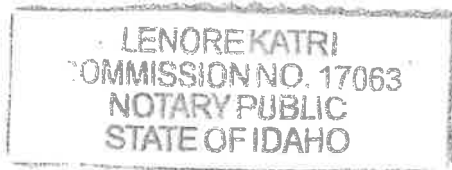
PT ELLIOTT LLC



By: Carl Zitlau
Its: Manager

STATE OF IDAHO)
)ss.
County of Bonneville

This record was acknowledged before me on the 21st day of Sept 2022, 2022, by **Carl Zitlau**, manager of PT Elliott, LLC.


Notary Public for Idaho
My Commission Expires: _____

Residing at Idaho Falls, ID
My Commission Expires: 1-30-2027

EXHIBIT A **WATER RIGHT DESCRIPTION**

Page 3 of 5

WATER RIGHT NO. 23-11515

As Modified by Transfer No. 85767

In accordance with the approval of Transfer No. 85767, Water Right No. 23-11515 is now described as follows:

Right Holder: PT ELLIOTT LLC
392 N 4500 E
RIGBY, ID 83442-5596

Priority Date: 4/22/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
AESTHETIC STORAGE	01/01	to 12/31		1.0 af
DIVERSION TO STORAGE	04/01	to 12/31	0.010 cfs	
IRRIGATION	04/01	to 10/31	0.030 cfs	6.0 af
			0.040 cfs	7.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L6 (SWSE) Sec 33 Twp 02N Rge 43E BONNEVILLE County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	43E	33															x		0.0
																	L 6		

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	
02N	43E	33												0.1			0.1		0.2
02N	43E	33															1.3		1.3
																	L 6		

POU Total Acres: 1.5

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
2. Right 23-11515 authorizes total annual storage volume of 1.0 acre-foot for the replacement of losses caused by evaporation.
3. The pond established by the storage of water under this right will fill naturally with shallow groundwater. First-time fill of the pond will be supplied through water from the Water Supply Bank.

Transfer No. 85767

WATER RIGHT NO. 23-11515
As Modified by Transfer No. 85767

CONDITIONS OF APPROVAL

4. The pond established by the storage of water under this right shall not exceed a total capacity of 3.8 acre-feet or a total surface area of 0.8 acres.
5. Subsequent refills of the pond will require acquisition of water from Water District 1 rental pool or Water Supply Bank.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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. 85767



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

October 26, 2022

THE SUNNYSIDE RANCH REVOCABLE TRUST
420 LEXINGTON AVE RM 1756
NEW YORK NY 10170-0008

Re: Change in Ownership for Water Right No(s): 23-11515

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)