

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## Notice of Change in Water Right Ownership

RECEIVED  
JUN 10 2021  
DEPT OF WATER RESOURCES  
SOUTHERN 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" in the "Leased to Water Supply Bank?" column. 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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 36-2146               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 36-2307               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 36-4137               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 36-8051               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 36-11001              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

Returned  
Retained  
in  
Deed

2. Previous Owner's Name: Brian M. Pittock, Sandy L. Pittock, Scott R. Giltner, Holly L. Giltner, Luke L. McCoy and  
Name of current water right holder/claimant Tani C. McCoy
3. New Owner(s)/Claimant(s): Milner Farm LLC, an Delaware limited liability company  
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or  
1250 NE Loop 410 Suite 300 San Antonio TX 78209  
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: \_\_\_\_\_
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):  
    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.

SUPPORT DATA

IN FILE # 36-2146

8. Signature: [Signature] President 6/3/2021  
Signature of new owner/claimant Title, if applicable Date  
Signature: \_\_\_\_\_ Title, if applicable Date

## For IDWR Office Use Only:

Received by SG Date 6/10/21 Receipt No. 5038628 Receipt Amt. \$100.00  
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 JB Date 7-14-21

Recording Requested by:

Givens Pursley LLP  
Attn: Kimberly Maloney  
601 W. Bannock St.  
Boise, Idaho 83702

**Instrument # 2213237**  
JEROME COUNTY, JEROME, IDAHO  
06-03-2021 03:03:33 PM No. of Pages: 12  
Recorded for: TITLEONE - TWIN FALLS  
MICHELLE EMERSON Fee: \$15.00  
Ex-Officio Recorder Deputy: jw  
Electronically Recorded by Simplifile

21407710

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

## WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, Brian M. Pittock and Sandy L. Pittock, husband and wife, Luke L. McCoy and Tani C. McCoy, husband and wife, and Scott R. Giltner and Holly I. Giltner, husband and wife (collectively, "Grantor"), does hereby grant, bargain, sell and convey unto Milner Farm LLC, a Delaware limited liability company, whose current mailing address is 1250 NE Loop 410, Suite 300, San Antonio, Texas 78209 ("Grantee"), the following described real property, located in Jerome County, Idaho, to wit:

See Exhibit A attached hereto and incorporated herein by this reference (the "Land"),

TOGETHER WITH all water and water rights and other entitlements to water appurtenant to or beneficially used upon the Land including, but not limited to, those described on Exhibit B and all others represented by any decree, license, permit, claim, permit application or storage entitlement, reserving to Grantor only decreed domestic water right no. 36-11001, and all other ditch and canal company, water association, irrigation district, or other water delivery entity shares and entitlements to receive water from any such company, association, district or other entity, and all ditch rights, easements, and rights of way associated with any irrigation or other water well, pump, delivery ditch, canal, lateral, pipeline, or facilities used to divert, convey or deliver any water, water rights, or entitlements appurtenant to or beneficially used upon the Land, and all minerals and mineral rights appurtenant thereto, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all estate, right, title and interest in and to the Land, as well in law as in equity (collectively, the Land and all appurtenances are, the "Premises").

TO HAVE AND TO HOLD the Premises unto Grantee, its successors and assigns, forever, subject to the matters set forth on Exhibit C attached hereto and incorporated herein (the "Permitted Exceptions"). Grantor does hereby covenant to and with Grantee, and its successors and assigns forever, that Grantor is owner in fee simple of the Premises; that Grantor has a good right to convey the fee simple; that the Premises is free from any and all liens, claims, encumbrances or other defects of title except the Permitted Exceptions; that Grantor shall and will warrant and defend the quiet and peaceful possession of said Premises by Grantee, and its successors and assigns forever, against all other claims whatsoever except as excluded or excepted herein and that Grantor and its successors and assigns will, on demand of the Grantee or its successors or assigns, execute any instrument necessary for the further assurance of the title to the Premises that may be reasonably required.

*[End of text; exhibits, signature pages, and notary blocks follow]*

DATED effective as of June 3, 2021.

