

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
JUN 10 2019
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?
22-7089B <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: LORIN B KAUER
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): MGR FARMS LLC
New owner(s) as listed on the conveyance document
- 3366 S 1400 W Name connector ☐ and ☐ or ☐ and/or
REXBURG ID 83440
Mailing address City State ZIP
208 681 2860 Email grant@eagleeyeproduce.com
Telephone
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: June 5 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.

8. Signature: *[Signature]* *[Signature]* 6-5-19
Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by SC Date 6/10/19 Receipt No. E045059 Receipt Amt. 25.00
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 CR Date 6/11/2019

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
535 First American Circle
Rexburg, ID 83440

Microfile No. **423754**
5 DAY Jun 2019
At 10 O'Clock 07 AM
KIM H. MUIR
MADISON CO RECORDER
Fee \$15.00
Deputy
Recorded at Request of
FIRST AMERICAN TITLE - REXBURG

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **732878-RX (ss)**

Date: **May 29, 2019**

For Value Received, **Kauer Properties LLC, an Idaho limited liability company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **MGR Farms LLC, an Idaho limited liability company**, hereinafter called the Grantee, whose current address is **3366 S 1400 W, Rexburg, ID 83440**, the following described premises, situated in **Madison County, Idaho**, to-wit:

TOWNSHIP 5 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO.
SECTION 5: W $\frac{1}{2}$ SE $\frac{1}{4}$

Together with all exisiting water rights associated with the property.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 05/29/2019

Warranty Deed
- continued

File No.: 732878-RX (ss)

Kauer Properties LLC, an Idaho limited liability
company

By: 
Name: Douglas S. Kauer
Title: Manager

STATE OF Idaho)
COUNTY OF Madison)
ss.

On this 6 day of June, 2019, before me, a Notary Public in and for said State, personally appeared **Douglas S. Kauer**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Kauer Properties LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that **he** executed the same in said Limited Liability Company's name.




Notary Public of Idaho
Residing at: Rexburg, ID
Commission Expires: 4-14-2024

Instrument # 350843
REXBURG, MADISON, IDAHO
12-30-2008 04:24:00 No. of Pages: 2
Recorded for : BILLY G. DUPREE, JR.
MARILYN R. RASMUSSEN Fee: 6.00
Ex-Officio Recorder Deputy

THIS DEED, made by Erma R. Kauer, as Personal Representative of the estate of Lorin B. Kauer, deceased, referred to herein as Grantor, to Kauer Properties LLC, an Idaho limited liability company, referred to herein as Grantee, 1076 S. 12th W., Rexburg, ID 83440.

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

EXECUTED this 9th day of December, 2008.

STATE OF IDAHO)
County of Madison) ss

Billy G. DuPre, Jr.
Notary Public
State of Idaho

DEED OF DISTRIBUTION BY PERSONAL REPRESENTATIVE – Page 1

EXHIBIT A

Real Property Description

Parcel 1

The West Half of the Southeast Quarter (W1/2SE1/4) of Section 5, Township 5 North, Range 40 East, Boise Meridian, in Madison County, State of Idaho, together with all water rights of every kind and nature thereunto belonging or in anywise appertaining.

Parcel 2

The East Half of the Northeast Quarter of Section 32, Township 6 North, Range 40 E.B.M., in Madison County, State of Idaho, together with all water rights of every kind and nature thereunto belonging or in anywise appertaining.

WHEN RECORDED RETURN TO:
Billy G. DuPree, Jr.
P.O. Box 723
Rexburg, Idaho 83440

Instrument # 350842

REXBURG, MADISON, IDAHO

12-30-2008 04:22:00 No. of Pages: 2

Recorded for : BILLY G. DUPREE, JR.

MARILYN R. RASMUSSEN Fee: 6.00
Ex-Officio Recorder Deputy

QUITCLAIM DEED

GRANTOR, Erma R. Kauer, for a good and valuable consideration the receipt whereof is hereby acknowledged, does REMISE, RELEASE, and forever QUITCLAIM, unto Kauer Properties LLC, an Idaho limited liability company, whose address is 1076 South 12th West, Rexburg, Idaho 83440, as GRANTEE, and to GRANTEE'S successors and assigns, forever, all of GRANTOR'S interests in the following described property situated in Madison County, Idaho:

Parcel 1

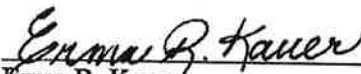
The West Half of the Southeast Quarter (W1/2SE1/4) of Section 5, Township 5 North, Range 40 East, Boise Meridian, in Madison County, State of Idaho, together with all water rights of every kind and nature thereunto belonging or in anywise appertaining.

Parcel 2

The East Half of the Northeast Quarter of Section 32, Township 6 North, Range 40 E.B.M., in Madison County, State of Idaho, together with all water rights of every kind and nature thereunto belonging or in anywise appertaining.

Together with all and singular the tenements, hereditaments and appurtenances belonging to or in any manner appertaining to such property, the reversion and reversions, remainder and remainders, rents, issues, and profits of such property. To have and to hold all and singular the premises, together with the appurtenances, to GRANTEE and to GRANTEE'S successors and assigns forever.

IN WITNESS WHEREOF, the said GRANTOR has executed this instrument this 9th day of December, 2008.


Erma R. Kauer

STATE OF IDAHO

)

:ss

County of Madison

)

On this 9th day of December, in the year 2008, before me, a Notary Public in and for said State, personally appeared Erma R. Kauer, known or identified to me (or proved to me on the oath of _____), to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

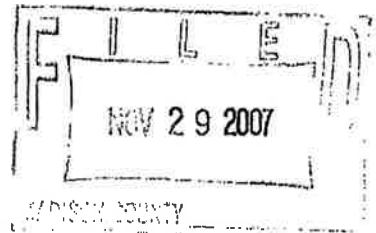
Billy G. DuPree, Jr.

Notary Public for Idaho

Residing at: Rexburg, Idaho

My Commission Expires: 12/04/10

Billy G. DuPree, Jr.
Notary Public
State of Idaho



CERTIFICATE
I HEREBY CERTIFY THE
FOREGOING INSTRUMENT
TO BE A TRUE AND COR-
RECT COPY OF THE ORIG-
INAL ON FILE IN MY
OFFICE.

Billy G. DuPree, Jr.
Attorney at Law
58 East First North
P.O. Box 723
Rexburg, Idaho 83440
Telephone: (208) 356-0180
Fax: (208) 356-0238
Idaho State Bar No. 3187

DATED June 12, 2009
Marilyn R. Rasmussen
Madison County Clerk,
Auditor and Recorder,
Clerk of the District Court
By [Signature]
Deputy



Attorney for Applicant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF MADISON**

IN THE MATTER OF THE ESTATE OF)	Case No. CV2007-859
LORIN B. KAUER,	) LETTERS TESTAMENTARY
	) (I.C. 15-3-702)
Deceased.	)

1. Erma R. Kauer was duly appointed and qualified as general personal representative of the above-named decedent by the Court with all authority pertaining thereto.
2. Administration of the estate is unsupervised.
3. These Letters are issued to evidence the appointment, qualification, and authority of the said personal representative.

WITNESS, my signature and Seal of the Court this 26 day of November 2009

[Signature]
Magistrate





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

June 11, 2019

MGR FARMS LLC
3366 S 1400 W
REXBURG ID 83440-4131

Re: Change in Ownership for Water Right No(s): 22-7089B

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,

Cher Ramos
Technical Records Specialist 1

Enclosure(s)

cc: Water District 01
Water District 100
Madison Ground Water District