

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
JUL 27 2020
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". 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?
36-16504	Yes ☐	Yes ☐		Yes ☐	Yes ☐
36-16506	Yes ☐	Yes ☐		Yes ☐	Yes ☐
36-16508 <u>16508</u>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
36-16510	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Arie Van Straalen & Alice Van Straalen

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Hurtado Farms, LLC

New owner(s) as listed on the conveyance document

Name connector

☐ and ☐ or ☐ and/or

2306 East 3600 South

Wendell

ID

83355

Mailing address

City

State

ZIP

208-539-3799

hurtadodairy@yahoo.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: 7/22/2020

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):

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.

8. Signature: [Signature] managing member 7/21/2020

Signature of new owner/claimant

Title, if applicable

Date

Signature: _____

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by DM Date 7-27-2020 Receipt No. 5038046 Receipt Amt. \$100-

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 DM Date 9-22-2020

Exhibit A

Notice of Change in Water Right Ownership

Exhibit B

Warranty Deed and Legal Description

20368272

WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, and pursuant to the confirmed Chapter 12 Plan in Case No. 19-40731-JMM in the United States Bankruptcy Court for the District of Idaho and subject thereto, Arie Dean Van Straalen, an unmarried person who acquired title as Arie Van Straalen, an unmarried person, as his sole and separate property doing business as Van Straalen Dairy ("Grantor"), does hereby grant, bargain, sell and convey unto Hurtado Farms, LLC, an Idaho limited liability company whose current mailing address is 2306 East, 3600 South, Wendell, Idaho 83355 ("Grantee"), the following described real property, located in Jerome County, Idaho, to wit (the "Premises"):

See Exhibit A attached hereto and incorporated herein by this reference.

TOGETHER WITH all water and water rights and other entitlements to water appurtenant to or beneficially used upon the Premises 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, 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 Premises, 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 Premises, as well in law as in equity.

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 as detailed within the Title Commitment issued by TitleOne, Inc., and subject to the terms and conditions of the confirmed Plan aforesaid that allows Grantor to convey the premises described free and clear of any liens, claims and encumbrances, and pursuant to the Order of the Court that Grantee is a "good faith purchaser" as defined by the Bankruptcy Code; 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.

DATED effective as of the 22 day of July, 2020.

ARIE DEAN VAN STRAALen, D/B/A VAN STRAALen DAIRY

Arie Dean Van Straalen
By: ARIE DEAN VAN STRAALen

STATE OF IDAHO)
: ss.
County of Jerome)

On this 22 day of July, 2020, before me, a Notary Public in and for said state, personally appeared Arie Dean Van Straalen, who executed the instrument on behalf of the above identified entities and personally, and acknowledged to me that such entities executed the same.

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

Laury Lamb
Notary Public for Idaho
Residing at: Jerome, ID
My commission expires: 04/02/2022

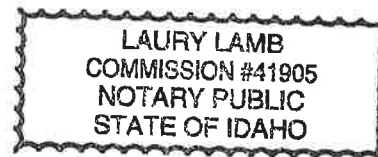


Exhibit A to Warranty Deed

PARCEL NO. 1

TOWNSHIP 7 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 35: $W\frac{1}{2}NW\frac{1}{4}$;

PARCEL NO. 2

TOWNSHIP 7 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN
JEROME COUNTY, IDAHO

Section 35: $NE\frac{1}{4}NW\frac{1}{4}$, SAVE AND EXCEPT the following described parcel of land:

Commencing at the Northeast corner of $NW\frac{1}{4}$ of Section 35 which is the TRUE POINT OF BEGINNING;

Thence North $89^{\circ}36'26''$ West, 455.00 feet, along the North boundary of Section 35, to a point on said boundary;

Thence South $0^{\circ}01'57''$ East, 49.76 feet, along the line parallel to the East boundary of $NW\frac{1}{4}$ of Section 35, to a point on said line;

Thence South $08^{\circ}03'47''$ East, 63.00 feet to a point;

Thence South $23^{\circ}24'48''$ East, 98.00 feet to a point;