GRANTOR:

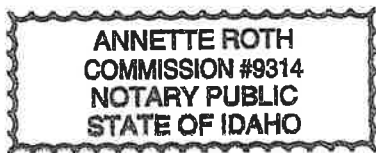
Brian M. Pittock  
Brian M. Pittock

Sandy L. Pittock  
Sandy L. Pittock

STATE OF IDAHO )  
County of Jerome : ss.  
)

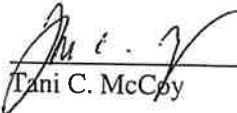
On this 3<sup>rd</sup> day of June, 2021, before me, Annette Roth a notary public in and for the State of Idaho, personally appeared **Brian M. Pittock and Sandy L. Pittock**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Annette Roth  
Notary Public for Idaho  
Residing at: Rupert ID  
My commission expires: 8-4-2023

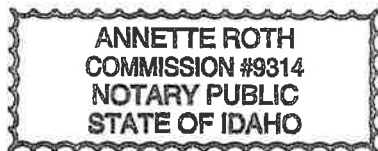
  
Luke L. McCoy

  
Tani C. McCoy

STATE OF IDAHO                    )  
County of Jerome                ) : ss.

On this 3<sup>rd</sup> day of June, 2021, before me, Annette Roth a notary public in and for the State of Idaho, personally appeared **Luke L. McCoy and Tani C. McCoy**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



  
Notary Public for Idaho  
Residing at: Rupert Id  
My commission expires: 8-4-2023

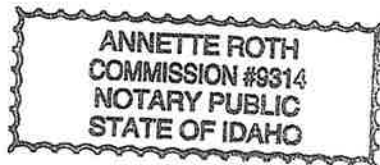
Scott R. Giltner  
Scott R. Giltner

Holly I. Giltner  
Holly I. Giltner

STATE OF IDAHO )  
 )  
County of Jerome ) : ss.

On this 3<sup>rd</sup> day of June, 2021, before me, Annette Roth a notary public in and for the State of Idaho, personally appeared **Scott R. Giltner and Holly I. Giltner**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Annette Roth  
Notary Public for Idaho  
Residing at: Rupert Id  
My commission expires: 8-4-2023

**Exhibit A**  
**Legal Description**

**Legal Description:**

**PARCEL 1**  
**RP10S21E176001**  
**TOWNSHIP 10 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,**  
**JEROME COUNTY, IDAHO**

**Section 17:**        **S $\frac{1}{2}$ SW $\frac{1}{4}$ ; S $\frac{1}{2}$ SE $\frac{1}{4}$ ; EXCEPTING THEREFROM the following described parcel of land:**

**BEGINNING** at the Southeast section corner of said Section 17, said corner marked by  $\frac{1}{2}$ " rebar;  
**Thence North 00°18'12" West** along the East section line for a distance of 692.33 feet to the **POINT OF BEGINNING**;  
**Thence South 89°59'10" West** for a distance of 22.55 feet to a  $\frac{1}{2}$ " rebar;  
**Thence South 89°59'10" West** for a distance of 292.08 feet to a  $\frac{1}{2}$ " rebar;  
**Thence North 00°18'12" West** for a distance of 254.66 feet to a  $\frac{1}{2}$ " rebar;  
**Thence North 89°59'10" East** for a distance of 288.43 feet to a  $\frac{1}{2}$ " rebar;  
**Thence North 89°59'10" East** for a distance of 26.20 feet to the East section line;  
**Thence South 00°18'12" East** along said line for a distance of 254.66 feet to the **POINT OF BEGINNING**.

