

RECEIVED

FEB 02 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. OF WATER RESOURCES
EASTERN REGIONAMENDED
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?
22-631 OK	Yes ☒	Yes ☐		Yes ☐	Yes ☐
Split into	Yes ☐	Yes ☐		Yes ☐	Yes ☐
22-631 & 22-14581	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Floyd B. Gardner
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): HK Contractors, Inc.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- P.O. Box 51450 Idaho Falls ID 83405
Mailing address City State Zip
(208) 523-6600 jefftrosper@hkcontractors.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: July 20, 2016
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: [Signature] President 12-27-2023
 Signature of new owner/claimant Title, if applicable Date
Jeff Trosper
 Print name

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

Received by JB Date 1/25/2024 For IDWR Office Use Only: Receipt No. E049755 Receipt Amt. \$75. -
 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 2/6/2024

SCANNED

FEB 19 2025

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
535 First American Circle
Rexburg, ID 83440

First American Title Company

E-RECORDED simplified

ID: 559197
County: Fremont
Date: 7-22-16 Time: 1:19

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **600017-RX (jb)**

Date: **July 20, 2016**

For Value Received, **Floyd B. Gardner and Vishi J. Gardner as Trustees of the Gardner Trust dated June 3, 1983**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **H-K Contractors, Inc, an Idaho corporation**, hereinafter called the Grantee, whose current address is **PO Box 51450, Idaho Falls, ID 83405**, the following described premises, situated in **Fremont County, Idaho**, to-wit:

**TOWNSHIP 7 NORTH, RANGE 40 E.B.M., FREMONT COUNTY, IDAHO
SECTION 36: NW $\frac{1}{4}$ SW $\frac{1}{4}$ AND SW $\frac{1}{4}$ NW $\frac{1}{4}$**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the 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.

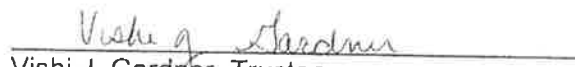
Date: 07/20/2016

Warranty Deed
- continued

File No.: 600017-RX (jb)

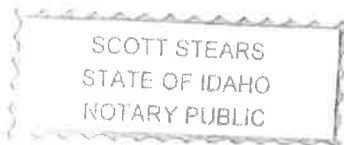
Floyd B. Gardner and Vishi J. Gardner as
Trustees of the Gardner Trust dated June 3,
1983


Floyd B. Gardner, Trustee


Vishi J. Gardner, Trustee

STATE OF Idaho)
SS.
COUNTY OF Madison)

On this **Twenty-second day of July, 2016**, before me, a Notary Public in and for said State, personally appeared **Floyd B. Gardner and Vishi J. Gardner**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustees of the **Gardner Trust**, and acknowledged to me that they executed the same as such Trustees.



Residing at: Rexburg, Idaho
My Commission Expires: 04/14/2018


Notary Public of Idaho
Residing at: Rexburg ID
Commission Expires: 4-14-2018

RECEIVED

JAN 25 2024

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESORIGINAL SUPERSEDED
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?
22-631	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: Floyd B. Gardner
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): HK Contractors, Inc.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- P.O. Box 51450 Idaho Falls ID 83405
Mailing address City State Zip
- (208) 523-6600 jefftrosper@hkcontractors.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: July 20, 2016
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: [Signature] President 12-27-2023
Signature of new owner/claimant Title, if applicable Date
Jeff Trosper
Print name

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

Received by JB Date 1/25/2024 For IDWR Office Use Only: Receipt No. E049755 Receipt Amt. \$25.-
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 _____ Date _____

*See amended application

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
535 First American Circle
Rexburg, ID 83440

First American Title Company

E-RECORDED simplifile®

ID: 559197
County: Fremont
Date: 7-22-16 Time: 1:19

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**TOWNSHIP 7 NORTH, RANGE 40 E.B.M., FREMONT COUNTY, IDAHO
SECTION 36: NW¼SW¼ AND SW¼NW¼**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the 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.

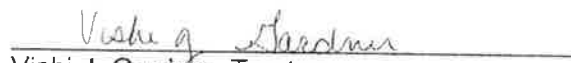
Date: 07/20/2016

Warranty Deed
- continued

File No.: 600017-RX (jb)

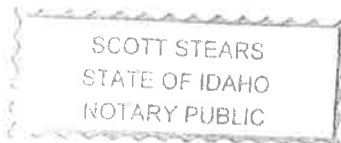
Floyd B. Gardner and Vishi J. Gardner as
Trustees of the Gardner Trust dated June 3,
1983


Floyd B. Gardner, Trustee


Vishi J. Gardner, Trustee

STATE OF Idaho)
SS.
COUNTY OF Madison)

On this **Twenty-second day of July, 2016**, before me, a Notary Public in and for said State, personally appeared **Floyd B. Gardner and Vishi J. Gardner**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustees of the **Gardner Trust**, and acknowledged to me that they executed the same as such Trustees.



