Form 42-248/42-1409(6) Rev. 1/15

RECEIVED
NOV 16 2020
DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
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 a 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?
43-13768	Yes ☐	Yes ☐	43-13484	Yes ☐	Yes ☐
43-13769	Yes ☐	Yes ☐	43-13486	Yes ☐	Yes ☐
43-13771	Yes ☐	Yes ☐	43-13488	Yes ☐	Yes ☐
43-13772	Yes ☐	Yes ☐		Yes ☐	Yes ☐
43-13770	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Heath and Dawn Higley
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Branch Farms, LLC
New owner(s) as listed on the conveyance document — Name connector ☐ and ☐ or ☐ and/or

P.O. Box 24 — Mailing address
Malta — City
ID — State
83342 — ZIP
208-260-1020 — Telephone
branchfarms@hotmail.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: November 6, 2020.

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.

SUPPORT DATA
IN FILE # 43-13484

8. Signature: [signature] — Signature of new owner/claimant — Title, if applicable — Date 11-5-20
   Signature: [signature] — Signature of new owner/claimant — Title, if applicable — Date 11-5-20

For IDWR Office Use Only:

Receipted by SG Date 11/16/20 Receipt No. 5038249 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 JB Date 11-30-2020

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT

CASSIA COUNTY
RECORDED FOR:
TITLEONE - TWIN FALLS
04:12:10 PM 11-09-2020
2020-005787
NO. PAGES: 3 FEE: $15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: EV
Electronically Recorded by Simplifile

TitleOne
a title & escrow co.

Order Number: 20385979

Warranty Deed

For Value Received,

Heath T. Higley and Dawn M. Higley, Trustees of the Heath T. Higley and Dawn M. Higley Trust under agreement dated December 20, 2018 , the Grantor, does hereby grant, bargain sell and convey unto, **Branch Farms, LLC, an Idaho limited liability company**, whose current address is **PO Box 24, Malta, ID 83342,** the Grantee, the following described premises, in **Cassia County, Idaho,** To Wit:

PARCEL NO. 1:
TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: Part of the S½SE¼, S½SW¼, more particularly described as follows:

Beginning at the Northeast corner of the S½SE¼ of Section 32, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence South 00°13'45"East along the East line of the S½SE¼ for a distance of 30.00 feet;
Thence North 89°41'10"West for a distance of 42.13 feet to a ½ inch rebar;
Thence North 89°41'10"West for a distance of 1886.45 feet to a ½ inch rebar;
Thence South 46°51'02"West for a distance of 956.17 feet to a ½ inch rebar on the West line of the S½SE1/4;
Thence North 43°59'07"West for a distance of 919.01 feet to a ½ inch rebar;
Thence North 89°41'10"West for a distance of 1963.97 feet to a ½ inch rebar;
Thence North 89°41'10"West for a distance of 29.10 feet to the West line of the S½SW¼;
Thence North 00°12'50"West along said line for a distance of 30.00 feet to the Northwest corner of the S½SW¼ marked by a 5/8 inch rebar;
Thence South 89°41'10"East along the North line of the S½SW¼ for a distance of 2628.77 feet to the Northeast corner of the S½SW¼ marked by a 5/8 inch rebar;
Thence South 89°41'10"East along the North line of the S½SE¼ for a distance of 2628.70 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Remainder of this page intentionally left blank.

Dated: 11/05/2020

Heath T. Higley and Dawn M. Higley Trust under agreement dated December 20, 2018

BY: _____
Heath T. Higley, Trustee

BY: _____
Dawn M. Higley, Trustee

State of Idaho, County of Cassia, ss.

On this 6th day of November in the year of 2020, before me, the undersigned, a notary public in and for said state personally appeared Heath T. Higley and Dawn M. Higley, known or identified to me to be the persons whose names are subscribed to the within instrument, as trustees of Heath T. Higley and Dawn M. Higley Trust under agreement dated December 20, 2018 and acknowledged to me that they executed the same as trustees.

_____
Notary Public
Residing In: Rupert Id
My Commission Expires: 8-4-2023
(seal)

ANNETTE ROTH
COMMISSION #9314
NOTARY PUBLIC
STATE OF IDAHO

CASSIA COUNTY
RECORDED FOR:
TITLEONE - TWIN FALLS
12:21:46 PM 11-09-2020
2020-005768
NO. PAGES: 4 FEE: $15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: CVELASQUEZ
Electronically Recorded by Simplifile

THIS TRANSMISSION IS A SAMPLE FROM AND NOW INCORPORATES ALL PART OF THE ORIGINAL DOCUMENT.

TitleOne
a title & escrow co.