**PARCEL 2**  
**RP10S21E189000**  
**TOWNSHIP 10 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,**  
**JEROME COUNTY, IDAHO**

**Section 18:**        **SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;**

**PARCEL 3**  
**RP10S21E184801**  
**TOWNSHIP 10 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,**  
**JEROME COUNTY, IDAHO**

**Section 18:**        **N $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{4}$ , Lot 3, lying East of the East boundary of the county highway as presently constructed**

**PARCEL 4**  
**RP10S21E182250**

**TOWNSHIP 10 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,**  
**JEROME COUNTY, IDAHO**

**Section 18:**        **SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and Lot 4**

**EXCEPTING THEREFROM a parcel of land located in part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  and part of Lot 4, described as follows:**

**Commencing** at the Southwest corner of Section 18;  
**Thence North 89°47'00" East**, 938.49 feet along the South boundary of Section 18 to **THE TRUE POINT OF BEGINNING**;  
**Thence North 6°03'17" West**, 1006.54 feet along the East county road easement line to a set  $\frac{1}{2}$ " dia. iron pin;  
**Thence North 89°27'33" East**, 843.31 feet to a set  $\frac{1}{2}$ " dia. iron pin;  
**Thence South 0°29'19" West**, 1006.17 feet to a set  $\frac{1}{2}$ " dia. iron pin which lies on the South Section line of said Section 18 and is referenced by a set  $\frac{1}{2}$ " dia. iron pin which bears North 0°29'19" East, 25.00 feet;  
**Thence South 89°47'00" West**, 728.53 feet along the South Section line of said Section 18 to **THE POINT OF BEGINNING**.

**AND EXCEPTING THEREFROM a part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  and part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section described as follows;**

**BEGINNING** at the Northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, Township 10 South, Range 21 East of the Boise Meridian, said corner marked by a  $\frac{5}{8}$ " rebar which shall be the **POINT OF BEGINNING**;

Thence North 89°34'30" East along the North line of the SE¼NE¼ for a distance of 1322.96 feet to the Northeast corner of the SE¼NE¼;  
Thence South 00°13'36" East along the East line of the SE¼NE¼ for a distance of 1005.71 feet to a ½" rebar;  
Thence South 46°56'56" West for a distance of 403.00 feet to a ½" rebar;  
Thence South 84°47'12" West for a distance of 590.55 feet to a ½" rebar;  
Thence South 72°59'00" West for a distance of 233.48 feet to a ½" rebar;  
Thence South 45°07'27" West for a distance of 299.31 feet to a ½" rebar;  
Thence South 45°07'27" West for a distance of 4.34 feet to the West line of the NE¼SE¼;  
Thence North 00°12'31" West along the West line of the NE¼SE¼ for a distance of 284.45 feet to the Southwest corner of the SE¼NE¼;  
Thence North 00°12'31" West along the West line of the SE¼NE¼ for a distance of 1322.80 feet to the POINT OF BEGINNING.

PARCEL 5  
Former RP10S21E190002  
TOWNSHIP 10 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,  
JEROME COUNTY, IDAHO

Section 19: NE¼, E½NW¼, That part of Lots 1 and 2 lying East of the center line of the main canal of the North Side Canal Co. Ltd. as at present constructed.

EXCEPTING THEREFROM that part of the N½ of Section 19, Township 10 South, Range 21 East of the Boise Meridian, described as follows:

Beginning at the North ¼ corner of Section 19 in Township 10 South, Range 21 East Boise Meridian, said corner marked by a 5/8 inch rebar which shall be THE POINT OF BEGINNING;  
Thence North 89°45'05" East along the north line of Section 19 for a distance of 1324.25 feet to the Northeast corner of the NW¼NE¼;  
Thence South 00°04'14" West along the east line of the NW¼NE¼ for a distance of 1321.80 feet to the Southeast corner of the NW¼NE¼;  
Thence South 89°46'05" West along the south line of the NW¼NE¼ for a distance of 1324.04 feet to the Southwest corner of the NW¼NE¼;  
Thence North 00°03'42" East along the west line of the NW¼NE¼ for a distance of 1113.01 feet;  
Thence South 89°45'05" West for a distance of 1.82 feet to a ½ inch rebar;  
Thence North 03°28'00" West for a distance of 208.73 feet to a ½ Inch rebar on the north line of Section 19;  
Thence North 89°45'05" East along said section line for a distance of 14.67 feet to THE POINT OF BEGINNING.

