

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
OCT 11 2024
DEPT. OF WATER RESOURCES
SOUTHERN 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?
43-4173	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: Michael V. Nicholson
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): North Creek Ranch, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
1885 Fumarole Dr Victor ID 83455
Mailing address City State Zip
303-249-6050 dirk@m2pcapital.com
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: June 18, 2024
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 of new owner/claimant
Richard Tyler
Print name

Governor	9/19/2024
Title, if applicable	Date

Signature: _____
Signature of new owner/claimant _____
Print name _____

DUPLICATE FILING

Title, if applicable	Date

For IDWR Office Use Only:

Received by DM Date 10/11/2024 Receipt No. 5040395 Receipt Amt. \$100-

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 _____ Processed by DM Date 10/17/2024

(Returned)

ELECTRONICALLY RECORDED
DO NOT REMOVE
THE COUNTY STAMPED
FIRST PAGE AS IT IS NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT

CASSIA COUNTY
RECORDED FOR:
FLYING S TITLE AND ESCROW-BURL
10:48:32 AM 06-20-2024
2024-002223
NO. PAGES: 5 FEE: \$15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: EV
Electronically Recorded by Simplifile

AFTER RECORDING MAIL TO:

North Creek Ranch, LLC
1885 Fumarole Dr
Victor, ID 83455

WARRANTY DEED

File No.: 1138894BU (kw)

Date: June 10, 2024

For Value Received, R. Bradley Elwell, personal representative of the estate of Michael V. Nicholson, aka Michael Nicholson, Mike Nicholson and Mickey Nicholson, deceased, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto North Creek Ranch, LLC, an Idaho Limited liability company, hereinafter referred to as Grantee, whose current address is 1885 Fumarole Dr, Victor, ID 83455, the following described premises, situated in Cassia County, Idaho, to wit:

LEGAL DESCRIPTION: Real property in the County of Cassia, State of Idaho, described as follows:

PARCEL NO. 1:

TOWNSHIP 15 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO.

Section 30: Lot 4

EASEMENT PARCEL NO. 1:

Part of Sections 31 & 32 in Township 15 South, Range 24 East of the Boise Meridian, Cassia County, State of Idaho.

Commencing at the Northwest Corner of Section 31 in T.15 S., R.24 E., B.M. said corner marked by a U.S. BLM iron pipe with brass cap; Thence North 89 degrees 55 minutes 24 seconds East along the north line of Section 31 for a distance of 1414.72 feet to the Point of Beginning;

THENCE North 89 degrees 55 minutes 24 seconds East along said section line for a distance of 30.18 feet;

THENCE South 06 degrees 08 minutes 23 seconds West for a distance of 367.09 feet;

THENCE South 29 degrees 37 minutes 33 seconds East for a distance of 37.94 feet;

THENCE South 79 degrees 52 minutes 37 seconds East for a distance of 152.14 feet;

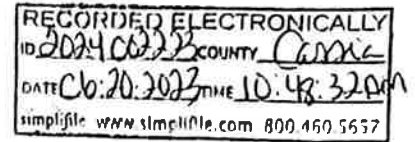
THENCE South 88 degrees 11 minutes 44 seconds East for a distance of 465.06 feet;

THENCE North 73 degrees 09 minutes 11 seconds East for a distance of 179.02 feet;

THENCE South 57 degrees 00 minutes 02 seconds East for a distance of 434.12 feet;

THENCE South 72 degrees 10 minutes 30 seconds East for a distance of 98.87 feet;

THENCE South 47 degrees 59 minutes 22 seconds East for a distance of 153.91 feet;



AFTER RECORDING MAIL TO:

North Creek Ranch, LLC
1885 Fumarole Dr
Victor, ID 83455

WARRANTY DEED

File No.: 1138894BU (kw)

Date: June 10, 2024

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Section 30: Lot 4

EASEMENT PARCEL NO. 1:

Part of Sections 31 & 32 in Township 15 South, Range 24 East of the Boise Meridian, Cassia County, State of Idaho.

