

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
MAY 04 2020
MAR 21 2022
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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-2454	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-7026	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-12519	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Howard L Armstrong & Sons LLC

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): KAP Properties, LLC

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

700 W Glover Rd Arimo ID 83214
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: 3/24/2020

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed **IRS Form W-9** for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed **Lessor Designation** form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

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] MEMBER/MANAGER 4/24/20
Signature of new owner/claimant Title, if applicable Date

Signature: [Signature] MEMBER 4/24/20
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by CAM Date 5/4/2020 Receipt No. E045863 Receipt Amt. \$ 75.00

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 JB Approved by JB Processed by JB Date 4/27/2022

JB 3/21/2022 E047927 \$ 75.-

SUPPORT DATA
IN FILE # 29-2454



135 N. Arthur Ave.
Pocatello, ID 83204

Pioneer Title Pocatello

21914555

2019 Sep 23 PM 04:22

Electronically Recorded by Simplifile

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

File No. 696077 SK/LW

WARRANTY DEED

For Value Received

Howard L Armstrong & Sons, Inc. an Idaho Corporation

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

#498 Pioneer Exchange Accommodation Titleholder, LLC

hereinafter referred to as Grantee, whose current address is

c/o KAP Properties, LLC - 700 West Glover Road, Arimo, ID 83214

The following described premises, to-wit:

PARCEL 1:

THE SW 1/4 OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

PARCEL 2:

THE NW ¼ OF SECTION 15, TOWNSHIP 10 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

PARCEL 3:

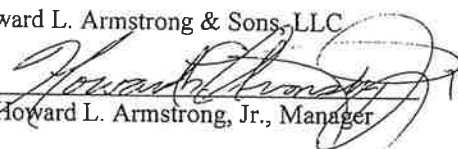
THE SW1/4 NE1/4 AND THE EAST ½ OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 10 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: September 22, 2019

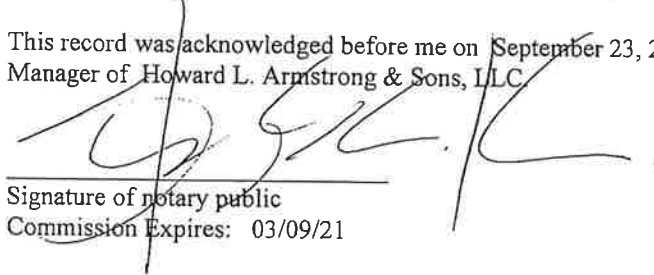
Howard L. Armstrong & Sons, LLC

By:


Howard L. Armstrong, Jr., Manager

State of IDAHO, County of BANNOCK

This record was acknowledged before me on September 23, 2019 by Howard L. Armstrong, Jr., as
Manager of Howard L. Armstrong & Sons, LLC


Signature of notary public

Commission Expires: 03/09/21



Pioneer Title Pocatello

22003624

2020 Mar 04 AM 08:23

Electronically Recorded by Simplifile

Recording Requested By and
When Recorded Return to:

KAP PROPERTIES. LLC
700 W. Glover Rd
Arimo, ID 83214

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed"), made as of the 3RD day of February 3, 2020 is between #498 PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER, LLC, an Idaho limited liability company ("Grantor"), and KAP PROPERTIES. LLC ("Grantee"), whose legal address is: 700 W. Glover Rd. Arimo, ID 83214

WITNESSETH, That Grantor, for and in consideration of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns forever, all the real property, together with improvements, located in the County of Bannock, State of Idaho, more particularly described as follows:

See Exhibit A attached hereto and made a part hereof.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of in and to the above bargained premises, with the hereditaments, easements, rights of way and appurtenances, and with all of Grantor's interest, if any, in and to any and all minerals, water, ditches, wells, reservoirs and drains, and all water, ditch, well, reservoir and drainage rights which are appurtenant to, located on, now or hereafter acquired under or above or used in connection with the property (collectively, the "Property").

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, its successors and assigns forever. Grantor, for itself, and its successors and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that at the time of the ensembling and delivery of these presents, Grantor is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, as of 23rd day of September, 2019.

The Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof BY, THROUGH OR UNDER Grantor.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the date set forth above.