AND EXCEPTING THEREFROM that part of the NW¼ of Section 19, Township 10 South, Range 21 East of the Boise Meridian described as follows:

Beginning at the North ¼ corner of Section 19 in Township 10 South, Range 21 East Boise Meridian, said corner marked by a 5/8 inch rebar;  
Thence South 89°45'05" West along the north line of Section 19 for a distance of 897.79 feet to THE POINT OF BEGINNING;  
Thence South 00°14'55" East for a distance of 1335.46 feet;  
Thence South 89°45'05" West for a distance of 1150.55 feet to the centerline of the Northside Canal;  
Thence North 13°14'56" West along said centerline for a distance of 1370.59 feet to the north line of Section 19;  
Thence North 89°45'05" East along said section line for a distance of 1458.87 feet to THE POINT OF BEGINNING.

TOWNSHIP 10 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN, JEROME COUNTY, IDAHO

Section 19: NE¼SW¼;

That part of Lot 3 lying East of the center line of the main canal of the North Side Canal Co. Ltd. as at present constructed.

That part of the N½SE¼ lying North of the PA-1 lateral of the North Side Pumping Company as at present constructed.

S½SE¼ lying North of the Highway as now located across the Southerly part;

NE¼SE¼, EXCEPTING THEREFROM the following tract of land:

Beginning at the Northeast corner of the NE¼SE¼;  
Thence Southerly along the East boundary of said NE¼SE¼, a distance of 721.0 feet to the approximate centerline of an irrigation lateral as presently constructed and known as PA-1, owned and operated by the North Side Pumping Company, Hazelton, Idaho;  
Thence Westerly along the center line of said irrigation lateral PA-1 as follows:  
Thence North 87°20' West, a distance of 356.0 feet;

Thence South 74°52' West, a distance of 181.3 feet;  
Thence North 72°28' West, a distance of 159.9 feet;  
Thence South 34°04' West, a distance of 140.1 feet;  
Thence North 80°45' West, a distance of 567.3 feet to the West boundary of the said NE¼SE¼;  
Thence Northerly along said West boundary a distance of 721.2 feet to the North boundary of said NE¼SE¼;  
Thence Easterly along the North boundary a distance of 1320.0 feet, more or less, to the POINT OF BEGINNING.

NW¼SE¼, EXCEPTING THEREFROM the following tract of land:

Beginning at the Northeast corner of the NW¼SE¼;  
Thence Southerly along the East boundary of said NW¼SE¼, a distance of 721.2 feet to the approximate centerline of an Irrigation lateral as presently constructed and known as PA-1, owned and operated by the North Side Pumping Company, Hazelton, Idaho;  
Thence Westerly along the center line of said Irrigation lateral PA-1 as follows:  
Thence North 80°45' West, a distance of 73.3 feet;  
Thence South 89°41' West, a distance of 183.7 feet;  
Thence North 76°12' West, a distance of 294.2 feet;  
Thence South 82°02' West, a distance of 313.9 feet;  
Thence North 58°20' West, a distance of 171.3 feet;  
Thence North 83°35' West, a distance of 303.4 feet;  
Thence South 81°25' West, a distance of 19.3 feet to the West boundary of said NW¼SE¼;  
Thence Northerly along said West boundary, a distance of 557.6 feet to the Northwest corner of the said NW¼SE¼;  
Thence Easterly along the North boundary of said NW¼SE¼, a distance of 1320.0 feet, more or less, to the POINT OF BEGINNING.

PARCEL 6  
RP10S21E197200

TOWNSHIP 10 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,  
JEROME COUNTY, IDAHO

Section 19: Part of the NE¼SE¼, described as follows:

Beginning at the Northeast corner of the NE¼SE¼;  
Thence Southerly along the East boundary of said NE¼SE¼, a distance of 721.0 feet to the approximate centerline of an irrigation lateral as presently constructed and known as PA-1, owned and operated by the North Side Pumping Company, Hazelton, Idaho;  
Thence Westerly along the center line of said Irrigation lateral PA-1 as follows:  
Thence North 87°20' West, a distance of 356.0 feet;  
Thence South 74°52' West, a distance of 181.3 feet;  
Thence North 72°28' West, a distance of 159.9 feet;  
Thence South 34°04' West, a distance of 140.1 feet;  
Thence North 80°45' West, a distance of 567.3 feet to the West boundary of the said NE¼SE¼;  
Thence Northerly along said West boundary a distance of 721.2 feet to the North boundary of said NE¼SE¼;  
Thence Easterly along the North boundary a distance of 1320.0 feet, more or less, to the POINT OF BEGINNING.

