

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 01 2019

Notice of Change in Water Right Ownership

Department of Water Resources
Eastern 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?
35-2634	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-2227	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-2227 35-14651	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Heritage Farms, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Brown Charlie II, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|--------------------------------------|--------------------------------|-----------|--------------|
| <u>101 Mission Street, Suite 505</u> | <u>San Francisco</u> | <u>CA</u> | <u>94104</u> |
| Mailing address | City | State | ZIP |
| <u>208-908-3848</u> | <u>skye@rootagadvisory.com</u> | | |
| 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: _____
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☐ Filing fee (see instructions for further explanation):
- ☐ \$25 per *undivided* water right.
 - ☐ \$100 per *split* water right.
 - ☐ No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.
- SUPPORT DATA
IN FILE # 35-2634

8. Signature: <u>Patrick Trainor</u>	Patrick Trainor, Authorized Officer	3-22-2019
Signature of new owner/claimant	Title, if applicable	Date
Signature: _____	Title, if applicable _____	Date _____
Signature of new owner/claimant	Title, if applicable	Date

For IDWR Office Use Only:

Received by JB Date 4/1/2019 Receipt No. E044816 Receipt Amt. \$125.-
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 JB Processed by JB Date 6/28/2019

714847

WARRANTY DEED

For Value Received, **Heritage Farms, LLC**, an Idaho Limited Liability Company ("Grantor"), hereby grants, bargains, sells and conveys unto **Brown Charlie II, LLC**, an Idaho Limited Liability Company, ("Grantee") the premises located in Bingham County, Idaho, and legally described in Exhibit A to this Warranty Deed. The water rights appurtenant to the property are identified in Exhibit B.

Grantee's address is provided below:

Brown Charlie II, LLC
101 Mission Street, Suite 505
San Francisco, CA 94104

Grantor conveys said premises, with their appurtenances, to Grantee and to its successors and assigns to have and to hold forever. Grantor does hereby covenant to and with Grantee that Grantor owns said premises in fee simple, that the premises are free from all encumbrances, except as otherwise provided below, and that Grantor will forever warrant the title to said premises.

Notwithstanding the foregoing, this conveyance is subject to the exceptions listed in Exhibit C and the real property taxes for 2019 and subsequent years; and is further subject to federal patents; building or use restrictions; building and zoning regulations and ordinances of any governmental unit; all rights of way and easements of record; encumbrances which are not shown by public records and which were created prior to Grantor's ownership of the property; discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records; and unpatented mining claims.

GRANTOR:

Heritage Farms, LLC


Brock Driscoll, Authorized Manager

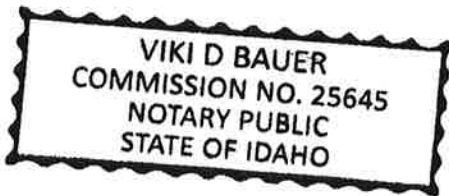
Date: 3-21-19

STATE OF IDAHO)
COUNTY OF ~~BANNOCK~~ ^{Bingham} :ss.)

On this 21 day of March, 2019, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Brock Driscoll**, known or identified to me to be the authorized manager of the limited liability company that executed the within instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company 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.

(SEAL)



Viki D Bauer
NOTARY PUBLIC
Residing at: Blackfoot, ID
Commission expires: 3-29-20



Part of Section 13 and 14 Township 6 South Range 30 East B.M. Bingham County, Idaho described as:

Beginning at the North $\frac{1}{4}$ corner of Section 14; Thence, N 89° 33' 05" E 2463.16 feet along the North line of said Section; Thence, S 00° 27' 11" E 269.89 feet; Thence, S 89° 55' 02" E 159.86 feet to the East line of said Section; Thence, N 00° 00' 42" E 271.39 feet along the East line of said Section to the North line of Section 13, Thence, N 89° 34' 49" E 2641.42 feet along the North line of said Section to the North $\frac{1}{4}$ corner of Section 13; Thence, N 89° 34' 46" E 164.88 feet along the North line of said Section 13; Thence, S 00° 02' 07" E 2642.47 feet to the East-West $\frac{1}{4}$ line of said Section; Thence, S 89° 44' 07" W 2808.41 feet along the East-West $\frac{1}{4}$ line to the East $\frac{1}{4}$ corner of Section 14 Thence, S 89° 30' 41" W 2624.42 feet along the East-West $\frac{1}{4}$ line of Section 14 to the North-South $\frac{1}{4}$ line of said Section; Thence N 00° 00' 21" W 2636.69 feet along the North-South $\frac{1}{4}$ line to the North $\frac{1}{4}$ corner of said Section and the Point of Beginning.

EXHIBIT B

All of water right 35-2634 (2.92 cfs / 624 ac-ft on 156 acres) and a 166 acre portion of water right 35-2227 (that portion being 2.84 cfs / 664 ac-ft on 166 acres), for a total of 5.76 cfs / 1,288 ac-ft on 322 acres of the premises described in Exhibit A.

Grantor retains the remaining 161 acre portion of water right 35-2227.

Exhibit C

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
2. Any facts, rights, interests, or claims which are not shown by the Public Records but which could be ascertained by an inspection of said Land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the Land, and that are not shown in the Public Records.
5. (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, except for the water rights described in Exhibit B.
6. Any liens, or rights to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the Public Records.
7. Levies and assessments of Aberdeen – Springfield Canal Company and any rights or easements thereof for 2019 and subsequent years.
8. Levies and assessments of American Falls – Aberdeen Ground Water District and any rights or easements thereof for 2019 and subsequent years.
9. Levies and assessments of American Falls Reservoir District and any rights or easements thereof for 2019 and subsequent years.
10. Right-of-way or easement of county roads.
11. Reservations in United States Patent, recorded in Book 12, of Patents, Page 460.
12. Reservations in United States Patent, recorded in Book 12, of Patents, Page 531.
13. Reservations in United States Patent, recorded in Book 23, of Patents, Page 5.
14. The following matters, and any rights, easements, interests or claims which may exist by reason thereof, disclosed by an ALTA/NSPS survey made by HLE Inc. on March 12 and recorded in the records of Bingham County, Idaho on March 14, 2019 as Instrument No. 705108:
 1. Right of ways



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 28, 2019

Racine Olson Attorneys
PO Box 1391
Pocatello ID 83204

Brown Charlie II LLC
101 Mission St Ste 505
San Francisco CA 94104

RE: Change of Ownership for Water Rights 35-2634 (No Split Required) and 35-2227 (split into 35-2227 and 35-14651)

Dear Water Right Holder:

The department acknowledges receipt of correspondence changing ownership and splitting the above referenced water right. The department has modified its records to reflect the changes and has enclosed computer-generated reports for your records.

Your portion of the water right has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on 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 an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited 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 Sections 42-222 and 42-223, Idaho Code.

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

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosures

cc: Water District 120
Aberdeen American Falls Ground Water District



March 28, 2019

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

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APR 01 2019
Department of Water Resources
Eastern Region

**Re: Notice of Change in Water Right Ownership
Brown Charlie II, LLC**

Dear Sharla:

Enclosed is a Notice of Change in Water Right Ownership submitted on behalf of Heritage Farms, LLC for water right nos. 35-2634 and 35-2227, along with a check in the amount of \$125 for the filing fee and return envelope.

Should you have any questions, please give me a call.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T.J. Budge', is written over a horizontal line.

T.J BUDGE