

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED DE

MAY 08 2019

WATER RESOURCES  
WESTERN 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? |
|-----------------------|-----------------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 63-11347              | Yes <input checked="" type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 63-34795              | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/>            | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Ray and Susan Montierth  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Pleasant Valley Agriculture, LLC  
New owner(s) as listed on the conveyance document      Name connector ☐ and ☐ or ☐ and/or
- 16250 S. Curtis Rd.      Kuna      ID      83634  
Mailing address      City      State      ZIP
- (509) 595-8340      pleasant.valley.agriculture.llc@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: 2019
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 # 63-11347

8. Signature: Ralph P. Cavalieri      Manager      May 8, 2019  
Signature of new owner/claimant      Title, if applicable      Date
- Signature: Anneth M. Cavalieri      co-manager      May 8, 2019  
Signature of new owner/claimant      Title, if applicable      Date

### For IDWR Office Use Only:

Received by KT      Date 5/8/19      Receipt No. W047384      Receipt Amt. 100.00

Active in the Water Supply Bank? Yes ☐ No ☒      If yes, forward to the State Office for processing

Name on W-9 X      Approved by CS      Processed by CS      Date 09/26/19

W-9 received? Yes ☐ No ☒



**SPECIAL GRANT DEED FOR WATER RIGHT**

**FOR VALUE RECEIVED**, Ray and Susan Montierth (Grantors), whose address is 825 Headland Drive, Nampa, ID 83686 do hereby convey and assign unto Pleasant Valley Agriculture, LLC, (Grantee), whose address is 16250 S. Curtis Road, Kuna ID 83634, the following described portion of Water Right No. 63-11347:

**Quantity:** 1.28 cubic feet per second; 329.1 acre-feet per year

**Acres:** 70.0 acres (formerly used for irrigation of 70.0 acres within a permissible place of use in Ada County, Idaho.)

**TO HAVE AND TO HOLD**, the above-described portion of Water Right No. 63-11347 unto the Grantee and to the successors and assigns of Grantee forever.

**IN WITNESS WHEREOF**, the Grantors have executed this Deed this 5<sup>th</sup> day of April, 2019.



Ray Montierth  
Ray Montierth, Grantor

Susan Montierth  
Susan Montierth, Grantor

State of Idaho

County of Canyon )  
 ) SS.

Subscribed and sworn (or affirmed) before me this 5<sup>th</sup> of April, 2019.

Jessica Barroso  
Notary Public  
Residing at Canyon County  
My commission Expires 5-21-24



**PioneerTitleCo.**  
GOING BEYOND

8151 W. Rifleman Street  
Boise, ID 83704

ELECTRONICALLY RECORDED-DO NOT  
REMOVE THE COUNTY STAMPED FIRST  
PAGE AS IT IS NOW INCORPORATED AS  
PART OF THE ORIGINAL DOCUMENT

File No. 670095 SRM/GL

ADA COUNTY RECORDER Phil McGrane  
BOISE IDAHO Pgs=2 NIKOLA OLSON  
PIONEER TITLE COMPANY OF ADA COUNTY

**2019-018550**  
**03/08/2019 11:33 AM**  
\$15.00

## WARRANTY DEED

For Value Received Edward Ray Montierth and Susan Montierth, husband and wife  
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Pleasant Valley Agriculture LLC, a Limited Liability Company  
hereinafter referred to as Grantee, whose current address is 16250 S. Curtis Road Kuna, ID 83634  
The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: March 5, 2019

Edward Ray Montierth

Susan Montierth

State of Idaho, County of Ada

This record was acknowledged before me on 3-7-19 by Edward Ray Montierth and Susan Montierth

Signature of notary public

Commission Expires:

Residing at Caldwell, ID  
My Commission Expires: 05-05-2023

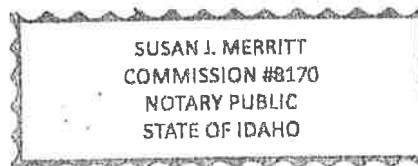


EXHIBIT A

PARCEL B of ROS 11735:  
CAVALIERI PARCEL:

A portion of the NE1/4 of Section 6, T.1N., R.2E., B.M., Ada County, Idaho being more particularly described as follows:

