

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 22 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. **DE ✓**

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-7068 <i>OK</i>	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: Lava Rock Ranch LLC

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): 36 AG LLC

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or

P.O. Box 844

Mailing address

208-681-7554

Telephone

Aberdeen

City

ID

State

83210

Zip

foster farms 2@gmail.com

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: 3/2/22

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: Kendall Foster

Signature of new owner/claimant

Kendall Foster

Print name

Partner

Title, if applicable

2/16/22

Date

- Signature: Marcus George

Signature of new owner/claimant

Marcus George

Print name

Partner

Title, if applicable

2-16-22

Date

Received by JBDate 4/4/2022

For IDWR Office Use Only:

Receipt No. E047982Receipt Amt. \$25. - for this appActive 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 JBProcessed by JBDate 4/7/2022



Instrument # 219667
POWER COUNTY, IDAHO
02-03-2022 03:50:38 PM No. of Pages: 1
Recorded for: ALLIANCE TITLE - IDAHO FALLS O
SHAREE SPRAGUE Fee: \$15.00
Ex-Officio Recorder Deputy: Chelsy Fehringer
Electronically Recorded by Simplifile

QUITCLAIM DEED

Alliance Title & Escrow, LLC ORDER NO.: 591765

FOR VALUE RECEIVED,

Lava Rock Ranch, LLC, an Idaho Limited Liability Company

do(es) hereby convey, release, remise and forever quitclaim unto

3G AG LLC, an Idaho Limited Liability Company

whose current address is: 2667 W 1400 S., Aberdeen, ID 83210

the following described premises:

Parcel 8:

Township 7 South, Range 30 East of the Boise Meridian, Power County, Idaho.

Section 9: Northeast Quarter

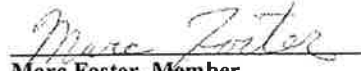
TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: January 27, 2022

Lava Rock Ranch, LLC, an Idaho Limited Liability Company

By:


Bruce Foster, Member

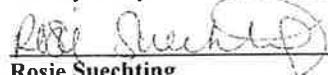

Marc Foster, Member

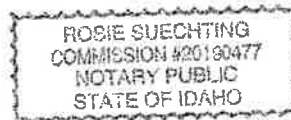

Terri Foster, Member

State of Idaho} ss
County of Bannock}

On this 3 day of February, 2022, before me, Rosie Suechting, a Notary Public in and for said state, personally appeared Bruce Foster, Marc Foster and Terri Foster known or identified to me to be the Managing Members in the Limited Liability Company known as Lava Rock Ranch, LLC, an Idaho Limited Liability Company who executed the foregoing instrument in said LLC 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.


Rosie Suechting
Notary Public for the State of Idaho
Residing at: Pocatello, ID.
Commission Expires: 03/07/2025





WARRANTY DEED

Alliance Title & Escrow, LLC Order No.:591765

FOR VALUE RECEIVED

Jeffrey T. Duffin and Chana Duffin, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

3G AG LLC, an Idaho Limited Liability Company

whose current address is

2667 W 1400 S
Aberdeen, ID 83210

the grantee(s), the following described premises, in Bingham County, Idaho, TO WIT:

Parcel 1:

Township 6 South, Range 30 East, Boise Meridian, Bingham County, Idaho
Section 15: Southwest Quarter

Excepting therefrom the Southerly 30.00 feet of the above described parcel for the county road right of way.

And

A portion of the Southwest Quarter of Section 15, Township 6 South, Range 30 East, Boise Meridian, Bingham County, Idaho, more particularly described as follows:

A parcel of land in the Southwest Quarter Southwest Quarter of Section 15, Township 6 South, Range 30 East, Boise Meridian, Bingham County, Idaho, described as follows:

Commencing at the Southwest corner of said Section 15 which is monumented with a 5/8" rebar and aluminum cap stamped for corner and PELS 2341; thence South 89°59'00" East along the South line of said Section 15, a distance of 872.74 feet to the True Point of Beginning; thence North 01°57'25" West, a distance of 168.85 feet to a 1/2" rebar and plastic cap stamped PELS 2341; thence North 89°09'10" East, a distance of 65.26 feet to a 1/2" rebar and plastic cap stamped PELS 2341; thence North 00°50'00" West, a distance of 42.17 feet to a 1/2" rebar and plastic cap stamped PELS 2341; thence South 89°59'00" East, a distance of 156.39 feet to a 1/2" rebar and plastic cap stamped PELS 2341; thence South 00°01'00" West a distance of 211.90 feet to a point on the South line of said Section 15; thence North 89°59'00" West, along said South line, a distance of 215.20 feet to the True Point of Beginning.

Excepting therefrom the Southerly 30.00 feet of the above described parcel for the county road right-of-way.

