

When recorded deliver to:

IDAHO WATER COMPANY LLC.
1135 VALLEY ROAD SOUTH
EDEN, ID 83325

SPECIAL WARRANTY DEED FOR WATER RIGHTS

FOR VALUE RECEIVED, Dale & Jackie Van Es, husband and Wife, whose address is 8222 Desert Dr. Marsing, ID 83639 ("Grantor"), does hereby grant, bargain, sell, assign, and convey unto

Idaho Water Company LLC, an Idaho Limited Liability company

herein after referred to as ("Grantee"), whose address is 1135 Valley Road South, Eden, Idaho 83325, and to Grantee's heirs, successors, and assigns forever, that 150 acre portion of the certain decreed Water Right No 2-10017 ("the Water Right") that had been appurtenant to the Owyhee County, State of Idaho real property described as:

See: **EXHIBIT A** Attached hereto and incorporated herein by reference

and subsequently severed therefrom.

TO HAVE AND TO HOLD, the said Water Rights, together with any and all interests, and appurtenances incident thereto, and all the rights, estates, titles, claims, permits, licenses, or shares of stock evidencing, claiming, or representing said Water Rights, unto the said Grantee, and to the Grantees heirs and assigns forever. Grantor, for itself, its successors and assigns, covenant and agree that it will warrant title and forever defend the Water Rights in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons claiming the whole of any part thereof, by, through, or under Grantor, or against adverse claims arising by, through or under the acts or omissions of Grantors. The singular shall include the plural, and the use of any gender shall apply to all genders.

To the extent the Water Rights, or any of them, are represented by a permit or other property not conveyable by deed, this deed shall be deemed and operate as a bill of sale therefore.

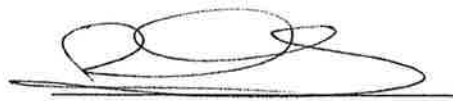
Grantor retains no residual or reversionary interest in any of the Water Rights transferred.

Grantor hereby covenants and warrants to Grantee:

- (A) That grantor is the owner in fee simple of the Water Rights;
- (B) That Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (C) That each of the Water Rights is free from all liens, claims, or encumbrances;
- (D) That Grantor has the authority to convey the Water Rights to Grantee;
- (E) The Grantor has disclosed to Grantee in good faith all relevant information known to Grantor bearing on the validity and extent of the Water Rights.

IN WITNESS, WHEREOF, the undersigned Grantors, have caused their names to be hereunto subscribed on the date shown by each name.

Grantor:

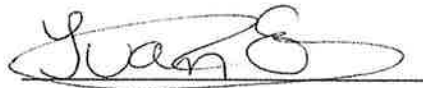


Dale Van Es

Dated:

9-6-18

Grantor:



Jackie Van Es

Dated:

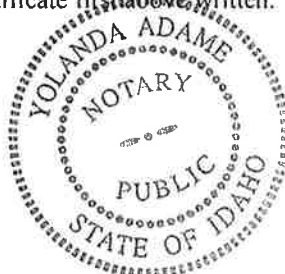
9/6/18

STATE OF IDAHO,)
County of Canyon) ss.

On this 6 day of September, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Dale and Jackie Van Es, known or identified by me 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.

(SEAL)



Notary Public for Idaho

Residing at _____, Idaho

Commission expires:

Residing at: Caldwell, Idaho

Commission Expires: 7/25/23

SPECIAL WARRANTY DEED FOR WATER RIGHTS
DALE & JACKIE VAN ES to IDAHO WATER COMPANY LLC

EXHIBIT A

T2S	R1W	S27	SWSW	34 acres	T2S	R1W	S34	NENE	35 acres
T2S	R1W	S27	SESW	1.7 acres	T2S	R1W	S34	NWNE	40 acres
T2S	R1W	S27	SWSE	.7 acres	T2S	R1W	S34	NENW	38 acres
T2S	R1W	S27	SESE	.6 acres					

Special Warranty Deed for Water Right

Idaho Water Company, LLC, an Idaho limited liability company whose address is 1135 Valley Road South, Eden, Idaho 83325, ("Grantor") does hereby grant, bargain, sell, assign, and convey unto DeRuyter Properties, L.P., an Idaho limited partnership whose address is 4699 Buntrock Road, Marsing ID 83639 ("Grantee"), and to Grantee's heirs and assigns forever, all of Grantor's right title and interest in and to the Water Right described in Exhibit A attached hereto and incorporated herein by reference (the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner in fee simple of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 27th day of Sept., 2018

IDAHO WATER COMPANY, LLC

By: 

Delbert G. Kohtz, Member

STATE OF IDAHO)
) ss.

County of Twin Falls

On this 7th day of Sept, 2018 before me, a Notary Public for said County and State, personally appeared DELBERT G. KOHTZ, known or identified to me, to be one of the members of the limited liability company of IDAHO WATER COMPANY, LLC, and the member or one of the members who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.

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



Micah Sanford
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, ID
My commission expires: 10.05.22

Exhibit A

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DRAFT

WATER RIGHT NO. 2-10567

As Modified by Transfer No. 82068

In accordance with the approval of Transfer No. 82068, Water Right No. 2-10567 is now described as follows:

Right Holder:

DALE VAN ES
JACKIE VAN ES
8222 DESERT DR
MARSING, ID 83639

UPDATE To DeRuxter
When notice of ownership Chg. Received.

Priority Date:

12/4/1963

Source:

SNAKE RIVER

Tributary:

COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From
03/15

To
11/15

Diversion Rate
1.980 cfs
1.980 cfs

Diversion Volume
675.0 af
675.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

L4 (NWNW)

Sec 1 Twp 06S Rge 07E ELMORE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	07E	36		30.0			40.0	40.0	40.0										150.0

POU Total Acres: 150.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre ~~than 4.0 cfs per acre~~ at the field headgate for irrigation of the place of use. *2/21 8/16/15*
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
4. This right does not grant any right-of-way or easement across the land of another.
5. This right does not create a new property right in Federally managed lands.
6. This right is a combination of old right nos. 2-2249, 2-2250, 2-2252, 2-2253, 2-2254, 2-2255 and 2-2256.

Transfer No. 82068

DRAFT

WATER RIGHT NO. 2-10567
As Modified by Transfer No. 82068

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 82068

RECEIVED

SEP 18 2018

WATER RESOURCES
WESTERN REGION

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

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Michael O. Roe
Jamie Caplan Smith
P. Mark Thompson
Jeffrey A. Warr
Robert B. White

Donald E. Knickrehm (retired)

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

September 18, 2018

Nick Miller
Western Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Transfer No. 82068 – Notice of Change in Water Right Ownership

Dear Nick:

Pursuant to the process contemplated in the Settlement Agreement filed with the Department on August 30, 2018 in the matter of Application for Transfer No. 82068 in the name of Idaho Water Company, enclosed with this letter is a Notice of Change in Water Right Ownership with supporting documentation (i.e. deeds) demonstrating that the transferred portion of water right no. 02-10017 (which the Department has assigned the water right no. 2-10567) is owned by DeRuyter Properties, L.P. A check for the \$100 filing fee also is enclosed.

Please do not hesitate to call or email me if you have any questions.

Sincerely,



Michael P. Lawrence

cc (via email):

Kevin Kohtz, Idaho Water Company
Fred Price, USDOJ - BLM
Scott Hulbert, USDOJ - BLM