

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

DEPARTMENT OF
WATER RESOURCES

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?	Leased to Water Supply Bank?
22-14143	Yes ☒	Yes ☐	22-14115 Split into 22-14115 & 22-14402 22-14143 Split into 22-14143 & 22-14403 Yes ☐
22-14115	Yes ☒	Yes ☐	Yes ☐
	Yes ☐	Yes ☐	Yes ☐
	Yes ☐	Yes ☐	Yes ☐
	Yes ☐	Yes ☐	Yes ☐

2. Previous Owner's Name:

Teton Regional Land Trust
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

HW Farms Idaho LLC
New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

3385 Round Lake Rd.

Zenwood

FL.

32798

Mailing address

City

State

ZIP

407-467-7481

ADAM@HEADWATERFARMS.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: 11/3/20

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 # 22-14115

8. Signature:

[Signature]
Signature of new owner/claimant

Owner
Title, if applicable

2/18/21
Date

Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by [Signature] Date 2-26-21 Receipt No. C109963 Receipt Amt. 200.00

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 2-26-21

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

Instrument # 263765

TETON COUNTY, IDAHO
11-05-2020 14:37:00 No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - DRIGGS
KIM KEELEY Fee: \$15.00
Ex-Officio Recorder Deputy, Kim Keeley
Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 926904-T (JP)

Date: November 03, 2020

For Value Received, **Teton Regional Land Trust, Inc., a non-profit Idaho corporation**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **HW Farms Idaho, LLC, an Idaho limited liability company**, hereinafter called the Grantee, whose current address is **3385 Round Lake Road, Zellwood, FL 32798**, the following described premises, situated in **Teton County, Idaho**, to-wit:

A PARCEL OF LAND LOCATED IN THE SE 1/4 NW 1/4 AND THE NE 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 46 EAST OF THE BOISE MERIDIAN, TETON COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 30, SAID CORNER BEING MONUMENTED WITH A 5/8 INCH IRON PIN WITH A 2 INCH ALUMINUM CAP; THENCE ALONG THE SOUTH LINE OF SAID NE 1/4 SECTION 30, N89°37'49"W 2,668.01 FEET TO THE CENTER ONE-QUARTER CORNER OF SAID SECTION, A REBAR WITH ALUMINUM CAP INSCRIBED "AW ENG 2860"; THENCE ALONG THE SOUTH LINE OF SAID NW 1/4, SECTION 30, N89°38'48"W 703.56 FEET TO A REBAR AND ALUMINUM CAP INSCRIBED "NELSON ENGR PLS 13767"; THENCE N00°02'38"E, 555.30 FEET; THENCE N42°32'37"E, 760.75 FEET TO A REBAR AND ALUMINUM CAP INSCRIBED "NELSON ENGR PLS 13767"; THENCE N68°44'54"E, 1117.79 FEET TO A REBAR AND ALUMINUM CAP INSCRIBED "NELSON ENGR PLS 13767"; THENCE N89°54'35"E, 1820.83 FEET TO A REBAR AND ALUMINUM CAP INSCRIBED "NELSON ENGR PLS 13767", A POINT ON THE EAST LINE OF SAID SECTION 30; THENCE ALONG THE EAST LINE OF SAID SECTION 30, S00°13'09"W 1545.39 FEET TO THE POINT OF BEGINNING.

Subject to a roadway and utility easement for the benefit of Grantor described as follows:

Commencing at the East quarter corner of said Section 30 and running North 00°11'26" East, 2650.66 feet to the Northeast corner of said Section 30; thence West 30.00 feet; thence South 00°11'26" West, 2650.66 feet more or less to the South line of the Northeast quarter of said Section 30; thence East 30.00 feet to the point of beginning.

Date: 11/03/2020

Warranty Deed
- continued

File No.: 926904-T (JP)

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Teton Regional Land Trust, Inc., a non-profit
Idaho corporation

By:

Name: ~~Joselin~~ Matkins

Title: Executive Director

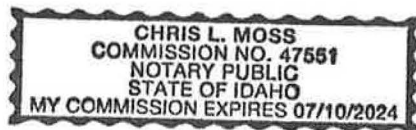
By:

Name: Arantza Zabala

Title: Board Member

STATE OF Idaho)
)
) ss.
COUNTY OF Teton)

On this 11/4/2020, before me, a Notary Public in and for said State, personally appeared **Joselin Matkins and Arantza Zabala**, known or identified to me, to be the **Executive Director and Board Member** of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.



Notary Public of Idaho
Residing at: *Prigby*
Commission Expires: *7-10-2024*



First American Title

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

From: Andrea Loban <andrealoban@jhrea.com>
Sent: Friday, August 28, 2020 7:12 PM
To: eric headwaterfarms.com; adam headwaterfarms.com
Subject: FW: Water Rights
Attachments: Water Right 22-14143.pdf; Water Right 22-14115.pdf

See below

Andrea Loban | Associate Broker

Fall Line Realty Group

Jackson Hole Real Estate Associates

80 West Broadway | Jackson, WY 83001

c. 208.201.3467

jacksonholebrokers.com | tetonvalleybrokers.com

2017 - 2019 Teton Valley Top Producer – Awarded for Excellence 8 Years Running

Christie's International Real Estate GLOBAL AFFILIATE OF THE YEAR 2011 | 2014



I've attached the water rights reports for the property. However, there are plans for some of the water rights to be retired from the land trust's other parcel.

For some explanation, these water rights are appurtenant to the two parcels that the land trust currently owns; both the farm parcel for sale and the land trust parcel with the recent grassland restoration where we will retain ownership. The Property has two irrigation water rights totaling 2.56 cfs (Priority Dates 1906) and the place of use is for a 144 acre area on the bench:

- Water Right No. 22-14115 (2.16 cfs)
- Water Right No. 22-14143 (.4 cfs)

Approximately 38.4 acres of irrigated land will be retired - the grassland restoration parcel. The land trust plans to lease the water appurtenant to that land for flow restoration purposes. The amount retired will be roughly 0.685 cfs. So the farm parcel will retain approximately 1.875 cfs of remaining water rights for the 105 irrigated acres. This should be sufficient/equivalent to the amount of water that is currently being used to irrigate this farm ground. We have not split the water rights out yet to reflect this because we cannot do this without the two parcels having different ownership.

THIS IS THE REMAINING AMOUNT WE ARE
EXPECTING.

$$\begin{array}{r} | \text{ However calculates } 1.584 \\ + .293 \\ \hline 1.877 \end{array}$$



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

February 26, 2021

HW FARMS IDAHO LLC
3385 ROUND LAKE RD
ZELLWOOD FL 32798-5411

Re: Change in Water Right Ownership: 22-14115 (Split into 22-14115 and **22-14402**), 22-14143 (Split into 22-14143 and **22-14403**)

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: Teton Regional Land Trust
Water District No. 1