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

RECEIVED
AUG 05 2019
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 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.

Split #'s
45-14519
45-14521
45-14523

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
45-14356	Yes ☒	Yes ☐		Yes ☐	Yes ☐
45-14359	Yes ☒	Yes ☐		Yes ☐	Yes ☐
45-14362	Yes ☒	Yes ☐		Yes ☐	Yes ☐
45-10172	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Farmland Reserve Inc
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Nicholas and Tobee Cummins
New owner(s) as listed on the conveyance document — Name connector ☐ and ☐ or ☐ and/or

4402 E 3300 N — Mailing address
Murtaugh — City
ID — State
83344 — ZIP

(208) 421-4208 — 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: 2013, 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):
- $25 per *undivided* water right.
- $100 per *split* water right.
- No fee is required for pending adjudication claims.

SUPPORT DATA
IN FILE # 45-10172

☐ 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 of new owner/claimant — Title, if applicable — Date
Signature: _____ Signature of new owner/claimant — Title, if applicable — Date

For IDWR Office Use Only:

Receipted by _____ Date _____ Receipt No. 5035554 5035544 Receipt Amt. $225 $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 AI Date 8/4/2019

RECEIVED
AUG 05 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

WATER RIGHT ALLOCATION AGREEMENT

THIS AGREEMENT is entered into by and among LOGAN CUMMINS and LINDA CUMMINS, husband and wife, DANIEL CUMMINS and CARLA CUMMINS, husband and wife, and NICHOLAS CUMMINS and TOBEE CUMMINS, husband and wife.

Recitals

WHEREAS, Logan Cummins, Daniel Cummins and Carla Cummins, and Logan Cummins and Linda Cummins received a Water Rights Deed dated May 9, 2013, and recorded as Twin Falls County Instrument No. 2013010178 from Farmland Reserve, Inc., a copy of which is attached hereto as Exhibit "1" and incorporated herein by this reference; and,

WHEREAS, by such Water Rights Deed, Logan Cummins received a one-third (1/3) undivided interest in water rights numbers 45-10172, 45-14356, 45-14359 and 45-14362; and,

WHEREAS, by such Water Rights Deed, Daniel Cummins and Carla Cummins, husband and wife, received a one-third (1/3) undivided interest in water rights numbers 45-10172, 45-14356, 45-14359 and 45-14362; and,

WHEREAS, by such Water Rights Deed, Logan Cummins and Linda Cummins, husband and wife, and Lance Cummins and Suzanne Cummins, husband and wife, received as joint tenants, a one-third (1/3) undivided interest in water rights numbers 45-10172, 45-14356, 45-14359 and 45-14362; and,

WHEREAS, since such time Lance Cummins and Suzanne Cummins, husband and wife, have conveyed their joint tenant interest in the water rights to Logan Cummins and Linda Cummins, husband and wife; and,

WHEREAS, since such time Logan Cummins, individually, has conveyed his one-third (1/3) undivided interest to Nichola Cummins and Tobee Cummins, husband and wife, and,

WHEREAS, the parcels owned by each party to this agreement are shown by the legal description for each parcel as described on Exhibit "2" attached hereto and incorporated herein by this reference; and,

WHEREAS, the water allocated to each lot by the Water Right Deed attached as Exhibit "1" is an equal one-third (1/3) interest to each parcel but each parcel varies in size from

approximately 2.1 acres to 5.0 acres and the water rights should have been allocated proportionately to match the size of the parcel under Idaho water law; and,

WHEREAS, the parties hereto desire to reallocate and redistribute their water rights to the parcels of real property proportionately; and,

WHEREAS, the purpose of this Agreement is to memorialize and reflect their reallocation and redistribution of the water rights to the parcels of real property described on Exhibit "2" attached hereto.