Commencing at the N1/4 of corner of said Section 6 from which the NE corner of said Section 6 bears South 89°00'46" East, 2,650.75 feet;

thence along the North boundary line of said Section 6 South 89°00'46" East, 1,348.00 feet to the REAL POINT OF BEGINNING.

thence continuing along said North boundary line South 89°00'46" East, 902.76 feet;

thence leaving said North boundary line South 00°05'21" West, 545.00 feet;

thence South 89°00'46" East, 400.00 feet to a point on the East boundary line of said Section 6;

thence along said East boundary line South 00°05'21" West, 2,107.72 feet to the E1/4 corner of said Section 6;

thence the East-West centerline of said Section 6 North 89°17'57" West, 1,302.66 feet;

thence leaving said East-West centerline North 00°05'21" East, 2,659.23 feet to the REAL POINT OF BEGINNING.

A handwritten signature or mark, possibly initials, enclosed within a circular loop.

Description For  
Parcel B  
Cavalieri Parcel

A portion of the NE 1/4 of Section 6, T.1N., R.2E., B.M., Ada County, Idaho  
being more particularly described as follows:

Commencing at the N1/4 of corner of said Section 6 from which the NE corner  
of said Section 6 bears South 89°00'46" East, 2,650.75 feet;

thence along the North boundary line of said Section 6 South 89°00'46" East,  
1348.00 feet to the **REAL POINT OF BEGINNING**;

thence continuing along said North boundary line South 89°00'46" East, 902.76  
feet;

thence leaving said North boundary line South 00°05'21" West, 545.00 feet;

thence South 89°00'46" East, 400.00 feet to a point on the East boundary line  
of said Section 6;

thence along said East boundary line South 00°05'21" West, 2,107.72 feet to  
the E1/4 corner of said Section 6;

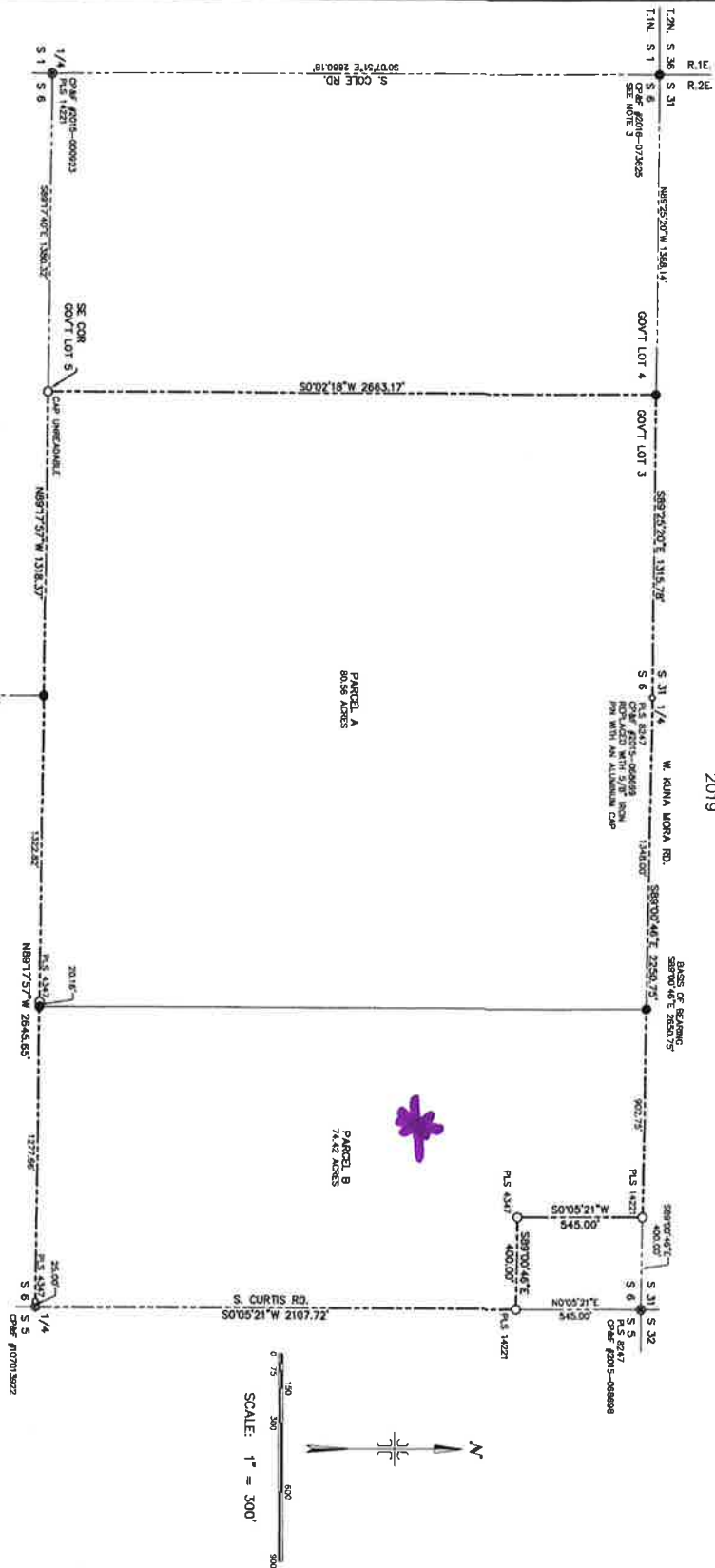
thence the East-West centerline of said Section 6 North 89°17'57" West,  
1,302.66 feet;

