

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 12 2021

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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
31-11992 <i>OK</i>	Yes ☐	Yes ☐	31-12343 <i>OK</i>	Yes ☐	Yes ☐
31-11781 <i>OK</i>	Yes ☐	Yes ☐	31-12344 <i>OK</i>	Yes ☐	Yes ☐
31-11783 <i>OK</i>	Yes ☐	Yes ☐	31-12358 <i>OK</i>	Yes ☐	Yes ☐
31-11785 <i>OK</i>	Yes ☐	Yes ☐	31-12320 <i>OK</i>	Yes ☐	Yes ☐
31-12081 <i>OK</i>	Yes ☐	Yes ☐	31-10270 <i>5 NR</i>	Yes ☐	Yes ☐

2. Previous Owner's Name: Brown Delta II, LLC
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Jacobs Land, LLC
New owner(s) as listed on the conveyance document
- P.O. Box 119 Hamer ID 83425
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: February 3, 2021

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: Robert L. Jannis Attorney April 9, 2021
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable _____ Date _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by JB Date 4/14/2021 Request # 25. - refund. Receipt No. E046840 Receipt Amt. \$250.-

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 JB Processed by JB Date 5/4/2021

Instrument # 460157

RIGBY, JEFFERSON, IDAHO

02-05-2021 04:49:39 PM

No. of Pages: 6

Recorded for: FIRST AMERICAN TITLE - RIGBY

COLLEEN C POOLE

Fee: \$15.00

Ex-Officio Recorder Deputy: LK

Index To: WARRANTY DEED

Electronically Recorded by Simplifile

FIRST AMERICAN TITLE
948808-RJ

(Space above for Recorder's use)

SPECIAL WARRANTY DEED

Grantor: Brown Delta II, LLC, an Idaho limited liability company
c/o Homestead Capital USA, LLC
One Embarcadero Center, Suite 3860
San Francisco, CA 94111

Grantee: Jacobs Land, LLC, an Idaho limited liability company
2576 E 2600 N.
Hamer, Idaho 83425



For value received, Grantor hereby conveys, grants, and warrants unto Grantee its entire right, title, and interest in and to the real property in Jefferson County, Idaho, described below, together with all fixtures, improvements, appurtenances, rents, issues, and profits that relate or pertain thereto (collectively, the "Property"), along with all irrigation equipment and tangible property located thereon (exclusive of tangible personal property owned by third parties farming the Property) and all appurtenant water rights, including, but not limited to the following water rights, as identified in the records of the Idaho Department of Water Resources: (i) 31-11992, (ii) 31-11781, (iii) 31-11783, (iv) 31-11785, (v) 31-12081, (vi) 31-12343, (vii) 31-12344, (viii) 31-12358, and (ix) 31-12320. to have and to hold the same unto Grantee and its successors and assigns forever:

See Exhibit A attached hereto and made a part hereof.

Grantor conveys the Property subject to: a) encumbrances of record; b) taxes accruing after January 1, 2021; c) ordinances, and federal and state rights and reservations, including, without limitation, patents, oil, gas, and minerals; d) conflicts in boundary lines, shortage in area, encroachments, or any other fact that a correct survey would disclose; e) easements or claims of easement not shown by the public records; f) use restrictions and building and zoning regulations and ordinances of any governmental unit. Subject to the foregoing exceptions, Grantor does hereby covenant with and warrant to Grantee that Grantor is lawfully seized in fee simple of the Property, has good right and lawful authority to sell and convey the Property, and that Grantor warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

GRANTOR:

Brown Delta II, LLC

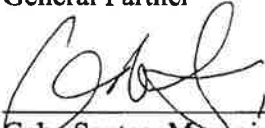
An Idaho limited liability company

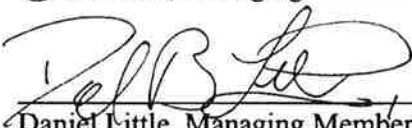
By: Happy Valley USA II, L.L.C.
Its: Sole Member