#498 PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER, LLC,
an Idaho limited liability company

By: Pioneer 1031 Company, Sole Member

By: Allissa Edwards
Its: Allissa Edwards, Accommodator and Assistant Secretary

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 3rd day of March, 2020 before me, the undersigned, a Notary Public in and for said State, personally appeared Allissa Edwards, known to me to be the Accommodator and Assistant Secretary of Pioneer 1031 Company, an Idaho corporation, which corporation is the Sole Member of #498 Pioneer Exchange Accommodation Titleholder, LLC, an Idaho limited liability company, and acknowledged to me that she/he executed the within and foregoing instrument for and on behalf of said corporation as Sole Member of said limited liability company and in said corporation's name as Sole Member of said limited liability company.

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

Jessica Keith
Notary Public for Idaho
Residing at BOISE, Idaho
My Commission Expires: 8/18/20

(NOTARIAL SEAL)



EXHIBIT A

PARCEL 1:

THE SW 1/4 OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 36 EAST, BOISE MERIDIAN,
BANNOCK COUNTY, IDAHO.

PARCEL 2:

THE NW 1/4 OF SECTION 15, TOWNSHIP 10 SOUTH, RANGE 36 EAST, BOISE MERIDIAN,
BANNOCK COUNTY, IDAHO.

PARCEL 3:

THE SW 1/4 NE 1/4 AND THE EAST 1/2 OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP
10 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.

ALTA Commitment for Title Insurance

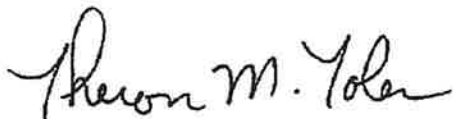
STATEMENT OF UNDERSTANDING

The 40 acres, officially described as the NW1/4 of the NE1/4, Section 16, Township 10 South, Range 36 East of the Boise Meridian, is owned by The Toler Family Irrevocable Property Trust. I, the undersigned, am the primary trustee.

Currently there is an agreement in place with Dale Evans of Arimo, wherein he works the acreage and pays the Trust for the use of the land. Historically this land has been dry farmed as there has been no available water to irrigate it.

However, Dale is desirous of installing a sprinkler system using water and associated rights available to him through another agreement he has with Howard Armstrong, Jr., of Pocatello. This system would not only sprinkle these 40 acres but the three forties adjoining it to the East, Southeast, and South, thus irrigating the NE1/4 of Section 16. It would consist of a center pivot which would irrigate approximately 33 acres of the available 40, with the remaining 7 acres in the Northwest corner being left dry. The Trust is in full concurrence with this plan.

It is further understood, that in the event the agreement between the Trust and Dale is dissolved, ownership of the acreage remains with the Trust. The sprinkler system, the water, and the right to use the water remains with Dale, subject to his agreement with Mr. Armstrong.



THE TOLER FAMILY IRREVOCABLE PROPERTY TRUST
Theron M. Toler, Trustee
27 December 2012

When Recorded and for taxes
Mail to: KAP Properties 700 W. Glover Rd. Arimo,...

Leave space above for recording data.

QUIT CLAIM DEED

THE M HANGING DOUBLE T, LLC
Of 231 EAST GLOVER RD. ARIMO, IDAHO

GRANTOR(S)

Of County of Bannock, State of Idaho

QUITS CLAIM TO:

KAP PROPERTIES LC
Of 700 WEST GLOVER RD. ARIMO, IDAHO

GRANTEE(S)

Of County of Bannock, State of Idaho

**FOR THE VALUED RECIEVED AND OTHER GOOD AND VALUABLE CONSIDERATION,
THE FOLLOWING DESCRIBED TRACT LAND IN COUNTY, STATE OF IDAHO, to-wit:**

PARCEL 1. NW1/4, NE1/4, S16, T10S, R36E, BOISE MERIDIAN (40 ACRES+/-)

WITNESS, THE HAND(S) OF SAID GRANTOR(S), on

18 Dec 21

State of ^{CT} ~~Idaho~~

County of Fairfield

On Dec. 28, 2021

personally appeared before me Theron M. Toler

Signers of the within instrument, who duly acknowledge to me that they executed the same

GRANTOR(S)

Theron M. Toler
The M Hanging Double T, LLC
Member/Manager

NOTARY PUBLIC

DON CURTIS
Notary Public
Connecticut
My Commission Expires Jul 31, 2022

State of Idaho
Department of Water Resources

Water Right 29-2454

DOMESTIC

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.