thence leaving said East-West centerline North 00°05'21" East, 2,659.23 feet to  
the **REAL POINT OF BEGINNING**. Containing 74.42 acres, more or less.



RECORD OF SURVEY FOR  
**RALPH CAVALLIERI**  
 LOCATED IN THE N1/2 OF SECTION 6,  
 T.1N., R.2E., B.M., ADA COUNTY, IDAHO  
 2019

ROS NO. 11735



**CERTIFICATE OF LAND SURVEYOR**

I, GREGORY G. CANTER, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSE NO. 7728, AND THAT I HAVE PERSONALLY CONDUCTED THE SURVEY, MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO RELATIVE TO LAND SURVEYS.



GREGORY G. CANTER

LICENSE NO. 7728

CR# 82015-000822

PLS 888

S 7

1/4

**COUNTY RECORDER'S CERTIFICATE**

STATE OF IDAHO, COUNTY OF ADA, SE.

PLD FOR RECORD AT THE REQUEST OF RALPH CAVALLIERI

BY: [Signature] COUNTY CLERK

RECORDED: 2019

DATE: 10/15/2019

BY: [Signature] COUNTY CLERK

RECORDED: 2019

DATE: 10/15/2019

BY: [Signature] COUNTY CLERK

RECORDED: 2019

DATE: 10/15/2019

BY: [Signature] COUNTY CLERK

RECORDED: 2019

DATE: 10/15/2019

BY: [Signature] COUNTY CLERK

RECORDED: 2019



9855 W. EMERALD ST  
 BOISE, IDAHO 83704  
 (208) 846-8570

RECORDING INDEX NUMBER: 121-6-0-00-000

**LEGEND**

- ROUND 1/2" IRON PIN AS NOTED
- ROUND 5/8" IRON PIN AS NOTED
- ROUND ALUMINUM CAP MONUMENT
- ROUND PLOW SHADE
- SET 5/8" IRON PIN WITH CAP PLS 7728
- PRESERVE BOUNDARY LINE
- PRESERVE LINE
- SECTION LINE



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## WATER USAGE AGREEMENT

This agreement is entered into this 16th day of April, 2019, by and between Ray and Susan Montierth (Seller), whose address is 825 Headland Drive, Nampa, ID 83686, and Pleasant Valley Agriculture, LLC, (Purchaser), whose address is 16250 S. Curtis Road, Kuna ID 83634.

This agreement is entered into consequent to the sale of certain real property by Seller to Purchaser, which property is legally described in **Exhibit A**, attached hereto. Said property consists of approximately 75 acres of agricultural land. Irrigation and cultivation of the property described in **Exhibit A** requires diversion and delivery of water from a well, or wells, owned by Seller. Water right(s) conveyed from Seller to Purchaser are described on a warranty deed recorded as Instrument No. 2019-031274 in the records of Ada County, Idaho.

