

RECEIVED

JUL 06 2020

Department of Water Resources
Eastern 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 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?
35-7477A <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	* 35-14501 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
35-7857B <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	* 35-14503 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
35-7920B <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	35-8932 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
35-8606 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>	35-7984 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
35-8626 <i>OK</i>	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: MPH Farms, LLC
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): American Falls Farm LLC
New owner(s) as listed on the conveyance document Name connector and or and/or

1318 Dale Street Raleigh NC 27605
Mailing address City State ZIP

(252)523-0800 tmckay@intlfarming.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: May 26, 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.

8. Signature: *[Signature]* Authorized person 5/27/2020
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable Date

For IDWR Office Use Only:

Received by *[Signature]* Date 7/16/20 Receipt No. E046080 Receipt Amt. \$225.-

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 *[Signature]* Processed by *[Signature]* Date 7/9/2020

* Deeded specifically exhibit C / Portion of 35-14501 & 35-14503 not included in property legal description.

SUPPORT DATA
FILE # 35-7477A

WD120/AAFGWD

Instrument # 215925

POWER COUNTY, IDAHO
05-26-2020 12:39:26 PM No. of Pages: 5
Recorded for: FIRST AMERICAN TITLE INSURANCE
SHAREE SPRAGUE Fee: \$15.00
Ex-Officio Recorder Deputy: Flor Cardona
Electronically Recorded by Simplifile

AFTER RECORDING MAIL TO:

David W. Green
Brooks, Pierce, McLendon,
Humphrey & Leonard, L.L.P.
1700 Wells Fargo Capitol Center
150 Fayetteville Street
Raleigh, North Carolina 27601
Post Office Box 1800 (27602)

Space Above This Line for Recorder's Use Only

WARRANTY DEED

For Value Received, **MPH Farms, LLC, an Idaho limited liability company** (hereinafter called "**Grantor**"), whose address is 2935 West 2050 South, Aberdeen, Idaho 83210, hereby grants, bargains, sells and conveys unto **American Falls Farm LLC, a Delaware limited liability company** (hereinafter called "**Grantee**"), whose current address is 1318 Dale Street, Raleigh, North Carolina 27605, all of Grantor's right, title and interest in and to that certain real property described on **Exhibit A** attached hereto and made a part hereof, together with **(a)** all buildings, structures and other improvements of any and every nature located on such real property and all fixtures attached or affixed, actually or constructively, to such real property or to any such buildings, structures or other improvements; **(b)** all rights, ways and easements appurtenant to, related to, or used in connection with such real property, including, without limitation, all air rights, wind rights, all water and water rights, solar rights, all ditches and ditch rights, all reservoir and storage rights, all springs and spring rights, all wells and all groundwater rights and all surface water rights; **(c)** all of Grantor's right, title and interest in and to the land underlying and the air space overlying any public or private ways or streets crossing or abutting such real property; **(d)** all of Grantor's right, title and interest in and to oil, gas and other mineral rights related to such real property; and **(e)** all other appurtenances, easements, licenses, privileges and other property interests belonging or appurtenant to such real property (the real property described on Exhibit A, and all of the foregoing items in clauses (a) through (e) above, now or hereafter existing, are referred to collectively as the "**Property**"); and warrants the title to the Property, subject only to the matters set forth on **Exhibit B** attached hereto and made a part hereof (hereinafter called the "**Permitted Encumbrances**"). For purposes of this Warranty Deed, "water rights" include, without limitation, all of Grantor's rights, title and interest in each of the items described on **Exhibit C** attached hereto and made a part hereof.

TO HAVE AND TO HOLD the Property unto Grantee and to Grantee's heirs and assigns forever. And Grantor does hereby covenant to and with Grantee that Grantor is the owner in fee simple of the Property; that the Property is free from all encumbrances except the Permitted Encumbrances, and that Grantor will warrant and defend the same from all claims whatsoever.

[signature appears on following page]

Dated as of the 11 day of May, 2020.

GRANTOR:

MPH Farms, LLC,
an Idaho limited liability company

By: [Signature]

Name: Daryl J. Klassen

Title: Authorized Agent

STATE OF IDAHO

COUNTY OF Bannock

On this 11 day of May, 2020, before me, a Notary Public in and for said State, personally appeared Daryl J. Klassen, as the Authorized Agent of **MPH Farms, LLC, an Idaho limited liability company**, and known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he, being duly authorized, executed the same for the purposes stated therein and in the capacity indicated.



[Affix Notary Seal]

[Signature]

Notary Public for the State of Idaho

Residing at: Pocatello

My Commission Expires: 8-10-24

Exhibit A

Legal Description

TOWNSHIP 6 SOUTH, RANGE 29 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO

SECTION 8: NORTH 1/2, SOUTHEAST 1/4

SECTION 9: WEST 1/2

SECTION 15: SOUTHWEST 1/4, WEST 1/2 SOUTHEAST 1/4

EXCEPTING THEREFROM: A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 SOUTHWEST 1/4 SECTION 15, TOWNSHIP 6 SOUTH, RANGE 29 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 15; THENCE SOUTH 900 FEET; THENCE EAST 300 FEET; THENCE NORTH 900 FEET; THENCE WEST 300 FEET TO THE POINT OF BEGINNING.

