

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 07 2020

Department of Water Resources
Eastern Region

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 #6](#) of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-2771	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-2888	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-12367	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Wright Brothers CO Inc / Wright Bros Inc
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Foster Company
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☐ or ☐ and/or
- P.O. Box 626 Pirie ID 83443
Mailing address City State ZIP
- 208.538.5170 vistavalleyag@gmail.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: 3/13/2020

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 # 35-2771

8. Signature: Bagh Foster Partner 4/7/2020
Signature of new owner/claimant Title, if applicable Date
- Signature: _____ Title, if applicable Date

For IDWR Office Use Only:

Refund Requested 4/13/20/ O/C Returned

Received by m.pettis Date 4-7-20 Receipt No. E045805 Receipt Amt. 75.00

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 _____ Date _____

Mail Property Tax Notice To:

Foster Company

P.O. Box 626

Ririe, ID 83443

Instrument # 1635702

Bonneville County, Idaho Falls, Idaho

03/13/2020 03:17:43 PM No. of Pages: 2

Recorded for: ALLIANCE TITLE - IDAHO FALLS OFFICE

Penny Manning Fee: \$15.00

Ex-Officio Recorder Deputy Dwoolf

Index to: DEED, WARRANTY

SPECIAL WARRANTY DEED

Attc 468586

WRIGHT BROTHERS COMPANY also shown as WRIGHT BROTHERS COMPANY, INC., an Idaho corporation, Grantor, hereby conveys and specially warrants against all claiming by, through, or under Grantor, to TFES 745, LLC, an Idaho limited liability company, Grantee, whose mailing address is P.O. Box 339, Blackfoot, Idaho 83221, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real property located in Bonneville County, Idaho:

See EXHIBIT "A" attached hereto.

SUBJECT TO taxes and assessments for the year 2019 and all subsequent years, to any and all existing easements, rights-of-way, reservations, restrictions and encumbrances which are apparent or of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show. These include, but are not limited, to the following agreements with Walker Land & Cattle, LLC related to the Real Property: Refrigeration System Agreement (Instrument No. 1616598); Well Agreement (Instrument No. 1616599); and Ingress and Egress Easement (Instrument No. 1616600).

Together with any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, water rights however evidenced, and rights-of-way in anywise appertaining to the property herein described.

The Grantor covenants to the Grantee that the premises are free from all encumbrances created or suffered by the Grantor, excepting those as may be herein set forth, and excepting those of record.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 15th day of February, 2020. March 11/11/11 DRW

WRIGHT BROTHERS COMPANY

David R. Wright

By: David R. Wright

Its: Director

STATE OF IDAHO

County of Bonneville

)
:ss.

March 11th

On this 15th of February, 2020, before me, a Notary Public for the State of Idaho, personally appeared David R. Wright known or identified to me to be the Director of WRIGHT BROTHERS COMPANY, 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.

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

KAREN BECKSTEAD
COMMISSION #17206
NOTARY PUBLIC
STATE OF IDAHO

Karen Beckstead
Notary Public for the State of Idaho

Residing at:

My commission expires:

Residing in Shelley, ID
Commission Expires 7-20-2021

Exhibit 'A'

Township 3 North, Range 36 East of the Boise Meridian, Bonneville County, Idaho

Section 17: East half of the East half ($E\frac{1}{2} E\frac{1}{2}$)

West half of the East half ($W\frac{1}{2} E\frac{1}{2}$)

Section 19: Southeast quarter ($SE\frac{1}{4}$)