By: Homestead Capital USA Farmland Fund II, L.P.
Its: Managing Member

By: Homestead Capital USA Farmland Fund II GP, L.P.
Its: General Partner

By: Homestead Capital USA Farmland Fund II UGP, LLC
Its: General Partner

By:  Managing Member, 2/3/21
Gabe Santos, Managing Member

By:  Managing Member, 02/03/2021
Daniel Little, Managing Member

STATE OF _____)
)ss.
County of _____)

*See attached
fee*

On this _____ day of January, 2021, before me, _____, a Notary Public in and for said state, personally appeared Gabe Santos, known or identified to me to be a Managing Member of Homestead Capital USA Farmland Fund II UGP, LLC, a limited liability company, the General Partner of Homestead Capital USA Farmland Fund II GP, L.P., a limited partnership, the General Partner of Homestead Capital USA Farmland Fund II, L.P. a limited partnership, the Managing Member of Happy Valley USA II, L.L.C., a limited liability company, the Sole Member of Brown Delta II, LLC, an Idaho limited liability company, and acknowledged to me that he executed the foregoing Special Warranty Deed on behalf of said limited liability company and that such limited liability company executed the same in said partnership name.

(stamp)

Signature of Notary Public
My Commission Expires: _____

STATE OF _____)
)ss.
County of _____)

*See attached
fee*

On this _____ day of January, 2021, before me, _____, a Notary Public in and for said state, personally appeared Daniel Little, known or identified to me to be a Managing Member of Homestead Capital USA Farmland Fund II UGP, LLC, a limited liability company, the General Partner of Homestead Capital USA Farmland Fund II GP, L.P., a limited partnership, the General Partner of Homestead Capital USA Farmland Fund II, L.P. a limited partnership, the Managing Member of Happy Valley USA II, L.L.C., a limited liability company, the Sole Member of Brown Delta II, LLC, an Idaho limited liability company, and acknowledged to me that he executed the foregoing Special Warranty Deed on behalf of said limited liability company and that such limited liability company executed the same in said partnership name.

(stamp)

Signature of Notary Public
My Commission Expires: _____

EXHIBIT A

THE PROPERTY

PARCEL 1:

TOWNSHIP 8 NORTH, RANGE 36, E.B.M., JEFFERSON COUNTY, IDAHO:

SECTION 4:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ LYING WEST OF THE RAILROAD

PARCEL 2:

TOWNSHIP 8 NORTH, RANGE 36, E.B.M., JEFFERSON COUNTY, IDAHO:

SECTION 4:

SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL 3:

TOWNSHIP 8 NORTH, RANGE 36, E.B.M., JEFFERSON COUNTY, IDAHO:

SECTION 4:

**S $\frac{1}{2}$ NE $\frac{1}{4}$ LYING WEST OF THE RAILROAD; SE $\frac{1}{4}$ SE $\frac{1}{4}$ LYING WEST OF THE RAIL ROAD;
W $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$, LYING EAST OF THE HIGHWAY,**

**EXCEPT THAT PORTION CONVEYED TO THE STATE OF IDAHO BY WARRANTY
DEED RECORDED JULY 6, 1959, BOOK 170 OF DEEDS, PAGE 54;**

**ALSO EXCEPT THAT PORTION BEGINNING AT A POINT 250 FEET NORTH OF THE
EAST INTERSECTION OF THE OLD BUTTE HIGHWAY AND THE SOUTH SECTION
LINE, AND RUNNING THENCE SOUTH 250 FEET; THENCE EAST 871 FEET; THENCE
NORTH 250 FEET; THENCE WEST 871 FEET TO THE POINT OF BEGINNING, AND ALSO
INCLUDING AN EASEMENT PROVIDING IN THE EVENT OF A CREEK COURSE
CHANGE RIGHT OF WAY TO PROVIDE ACCESS TO BEAVER CREEK. TOGETHER
WITH AN EASEMENT CONFINED TO A STRIP ALONG THE SOUTH SECTION LINE OF
THE EXCEPTED PROPERTY NOT TO EXCEED A WIDTH OF 30 FEET FOR A ROADWAY
TO PROVIDE INGRESS AND EGRESS TO AND FROM THE GRANTED PARCEL.**