NOW THEREFORE, it is agreed as follows:

1. **Calculation for Each Parcel's Proportionate Share.** For purposes of this Agreement, parcels 1, 2 & 3 as described on Exhibit "2" attached hereto consist of 3.6 acres for parcel 1, 2.1 acres for parcel 2 and 5.0 acres for parcel 3. The total acres for all three parcels are 10.7 acres. The water allocated by water right numbers 45-14356, 45-14359 and 45-14362 to parcels 1, 2 & 3 is allocated to the total 10.7 acres of the three parcels. Based upon each parcel's size in proportion to the entire 10.7 acres, the proportional factor to calculate the amount of water from each right appurtenant to each parcel is as follows:

Parcel 1 – 0.336
Parcel 2 – 0.196
Parcel 3 – 0.467

2. **Water Right Split Calculated Proportionally by Lot Size.** The following table was prepared by the Idaho Department of Water Resources and is used to allocate the proportionate amount of water from each water right to each parcel based upon each water right being limited to a total of 7.3 acres when all three parcels are combined.

Water Right Split Calculated Proportionally By Lot Size

	45-14356	**45-14359**	**45-14362**	**Total**
Acres before Split	7.3	7.3	3.4	7.3*
Number of acres allocated to each lot:				
Parcel 1	2.5	2.5	1.1	2.5
Parcel 2	1.4	1.4	0.7	1.4
Parcel 3	3.4	3.4	1.6	3.4

* Note, the water rights are limited to a total of 7.3 acres when combined; the individual acre amounts are not additive.

For purposes of splitting each water right and allocating a portion to each parcel, the Idaho Department of Water Resources may rely upon this calculation to allocate such water to each parcel described on Exhibit "2."

DATED this _____ day of July, 2019.

LOGAN CUMMINS

LINDA CUMMINS

DANIEL CUMMINS

CARLA CUMMINS

NICHOLAS CUMMINS

TOBEE CUMMINS

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 31st day of July, 2019, before me, the undersigned, a Notary Public in and for said County and State, personally appeared LOGAN CUMMINS and LINDA CUMMINS, husband and wife, known or identified to me, (or proved to me on the oath of satisfactory evidence), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

DAVID A. COLEMAN
COMMISSION #29748
NOTARY PUBLIC
STATE OF IDAHO

David A. Coleman
NOTARY PUBLIC
Residing at Twin Falls, Idaho
My Commission Expires 4-17-2022

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 3rd day of ~~July,~~ August 2019, before me, the undersigned, a Notary Public in and for said County and State, personally appeared DANIEL CUMMINS and CARLA CUMMINS, husband and wife, known or identified to me, (or proved to me on the oath of satisfactory evidence), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

DAVID A. COLEMAN
COMMISSION #29748
NOTARY PUBLIC
STATE OF IDAHO

David A. Coleman
NOTARY PUBLIC
Residing at Twin Falls, Idaho
My Commission Expires 4-17-2022

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 31st day of July, 2019, before me, the undersigned, a Notary Public in and for said County and State, personally appeared NICHOLAS CUMMINS and TOBEE CUMMINS, husband and wife, known or identified to me, (or proved to me on the oath of satisfactory evidence), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

DAVID A. COLEMAN
COMMISSION #29748
NOTARY PUBLIC
STATE OF IDAHO

David A. Coleman
NOTARY PUBLIC
Residing at Twin Falls, Idaho
My Commission Expires 4-17-2022

After recording, return to:
Farmland Reserve, Inc.
79 South Main Street, Suite 1000
Salt Lake City, UT 84111-1929

TWIN FALLS COUNTY
RECORDED FOR:
KIRTON & MCCONKIE
01:51:17 PM 05-09-2013
2013010178
NO. PAGES 2 FEE: $13.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: JWD
Electronically Recorded by Simplifile

WATER RIGHTS DEED

For good and valuable consideration, Farmland Reserve, Inc., ("Grantor"), 79 South Main Street, Suite 1000, Salt Lake City, UT 84111-1929, hereby QUITCLAIMS TO

Logan Cummins,
a 1/3 undivided interest,
4416 East 3300 North
Murtaugh, ID 83344; and

Daniel Cummins and Carla Cummins, husband and wife,
as joint tenants in a 1/3 undivided interest,
4418 East 3300 North
Murtaugh, ID 83344

Logan Cummins and Linda Cummins, husband and wife,
as joint tenants in a 1/6 undivided interest, and
Lance Cummins and Suzanne Cummins husband and wife,
as joint tenants, in a 1/6 undivided interest,
4420 East 3300 North
Murtaugh, ID 83344

water rights located in the County of Twin Falls, State of Idaho, described as follows, to wit:

Water right 45-10172 for domestic and stockwater uses and water rights 45-14356, 45-14359, and 45-14362 for irrigating 7.3 acres.