Order Number: 20385979

Warranty Deed

For Value Received,

Higley Land Investments, LLC, and Idaho limited liability company, the Grantor, does hereby grant, bargain sell and convey unto, **Branch Farms, LLC, an Idaho limited liability company**, whose current address is **PO Box 24, Malta, ID 83342,** the Grantee, the following described premises, in **Cassia County, Idaho,** To Wit:

PARCEL NO. 2:
TOWNSHIP 14 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 5: **Lots 3 and 4, N½NE¼ (Lots 1 and 2), N½S½NE¼**

PARCEL NO. 3:
TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: **S½SE¼, S½SW¼, EXCEPTING THEREFROM the following described tract:**

Beginning at the Northeast corner of the S½SE¼ of Section 32, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence South 00°13'45"East along the East line of the S½SE¼ for a distance of 30.00 feet;
Thence North 89°41'10"West for a distance of 42.13 feet to a ½ inch rebar;
Thence North 89°41'10"West for a distance of 1886.45 feet to a ½ inch rebar;
Thence South 46°51'02"West for a distance of 956.17 feet to a ½ inch rebar on the West line of the S½SE1/4;
Thence North 43°59'07"West for a distance of 919.01 feet to a ½ inch rebar;
Thence North 89°41'10"West for a distance of 1963.97 feet to a ½ inch rebar;
Thence North 89°41'10"West for a distance of 29.10 feet to the West line of the S½SW¼;

Thence North 00°12'50"West along said line for a distance of 30.00 feet to the Northwest corner of the S½SW¼ marked by a 5/8 inch rebar;
Thence South 89°41'10"East along the North line of the S½SW¼ for a distance of 2628.77 feet to the Northeast corner of the S½SW¼ marked by a 5/8 inch rebar;
Thence South 89°41'10"East along the North line of the S½SE¼ for a distance of 2628.70 feet to the Point of Beginning.

PARCEL NO. 4:
TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: S½NW¼ and N½SW¼ SAVE AND EXCEPT the following described tracts:

Tract No. 1:
Beginning at the Northwest corner of the SW¼NW¼ of said Section 32, which point shall be the True Point of Beginning.
Thence South 89°43'45" East (South 89°46'42" East, rec.) along the 1/16th section line for 468.14 feet to a point;
Thence South 01°26'40" West (South 1°26'00" West, rec.) for 457.48 feet (457.77 feet, rec.) to a point;
Thence North 89°44'43" West (North 89°46'42" West, rec.) for 454.84 feet (454.56 feet, rec.) to a point on the section line;
Thence North 00°13'19" East (North 0°16' West, rec.) along said section line for 457.53 feet (457.68 feet, rec.) to the True Point of Beginning.

Tract No. 2:
Beginning at the Northwest corner of the SW¼NW¼ of Section 32 of T.13S., R27 E., B.M. said corner marked by a 5/8 inch rebar; Thence South 00°13' 19" East (South 0°16'E, rec.) along the west line of Section 32 for a distance of 457.53 feet (457.68', rec.) to a ½ inch rebar which shall be the Point of Beginning:
Thence South 89°44'43" East (South 89°46'42"E, rec.) for a distance of 454.84 feet (454.56', rec.) to a 5/8 inch rebar;
Thence South 01°17'21" West for a distance of 169.72 feet to a ½ inch rebar;
Thence South 85°50'30" West for a distance of 451.41 feet to a ½ inch rebar on the west line of Section 32;
Thence North 00°13'19" West along the west line of Section 32 for a distance of 204.43 feet to the Point of Beginning.

Tract No. 3:
Beginning at the Southwest corner of the NW¼SW¼ of said Section 32 which shall be the Point of Beginning;
Thence North along the West section line for 295.16 feet;
Thence East for 295.16 feet
Thence South for 295.16 feet to the South boundary line of the NW¼SW¼;
Thence West along South boundary of the NW¼SW¼ for 295.16 feet to the True Point of Beginning.

PARCEL NO. 5:
TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: S½NE¼ and N½SE¼, SAVE AND EXCEPT the following described tract:

Beginning at the Southeast corner of the N½SE¼ of said Section 32, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;

Thence North 89°41'44" West along the South line of the N½SE¼ for a distance of 1446.00 feet to a ½ inch rebar;
Thence North 00°14'24" West for a distance of 288.50 feet to a ½ inch rebar;
Thence South 89°41'44" East for a distance of 1446.00 feet to a ½ inch rebar on the East section line;
Thence South 00°14'24" East along said line for a distance of 288.50 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Remainder of this page intentionally left blank.

Dated: 11/05/2020

Higley Land Investments, LLC, and Idaho limited liability company

BY: _____
Heath T. Higley, Manager

BY: _____
Dawn M. Higley, Manager

State of Idaho, County of Cassia, ss.

On this 6th day of November 2020., before me, the undersigned, a Notary Public in and for said State, personally appeared Heath T. Higley and Dawn M. Higley, known or identified to me to be the managers of Higley Land Investments, LLC the limited liability company that executed the within instrument and acknowledged to me that they executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

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

_____
Notary Public for Idaho
Residing In: Rupert Id
My Commission Expires: 8-4-2023

ANNETTE ROTH
COMMISSION #9314
NOTARY PUBLIC
STATE OF IDAHO

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

Brad Little
Governor

Gary Spackman
Director

November 30, 2020

BRANCH FARMS LLC
PO BOX 24
MALTA ID 83342-0024

Re: Change in Ownership for Water Right No(s): 43-13484, 43-13486, 43-13488, 43-13768, 43-13769, 43-13770, 43-13771, & 43-13772

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.