PARCEL 4:

TOWNSHIP 8 NORTH, RANGE 36, E.B.M., JEFFERSON COUNTY, IDAHO:

SECTION 16:

**ALL THAT PORTION OF SECTION 16 LYING AND BEING EAST OF THE OLD BUTTE
HIGHWAY AND LYING AND BEING WEST OF THE RAILROAD RIGHT OF WAY.**

Special Warranty Deed

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of

San Francisco

On

2/3/2021

before me,

Russell Chuan Chang, Notary Public
(insert name and title of the officer)

personally appeared

Gabriel Santos

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that he ~~or~~ she ~~or~~ they executed the same in his ~~or~~ her ~~or~~ their authorized capacity(ies), and that by his ~~or~~ her ~~or~~ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



Special Warranty Deed

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of

San Francisco

On

2/3/2021

before me,

Russell Chuan Chang Notary Public

(insert name and title of the officer)

personally appeared

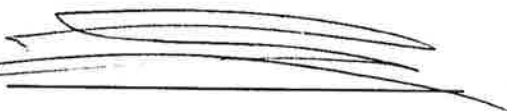
Daniel Little

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 04, 2021

JACOBS LAND LLC
PO BOX 119
HAMER ID 83425-0119

Re: Change in Ownership for Water Right No(s): 31-11781, 31-11783, 31-11785, 13-11992, 31-12081, 31-12320, 31-12343, 31-12344, 31-12358 & 31-10270 (Not complete)

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.

The department could not update water right number 31-10270. That water right number is currently in the name of Michael and Marcia Hoptak and is not covered by the legal description provided. Because the department could not update the ownership you are entitled to a \$25.00 refund, our office has initiated the refund and it should arrive from the state office, to the office of Holden Kidwell Hahn & Crapo within a couple weeks.

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: HOLDEN KIDWELL HAHN & CRAPO
IDAHO AG CREDIT FLCA
WATER DISTRICT 110
JEFFERSON CLARK GROUND WATER DISTRICT

Barg, Jonie

From: Barg, Jonie
Sent: Tuesday, May 04, 2021 11:10 AM
To: IdwrPayable
Subject: Refund Request
Attachments: Receipt

Good morning!!

I have a refund request as follows:

Receipt number: E046840
Amount: \$25.00
Payable to: HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405-0130

Reason: Ownership Change application filed by Holden Kidwell Hahn and Crapo on behalf of their client Jacobs Land LLC. Water right number 31-10270, could not be complete the department does not have sufficient evidence of ownership to update that one water right.
Let me know if you need additional information.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

Jonie Barg

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177
email: jonie.barg@idwr.idaho.gov



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

Established in 1896

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405
Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
rharris@holdenlegal.com

April 9, 2021

Jonie Barg
Idaho Department of Water Resources
900 N. Skyline Dr., Ste A
Idaho Falls, ID 83402

Re: Notice of Change in Water Right Ownership for WR Nos. 31-11992, 31-11781, 31-11783, 31-11785, 31-12081, 31-12343, 31-12344, 31-12358, 31-12320, and 31-10270.

Dear Jonie:

Enclosed for processing is a *Notice of Change in Water Right Ownership* for the above-referenced water rights. The property to which the above rights are appurtenant was sold by Brown Delta II, LLC to Jacobs Land, LLC. We have included a copy of the recorded *Warranty Deed* and a check in the amount of \$250.00 as none of the rights will be split. If you have any questions or concerns, please let me know.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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