[Signature Page to Follow Immediately]

EXHIBIT
tabbies
1

IN WITNESS WHEREOF, the said Farmland Reserve, Inc. has caused these presents to be signed by its President this 9 day of May, 2013.

Farmland Reserve, Inc.,
a Utah non-profit corporation

By: _____
Paul C. Genho, President

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

On this 9th day of May, 2013, personally appeared before me Paul C. Genho, known or satisfactorily proved to me to be the President of Farmland Reserve, Inc., a Utah nonprofit corporation, who acknowledged to me that he signed the foregoing instrument as President for said corporation.

ZELLA JEANNE JENSEN
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 579626
COMM. EXP. 07-29-2013

_____
Notary Public

Parcel 1

Township 11 South., Range 19 East, Boise Meridian, Twin Falls County, Idaho
Section 12: Part of the SW¼SW¼, more particularly described as follows:
BEGINNING at the Southwest section corner of Section 12, Township 11 South, Range 19 E., B.M., said corner marked by a 5/8-inch rebar which shall be the POINT OF BEGINNING;
THENCE North 00°10'31" West (North rec.) along the West Section line for a distance of 466.00 feet to a ½-inch rebar;
THENCE South 89°59'20" East (East rec.) for a distance of 336.38 feet to a ½-inch rebar;
THENCE South 00°10'31" East (South rec.) for a distance of 441.00 feet to a ½-inch rebar;
THENCE South 00°10'30" East (South rec.) for a distance of 25.00 feet to the South Section line;
THENCE North 89°59'20" West (West rec.) along said line for a distance of 336.38 feet to the POINT OF BEGINNING.

SUBJECT TO a 25.00 foot County road right-of-way along the South side.

Parcel 2

Township 11 South, Range 19 East, Boise Meridian, Twin Falls County, Idaho
Section 12: A part of the SW¼SW¼ more particularly described as follows:
COMMENCING at the Southwest corner of said Section; said point lies North 89°26'17" West 2,633.17 feet from the South quarter corner of Section 12;
THENCE South 89°26'17" East 336.38 feet along the South boundary of Section 12 to the REAL POINT OF BEGINNING;
THENCE North 00°33'43" East 466.00 feet;
THENCE South 89°26'17" East 200.00 feet;
THENCE South 00°33'43" West 466.00 feet to the South boundary of Section 12; THENCE North 89°26'17" West 200.00 feet to the REAL POINT OF BEGINNING.

SUBJECT TO a 25.00-foot-wide county roadway easement parallel with and adjoining the South boundary of the above described parcel.

Parcel 3

Township 11 South, Range 19 East, Boise Meridian, Twin Falls County, Idaho
Section 12: That part of the SW¼ more particularly described as follows:
COMMENCING at the Southwest corner of Section 12;
THENCE 466 feet East along the South boundary of the SW¼ of Section 12 to the TRUE POINT OF BEGINNING;
THENCE 466 feet East along the South boundary of the SW¼ of Section 12;
THENCE North parallel to the West boundary of the SW¼ of Section 12, 466 feet;
THENCE West 466 feet, more or less, parallel to the South boundary of the SW¼ of Section 12;
THENCE South parallel to the West boundary 466 feet to the POINT OF BEGINNING.

SUBJECT TO a 25.00-foot-wide country roadway easement parallel with and adjoining the South boundary of the above described parcel.
Exhibit "2"

EXCEPT:
Township 11 South, Range 19 East, Boise Meridian, Twin Falls County, Idaho
Section 12: A part of the SW¼SW¼ more particularly described as follows:
COMMENCING at the Southwest corner of said Section; said point lies North 89°26'17" West 2,633.17 feet from the South quarter corner of Section 12;
THENCE South 89°26'17" East 336.38 feet along the South boundary of Section 12 to the REAL POINT OF BEGINNING;
THENCE North 00°33'43" East 466.00 feet;
THENCE South 89°26'17" East 200.00 feet;
THENCE South 00°33'43" West 466.00 feet to the South boundary of Section 12;
THENCE North 89°26'17" West 200.00 feet to the REAL POINT OF BEGINNING.