Commencing at the Northwest Corner of Section 31 in T.15 S., R.24 E., B.M. said corner marked by a U.S. BLM iron pipe with brass cap; Thence North 89 degrees 55 minutes 24 seconds East along the north line of Section 31 for a distance of 1414.72 feet to the Point of Beginning;

THENCE North 89 degrees 55 minutes 24 seconds East along said section line for a distance of 30.18 feet;

THENCE South 06 degrees 08 minutes 23 seconds West for a distance of 367.09 feet;

THENCE South 29 degrees 37 minutes 33 seconds East for a distance of 37.94 feet;

THENCE South 79 degrees 52 minutes 37 seconds East for a distance of 152.14 feet;

THENCE South 88 degrees 11 minutes 44 seconds East for a distance of 465.06 feet;

THENCE North 73 degrees 09 minutes 11 seconds East for a distance of 179.02 feet;

THENCE South 57 degrees 00 minutes 02 seconds East for a distance of 434.12 feet;

THENCE South 72 degrees 10 minutes 30 seconds East for a distance of 98.87 feet;

THENCE South 47 degrees 59 minutes 22 seconds East for a distance of 153.91 feet;

THENCE South 67 degrees 34 minutes 26 seconds East for a distance of 211.26 feet;
THENCE South 56 degrees 52 minutes 42 seconds East for a distance of 205.24 feet;
THENCE South 75 degrees 05 minutes 08 seconds East for a distance of 189.80 feet;
THENCE South 85 degrees 06 minutes 58 seconds East for a distance of 132.03 feet;
THENCE South 72 degrees 02 minutes 44 seconds East for a distance of 458.30 feet;
THENCE South 87 degrees 12 minutes 34 seconds East for a distance of 82.08 feet;
THENCE South 80 degrees 30 minutes 45 seconds East for a distance of 134.58 feet;
THENCE North 86 degrees 54 minutes 52 seconds East for a distance of 343.34 feet;
THENCE South 88 degrees 41 minutes 28 seconds East for a distance of 315.81 feet;
THENCE North 88 degrees 28 minutes 47 seconds East for a distance of 344.79 feet;
THENCE South 86 degrees 57 minutes 02 seconds East for a distance of 1339.74 feet;
THENCE South 53 degrees 39 minutes 50 seconds East for a distance of 65.87 feet;
THENCE South 00 degrees 52 minutes 25 seconds East for a distance of 386.68 feet;
THENCE South 21 degrees 42 minutes 54 seconds East for a distance of 249.03 feet;
THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 34.08 feet;
THENCE North 61 degrees 41 minutes 14 seconds West for a distance of 27.07 feet;
THENCE North 21 degrees 42 minutes 54 seconds West for a distance of 265.46 feet;
THENCE North 00 degrees 52 minutes 25 seconds West for a distance of 377.31 feet;
THENCE North 53 degrees 39 minutes 50 seconds West for a distance of 42.01 feet;
THENCE North 86 degrees 57 minutes 02 seconds West for a distance of 1329.58 feet;
THENCE South 88 degrees 28 minutes 47 seconds West for a distance of 344.33 feet;
THENCE North 88 degrees 41 minutes 28 seconds West for a distance of 315.40 feet;
THENCE South 86 degrees 54 minutes 52 seconds West for a distance of 345.49 feet;
THENCE North 80 degrees 30 minutes 45 seconds West for a distance of 136.13 feet;
THENCE North 87 degrees 12 minutes 34 seconds West for a distance of 84.32 feet;
THENCE North 72 degrees 02 minutes 44 seconds West for a distance of 458.85 feet;
THENCE North 85 degrees 06 minutes 58 seconds West for a distance of 131.22 feet;
THENCE North 75 degrees 05 minutes 08 seconds West for a distance of 197.24 feet;
THENCE North 56 degrees 52 minutes 42 seconds West for a distance of 207.24 feet;
THENCE North 67 degrees 34 minutes 26 seconds West for a distance of 213.63 feet;
THENCE North 47 degrees 59 minutes 22 seconds West for a distance of 152.66 feet;
THENCE North 72 degrees 10 minutes 30 seconds West for a distance of 96.44 feet;
THENCE North 57 degrees 00 minutes 02 seconds West for a distance of 424.18 feet;
THENCE South 73 degrees 09 minutes 11 seconds West for a distance of 170.01 feet;
THENCE North 88 degrees 11 minutes 44 seconds West for a distance of 472.17 feet;
THENCE North 79 degrees 52 minutes 37 seconds West for a distance of 168.39 feet;
THENCE North 39 degrees 37 minutes 33 seconds West for a distance of 61.69 feet;
THENCE North 06 degrees 08 minutes 23 seconds East for a distance of 373.50 feet to the
Point of Beginning.