And less and excepting:

A tract of land located in the Southwest Quarter Southwest Quarter of Section 15, Township 6 South, Range 30 East, Boise Meridian, Bingham County, Idaho, described as follows:

Commencing at the Southwest corner of said Section 15 which is monumented with a 5/8" rebar and aluminum cap stamped RMES PELS 2341; thence South 89°59'00" East along the South line of said section a distance of 871.35 feet to the Point of Beginning; thence North 02°16'28" West, leaving said South line, a distance of 145.65 feet to a 1/2" x 24" rebar and plastic cap stamped PELS 2341; thence North 89°01'37" East a distance of 64.37 feet to a 1/2" x 24" rebar and plastic cap stamped PELS 2341; thence North 00°55'19" West a distance of 40.52 feet to a 1/2" x 24" rebar and plastic cap stamped PELS 2341; thence South 89°59'00" East a distance of 223.55 feet to a 1/2" x 24" rebar and plastic cap stamped PELS 2341; thence, South 00°01'00" West a distance of 187.16 feet to a point on the South line of said Section 15; thence North 89°59'00" West, along said South line, a distance of 281.42 feet to the Point of Beginning.

Reserving therefrom the Southerly 30.00 feet of said tract for the North side of Homestead Road.

Parcel 2:

Township 6 South, Range 31 East, Boise Meridian, Bingham County, Idaho
Section 20: South half South half Northeast Quarter; South half Southeast Quarter Northwest Quarter;

Excepting therefrom the following described parcel:

A parcel of land in the South half Southeast Quarter Northeast Quarter of Section 20, Township 6 South, Range 31 East of the Boise Meridian, Bingham County, Idaho, described as follows:

Commencing at the East Quarter corner of said Section 20 which is monumented with a 5/8" rebar and aluminum cap stamped PELS 2341, said point being left of State Highway 39 center line sta. 478 + 76.41 a distance of 28.97 feet; thence North 89°46'28" West along the latitudinal center line of said Section 20, a distance of 32.50 feet to a point on the Westerly right-of-way line of said State Highway 39 being 61.47 feet left of State Highway 39 center line sta. 478 + 76.41, said point being monumented with a 1/2" rebar and plastic cap stamped PELS 2341, the True Point of Beginning; thence North 89°46'28" West, continuing along said latitudinal centerline, a distance of 323.15 feet to a 1/2" rebar and plastic cap stamped PELS 2341; thence North 00°02'12" West a distance of 505.00 feet to a 1/2" rebar and plastic cap stamped PELS 2341; thence South 89°46'28" East, a distance of 323.15 feet to a point on the Westerly right-of-way line of said State Highway 39, said point being left of said State Highway 39 center line sta. 483 + 71.42 a distance of 60.09 feet and monumented with a 1/2" rebar and plastic cap stamped PELS 2341; thence South 00°02'12" East along said right-of-way line, a distance of 505.00 feet to the True Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: January 3, 2022

Jeffrey T. Duffin

Chana Duffin

State of Idaho } ss
County of Bannock }

On this 3 day of February, 2022, before me, Rosie Suechting, a Notary Public in and for said state, personally appeared Jeffrey T. Duffin and Chana Duffin, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Rosie Suechting
Notary Public for the State of Idaho
Residing at: Pocatello, ID
Commission Expires: 03/07/2025

State of Idaho
Department of Water Resources

Water Right 35-7068

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 0.075 0.15 0.3 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

2/7/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-7068

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAVA ROCK RANCH LLC PO BOX 844 ABERDEEN, ID 83210-0894 2086816222
Original Owner	VERN R DUFFIN 2142 S 2800 W ABERDEEN, ID 83210 2083974100

Priority Date: 02/26/1969

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>
IRRIGATION	4/01	10/15	2.8 CFS	636 AFA
Total Diversion			2.8 CFS	636 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWSENE|Sec. 09|Township 07S|Range 30E|POWER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER 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>
07S	30E	9		NENE	39.5		NWNE	40		SWNE	40		SENE	39.5

Total Acres: 159

Conditions of Approval:

1. G18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

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: 120

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

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

2/7/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-7068

<u>Owner Type</u>	<u>Name and Address</u>
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Priority Date: 02/26/1969

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>
IRRIGATION	4/01	10/15	2.8 CFS	636 AFA
Total Diversion			2.8 CFS	636 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWSENE|Sec. 09|Township 07S|Range 30E|POWER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER 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>
07S	30E	9		NENE	39.5		NWNE	40		SWNE	40		SENE	39.5

Total Acres: 159

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1. G18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

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: 120

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



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 07, 2022

3G AG LLC
PO BOX 844
ABERDEEN ID 83210-0894

Re: Change in Ownership for Water Right No(s): 35-7068

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)

cc: WATER DISTRICT 120
ABERDEEN AMERICAN FALLS GROUND WATER DISTRICT



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

February 24, 2022

3G AG LLC
PO BOX 844
ABERDEEN ID 83210

RE: Change in Ownership Water Right No. 35-7068

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:

**** **Evidence of Ownership:** Please supply a full copy of the 'recorded' deed for the property or water right listed above. The department acknowledges receipt of a copy of deed; however it is not a copy of the recorded deed.

**** **Filing Fee:** The filing fee is \$25.00 for a non-split ownership change or \$100.00 per water right for a split ownership change. This does not appear to require split, please supply the appropriate filing fee.

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 Barg
Technical Records Specialist

Enclosure(s)

SCANNED

FEB 23 2022