AND
Township 11 South, Range 19 East, Boise Meridian, Twin Falls County, Idaho
Section 12: Part of the SW¼SW¼ more particularly described as follows:
BEGINNING at the Southwest Corner of Section 12, Tp. 11 S., R. 19 E., B.M., said corner marked by a 5/8" rebar;
THENCE South 89°59'20" East along the South line of Section 12 for a distance of 932.00 feet to the POINT OF BEGINNING;
THENCE North 00°10'31" West for a distance of 25.00 feet to a ½ inch rebar;
THENCE North 00°10'31" West for a distance of 441.00 feet to a ½ inch rebar;
THENCE North 89°31'46" East for a distance of 70.00 feet to a ½ inch rebar;
THENCE South 00°10'31" East for a distance of 442.02 feet to a½ inch rebar;
THENCE South 00°10'31" East for a distance of 24.57 feet to the South line of Section 12;
THENCE North 89°59'20" West along said line for a distance of 70.01 feet to the POINT OF BEGINNING.

together with their appurtenances.

Exhibit "2"

N

Legend

- Township/Range
- Sections
- QQ

RECEIVED

JAN 10 2019 via email

DEPT OF WATER RESOURCES
SOUTHERN REGION

After recording, return to:
Farmland Reserve, Inc.
79 South Main Street, Suite 1000
Salt Lake City, UT 84111-1929

TWIN FALLS COUNTY
RECORDED FOR:
KIRTON & MCCONKIE
01:51:17 PM 05-09-2013
2013010178
NO. PAGES 2 FEE: $13.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: JWD
Electronically Recorded by Simplifile

WATER RIGHTS DEED

For good and valuable consideration, Farmland Reserve, Inc., ("Grantor"), 79 South Main Street, Suite 1000, Salt Lake City, UT 84111-1929, hereby QUITCLAIMS TO

Logan Cummins,
a 1/3 undivided interest,
4416 East 3300 North
Murtaugh, ID 83344; and

Daniel Cummins and Carla Cummins, husband and wife,
as joint tenants in a 1/3 undivided interest,
4418 East 3300 North
Murtaugh, ID 83344

Logan Cummins and Linda Cummins, husband and wife,
as joint tenants in a 1/6 undivided interest, and
Lance Cummins and Suzanne Cummins husband and wife,
as joint tenants, in a 1/6 undivided interest,
4420 East 3300 North
Murtaugh, ID 83344

water rights located in the County of Twin Falls, State of Idaho, described as follows, to wit:

Water right 45-10172 for domestic and stockwater uses and water rights 45-14356, 45-14359, and 45-14362 for irrigating 7.3 acres.

[Signature Page to Follow Immediately]

IN WITNESS WHEREOF, the said Farmland Reserve, Inc. has caused these presents to be signed by its President this 9 day of May, 2013.

Farmland Reserve, Inc.,
a Utah non-profit corporation

By: _____
Paul C. Genho, President

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

On this 9th day of May, 2013, personally appeared before me Paul C. Genho, known or satisfactorily proved to me to be the President of Farmland Reserve, Inc., a Utah nonprofit corporation, who acknowledged to me that he signed the foregoing instrument as President for said corporation.

ZELLA JEANNE JENSEN
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 579626
COMM. EXP. 07-29-2013

_____
Notary Public

Form 42-248/42-1409(6) Rev. 08/14

RECEIVED
JUN 22 2016
DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

SUPERSEDED

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?
45-10172	Yes ☐	Yes ☐		Yes ☐	Yes ☐
45-14356	Yes ☒	Yes ☐		Yes ☐	Yes ☐
45-14359	Yes ☒	Yes ☐		Yes ☐	Yes ☐
45-14362	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Logan & Linda & Lance & Suzanne Cummins
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Nicholas & Tobee Cummins
New owner(s) as listed on the conveyance document

Nicholas & Tobee Cummins

Name connector ☐ and ☐ or ☐ and/or

2907 N. 4300 E. | McCall | ID | 83344
Mailing address | City | State | ZIP

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: 2016.