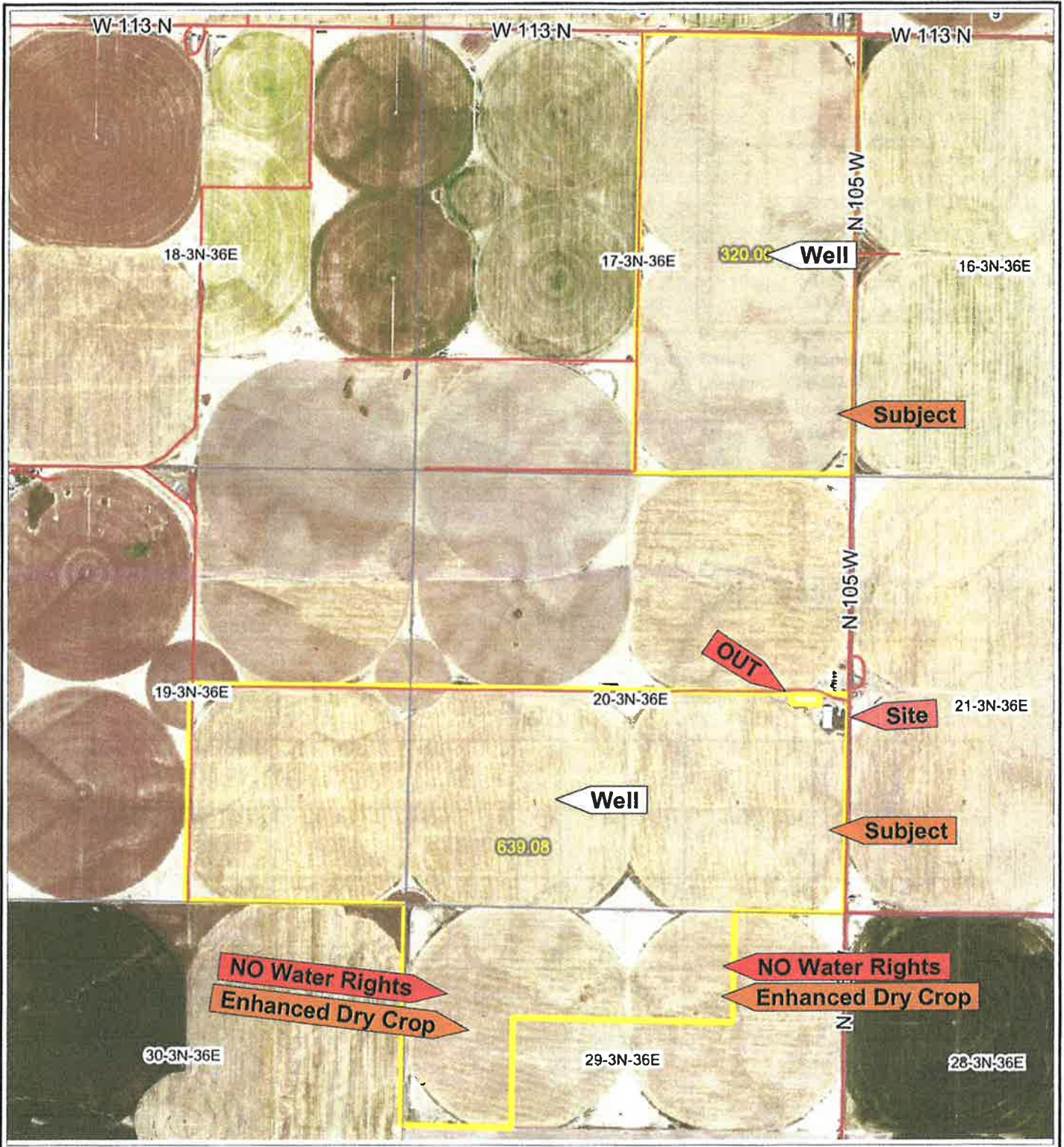
Section 20: South half ($S\frac{1}{2}$) Less and Excepting therefrom: Beginning at a point that is North 2493.53 feet along the section line and North $89^{\circ}36'33''$ West 358.42 feet from the Southeast corner of Section 20, Township 3 North, Range 36 East of the Boise Meridian, Bonneville County Idaho; and running thence North $89^{\circ}36'33''$ West 319.95 feet; thence North $0^{\circ}21'11''$ East 125.21 feet; thence South $89^{\circ}36'33''$ East 319.95 feet; thence South $0^{\circ}21'11''$ West 125.21 feet to the point of beginning.