Thence South $0^{\circ}01'57''$ East, 1119.45 feet, along a line parallel to the East boundary of $NW\frac{1}{4}$ of Section 35, to a point on said line and on the South boundary of the $NE\frac{1}{4}NW\frac{1}{4}$ of Section 35;

Thence South $89^{\circ}35'16''$ East, 407.31 feet along the South boundary of the $NE\frac{1}{4}NW\frac{1}{4}$ of Section 35 to a point being the Southeast corner of the $NE\frac{1}{4}NW\frac{1}{4}$ of Section 35;

Thence North $0^{\circ}01'57''$ West, 1321.32 feet along the East boundary of $NW\frac{1}{4}$ of Section 35 to the TRUE POINT OF BEGINNING.

Exhibit B to Warranty Deed

WATER RIGHTS

All water and water rights, and other entitlements to water, appurtenant to or beneficially used upon the Land, including but not limited to the following decreed water rights identified in the records of the Idaho Department of Water Resources and shares in North Side Canal Company:

- 1) 36-16504
- 2) 36-16506
- 3) 36-16508
- 4) 36-16510
- 5) 107.54 shares in North Side Canal Company as evidenced by North Side Canal Company Stock Certificate Number(s) 25588 & 25589.

Seller makes the following representations related to the following decreed water rights:

- 6) None of the Water Rights and/or Shares subject to this transaction are subject to forfeiture and/or curtailment and/or other administrative or judicial action which limits their total allotment, total diversion, total allocation, total beneficial use, place and/or point of diversion, and/or place of use.



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

September 22, 2020

HURTADO FARMS LLC
2306 E 3600 S
WENDELL ID 83355-3405

Re: Change in Ownership for Water Right No(s): 36-16504, 36-16506, 36-16508 & 36-16510

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.

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) 293-9908.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

c: Evan Roth, attorney
Wells Fargo Financial Leasing Inc., c/o Wells Fargo Bank, Minneapolis MN
VSD Trust 2016-1, c/o Trimont Real Estate Advisors LLC, Atlanta GA
TitleOne, Jerome (File #20368272)
Water District 130

Boise Office

1101 W. River St., Ste. 110
P.O. Box 7985
Boise, Idaho 83707
Tel. (208) 629-7447

Challis Office

1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office

236 River Vista Place
Suite 301
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559



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DEPT OF WATER RESOURCES
SOUTHERN REGION

SAWTOOTH LAW

OFFICES, PLLC

David P. Claiborne *

S. Bryce Farris

Patxi Larrocea-Phillips

Evan T. Roth

Daniel V. Steenson

Matthew A. Sturzen

Katie L. Vandenberg

Andrew J. Waldera **

James R. Bennetts (retired)

Attorneys licensed in Idaho
* Also licensed in Washington
** Also licensed in Oregon

Tuesday, July 21, 2020

To: IDWR Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858
(208) 736-3033

Re: Notice of Change in Water Right Ownership

To Whom It May Concern,

Enclosed please find the necessary Notice of Change in Water Right Ownership and applicable filing fee of \$100.00. Said Notice of Change in Water Right Ownership relates to the following water rights:

1. Water Right No. 36-16504;
2. Water Right No. 36-16506;
3. Water Right No. 36-~~16058~~; 16508
4. Water Right No. 36-16510.

My client Hurtado Farms, LLC, acquired the same pursuant to a Warranty Deed executed on July 22, 2020. Attached as Exhibit A is said Warranty Deed. Attached as Exhibit B is the Notice of Change in Water Right Ownership. Hurtado Farms, LLC, is a single member LLC. The sole member of the same is Jesus Hurtado. Therefore, Hurtado Farms, LLC's consent to this present filing and an expression of its authority to execute the same is evidenced by Jesus Hurtado's signature below.

Please call me at 208-969-9585 if you have any questions related to this filing.

Very Truly Yours,

/s/ ETR

Evan T. Roth

Dated this 21 day of July, 2020


Jesus Hurtado