

RECEIVED

MAR 04 2022

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 01 2022

WATER RESOURCES  
WESTERN REGIONDEPT OF WATER RESOURCES  
SOUTHERN 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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 36-17195              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 36-17196              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Idaho Water Company LLC  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Permix Nutrition Systems LLC  
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 1555 Shoreline Dr, Ste 320 Boise ID 83702  
Mailing address City State Zip
- (208) 465-1724 Kirk.Bowman@permixonutrition.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: 3/1/2022
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.

8. Signature: Kirk Bowman 3-1-22  
Signature of new owner/claimant Title, if applicable Date
- Kirk Bowman  
Print name
- Signature: \_\_\_\_\_  
Signature of new owner/claimant Title, if applicable Date
- \_\_\_\_\_   
Print name

SUPPORT DATA

IN FILE # 36-17195

Received by Q Date 03/01/2022 Receipt No. W050157 Receipt Amt. \$50<sup>00</sup>

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 [Signature] Date 3-16-2022

## Special Warranty Deed for Water Rights

**IDAHO WATER COMPANY, LLC**, an Idaho limited liability company, whose address is 1135 Valley Road South, Eden, Idaho 83325, ("Grantor") does hereby grant, bargain, sell, assign, and convey unto **PERFORMIX NUTRITION SYSTEMS, LLC**, an Idaho Limited Liability Company, whose address is 1555 Shoreline Dr. Ste. 320 Boise, ID 83702 ("Grantee"), and to Grantee's heirs and assigns forever, all of Grantor's right title and interest in ten (10) acres of Water Rights 35-2122 and 35-7417 as modified by transfer # 85561 and identified in the records of the Idaho Department of Water Resources as 36-17195 and 36-17196 (the "Water Rights"), further described in "Attachment A" attached hereto and incorporated herein by reference.

Grantor covenants and warrants to Grantee as follows:

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

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

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

DATED this 1 day of March, 2022

IDAHO WATER COMPANY, LLC

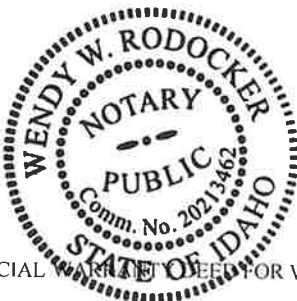
By:

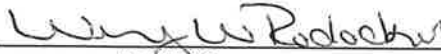
  
Delbert G. Kohtz, Member

STATE OF IDAHO       )  
                                  ) ss.  
County of Ada       )

On this 1 day of March, 2022, before me, a Notary Public for said County and State, personally appeared DELBERT G. KOHTZ, known or identified to me, to be one of the members of the limited liability company of IDAHO WATER COMPANY, LLC, and the member or one of the members who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



  
NOTARY PUBLIC FOR IDAHO  
Residing at: Ada  
My commission expires: 8/18/2027

**ATTACHMENT A**  
**To Special Warranty Deed for Water Rights**

**Water Right Report**

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report  
WATER RIGHT NO. 36-17195

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | IDAHO WATER COMPANY LLC |
|                   | 1135 VALLEY RD          |
|                   | EDEN, ID 83325-5245     |
|                   | 2089680099              |

Priority Date: 12/24/1948  
Basis: Decreed  
Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| COMMERCIAL            | 1 / 1       | 12/31     | 0.09 CFS              | 11.9 AFA      |
| Total Diversion       |             |           | 0.09 CFS              | 11.9 AFA      |

Location of Point(s) of Diversion:

GROUND WATER NESE Sec. 25 Township 09S Range 23E MINIDOKA County  
Place(s) of use:  
Place of Use Legal Description: COMMERCIAL MINIDOKA County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 09S             | 23E          | 25             |            | NESE         |              |            | NWSE         |              |            |              |              |            |              |              |

Conditions of Approval:

1. 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. 130.
2. 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.
3. X35 Rights 36-17195 and 36-17196 when combined shall not exceed a total diversion rate of 0.15 cfs and a total annual maximum diversion volume of 24.8 af.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 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.
6. 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: 02/15/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

## Water Right Report

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report  
WATER RIGHT NO. 36-17196

**Owner Type**      **Name and Address**

Current Owner IDAHO WATER COMPANY LLC  
1135 VALLEY RD  
EDEN, ID 83325-5245  
2089680099

Priority Date: 05/27/1974

Basis: Decreed

Status: Active

**Source**      **Tributary**

GROUND WATER

**Beneficial Use**   **From**   **To**   **Diversion Rate**   **Volume**

COMMERCIAL 1 /1   12/31 0.06 CFS   14.6 AFA

Total Diversion                      0.06 CFS   14.6 AFA

Location of Point(s) of Diversion:

GROUND WATER NESE Sec. 25 Township 09S Range 23E MINIDOKA County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL MINIDOKA County

**Township**   **Range**   **Section**   **Lot**   **Tract**   **Acres**   **Lot**   **Tract**   **Acres**   **Lot**   **Tract**   **Acres**   **Lot**   **Tract**   **Acres**

09S      23E   25                      NESE                      NWSE

Conditions of Approval:

1. 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. 130.
2. 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.
3. X35 Rights 36-17195 and 36-17196 when combined shall not exceed a total diversion rate of 0.15 cfs and a total annual maximum diversion volume of 24.8 af.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 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.
6. 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: 02/15/2002

Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Water Supply Bank Enrollment Date Accepted:  
Water Supply Bank Enrollment Date Removed:  
Application Received Date:  
Protest Deadline Date:  
Number of Protests: 0

Other Information:  
State or Federal: S  
Owner Name Connector:  
Water District Number: 130  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:  
Decree Defendant:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False

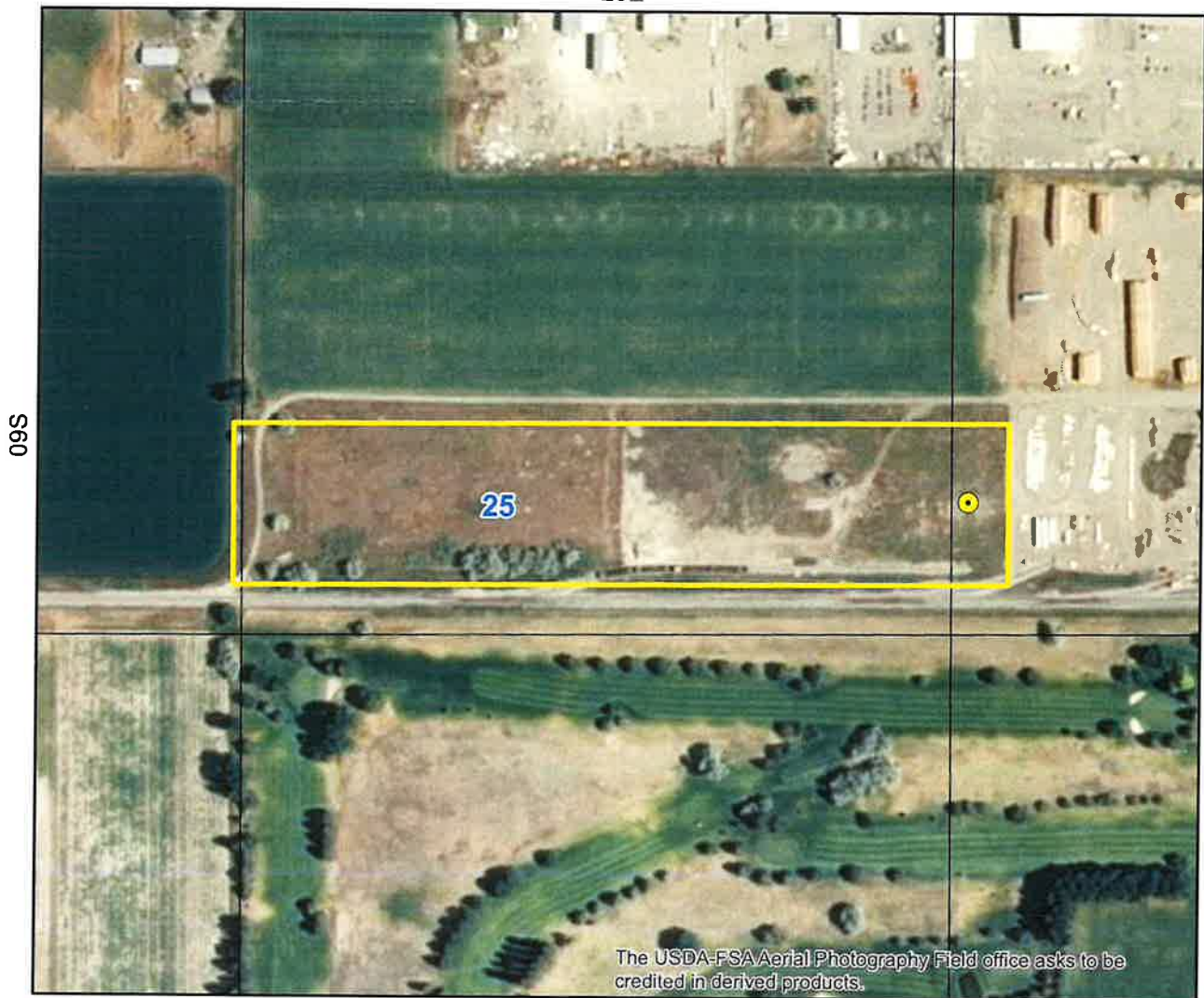
State of Idaho  
Department of Water Resources

**Water Right**  
**36-17195**

COMMERCIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

23E



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

0 0.04 0.08 0.16 Miles



State of Idaho  
Department of Water Resources

**Water Right**  
**36-17196**

COMMERCIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

23E



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

0 0.04 0.08 0.16 Miles





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](mailto:southerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

March 16, 2022

PERFORMIX NUTRITION SYSTEMS LLC  
1555 W SHORELINE DR STE 320  
BOISE ID 83702-9109

Re: Change in Ownership for Water Right Nos: 36-17195 & 36-17196

Dear Water Right Holders:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water rights 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) 736-3033.

Sincerely,

Bill Mills  
Water Resource Agent, Senior

Enclosures

c: Water District 130