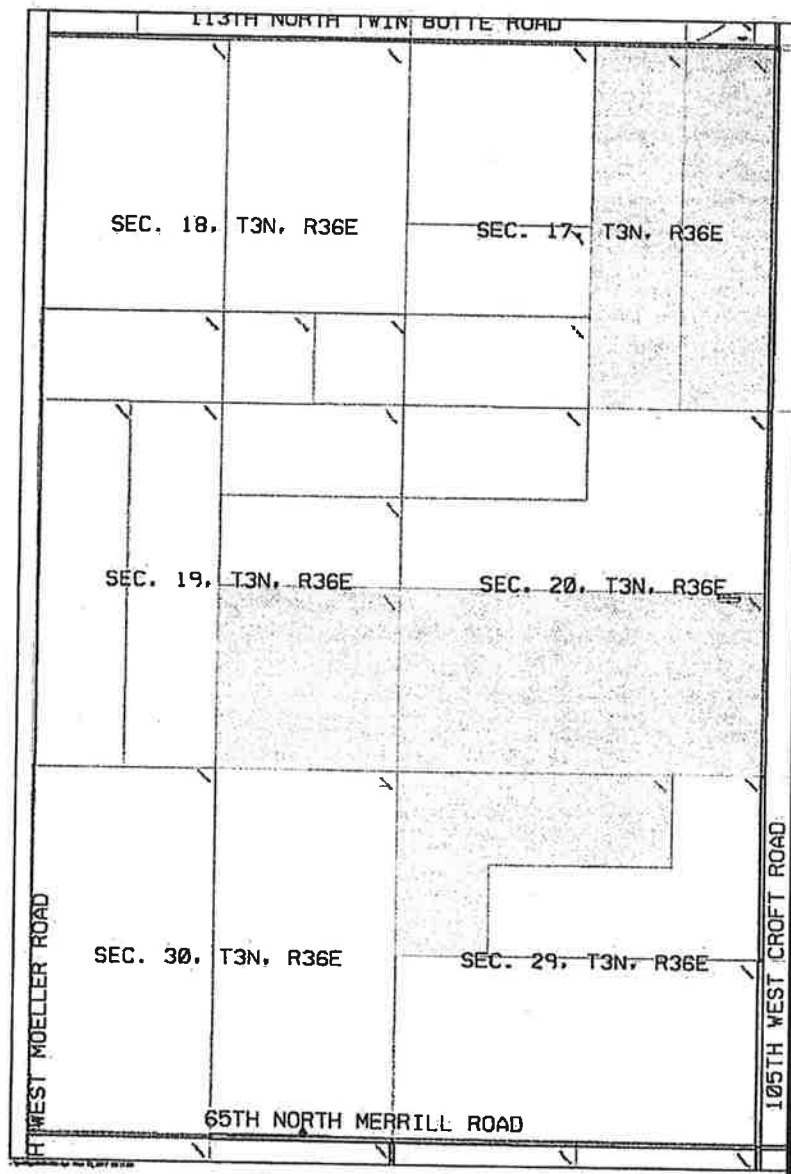
Section 29: West Half of the Northwest Quarter ($W\frac{1}{2}NW\frac{1}{4}$)

Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$)

Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$)

Aerial Map





Mail Property Tax Notice To:

QUITCLAIM DEED

Wright Brothers Company also shown as Wright Bros Inc., an Idaho Corporation, Grantor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release and forever quitclaim unto Foster Company, Grantee, whose mailing address is P.O. Box 626, Ririe, Idaho 83443 and to Grantee's heirs and assigns forever all right, title and interest which Grantor now has or may hereafter acquire in the following described real property water right located in Bonneville County, Idaho:

Idaho Department of Water Resources Water Right #35-12367

Together with any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights however evidenced in anywise appertaining to the property herein described.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 6th day of APRIL, 20 20.

WRIGHT BROTHERS COMPANY

David R. Wright

By: David R. Wright
Its: Authorized Signer

STATE OF ILLINOIS)
County of COOK) ss.

On this 6th day of APRIL, 20 20, before me the undersigned, a Notary Public for Illinois, personally appeared David R. Wright, known or identified to me to be the authorized signer 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.

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

[Signature]
Notary Public for Illinois
Residing at: 2118 PLUM GROVE RD. PULLING MEADOWS, IL 60008
My Commission Expires: 1-26-2020

L:\Legal\BT\9510.03\Closing Documents\quitclaim deed-corporation-final.wpd

JEFF RICHARDSON
Official Seal
Notary Public - State of Illinois
My Commission Expires Apr 26, 2020



WATER RIGHT REPORT

3/24/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-2771

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WRIGHT BROTHERS CO INC 1978 SHERIDAN ROAD SALT LAKE CITY, UT 84108 8018194717

Priority Date: 05/11/1965

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	5.2 CFS	1260 AFA
Total Diversion			5.2 CFS	1260 AFA

Location of Point(s) of Diversion:

GROUND WATER|SWSENE|Sec. 17|Township 03N|Range 36E|BONNEVILLE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	36E	17		NENE	39		NWNE	39		SWNE	40		SENE	39
				NESE	39		NWSE	40		SWSE	40		SESE	39

Total Acres: 315

Conditions of Approval:

- C18| THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 03/08/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



WATER RIGHT REPORT

3/24/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-2888

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WRIGHT BROTHERS CO INC 1978 SHERIDAN ROAD SALT LAKE CITY, UT 84108 8018194717