EASEMENT PARCEL NO. 2:

Part of Sections 31 & 32 in Township 15 South, Range 24 East of the Boise Meridian, Cassia
County, State of Idaho.

Commencing at the Northwest Corner of Section 31 in T.15 S., R.24 E., B.M. said corner
marked by a U.S. BLM iron pipe with brass cap; Thence North 89 degrees 55 minutes 24
seconds East along the north line of Section 31 for a distance of 1444.90 feet; Thence South

06 degrees 08 minutes 23 seconds West for a distance of 367.09 feet; Thence South 29 degrees 37 minutes 33 seconds East for a distance of 37.94 feet; Thence South 79 degrees 52 minutes 37 seconds East for a distance of 152.14 feet; Thence South 88 degrees 11 minutes 44 seconds East for a distance of 465.06 feet; Thence North 73 degrees 09 minutes 11 seconds East for a distance of 179.02 feet to the Point of Beginning;
THENCE North 73 degrees 09 minutes 11 seconds East for a distance of 201.94 feet;
THENCE South 76 degrees 01 minutes 04 seconds East for a distance of 63.48 feet;
THENCE South 62 degrees 41 minutes 21 seconds East for a distance of 127.85 feet;
THENCE South 81 degrees 48 minutes 16 seconds East for a distance of 269.64 feet;
THENCE South 63 degrees 55 minutes 56 seconds East for a distance of 103.73 feet;
THENCE South 52 degrees 01 minutes 18 seconds East for a distance of 544.41 feet;
THENCE South 73 degrees 20 minutes 42 seconds East for a distance of 229.72 feet;
THENCE South 87 degrees 18 minutes 53 seconds East for a distance of 154.82 feet;
THENCE South 49 degrees 31 minutes 06 seconds East for a distance of 123.08 feet;
THENCE South 40 degrees 08 minutes 36 seconds East for a distance of 237.25 feet;
THENCE North 80 degrees 30 minutes 45 seconds West for a distance of 6.39 feet;
THENCE North 87 degrees 12 minutes 34 seconds West for a distance of 35.32 feet;
THENCE North 40 degrees 08 minutes 36 seconds West for a distance of 205.86 feet;
THENCE North 49 degrees 31 minutes 06 seconds West for a distance of 110.35 feet;
THENCE North 87 degrees 18 minutes 53 seconds West for a distance of 148.22 feet;
THENCE North 73 degrees 20 minutes 42 seconds West for a distance of 239.04 feet;
THENCE North 52 degrees 01 minutes 18 seconds West for a distance of 546.93 feet;
THENCE North 63 degrees 55 minutes 56 seconds West for a distance of 95.88 feet;
THENCE North 81 degrees 48 minutes 16 seconds West for a distance of 269.98 feet;
THENCE North 62 degrees 41 minutes 21 seconds West for a distance of 129.39 feet;
THENCE North 76 degrees 01 minutes 04 seconds West for a distance of 51.71 feet;
THENCE South 73 degrees 09 minutes 11 seconds West for a distance of 168.35 feet;
THENCE North 57 degrees 00 minutes 02 seconds West for a distance of 39.25 feet to the Point of Beginning.

EASEMENT PARCEL NO. 3:

Part of Sections 31 & 32 in Township 15 South, Range 24 East of the Boise Meridian, Cassia County, State of Idaho.