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: X _____ Signature of new owner/claimant | Title, if applicable | Date 6/22/16

Signature: X _____ Signature of new owner/claimant | Title, if applicable | Date 6/22/16

For IDWR Office Use Only: DM 6-30-2016 5035554 $225-

Receipted by DM Date 6-22-2016 Receipt No. 5035544 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 _____ Date _____

Case No. 68190sm

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

TWIN FALLS COUNTY
RECORDED FOR:
TITLEFACT, INC.
10:40:20 AM 06-22-2016
2016010350
NO. PAGES 1 FEE: $10.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: JWD
Electronically Recorded by Simplifile

WARRANTY DEED

FOR VALUE RECEIVED **LOGAN CUMMINS and LINDA CUMMINS, husband and wife; AND LANCE CUMMINS and SUZANNE CUMMINS, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **NICHOLAS CUMMINS and TOBEE CUMMINS, husband and wife**, hereinafter called Grantee, whose address is: 2927 N. 4300 E. Murtaugh, ID 83344, the following described premises in Twin Falls County, Idaho; to-wit:

Township 11 South, Range 19 East, Boise Meridian, Twin Falls County, Idaho
Section 12: Part of the SW¼SW¼, more particularly described as follows:
BEGINNING at the Southwest section corner of Section 12, Township 11 South, Range 19 E., B.M., said corner marked by a ⅝-inch rebar which shall be the POINT OF BEGINNING;
THENCE North 00°10'31" West (North rec.) along the West Section line for a distance of 466.00 feet to a ½-inch rebar;
THENCE South 89°59'20" East (East rec.) for a distance of 336.38 feet to a ½-inch rebar;
THENCE South 00°10'31" East (South rec.) for a distance of 441.00 feet to a ½-inch rebar;
THENCE South 00°10'30" East (South rec.) for a distance of 25.00 feet to the South Section line;
THENCE North 89°59'20" West (West rec.) along said line for a distance of 336.38 feet to the POINT OF BEGINNING.

SUBJECT TO a 25.00 foot County road right-of-way along the South side.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 22, 2016

LOGAN CUMMINS

LINDA CUMMINS

LANCE CUMMINS

SUZANNE CUMMINS

STATE OF IDAHO
County of Twin Falls

On this 22d day of June, 2016, before me, a Notary Public in and for said State, personally appeared Logan Cummins, Linda Cummins, Lance Cummins and Suzanne Cummins, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

Notary Public for Idaho
Residing at Twin Falls
Commission expires 11-28-2020

STATE OF IDAHO NOTARY PUBLIC SUSIE MOORE

RECORDED ELECTRONICALLY
2016010350 County TF
Date 6-22-16 Time 10:40
simplifile www.simplifile.com 800.460.5657

Case No. 68190sm

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

WARRANTY DEED

FOR VALUE RECEIVED **LOGAN CUMMINS and LINDA CUMMINS, husband and wife; AND LANCE CUMMINS and SUZANNE CUMMINS, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **NICHOLAS CUMMINS and TOBEE CUMMINS, husband and wife**, hereinafter called Grantee, whose address is: 2927 N. 4300 E. Murtaugh, ID 83344, the following described premises in Twin Falls County, Idaho; to-wit:

Township 11 South, Range 19 East, Boise Meridian, Twin Falls County, Idaho
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THENCE South 89°59'20" East (East rec.) for a distance of 336.38 feet to a ½-inch rebar;
THENCE South 00°10'31" East (South rec.) for a distance of 441.00 feet to a ½-inch rebar;
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THENCE North 89°59'20" West (West rec.) along said line for a distance of 336.38 feet to the POINT OF BEGINNING.

