

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 20 2021

DEPARTMENT OF
WATER RESOURCES

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. DE ✓

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-13340 ✓	Yes ☐	Yes ☒		Yes ☐	Yes ☐
35-13362 ✓	Yes ☐	Yes ☒		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: CHS Inc.
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Highway 26 Blackfoot Property, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- P.O. Box 50620 Idaho Falls ID 83405
Mailing address City State Zip
208-523-6582 chris.herzinger@bradhallcompanies.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: 08/31/2021
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): SUPPORT DATA
☐ \$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.

IN FILE # 35-13340

8. Signature: Cole Hall Manager 12-16-21
Signature of new owner/claimant Title, if applicable Date
Cole Hall
Print name
- Signature: _____
Signature of new owner/claimant Title, if applicable Date

Print name

For IDWR Office Use Only:

Received by Ku Date 12.20.21 Receipt No. C111551 Receipt Amt. \$ 50.00

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 _____ Approved by _____ Processed by [Signature] Date 12-30-21

Recording Requested By and
When Recorded Return to:

Maynard, Cooper & Gale, P.C.
Attn: Lee L. Sheppard, Esq.
1901 Sixth Avenue North, Suite 1700
Birmingham, Alabama 35203

563714

Instrument # 736575

BINGHAM COUNTY, IDAHO
2021-08-31 04:47:21 PM No. of Pages: 4
Recorded for: ALLIANCE TITLE - POCA TELLO OFF
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy RWixom
Index To: DEED
Electronically Recorded by Simplifile

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

GRANT DEED

CHS INC., a Minnesota cooperative corporation, for and in consideration of the sum of Ten Dollars (\$10.00) cash and other good and valuable consideration paid by **HIGHWAY 26 BLACKFOOT PROPERTY, LLC**, an Idaho limited liability company ("Grantee"), whose address is 1568 E 17TH STREET, IDAHO FALLS, ID 83404, HAS GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents DOES GRANT, BARGAIN, SELL and CONVEY unto Grantee all that certain land situated in Bingham County, Idaho, as more particularly described on Exhibit "A" which is attached hereto and incorporated herein by reference, together with all appurtenances thereon or in any way relating thereto and all improvements located thereon (said land, improvements and appurtenances being herein together referred to as the "Premises").

This conveyance, however, is made and accepted subject to the following exceptions:

- 1) The lien of ad valorem real property taxes not yet due and payable.
- 2) All easements, covenants, conditions, restrictions, and other matters set forth in the County land records.

TO HAVE AND TO HOLD the Premises unto Grantee and Grantee's successors and assigns forever.

Grantor hereby covenants with Grantee that said Premises are free from all encumbrances made by it other than those expressly referenced herein and that it will warrant and defend said Premises against the lawful claims of all persons claiming by or through Grantor, but no others.

EXECUTED this 25 day of AUGUST, 2021.

[Signature page follows.]

GRANTOR:

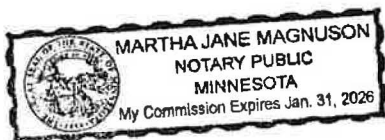
CHS INC.

By: *Richard Dusek*
Name: Richard Dusek
Title: Executive Vice President

By: *Nanci L. Lilja*
Name: Nanci L. Lilja
Title: Assistant Secretary

STATE OF MINNESOTA)
 SS.
COUNTY OF DAKOTA)

On this 25 day of AUGUST, 2021, before me, a Notary Public in and for said State, personally appeared Richard Dusek and Nanci L. Lilja, known or identified to me to be the persons whose names are subscribed to the within Instrument as the Executive Vice President and Assistant Secretary, respectively, of CHS INC., a Minnesota cooperative corporation, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that they executed the same on behalf of the corporation.