SECTION 16: ALL

SECTION 17: NORTHEAST 1/4, SOUTHEAST 1/4, EAST 1/2 SOUTHWEST 1/4

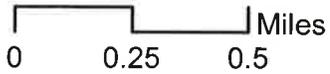
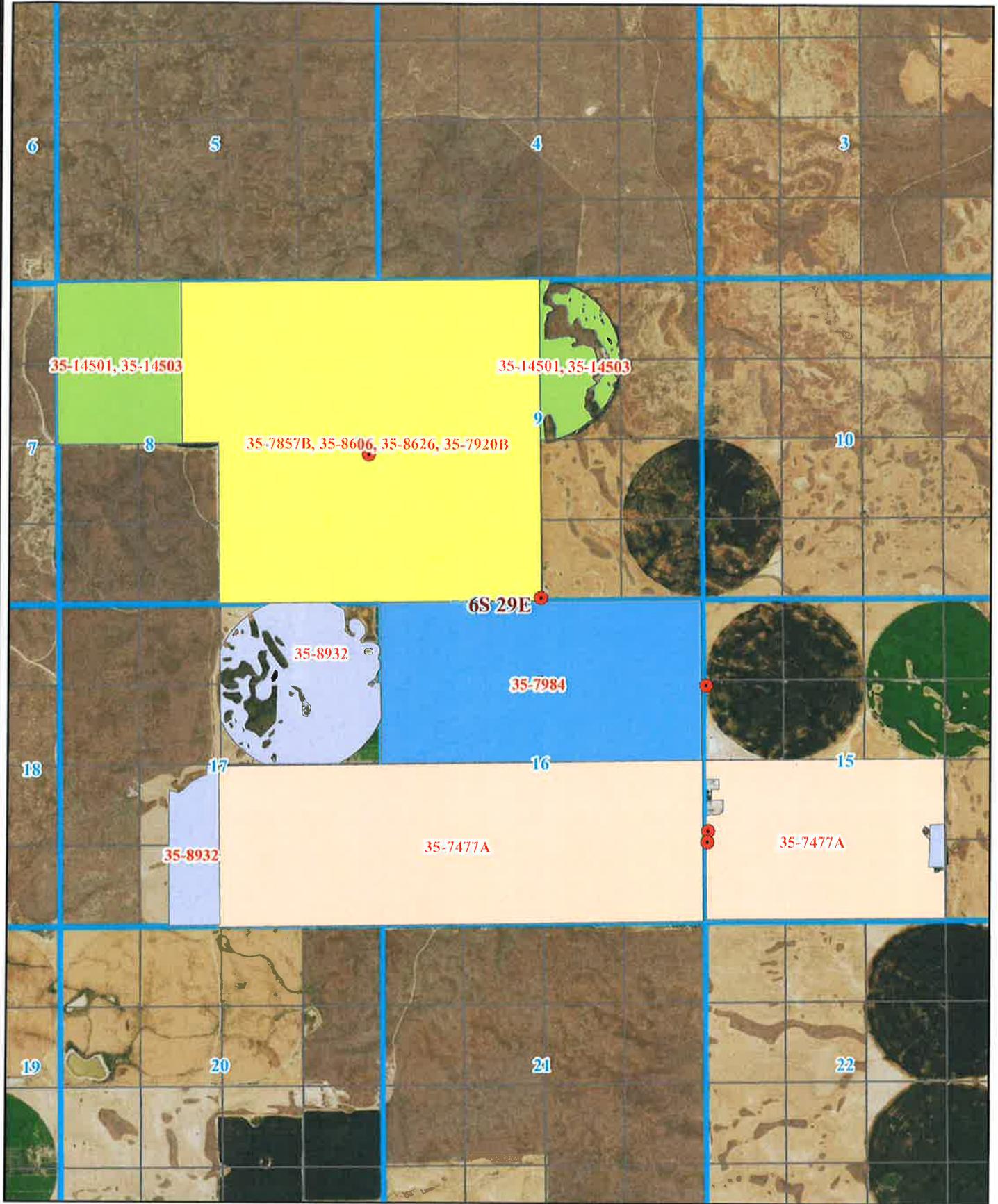
Exhibit B