Part of the NW¼SE¼, described as follows:

Beginning at the Northeast corner of the NW¼SE¼;  
Thence Southerly along the East boundary of said NW¼SE¼, a distance of 721.2 feet to the approximate centerline of an irrigation lateral as presently constructed and known as PA-1, owned and operated by the North Side Pumping Company, Hazelton, Idaho;  
Thence Westerly along the center line of said Irrigation lateral PA-1 as follows:  
Thence North 80°45' West, a distance of 73.3 feet;  
Thence South 89°41' West, a distance of 183.7 feet;  
Thence North 76°12' West, a distance of 294.2 feet;  
Thence South 82°02' West, a distance of 313.9 feet;  
Thence North 58°20' West, a distance of 171.3 feet;

Thence North 83°35' West, a distance of 303.4 feet; Thence South 81°25' West, a distance of 19.3 feet to the West boundary of said NW¼SE¼;  
Thence Northerly along said West boundary, a distance of 557.6 feet to the Northwest corner of the said NW¼SE¼;  
Thence Easterly along the North boundary of said NW¼SE¼, a distance of 1320.0 feet, more or less, to the POINT OF BEGINNING.

PARCEL 7  
(Non-Buildable Parcel)

TOWNSHIP 10 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN, JEROME COUNTY, IDAHO

Section 19: Part of the N½, described as follows:

Beginning at the North ¼ Corner of Section 19 in Township 10 South, Range 21 East Boise Meridian, said corner marked by a 5/8 inch rebar;  
Thence North 89°45'05" East along the north line of Section 19 for a distance of 200.20 feet to THE POINT OF BEGINNING;  
Thence North 89°45'05" East along the north line of Section 19 for a distance of 1124.05 feet to the Northeast corner of the NW¼NE¼;  
Thence south 00°04'14" West along the east line of the NW¼NE¼ for a distance of 1321.80 feet to the Southeast corner of the NW¼NE¼;  
Thence South 89°46'05" West along the south line of the NW¼NE¼ for a distance of 1324.04 feet to the Southwest corner of the NW¼NE¼;  
Thence North 00°03'42" East along the west line of the NW¼NE¼ for a distance of 1113.01 feet;  
Thence North 89°45'05" East for a distance of 201.33 feet to a ½ inch rebar;  
Thence North 00°14'55" West for a distance of 183.40 feet to a ½ inch rebar;  
Thence North 00°14'55" West for a distance of 25.00 feet to THE POINT OF BEGINNING.

SUBJECT TO a county road right of way along the north side.

PARCEL 8  
(Non Buildable Parcel)

TOWNSHIP 10 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN, JEROME COUNTY, IDAHO

Section 19: Part of the NW¼, described as follows:

Beginning at the North ¼ corner of Section 19 in Township 10 South, Range 21 East Boise Meridian, said corner marked by a 5/8 inch rebar;  
Thence South 89°45'05" West along the north line of Section 19 for a distance of 897.79 feet to THE POINT OF BEGINNING;  
Thence South 00°14'55" East for a distance of 1335.46 feet;  
Thence South 89°45'05" West for a distance of 1150.55 feet to the centerline of the Northside Canal;  
Thence North 13°14'56" West along said centerline for a distance of 1370.59 feet to the north line of Section 19;  
Thence North 89°45'05" East along said section line for a distance of 592.61 feet to the centerline of the Milner Road;  
Thence South 08°28'08" East along said centerline for a distance of 845.13 feet;  
Thence South 08°02'30" East along said centerline for a distance of 160.94 feet;  
Thence North 89°45'05" East for a distance of 25.26 feet to a ½ inch rebar;  
Thence North 89°45'05" East for a distance of 244.65 feet to a ½ inch rebar;  
Thence North 00°14'56" West for a distance of 151.22 feet to a ½ inch rebar;  
Thence North 88°37'58" West for a distance of 259.64 feet to a ½ inch rebar;  
Thence North 88°37'58" West for a distance of 32.21 feet to the centerline of Milner Road;  
Thence North 08°28'08" West along said centerline for a distance of 845.13 feet to the north line of Section 19;  
Thence North 89°45'05" East along said section line for a distance of 866.26 feet to THE POINT OF BEGINNING.