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

0 0.125 0.25 0.5 Miles

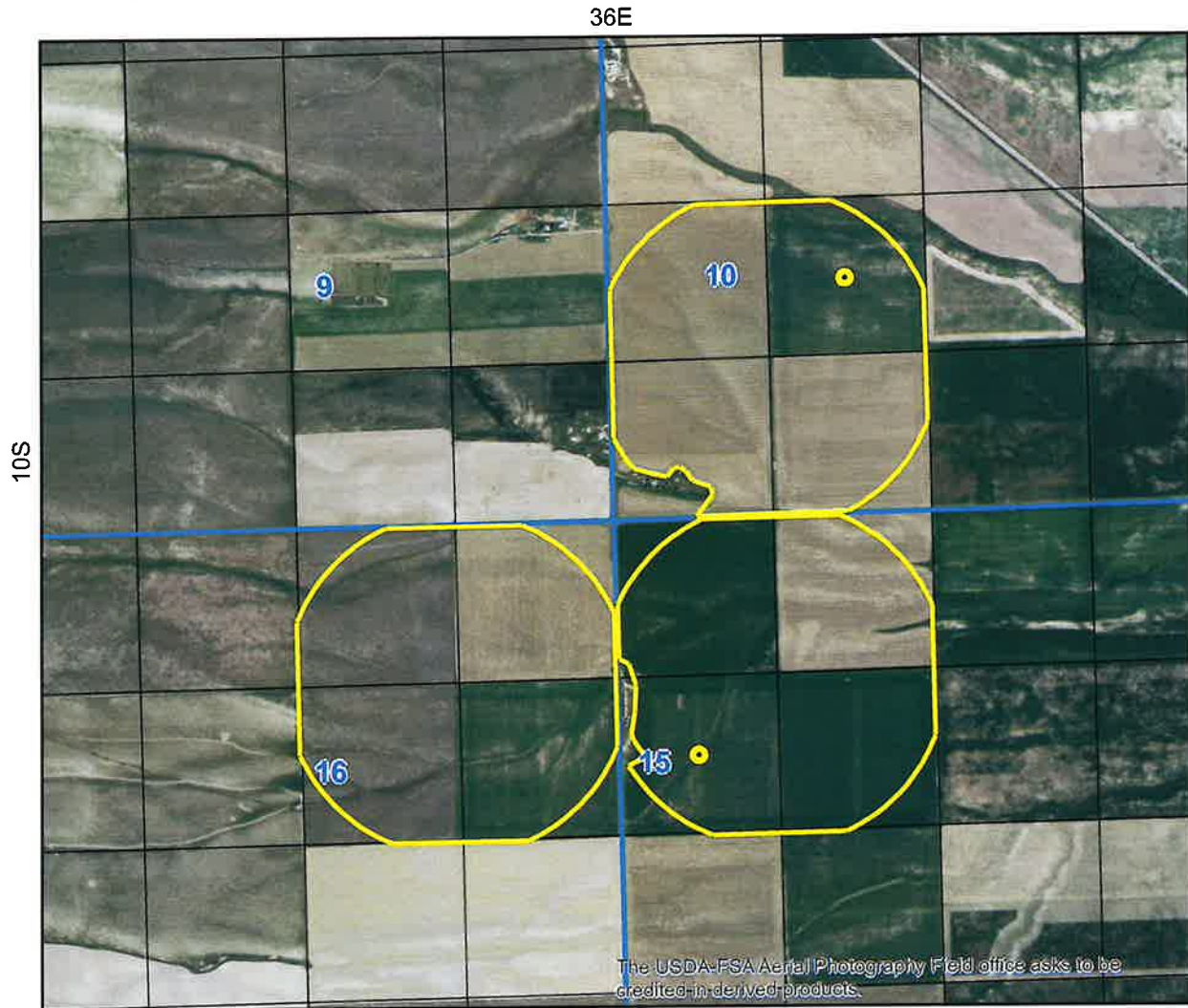


State of Idaho
Department of Water Resources

Water Right 29-2454

IRRIGATION

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.