SUBJECT TO a 25.00 foot County road right-of-way along the South side.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 22, 2016

LOGAN CUMMINS

LINDA CUMMINS

LANCE CUMMINS

SUZANNE CUMMINS

STATE OF IDAHO
County of Twin Falls

On this 22d day of June, 2016, before me, a Notary Public in and for said State, personally appeared Logan Cummins, Linda Cummins, Lance Cummins and Suzanne Cummins, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

Notary Public for Idaho
Residing at Twin Falls
Commission expires 11-28-2020

STATE OF IDAHO
NOTARY PUBLIC
SUSIE MOORE

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

August 06, 2019

NICHOLAS CUMMINS
TOBEE CUMMINS
4402 E 3300 N
MURTAUGH ID 83344-5204

Re: Change in Water Right Ownership: 45-10172,
45-14362 (Split into 45-14362 and 45-14523),
45-14359 (Split into 45-14359 and 45-14521), &
45-14356 (Split into 45-14356 and 45-14519)

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.

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) 736-3033.

Sincerely,

Allison Inouye

Allison Inouye
Water Resource Agent

Enclosure(s)

cc: David Coleman - Coleman, Ritchie & Jacobson

Inouye, Allison

From: Tobee Cummins <tobeec@yahoo.com>
Sent: Monday, August 05, 2019 2:29 PM
To: Inouye, Allison
Subject: Addresses

Hi Allison, here are the addresses
Daniel Cummins
4418 E 3300 N
Murtaugh 83344

Logan Cummins
4416 E 3300 N
Murtaugh 83344

Nick Cummins
4402 E 3300 N
Murtaugh 83344

Sent from my iPhone

Inouye, Allison

From: Tobee Cummins <tobeec@yahoo.com>
Sent: Thursday, July 11, 2019 12:59 PM
To: Inouye, Allison
Subject: Re: Water right split

Yes I will try to get everyone in there to sign

Sent from my iPhone

On Jul 11, 2019, at 11:21 AM, Inouye, Allison <Allison.Inouye@idwr.idaho.gov> wrote:

> Hi Tobee –
> I just wanted to check in with you about the status of your water right agreement and ownership change forms? I spoke with David Coleman the other day and he mentioned this is the busy time of year for you. Do you think it would be possible to get that paperwork back to me by the end of July?
>
> Thanks,
> Allison
>
> **From:** Tobee Cummins [mailto:tobeec@yahoo.com]
> **Sent:** Tuesday, May 07, 2019 8:48 AM
> **To:** Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
> **Subject:** Re: Water right split
>
> Hi Allison, wanted to make sure our attorney was in contact with you to let you know he is still working on the water rights. Please let me know. Thank you.
> Tobee.
>
> Sent from my iPhone
>
> On Mar 29, 2019, at 11:37 AM, Inouye, Allison <Allison.Inouye@idwr.idaho.gov> wrote:
>
>> Hi Tobee –
>> I spoke with your attorney a couple weeks ago and it sounded like he was writing up a deed or agreement about the water right splits. I just wanted to check in to see if that is still in process?
>>
>> Let me know if you need anything from me.
>> -Allison
>>
>> Allison Inouye
>> Water Resource Agent
>> Southern Regional Office | Idaho Dept. of Water Resources
>> p (208) 736-3033 | f (208) 736-3037
>> Allison.Inouye@idwr.idaho.gov

Inouye, Allison

From: David Coleman <david@colemanjacobsonlaw.com>
Sent: Friday, June 14, 2019 3:51 PM
To: Inouye, Allison
Subject: RE: Cummins Agreement

Allison,

Thank you for checking with me. Yes I did speak with him and he didn't have any changes so I have sent them to the Cummins for signatures. I spoke with Tobee Cummins last week and she said is working on getting signatures but that it is going slowly as this time of year is really busy for them and their families. As soon as I hear back from her I will get back in touch with you.

Thank you for your help on this.

David.

David A. Coleman
Coleman, Ritchie & Jacobson
156 2nd Avenue West
P.O. Box 525
Twin Falls, ID 83303-0525
Telephone (208) 734-1224
Fax (208) 734-3983

From: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Sent: Friday, June 14, 2019 1:31 PM
To: David Coleman <david@colemanjacobsonlaw.com>
Subject: RE: Cummins Agreement

Hi David,
I wanted to check in with you to make sure that you were able to talk with Sean Costello from our legal group. I haven't heard from him again so I hope he was able to contact you directly.