Priority Date: 07/10/1964

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	6.47 CFS	1896 AFA
Total Diversion			6.47 CFS	1896 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWSESW|Sec. 20|Township 03N|Range 36E|BONNEVILLE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	36E	19		NESE	39		NWSE	40		SWSE	39		SESE	39
				NESW	40		NWSW	39		SWSW	40		SESW	40
				NESE	38		NWSE	40		SWSE	40		SESE	40

Total Acres: 474

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 03/08/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



WATER RIGHT REPORT

3/24/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-12367

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	E BRUCE STANGER 5387 E 49 N IDAHO FALLS, ID 83401 2087544697
Current Owner	WALKER LAND & CATTLE LLC C/O MIKE BARNES OR TERRY WADSWORTH 1070 RIVERWALK DR STE 200 IDAHO FALLS, ID 83402 2085243341
Current Owner	WRIGHT BROS INC 1978 SHERIDAN RD SALT LAKE CITY, UT 84108 8018194717

Priority Date: 03/17/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	1/01	12/31	0.08 CFS	1.77 AFA
DOMESTIC	1/01	12/31	0.07 CFS	
Total Diversion			0.15 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENESE|Sec. 20|Township 03N|Range 36E|BONNEVILLE County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	36E	20		NENE										
				NESE										
		28		NWNW										

Place of Use Legal Description: DOMESTIC BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	36E	20		NESE										
		21		SWNW										
				SWSW										

Conditions of Approval:

1.
- COMMERCIAL USE IS 4 POTATO CELLAR HUMIDIFIERS.
2. N11
- THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3.
- PARCEL NOS. 03N36E210002 (8870 N. 105TH W.) 03N36E200002 (9481 N. 105TH W.) 03N36E280002 (8002 N. 105TH W.) 03N36E207241

Dates:

Licensed Date:

Decreed Date: 09/15/1998

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



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

April 13, 2020

Foster Co
PO Box 626
Ririe ID 83443

RE: Notice of Change in Water Right Ownership
Water Rights: 35-2771, 35-2888 and 35-12367

Dear Sir/Madam:

On April 7, 2020, you filed a Notice of Change in Water Right Ownership (ownership change) with the Idaho Department of Water Resources (IDWR), seeking to update the ownership records for the water rights listed above. After an initial review, we determined that you needed to provide additional evidence of ownership. The information was requested via email on April 13, 2020. You contacted our department and requested the ownership change be returned. The property associated with the water right listed above is held in a 1031 exchange and the new deed will likely take approximately 180 days to complete, so you requested we return the application and you will resubmit at a later date.

We are returning your original ownership change and have initiated a refund of your filing fee (\$75.00). The refund from the state of Idaho will arrive at the address listed above within a couple of weeks.

Please feel free to re-file your ownership change any time in the future when you have collected the requested documentation of ownership. Because your filing fee is being refunded, you will need to determine and provide the proper filing fee at the time you re-file the ownership change.

If you have any questions, feel free to contact me at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

From: Barg, Jonie
To: [Pline, Treva](#); [Marston, Sascha](#)
Subject: Refund Request
Date: Monday, April 13, 2020 11:52:00 AM
Attachments: [Receipt.PDF](#)

Treva & Sascha,

Good morning, almost afternoon!!

I have a refund request as follows:

Receipt number: E045805
Amount: \$75.00
Payable to: Foster Company
C/O Josh Foster
PO Box 626
Ririe ID 83443

Reason: Total amount received for an ownership change \$75.00. Water rights cannot be updated due to the property being held in a 1031 exchange, they will resubmit once the deed to the new owner is recorded. Therefore the applicant is entitled to a full refund (\$75.00).

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

From: Barg, Jonie
To: ["Vista Valley Ag"](#)
Subject: Ownership Change-Request for Evidence of Ownership
Date: Monday, April 13, 2020 7:39:00 AM

RE: Change in Ownership Water Right No. [29-13438](#)

Dear [Sir/Madam](#):

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

**** **Evidence of Water Right Ownership:** copy of Deed, or other legal document indicating your ownership of the property and/or water rights in question. The department acknowledges receipt of a deed from Wright Brothers Co to TFES 745 LLC, however the department did not receive a copy of a deed going into Foster Company as listed on the Notice of Change in Water Right Ownership. Please supply a copy of the deed going into Foster Company, either from Wright Brothers or TFES 745 LLC.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. **If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.**

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions.

Sincerely,



Jonie Barg
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

Protect your Enthusiasm from the Negativity of others. ~ H Jackson Brown Jr. ~