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

0 0.175 0.35 0.7 Miles

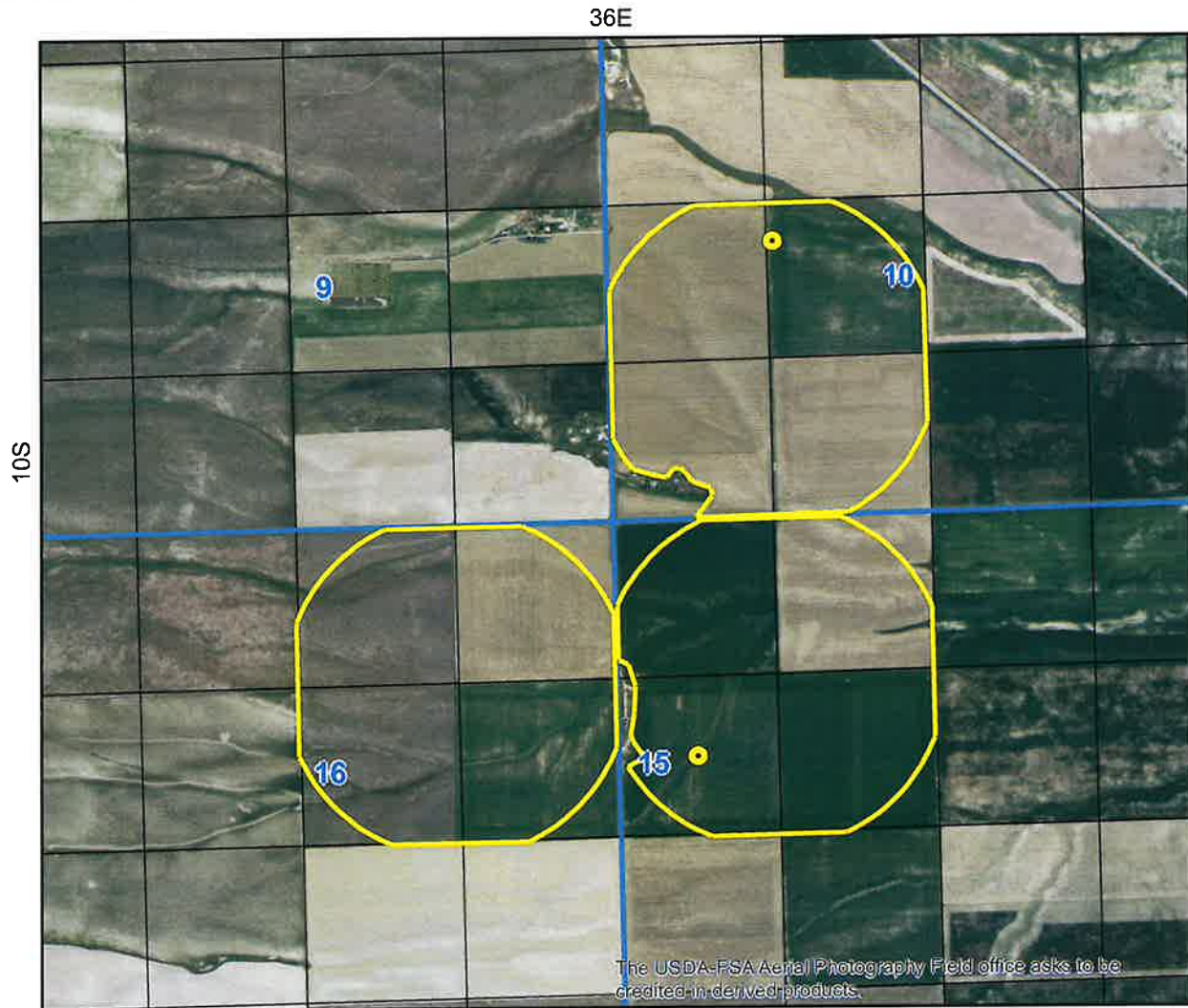


State of Idaho
Department of Water Resources

Water Right
29-7026

IRRIGATION

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.