Martha Jane Magnuson
Notary Public of Minnesota
Residing at: ROSEMOUNT MN
Commission Expires: 01/31/2026

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel I:

Part of the Northwest Quarter Northwest Quarter of Section 32, Township 2 South, Range 35 East, Boise Meridian, Bingham County, Idaho described as:

BEGINNING at a point that is North 89°53'41" East 536.66 feet along the Section line to the Southwesterly right-of-way of State Highway 26 and South 54°41'35" East 406.77 feet along said Southwesterly right-of-way to the TRUE POINT OF BEGINNING from the Northwest corner of said Section 32 and running; Thence South 54°41'35" East 124.48 feet along said Southwesterly right-of-way to the Northwest corner of Deed Instrument No. 157006; Thence South 00°25'18" West 202.22 feet to the Southwest corner of said Deed Instrument No. 157006; Thence North 89°59'49" West 2.16 feet to the Northeast corner of Deed Instrument No. 159641; Thence South 00°25'55" West 377.90 feet to the Southeast corner of said Deed Instrument No. 159641; Thence North 89°59'49" West 571.92 feet to the Southwest corner of said Deed Instrument No. 159641; Thence North 00°57'14" West 149.26 feet; Thence North 89°53'41" East 475.56 feet; Thence North 00°25'55" East 501.902 feet to the POINT OF BEGINNING.

Parcel II:

A portion of the West Half Northwest Quarter of Section 32, Township 2 South, Range 35 East, Boise Meridian, Bingham County, Idaho, described as:

BEGINNING at a point which is South 0°57'45" East 25.00 feet and North 89°53'15" East 357.0 feet from the Northwest corner of said Section 32, and running; Thence North 89°53'15" East parallel to the North line of said Section 32, 20.0 feet; Thence South 00°57'45" East along a fence 484.0 feet; Thence along a fence North 89°59'45" East to the Southwest right of way line of the State Highway 868.15 feet; Thence South 54°41'35" East along said Southwest Highway

Right of Way line 89.2 feet; Thence South 00°25'29" West along a fence 1353.34 feet to the Oregon Shortline Railroad Co. Right of Way line; Thence North 73°52'15" West along said Railroad Company Right of Way line 1343.46 feet; Thence along a fence North 00°57'45" West 1030.47 feet; Thence North 89°53'15" East 357.0 feet; Thence North 00°57'45" West 484.0 feet to the POINT OF BEGINNING.

Also, a portion of the Northwest Quarter Northwest Quarter of Section 32:

COMMENCING at the Northwest corner of said Section 32; Thence North 89°53'15" East along the North line of said Section, 377 feet; Thence South 0°57'45" East 509 feet; Thence North 89°59'45" East 868.15 feet to the Southwest State Highway Right of Way line which point is the TRUE POINT OF BEGINNING; Thence North 54°41'35" West 349.9 feet; Thence South 0°25'29" West 202.3 feet; Thence North 89°59'45" East 287.03 feet to the REAL POINT OF BEGINNING.

Excepting therefrom:

BEGINNING at a point which is South 0°57'45" East 509.0 feet and North 89°53'15" East 377.0 feet from the Northwest corner of said Section 32, and running along a fence North 89°59'45" East 581.06 feet; Thence South 0°25'29" West 377.90 feet; Thence South 89°59'45" West 571.92 feet; Thence North 0°57'45" West 377.94 feet to the POINT OF BEGINNING.

Also excepting:

BEGINNING at a point that is South 0°28'37" East along the North-South Quarter Section line 1506.18 feet and North 54°41'35" West 1627.16 feet from the North Quarter Section corner of said Section 32, said POINT OF BEGINNING on the South line of U.S. Highway No. 26 and 1320 feet West from said North-South quarter section line; Thence South 0°28'37" East 1356.20 feet to the North line of the Union Pacific Railroad right of way; Thence North 73°52'15" West 26.10 feet to a fence line established as the property line; Thence North 0°08'53" West 1361.16 feet to the South Right of way line of U.S. Highway No. 26; Thence South 54°41'35" East 21.20 feet to the POINT OF BEGINNING.