SUBJECT TO a county road right of way along the North side.

SUBJECT TO a county road right of way for Milner Road.

SUBJECT TO a right of way for the Northside Canal.

SUBJECT TO a right of way for the Milner-Gooding Canal.

**Exhibit B**  
**Water Rights**

**North Side Canal Co & North Side Pump Co.**

| <b>Shares</b> | <b>Certificates</b> |
|---------------|---------------------|
| 150.12        | 1656P               |
| 51.94         | 1655P               |
| 235           | 25586               |
|               |                     |
| <b>437.06</b> |                     |

**All Portions of the Following Water Rights Recognized by the Idaho Department of Water Resources, Reserving None to Grantor.**

| <b>Number</b> | <b>Source</b> | <b>Priority</b> | <b>AFA</b> | <b>CFS</b> | <b>Acres</b> | <b>Status</b> | <b>Use</b> |
|---------------|---------------|-----------------|------------|------------|--------------|---------------|------------|
| 36-2146       | Groundwater   | 8/28/1951       | 796.0      | 3.40       | 199.00       | Decreed       | Irrigation |
| 36-2307       | Stream        | 2/19/1957       |            | 1.50       | 95.00        | Decreed       | Irrigation |
| 36-4137       | Waste Water   | 4/12/1961       | 308.0      | 1.06       | 77.00        | Decreed       | Irrigation |
| 36-8051       | Waste Water   | 1/20/1982       |            | 0.48       |              | Decreed       | Irrigation |

**Exhibit C**  
**Permitted Exceptions**

1. Taxes, including any assessments collected therewith, for the year 2021 which are a lien not yet due and payable.
2. Liens, levies, and assessments of any and all irrigation districts, including but not limited to the North Snake Ground Water District, and the rights, powers, and easements of said district as provided by law.
3. Liens, levies, and assessments of any and all irrigation districts, including but not limited to the American Falls Reservoir District, and the rights, powers, and easements of said district as provided by law.
4. Liens, levies, and assessments of any and all irrigation districts, including but not limited to the North Side Canal Company, and the rights, powers, and easements of said district as provided by law.
5. Liens, levies, and assessments of any and all irrigation districts, including but not limited to the North Side Pumping Company, and the rights, powers, and easements of said district as provided by law.
6. Right of way for ditches, tunnels, telephone, and distribution lines constructed by authority of the United States, as granted to the United States under the provisions of Section 58-604 Idaho Code.
7. Right of way for main canal of The Gooding Division of the Minidoka Project, known as the Gooding Canal.
8. Right-of-way for roads, canals, laterals and waste ditches and the rights of access thereto for maintenance of said ditches, dated August 21, 1907, recorded in Book 15 Page 589, Jerome County records.
9. Easement for canal located over a portion of Lot 4 of Section 18, Township 10 South, Range 21, East Boise Meridian, contained in Contract by and between the United States of America, and Twin Falls North Side Investment Company, Limited, a corporation, dated April 28, 1931, recorded June 26, 1931 in Book 98 Page 410 as Instrument Number 47747, Jerome County records.
10. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Company, a corporation  
Purpose: Public Utilities  
Recorded: August 26, 1953  
Book 150 at Page(s) 334  
Instrument No.: 120067
11. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Company, a corporation  
Purpose: Public Utilities  
Recorded: February 23, 1955