During our review of water right overlap, it was discovered that ground water irrigation rights 43-2356B, 43-2441C, 43-4022B, 43-4023B, 43-4024D, and 43-4130B, in the name of J7, LLC, are appurtenant to 9.3 acres of the Higley property in the SESW and SWSE of Section 32, T13S, R27E. This property was conveyed by the deeds submitted with the Notice. The main portion of the place of use of these rights is on land to the east of the conveyed property which appears to be owned by J7, LLC. Therefore, a split of the six rights will be necessary, which will require an additional $600.00 in fees. You may submit a new Notice listing the six rights with the additional fees, or you could request by letter that the six rights be added to the Notice, and pay the extra $600.00 in fees then. It should be noted that the 9.3 acres are 'additional acres' and not stacked on the rights already in the Notice, so they provide 9.3 acres of irrigation above and beyond the base rights in the Notice.

Additionally, it appears that ground water right 43-10097 (stockwater/domestic, 0.08 cfs) is appurtenant to conveyed property in NESW of Section 32, T13S, R27E. In checking older aerial imagery, it looks like a feedlot and home may have existed in that Quarter-Quarter years ago. That right may not be useful to you, and so you may choose not to convey it. If you do, the additional processing fee is $25.00.

Please note, Ireland Bank 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.

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.

Note that 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: Ireland Bank; WD-143; TitleOne, Burley- File #20385979

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

Brad Little
Governor

Gary Spackman
Director

November 25, 2020

BRANCH FARMS LLC
PO BOX 24
MALTA ID 83342

RE: Water Right No(s): 43-13768, 43-13769, 43-13770, 43-13771, 43-13772, 43-13484, 43-13486, and 43-13488 Change in Ownership

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice). Our review of your Notice indicates that the addition of six, and possibly seven, more rights to the Notice may be necessary. During our review of water right overlap, it was discovered that ground water irrigation rights 43-2356B, 43-2441C, 43-4022B, 43-4023B, 43-4024D, and 43-4130B, in the name of J7, LLC, are appurtenant to 9.3 acres of the Higley property in the SESW and SWSE of Section 32, T13S, R27E (see enclosed map and water right reports). This property was conveyed by the deeds submitted with the Notice. The main portion of the place of use of these rights is on land to the east of the conveyed property which appears to be owned by J7, LLC. Therefore, a split of the six rights will be necessary, which will require an additional $600.00 in fees. You may submit a new Notice listing the six rights with the additional fees, or you could request by letter that the six rights be added to the Notice, and pay the extra $600.00 in fees then. It should be noted that the 9.3 acres are 'additional acres' and not stacked on the rights already in the Notice, so they provide 9.3 acres of irrigation above and beyond the base rights in the Notice.

Additionally, it appears that ground water right 43-10097 (stockwater/domestic, 0.08 cfs- see enclosed water right report) is appurtenant to conveyed property in NESW of Section 32, T13S, R27E. In checking older aerial imagery, it looks like a feedlot and home may have existed in that Quarter-Quarter years ago. That right may not be useful to you, and so you may choose not to convey it. If you do, the additional processing fee is $25.00.

Because the Department cannot process the Notice without including the additional six rights we will hold any action on your Notice pending receipt of the corrected Notice/letter and additional $600.00 (or $625.00 if right 43-10097 is included) in fees. If we do not receive the corrected Notice and fees within 30 days we will return your notice and all attachments and your notice will not be processed.

If you have any questions regarding this matter, please contact me at (208) 293-9909.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

CC: Nancy Garrett, TitleOne, Burley- File #20385979

TitleOne
a title & escrow co.

211 West 13th Street
Burley, ID 83318
Ph. (208) 881-0087
Fx. (866) 582-7546
www.titleonecorp.com

ID Dept. of Water Resources
650 Addison Ave. West, Ste. 500
Twin Falls, ID 83301

RECEIVED
NOV 16 2020
DEPT OF WATER RESOURCES
SOUTHERN REGION

Date: 11/12/2020

Escrow No. 20385979
Branch Farms, LLC/The Heath T. Higley and Dawn M. Higley Trust

Enclosed with this letter please find the following documents in connection with the above referred to transaction:

1. The original executed Notice of Change in Water Right Ownership.
2. Copies of two (2) recorded Warranty Deeds.
3. TitleOne check no. 30994 made payable to Idaho Department of Water Resources in the amount of $200.00 for the transfer fees.

Please make the necessary changes in the records to indicate Branch Farms, LLC as the new owner and return a receipted copy to Annette Roth, TitleOne, P. O. Box 177, Burley, ID 83318.

Should you have any questions, please do not hesitate to contact Annette at 208-881-0087.

Very truly yours,
TITLEONE

Nancy Garrett

Nancy Garrett
Administrative Assistant

AR/nrg
Enc.
FedEx