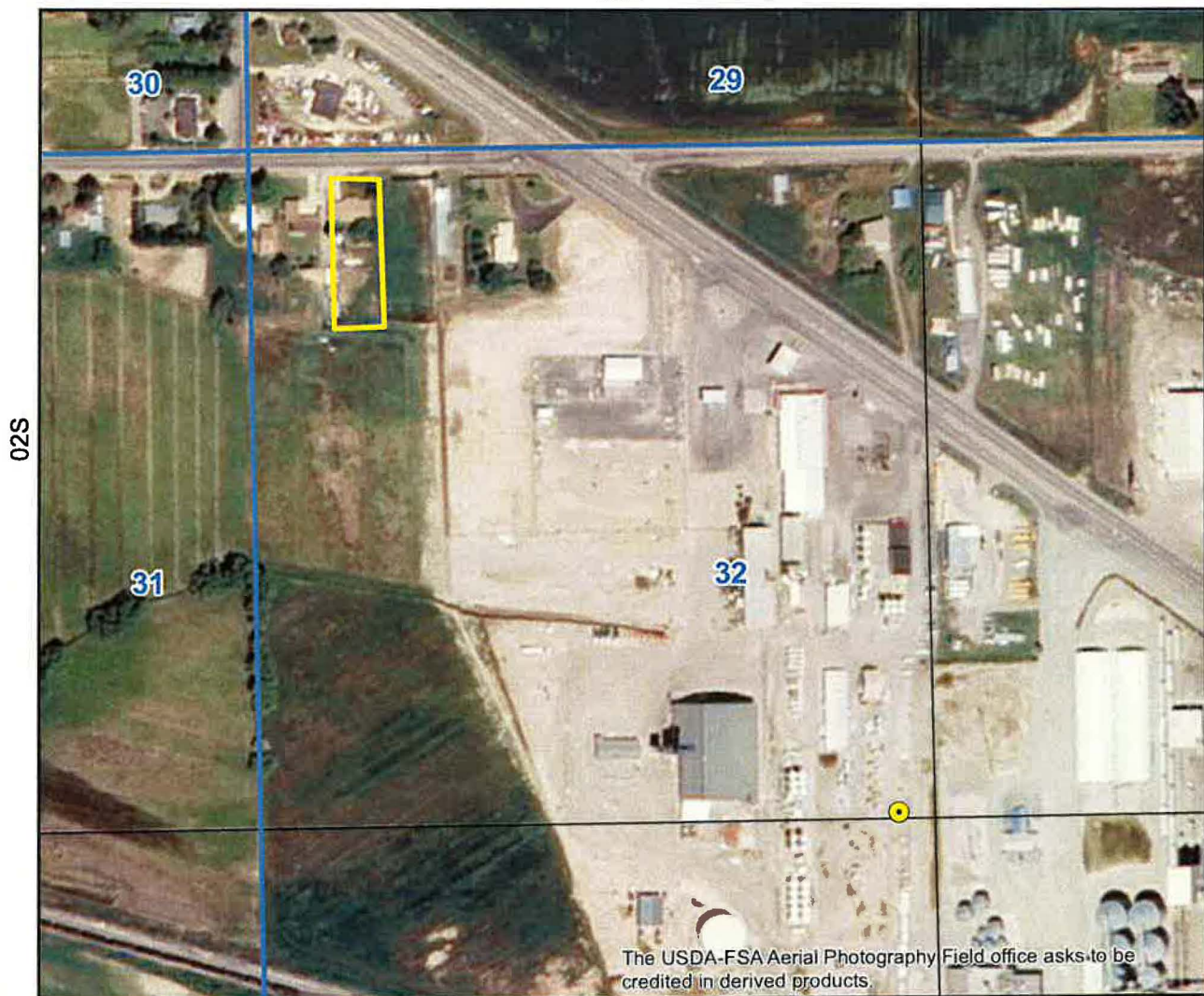
State of Idaho
Department of Water Resources

Water Right
35-13340

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.