Book 2 at Page(s) 100  
Instrument No.: 124943

12. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Co.  
Purpose: Public Utilities  
Recorded: February 23, 1955  
Book 2 at Page(s) 120  
Instrument No.: 124970
13. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Company, a corporation  
Purpose: Public Utilities  
Recorded: February 23, 1955  
Book 2 of Orders at Page(s) 121  
Instrument No.: 124972
14. Reservations contained in United States Patent given by The United States of America, to Carl L. Nelson dated October 30, 1956, recorded January 22, 1957 in Book 159 Page 507 as Instrument Number 131126, Jerome County records, reserving unto the United States, its permittee or licensee, the right to enter upon, occupy and use any part or all of that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 17, lying within 50 feet of the center line of the transmission line right of way of the Great Shoshone & Twin Falls Water & Power Company.
15. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Company, a corporation  
Purpose: Public Utilities  
Recorded: May 8, 1958  
Book 2 at Page(s) 554  
Instrument No.: 135692
16. Obligations, if any, under an easement and rights incidental thereto as set forth in document.  
Granted to: Leonard H. Schutte and Marie Schutte, husband and wife  
Recorded: April 12, 1961 in Book 168 Page 82  
Instrument No.: 146338
17. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Company, a corporation  
Purpose: Public Utilities  
Recorded: November 20, 1975  
Book 184 at Page(s) 1158  
Instrument No.: 215140
18. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Company, a corporation  
Purpose: Public Utilities

Recorded: December 24, 2007  
Instrument No.: 2077598

19. Farm Lease (Moss Farms) by and between Moss Farms Operations, LLC, an Idaho limited liability company ("Tenant") and Brian M. Pittock and Sandy L. Pittock, husband and wife, Luke L. McCoy and Tani C. McCoy, husband and wife, and Scott R. Giltner and Holly L. Giltner, husband and wife, ("Landlord").



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858  
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

July 14, 2021

MILNER FARM LLC  
1250 NE LOOP 410 STE 300  
SAN ANTONIO TX 78209-1533

Re: Change in Ownership for Water Right No(s): 36-2307, 36-2146, 36-4137, & 36-8051

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.

**Please note, Idaho Ag Credit FLCA is identified as a security interest holder on these water rights. If this is no longer correct, it can be removed from the rights upon written notice from the security interest holder that the interest has terminated. Also note that the ownership change for right 36-11001 was not processed because the right was specifically retained by the grantor in the conveyance document. No fee was paid for that right, so no refund of the fee is forthcoming. Additionally, Brockway Engineering is listed as the representative on right 36-2146. You may also wish to update that status if necessary.**

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) 293-9909.

Sincerely,

Jim Bitzenburg  
Senior Water Resource Agent

Enclosure(s)

CC: WD-130; TitleOne, Burley- File #21407710; Idaho Ag Credit FLCA, American Falls



237 N. Lincoln  
Jerome, ID 83338  
Ph. (208) 324-5613  
Fx. (866) 310-3443  
www.titleonecorp.com

Idaho Department of Water Resources  
650 Addison Avenue West  
Suite 500  
Twin Falls, ID 83301

Date: June 9, 2021

Escrow No. 21407710

Greetings,

Enclosed please find the following:

- TitleOne Check No. 35539 in the amount of \$100.00 for the Notice of Change of Ownership
- Original executed Notice of Change of Ownership
- Copy of original executed Warranty Deed recorded on 06/03/21 as Instrument No. 2213237, records of Jerome Co., ID

Please make the necessary changes to your records to reflect new owner and please send a receipted copy to TitleOne, 211 W. 13<sup>th</sup> St., Burley, ID 83318, Attn: Ashley Martinkus.

Please feel free to contact us at the number above should you have any questions.

Best Regards,  
TITLEONE

  
Ashley Martinkus  
Ag Escrow Assistant

AR/am  
Enc.  
FedEx

RECEIVED  
JUN 10 2021  
DEPT OF WATER RESOURCES  
SOUTHERN REGION