Thanks,
Allison

From: David Coleman [mailto:david@colemanjacobsonlaw.com]
Sent: Thursday, May 23, 2019 11:45 AM
To: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Subject: RE: Cummins Agreement

Thank you Allison. I look forward to visiting with Sean when he calls.

I will get signatures on the Notice of Ownership Change when I get their signatures on the Agreement as well.

David.

David A. Coleman
Coleman, Ritchie & Jacobson
156 2nd Avenue West
P.O. Box 525
Twin Falls, ID 83303-0525
Telephone (208) 734-1224
Fax (208) 734-3983

From: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Sent: Thursday, May 23, 2019 10:18 AM
To: David Coleman <david@colemanjacobsonlaw.com>
Subject: RE: Cummins Agreement

Hi David,
Sean Costello from our legal office in Boise said he would give you a call to chat about this agreement. I thought that would be more efficient than trying to relay it through me.

A couple other items that you might want to touch base with the Cummins' are:

- When they sign the agreement, I was hoping you might be able to have them fill out and sign the IDWR Notice of Ownership Change forms at the same time. I've attached a partially completed form. If you could, please print 3 copies – one for each parcel – and just have each party fill out their information in Item #3 and sign/date it.
- What do the parties want to do with water right 45-10172 for domestic & stockwater purposes? Just a few of my thoughts:
    - The partial decree from 1998 noted that it was for 2 homes and is limited to 13,000 gallons per day. It identifies one point of diversion.
    - Nicholas & Tobee are listed as the current owners because they filed paperwork with IDWR & submitted the required deed/fee to update it into their name. It could be updated or changed if they want to do something different.
    - It is somewhat un-common to split domestic/stock rights, but if it were done, each right would have a condition that said all 3 portions would be limited to 13,000 gallons/day when combined. Each portion of the right would also still list the same point of diversion.
    - Another option would be to keep the water right whole, but list all of the parties as current owners.
    - Or possibly, one or two of the parties may want to convey their interest in that right to the other party(s).
    - There are probably many other possibilities, but those are just a few thoughts.

Thanks, David. Hopefully this helps. Feel free to reach out with questions.
Best,
Allison

Allison Inouye
Water Resource Agent
Southern Regional Office | Idaho Dept. of Water Resources
p (208) 736-3033 | f (208) 736-3037
Allison.Inouye@idwr.idaho.gov

From: David Coleman [mailto:david@crctflaw.com]
Sent: Tuesday, May 07, 2019 3:15 PM

To: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Subject: RE: Cummins Agreement

Thank you Allison. I will wait to hear from you.

David.

David A. Coleman
Coleman, Ritchie & Jacobson
156 2nd Avenue West
P.O. Box 525
Twin Falls, ID 83303-0525
Telephone (208) 734-1224
Fax (208) 734-3983

From: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Sent: Tuesday, May 7, 2019 3:01 PM
To: David Coleman <david@crctflaw.com>
Subject: RE: Cummins Agreement

Hi David,
I appreciate you letting me review the draft document. I spoke with Corey about it and what the Cummins' are trying to achieve with it. Conceptually, we both think it makes sense. Since it is a bit of a unique situation, and since the sole purpose of the document is to clarify the water right ownership, we thought it would be prudent to ask for input from the Department's legal staff in Boise. I sent an email to them today explaining the situation and asking if they recommend the use of any specific language; I also asked if they could provide a timeline for when they think they will be able to review it. As soon as I hear back, I will let you know.

Best,
Allison

Allison Inouye
Senior Water Resource Agent
Southern Regional Office | Idaho Dept. of Water Resources
p (208) 736-3033 | f (208) 736-3037
Allison.Inouye@idwr.idaho.gov

From: David Coleman [mailto:david@crctflaw.com]
Sent: Monday, May 06, 2019 4:21 PM
To: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Subject: Cummins Agreement

Allison,

I have attached a draft Water Allocation Agreement for you to review regarding the allocation of the water rights among the three parcels of property belonging to the Cummins'. Please review and let me know your thoughts regarding it.

Thank you,

David.