35E



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

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

0 0.0425 0.085 0.17 Miles



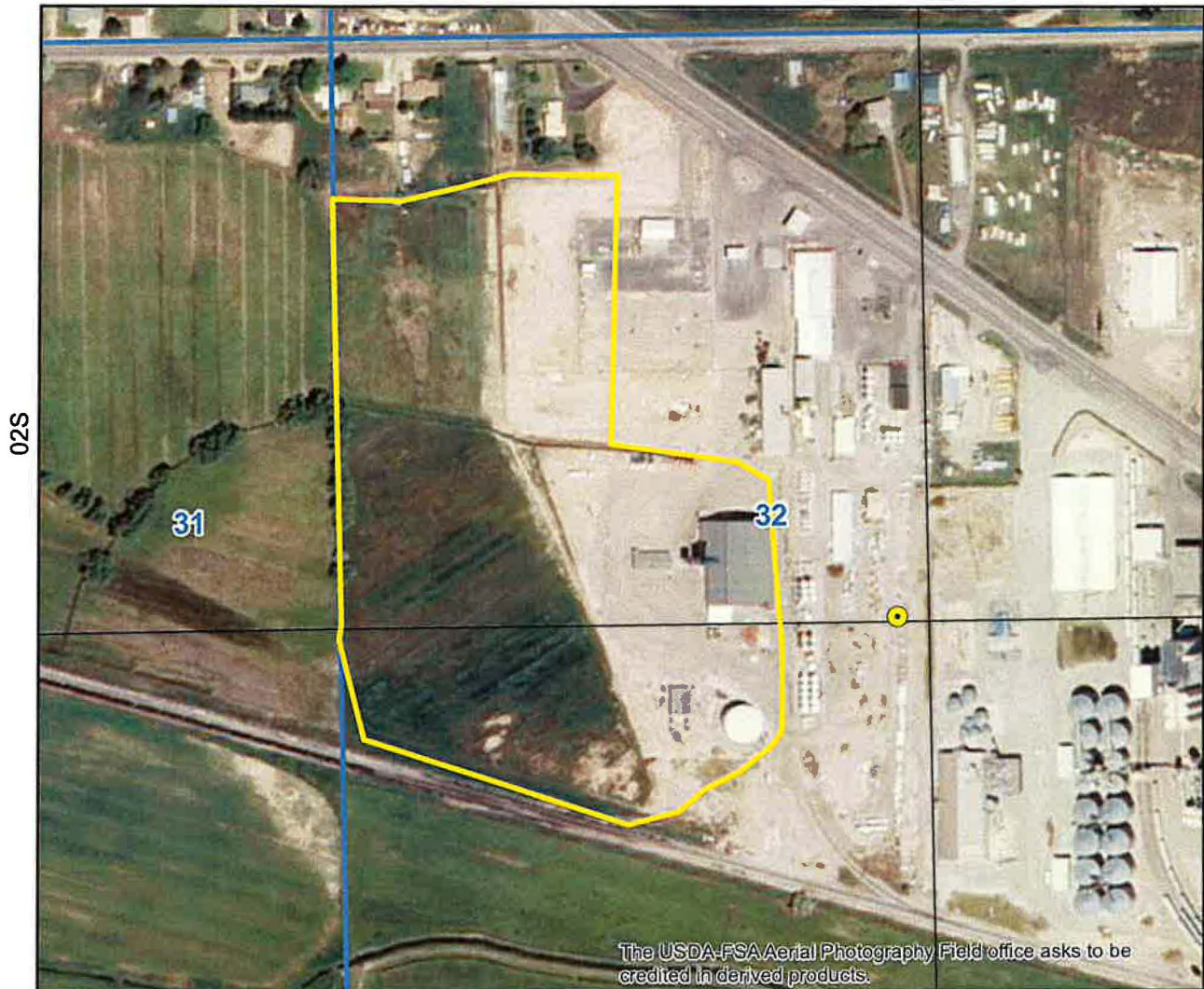
State of Idaho
Department of Water Resources

Water Right 35-13340

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.