Permitted Encumbrances

1. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
2. 2020 taxes are an accruing lien, not yet due and payable until the fourth Monday in November of the current year. The first one-half is not delinquent until after December 20 of the current year, the second one-half is not delinquent until after June 20 of the following year.
3. Levies and assessments of American Falls / Aberdeen Ground Water District and any right or easements thereof, for the year 2021 and any year thereafter.
4. Easement for power lines granted to Idaho Power Company, recorded June 23, 1948, in Book 94 of Misc., Page 201. Section 15. As approximately shown on Boundary Survey for American Falls Farm LLC made by Robert Winnicki, P.L.S. # L-18834, of Blew & Associates, P.A., dated March 24, 2020, last revised May 12, 2020, and designated as CDS Project No. 20-02-0484.
5. State of Idaho Easement for Right-of-Way granted to Power County Highway District, recorded February 14, 1979, as Instrument No. 116645. Section 16. As approximately shown on Boundary Survey for American Falls Farm LLC made by Robert Winnicki, P.L.S. # L-18834, of Blew & Associates, P.A., dated March 24, 2020, last revised May 12, 2020, and designated as CDS Project No. 20-02-0484.
6. Easement for power lines granted to Idaho Power Company, recorded April 8, 1981, as Instrument No. 123260. Section 16. As approximately shown on Boundary Survey for American Falls Farm LLC made by Robert Winnicki, P.L.S. # L-18834, of Blew & Associates, P.A., dated March 24, 2020, last revised May 12, 2020, and designated as CDS Project No. 20-02-0484.
7. Provisions in State of Idaho deed, recorded April 24, 2006, as Instrument No. 189217. Section 16.
8. Easement for power lines granted to Idaho Power Company, recorded January 25, 2018, as Instrument No. 212108. As approximately shown on Boundary Survey for American Falls Farm LLC made by Robert Winnicki, P.L.S. # L-18834, of Blew & Associates, P.A., dated March 24, 2020, last revised May 12, 2020, and designated as CDS Project No. 20-02-0484.
9. Right-of-way or easement of Funk Rd., Schultz Rd., and Homestead Rd.. As approximately shown on Boundary Survey for American Falls Farm LLC made by Robert Winnicki, P.L.S. # L-18834, of Blew & Associates, P.A., dated March 24, 2020, last revised May 12, 2020, and designated as CDS Project No. 20-02-0484.
10. Any facts, rights, interests or claims that may exist or arise by reason of the following matters disclosed by a Boundary Survey made by American Falls Farm LLC made by Robert Winnicki, P.L.S. # L-18834, of Blew & Associates, P.A. on March 24, 2020 last revised May 12, 2020, designated Job Number CDS Project No. 20-02-0484: (A) Fence extends over the northerly boundary by up to 20.1' onto adjoining property; (B) Center pivot irrigation line on the northwesterly portion of the subject property extends over the southerly boundary by up to 79.0' onto adjoining property; (C) Center pivot irrigation line extends over the northerly boundary by up to 27.9' onto adjoining property; (D) The northerly boundary lies within Water Tank Road a 30' Dirt Road Public right of way.

Exhibit C

Water Right No. 35-7477-A
Water Right No. 35-7857-B
Water Right No. 35-7920-B
Water Right No. 35-8606
Water Right No. 35-8626
Water Right No. 35-14501
Water Right No. 35-14503
Water Right No. 35-8932
Water Right No. 35-7984



MPH FARMS

WATER RIGHT LOCATIONS
NAIP 2019 AERIAL PHOTO.

Legend



PODs





Signature of individual authorized by the entity to sign:

Sharon OBrien

05/01/2020

Sign Here

Date

Job Title: Authorized Person

B0508-7284 05/01/2020 10:54 AM Received by ID Secretary of State Lawrence Denney

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "AMERICAN FALLS FARM LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE THIRTIETH DAY OF APRIL, A.D. 2020.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "AMERICAN FALLS FARM LLC" WAS FORMED ON THE TWENTY-SEVENTH DAY OF APRIL, A.D. 2020.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN ASSESSED TO DATE.



7949923 8300

SR# 20203300360

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 202852885

Date: 04-30-20



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

July 09, 2020

AMERICAN FALLS FARM LLC
1318 DALE ST STE 100
RALEIGH NC 27605-1275

Re: Change in Ownership for Water Right No(s): 35-7477A, 35-7857B, 35-7920B, 35-8606, 35-8626, 35-14501, 35-14503, 35-8932, 35-7984

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) 497-3779.

Sincerely,

A handwritten signature in black ink that reads "Cher Ramos".

Cher Ramos
Technical Records Specialist

Enclosure(s)

cc: IRELAND BANK
Water District 120
Aberdeen-American Falls Ground Water District



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUL 06 2020

Department of Water Resources
Eastern Region

June 29, 2020

James Cefalo
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: American Falls Farm LLC

Dear Mr. Cefalo:

American Falls Farm LLC recently purchased property and water rights previously owned by MPH Farms, LLC. Attached to this letter is the Notice of Change of Water Right Ownership and a recorded warranty deed for the property.

Please update the ownership of water rights 35-7477A, 35-7857B, 35-7920B, 35-8606, 35-8626, 35-14501, 35-14503, 35-8932 and 35-7984.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Cc: Chris Matthews

Enc: Ownership Change Form, Warranty Deed, Aerial Map, Foreign Registration Statement,
Brockway Engineering Check # 15944 for \$225.00