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

0 0.175 0.35 0.7 Miles

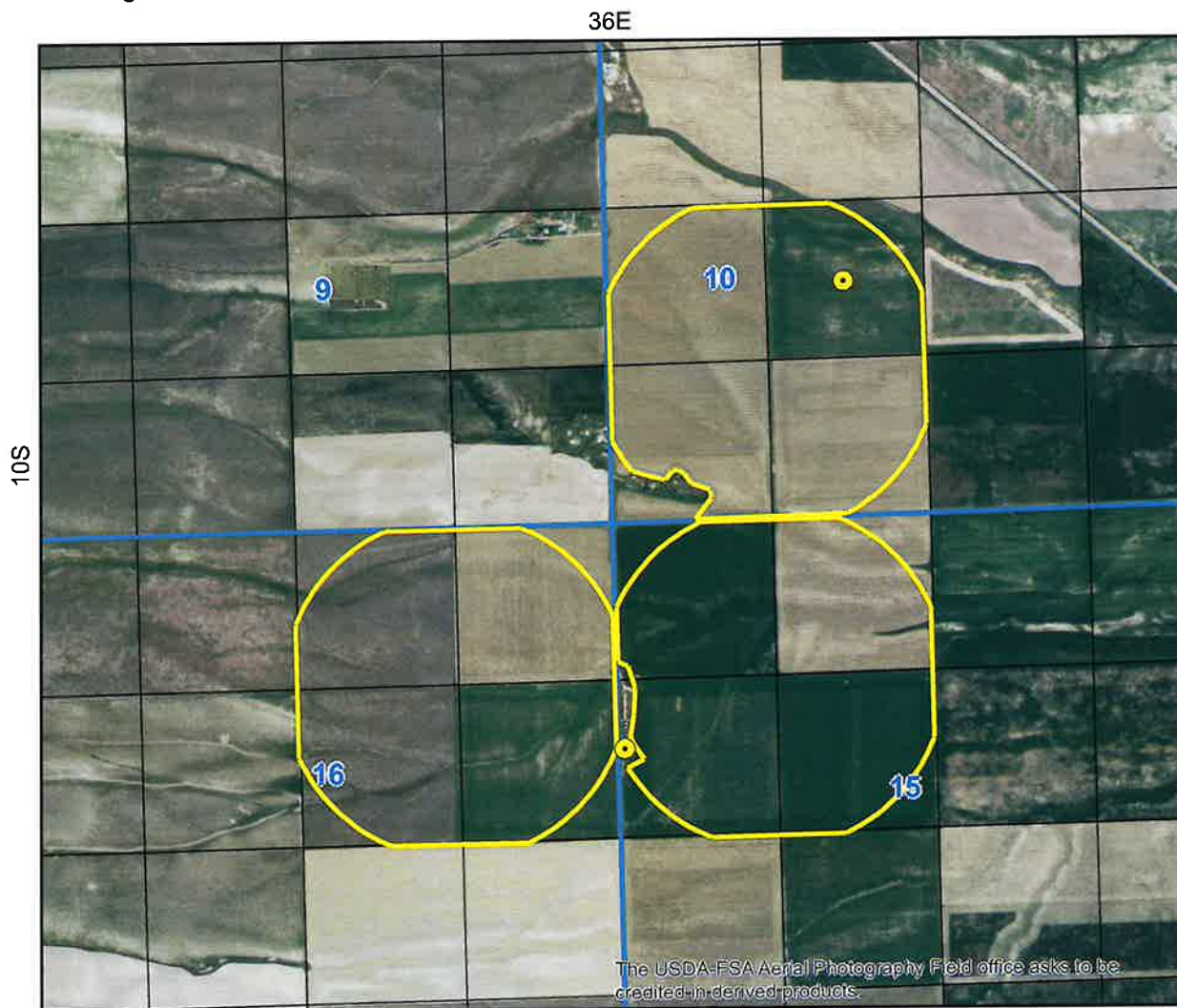


State of Idaho
Department of Water Resources

Water Right 29-12519

IRRIGATION

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.



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

0 0.175 0.35 0.7 Miles





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

April 26, 2022

KAP PROPERTIES LLC
700 W GLOVER RD
ARIMO ID 83214-1501

Re: Change in Ownership for Water Right No(s): 29-2454, 29-7026, 29-12519

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)