Commencing at the Northwest Corner of Section 31 in T.15 S., R.24 E., B.M. said corner marked by a U.S. BLM iron pipe with brass cap; Thence North 89 degrees 55 minutes 24 seconds East along the north line of Section 31 for a distance of 1414.72 feet; Thence North 89 degrees 55 minutes 24 seconds East along said section line for a distance of 30.18 feet; Thence South 06 degrees 08 minutes 23 seconds West for a distance of 367.09 feet; Thence South 29 degrees 37 minutes 33 seconds East for a distance of 37.94 feet; Thence South 79 degrees 52 minutes 37 seconds East for a distance of 152.14 feet; Thence South 88 degrees 11 minutes 44 seconds East for a distance of 465.06 feet; Thence North 73 degrees 09 minutes 11 seconds East for a distance of 179.02 feet; Thence South 57 degrees 00 minutes 02 seconds East for a distance of 434.12 feet; Thence South 72 degrees 10 minutes 30 seconds East for a distance of 98.87 feet; Thence South 47 degrees 59 minutes 22 seconds East for a distance of 153.91 feet; Thence South 67 degrees 34 minutes 26 seconds East for a distance of 211.26 feet; Thence South 56 degrees 52 minutes 42 seconds East for a

APN: RP15S24E306001

Warranty Deed
- continued

File No.: 11388948U (lw)
Date: 06/10/2024

distance of 205.24 feet; Thence South 75 degrees 05 minutes 08 seconds East for a distance of 189.80 feet; Thence South 85 degrees 06 minutes 58 seconds East for a distance of 132.03 feet; Thence South 72 degrees 02 minutes 44 seconds East for a distance of 458.30 feet; Thence South 87 degrees 12 minutes 34 seconds East for a distance of 82.08 feet; Thence South 80 degrees 30 minutes 45 seconds East for a distance of 134.58 feet; Thence North 86 degrees 54 minutes 52 seconds East for a distance of 343.34 feet; Thence South 88 degrees 41 minutes 28 seconds East for a distance of 315.81 feet; Thence North 88 degrees 28 minutes 47 seconds East for a distance of 344.79 feet; Thence South 86 degrees 57 minutes 02 seconds East for a distance of 1339.74 feet; Thence South 53 degrees 39 minutes 50 seconds East for a distance of 65.87 feet; Thence South 00 degrees 52 minutes 25 seconds East for a distance of 386.68 feet; Thence South 21 degrees 42 minutes 54 seconds East for a distance of 249.03 feet to the Point of Beginning;
THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 612.36 feet to the centerline of the City of Rocks Road;
THENCE South 41 degrees 03 minutes 46 seconds West along said centerline for a distance of 45.67 feet;
THENCE North 00 degrees 00 minutes 00 seconds West for a distance of 722.13 feet;
THENCE South 21 degrees 42 minutes 54 seconds East for a distance of 81.08 feet to the Point of Beginning.

APN: RP15S24E306001

This deed is executed pursuant to Letters Testamentary recorded June 20, 2024 as Instrument No. 2024002222 records of Cassia County, Idaho.

TOGETHER WITH a portion of Idaho Water Right No. 43-4173 described as .46 cfs of the irrigation water, representing 10% of the existing irrigation water right. The stock water portion of Idaho Water Right No. 43-4173 shall remain with Grantor, and the place of use for the stock water right shall be removed from the above-described property being conveyed to Grantee.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

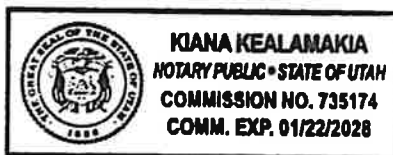
File No.: 11388948U (kw)
Date: 06/10/2024