Residing at: Rexburg, Idaho
My Commission Expires: 04/14/2018


Notary Public of Idaho
Residing at: Rexburg ID
Commission Expires: 4-14-2018



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 Mathew Weaver

February 06, 2024

HK CONTRACTORS INC
PO BOX 51450
IDAHO FALLS ID 83405-1450

Re: Change in Water Right Ownership: 22-631 (Split into 22-631 and 22-14581)

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 Bailly
Technical Records Specialist 1

Enclosure(s)

cc: FLOYD B GARDNER
WATER DISTRICT 01
RACINE OLSON ATTORNEYS



RECEIVED

FEB 02 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

January 31, 2024

Idaho Department of Water Resources
c/o Jonie Bailly
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

**Re: Notice of Change in Water Right Ownership Water Right No. 22-631
Additional Filing Fee**

To whom it may concern:

Enclosed please find for filing an amended Notice of Change in Water Right Ownership for filing. Water Right 22-631 should be split and the amended notice reflects that. Also enclosed please find a check in the amount of \$75.00 for the additional filing fee. Please file the original and conform stamp and return the extra copy in the enclosed stamped and addressed return envelope.

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'T. J. Budge', is written over a horizontal line.

T. J. BUDGE



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 Mathew Weaver

January 25, 2024

HK CONTRACTORS INC
PO BOX 51450
IDAHO FALLS ID 83405

RE: Change in Ownership Water Right No. 22-631

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

**** **Additional Filing or Additional Evidence of Ownership:** Please review the map and proof report enclosed. According to the information received HK Contractors Inc only purchased a portion of the place of use of the water right listed above. There are 9 acres within Section 1 T06N R40E, that is not included in the Warranty Deed legal description submitted with your application. In order for the department to complete a split an additional filing fee is required. The fee for a split ownership change is \$100.00 per water right. The department has already received \$25.00 therefore an additional \$75.00 is required. If you believe the water right should not be split, please supply additional evidence of ownership for the entire place of use of the water right.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions.

Sincerely,

Jonie Bailly
Technical Records Specialist

cc: RACINE OLSON (TJ BUDGE)
PO BOX 1391
POCATELLO ID 83204

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/25/2024

Water Right 22-631

Owner Type **Name and Address**
Current Owner FLOYD B GARDNER
2685 N RIVER RD
ST ANTHONY, ID 83445
(208) 624-0966

Priority Date: 12/1/1903
Basis: Decreed
Status: Active

Source **Tributary**
TETON RIVER HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.200 CFS	
	<u>Total Diversion</u>		3.200 CFS	

Source and Point(s) of Diversion:
TETON RIVER NESESW Sec. 36, Twp 07N, Rge 40E, FREMONT County

Place Of Use:
IRRIGATION within MADISON, FREMONT Counties

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	1					9.0												9.0
							L3												
07N	40E	36							34.0				37.0						71.0

POU Total Acres: 80.0

Conditions of Approval:

1. X35 Rights 22-631 and 22-14259 when combined shall not exceed the irrigation of 80 acres.
2. 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. 1.
3. F06 The following rights are diverted through point of diversion described above: 22-631 and 22-636A.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, 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.

State of Idaho
Department of Water Resources
Water Right
22-631



0 0.15 0.3 0.6 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion
-  State Outline





January 22, 2024

Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Notice of Change in Water Right Ownership Water Right No. 22-631

To whom it may concern:

Enclosed for filing please find the original and extra copy of a Notice of Change in Water Right Ownership, together with a check in the amount of \$25 for the filing fee. Please file the original and conform stamp and return the extra copy in the enclosed stamped and addressed return envelope.

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,



T. J. BUDGE

2/2/2024

Water Right 22-631 *Before Split*

Priority Date: 12/1/1903
Basis: Deceased
Status: Active

<u>Source</u>	<u>Tributary</u>
TETON RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.200 CFS	
	Total Diversion		3.200 CFS	

Source and Point(s) of Diversion:
TETON RIVER NESESW Sec. 36, Twp 07N, Rge 40E, FREMONT County

Place Of Use:
IRRIGATION within MADISON, FREMONT Counties

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	40E	1					9.0												9.0
07N	40E	36							34.0				37.0						71.0

PQU Total Acres: 80.0

1.	X35	Rights 22-631 and 22-14259 when combined shall not exceed the irrigation of 80 acres.
2.	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. 1.
3.	F06	The following rights are diverted through point of diversion described above: 22-631 and 22-636A.
4.	T19	Pursuant to Section 42-1412(6), Idaho Code, 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.

Idaho Department of Water Resources



Legend

-  POU 22-631 Before Split
-  Parcels
-  Township/Range
-  Sections
-  QQ

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/6/2024

Water Right 22-631

After Split

Owner Type **Name and Address**
Current Owner FLOYD B GARDNER
 2685 N RIVER RD
 ST ANTHONY, ID 83445
 (208) 624-0966

Priority Date: 12/1/1903

Basis: Decreed

Status: Active

Source
TETON RIVER

Tributary
HENRYS FORK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.360 CFS	
	Total Diversion		0.360 CFS	

Source and Point(s) of Diversion:

TETON RIVER NESESW Sec. 36, Twp 07N, Rge 40E, FREMONT County

Place Of Use:

IRRIGATION within MADISON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	1					9.0												9.0

POU Total Acres: 9.0

Conditions of Approval:

1. X35 Rights 22-631 and 22-14259 when combined shall not exceed the irrigation of 9 acres.
2. 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. 1.
3. F06 The following rights are diverted through point of diversion described above: 22-631, 22-636A, and 22-14581.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, 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.

Comments:

5 jbaily 2/6/2024 Ownership Change
Water right 22-631 was split into 22-631 and 22-14581.

Idaho Department of Water Resources



Legend

-  POU 22-14581
-  POU 22-631 After Split
-  Parcels
-  Township/Range
-  Sections
-  QQ