35E



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

0 0.05 0.1 0.2 Miles



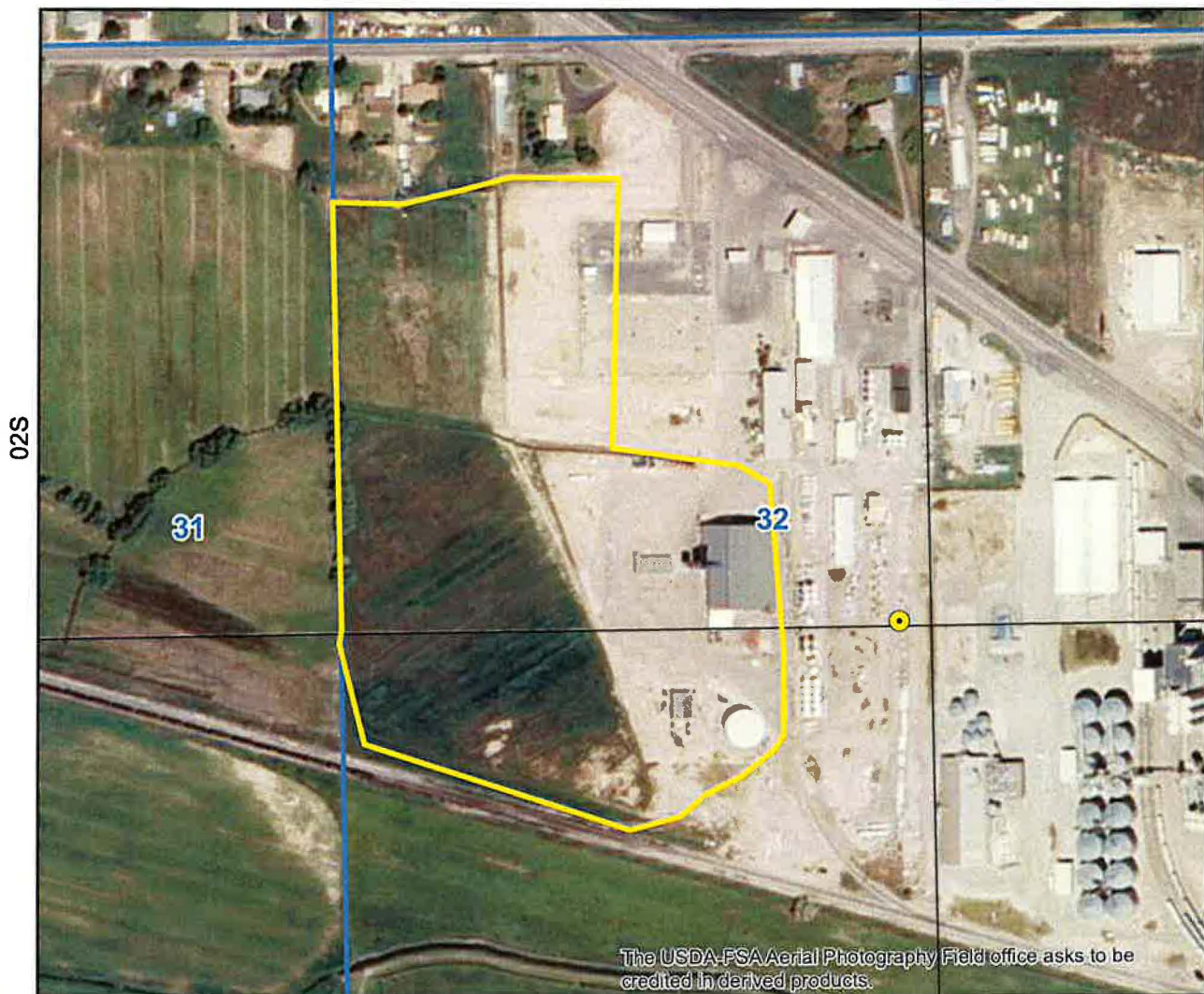
State of Idaho
Department of Water Resources

Water Right
35-13362

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.

35E



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

0 0.05 0.1 0.2 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 30, 2021

HIGHWAY 26 BLACKFOOT PROPERTY, LLC
PO BOX 50620
IDAHO FALLS ID 83405-0620

Re: Change in Ownership for Water Right No(s): 35-13340 & 35-13362

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(s) 35-13340 & 35-13362 were leased to the Water Supply Bank (Bank) in 2019. In accordance with the bank lease acceptance, the lessor or current right holder may not use the right(s) while it is in the Bank, even if the right(s) is not rented from the Bank. The right(s) will remain in the Bank until **December 31, 2023**, unless released earlier by the Water Resource Board or upon request by the right holder. **To reduce the term of the lease, the right holder must submit a written request to the department.** The department will verify if the right is rented or available for release and notify the right holder of the release date. As the new owners of the water rights, a Form W9 is needed. Please fill out the attached form and return to the Department.

Also 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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: Water District No. 120