Seller agrees to operate and maintain the well or wells and associated water delivery facilities to deliver to Purchaser one hundred seventy-five (175) acre-feet of water annually, at an available delivery rate of up to 1,000 gallons per minute (gpm), as required by Purchaser, to irrigate a total of 70 acres within the property described in **Exhibit A**. Water to be delivered to Purchaser hereunder will be measured and accounted for by means of a flow meter to be engineered and installed at the delivery point on the mainline. Purchaser's cost for irrigation power will be calculated based on its proportionate share of water usage to the total annual usage in the system, the factor being calculated as the percentage of Purchaser's metered water usage over the total metered output of the Seller's system. If metering is not possible due to one or more missing or inoperative meters, the factor will be calculated as the Purchaser's irrigated acreage over total acreage (Purchaser's plus Seller's) irrigated in the same year.

Any and all maintenance and repair costs associated with wells and well equipment will be shared proportionately between Seller and Purchaser based on their relative percentage of costs incurred according to their relative acreages being irrigated, accordingly as power costs are calculated, as described above, however, Seller shall be solely responsible for the costs of Seller's renovations and/or improvements of wells and any other improvement to the integrated system.

While this agreement sets forth the initial terms and conditions under which the integrated system will be operated and maintained to deliver water to the land described in **Exhibit A**, Seller and Purchaser recognize that additional terms and conditions may be required to the Seller's and Purchaser's respective rights and obligations to use, operate and maintain the system. Accordingly,

Seller and Purchaser, agree to modify, append or replace the terms and conditions as necessary or appropriate to the circumstances.

Neither party shall assign or transfer any of their rights or obligations under this agreement without the prior written consent of the other party. It is acknowledged hereunder that Seller's contiguous land is currently listed for sale and Seller's right to alienate such other property is not intended to be restrained hereunder.

The covenants, conditions and agreements herein contained shall constitute covenants to run with, and running with, the real property described in Exhibit A and all other real property served by the integrated system of wells and associated water delivery facilities described herein, and shall be binding on each of the parties hereto and on all parties and all persons claiming under them or either of them, and the advantages hereof shall inure to the benefit of each of the parties hereto and their respective successors and assigns.

**PLEASANT VALLEY AGRICULTURE, LLC**

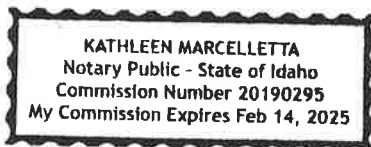
By: Ralph A. Cavalieri

Ralph Cavalieri, Member, Manager  
State of Idaho

County of Ada

} SS.  
}

Subscribed and sworn (or affirmed) before me this 16<sup>th</sup> of April, 2019.



Kathleen L. Marcelletta  
Notary Public  
Residing at Meridian Idaho  
My commission Expires 2/14/25

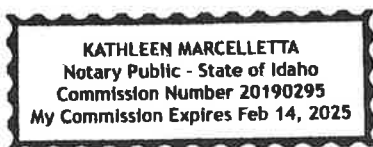
Annette M. Cavalieri

Annette Cavalieri, Member, Manager  
State of Idaho

County of Ada

)  
) SS.  
)

Subscribed and sworn (or affirmed) before me this 16<sup>th</sup> of April, 2019.



Kathleen L. Marcelletta  
Notary Public  
Residing at Meridian Idaho  
My commission Expires 2/14/25

RAY and SUSAN MONTIERTH

By: [Signature]

Ray Montierth  
State of Idaho

County of Canyon ) SS.

Subscribed and sworn (or affirmed) before me this 16 of April, 2019.



[Signature]  
Notary Public

Residing at Canyon

My commission Expires 5.24.24

[Signature]

Susan Montierth

State of Idaho

County of Canyon ) SS.

Subscribed and sworn (or affirmed) before me this 16 of April, 2019.



[Signature]  
Notary Public

Residing at Canyon

My commission Expires 5.24.24



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

September 26, 2019

PLEASANT VALLEY AGRICULTURE LLC  
16250 S CURTIS RD  
KUNA ID 83634-2700

Re: Change in Water Right Ownership: 63-11347 (Split into 63-11347 and **63-34795**),

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) 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad Jones'.

Chad Jones  
Technical Records Specialist 1

Enclosure(s)

Cc: Ray & Susan Montierth