David A. Coleman
Coleman, Ritchie & Jacobson
156 2nd Avenue West
P.O. Box 525
Twin Falls, ID 83303-0525
Telephone (208) 734-1224
Fax (208) 734-3983

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Brad Little
Governor

Gary Spackman
Director

April 19, 2019

NICHOLAS & TOBEE CUMMINS
2927 N 4300 E
MURTAUGH ID 83344-5270

Re: Change in Ownership for Water Right No(s): 45-14356, 45-14359, 45-14362 *(not processed)*

Dear Interested Party:

The Department of Water Resources (Department) acknowledges the receipt of correspondence to split and change ownership of a portion of the above referenced water rights to you.

The Department requested additional documents regarding evidence of the water right ownership from you on 11/2/2018. On January 10, 2019, a copy of a water right deed was provided. After further discussion, you indicated that you and the owners of the other two portions of those water rights would like to split the rights proportionally by lot size rather than evenly into thirds as specified in the deed. We discussed the need for an additional deed conveying the water rights in that manner in order to be able to modify the water right records. On March 8, I spoke with attorney David Coleman who indicated he was preparing documentation to facilitate a proportional split of the water rights.

As of the date of this letter, the Department has not received any additional documentation. If you would still like to split the water rights proportionally by lot size, please submit documentation showing the proportional split of the water rights as well as signed Notice of Change in Water Right Ownership forms (enclosed) submitted by the other water right owners. If that information is received and processed together, no additional filing fee will be required.

If no additional information is submitted by May 19, 2019, the Department will process the paperwork as it is currently filed. Once it has been processed, any changes would require an additional filing fee.

If you need additional time, would like to withdraw the paperwork you previously submitted, or have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Allison Inouye
Water Resource Agent

Enclosure(s)

Inouye, Allison

From: Tobee Cummins <tobeec@yahoo.com>
Sent: Thursday, January 10, 2019 1:37 PM
To: Inouye, Allison
Subject: Scan Jan 10, 2019 at 1.35 PM
Attachments: Scan Jan 10, 2019 at 1.35 PM.pdf; ATT00001.htm

Signed water rights deed

Created with Scanner Pro

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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

November 02, 2018

December 13, 2018

SECOND NOTICE

PLEASE REPLY BY JANUARY 14, 2019

NICHOLAS & TOBEE CUMMINS
2927 N 4300 E
MURTAUGH ID 83344-5270

RE: Change in Ownership of Water Right Nos: 45-14356, 45-14359, 45-14362

Dear Nicholas & Tobee:

In June 2016, the Department of Water Resources (Department) received a Notice of Change in Water Right Ownership (Notice) for the above referenced water rights. We apologize for the delay. This Notice has not yet been processed and a recent review indicates that additional information is required before the Department can process the change. The information required is indicated below:

_X___ Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

To further explain, our records include a 2010/2011 Water Transfer Agreement between Farmland Reserve, Inc. and Grant Cummins, Leah Cummins, Daniel Cummins, Carla Cummins, Logan Cummins, Linda Cummins, Lance Cummins, & Suzanne Cummins. The agreement specifies that a transfer would be filed with the Department to split off a portion of the 3 irrigation water rights appurtenant to the Cummins residential parcels. It specifies that upon the Department's approval of the transfer, Farmland Reserve, Inc. would convey those portions of the rights to the Cummins family members noted above. That transfer was approved by IDWR in 2011. However, the Department does not have record of any deed specifically conveying the split portions of the water rights from Farmland Reserve, Inc. to the Cummins family as was indicated in the 2010/2011 Water Transfer Agreement.

In order to process your Notice, we will need documentation showing the conveyance of these water rights from Farmland Reserve, Inc. to Logan, Linda, Lance, & Suzanne Cummins OR from Farmland Reserve, Inc. to you. Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information by December 3, 2018, we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 736-3033.

Sincerely,

Allison Inouye

Allison Inouye
Water Resource Agent

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C.L. "Butch" Otter
Governor

Gary Spackman
Director

November 02, 2018

NICHOLAS & TOBEE CUMMINS
2927 N 4300 E
MURTAUGH ID 83344-5270

RE: Change in Ownership of Water Right Nos: 45-14356, 45-14359, 45-14362

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If you have any questions regarding this matter, please contact me at (208) 736-3033.

Sincerely,

Allison Inouye

Allison Inouye
Water Resource Agent