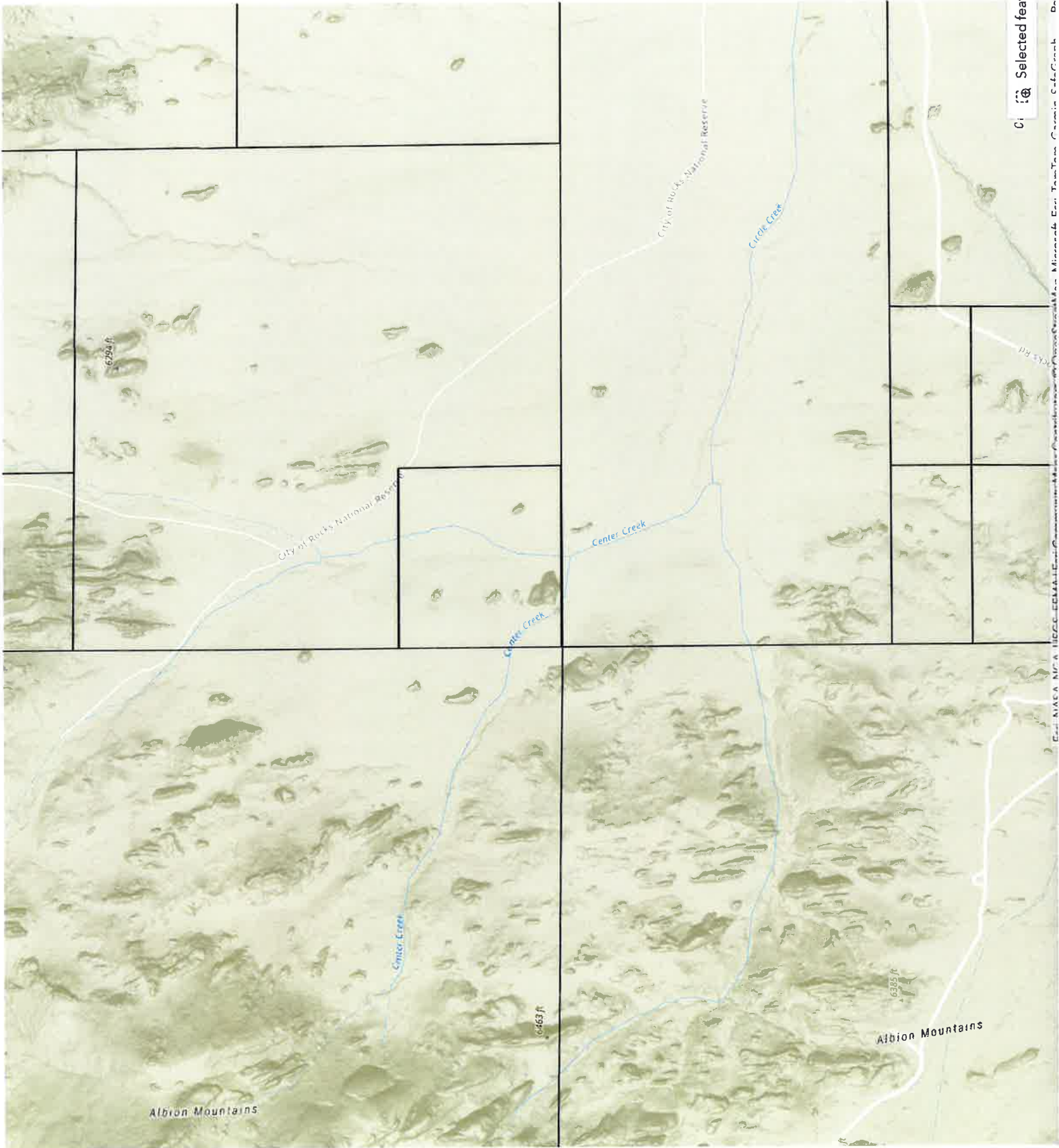
R. Bradley Elwell, Personal Representative

STATE OF Utah)
) ss.
COUNTY OF DAVIS)

On this 16th day of June, 2024, before me, a Notary Public in and for said State, personally appeared **R. Bradley Elwell**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Personal Representative of the Estate of **Michael V. Nicholson, aka Michael Nicholson, Mike Nicholson and Mickey Nicholson, deceased**, and acknowledged to me that he executed the same as such Personal Representative.

Kiana Kealamakia
Notary Public of Utah
Residing at:
Commission Expires:







IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 17, 2024

EMILY PICKETT
BEARD ST. CLAIR GAFFNEY
955 PIER VIEW DR
IDAHO FALLS ID 83402

Re: Change in Ownership for Water Right No(s): 43-4173 (Nicholson to North Creek Ranch)

Dear Ms. Pickett:

The Department recently received a Notice of Change in Water Right Ownership in which you filed on behalf of Michael V Nicholson. We are returning the Notice because it is a duplicate filing. After further research, it was discovered that the water right referenced above was split and a portion was conveyed to North Creek Ranch LLC; per a Notice of Change in Water Right Ownership processed September 3, 2024.

I have enclosed a copy of the Ownership Change Acknowledgement Letter that was sent out prior, as well as the water right record for your reference. Please note, a refund request in the amount of \$100.00 has been submitted for processing and will be sent to you under separate cover.

If you have any questions regarding this matter, please contact me at (208) 293-9908.

Sincerely,

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, October 17, 2024 12:55 PM
To: IdwrPayable
Subject: Refund Request - Beard St. Clair Gaffney
Attachments: Refund Request to Beard St. Clair Gaffney (43-4173).pdf

Good afternoon,

Attached please find a refund request being submitted for processing.

Please let me know if there are any questions.

Thank you,

Denise @ Southern



Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov

Idaho Department of Water Resources Receipt

Receipt ID: S040395

Payment Amount	\$100.00	Date Received	10/11/2024	Region	SOUTHERN
Payment Type	Check	Check Number	5906		
Payer	BEARD ST CLAIR GAFFNEY PA				
Comments	CHANGE OF OWNERSHIP FROM MICHAEL V NICHOLSON TO NORTH CREEK RANCH LLC: 43-4173 (SPLIT)				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$100.00	OWNERSHIP CHANGES/SECURITY INTERESTS	64140	0229	21		1155



Signature Line (Department Representative)

Ownership Change for 43-4173 (duplicate filing)

Ownership change split was previously received June 26, 2024 from Flying S Title & Escrow, Inc. & processed September 4, 2024. Ownership change received from Beard St. Clair Gaffney is a duplicate filing.

Please issue a \$100.00 refund to:

Beard St. Clair Gaffney
955 Pier View Dr
Idaho Falls ID 83402
(208) 745-6653

DM
10/17/2024



Emily Pickett | Legal Assistant
955 Pier View Drive • Idaho Falls, ID 83402
Phone (208) 745-6653 • Fax (208) 523-5069
epickett@beardstclair.com

VIA US MAIL

October 8, 2024

Idaho Dept of Water Resources
Southern Regional Office
650 Addison Ave, Suite 500
Twin Falls, Idaho 83301

RECEIVED
OCT 11 2024
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Michael V Nicholson

To Whom It May Concern:

Please find enclosed the copy of the *conveyance document (deed), plat map, notice of change in water right ownership form, and check for the filing fee*. If there are further documents required, or any questions on these documents, please notify our office.

Sincerely,

Emily Pickett

Enclosures as stated

cc:

Attorneys licensed in									
Idaho	Colorado	Montana	Nevada	New York	North Dakota	Washington	Wyoming	Utah	
Jared W. Allen	John M. Avondet			Brian D. Batt		Michael W. Brown		Jeffrey D. Brunson	
Weston J. Burke	Gregory C. Calder			Patrick J. Davis		Dan C. Dümmer		Joseph D. Fairbank	
Jarin O. Hammer	Mark L. Garner			Herbert J. Heimerl III		Melissa O. Heimerl		Megan J. Hopfer	
Robert B. Knudsen	Lindsay M. Lofgran			Kristopher D. Meek		Lance J. Schuster		Derek D. Toone	
Natallia Dümmer	Thomas J. Holmes, of Counsel								