

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 22 2018

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?
65-9119	Yes ☐	Yes ☐		Yes ☐	Yes ☐
65-4674	Yes ☐	Yes ☐		Yes ☐	Yes ☐
65-21474	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Jaqsens VanBeek Family Trust / Jeltje A Jansen VanBeek
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): John Van Beek Dairy, L.L.C.
New owner(s) as listed on the conveyance document
- 6600 Denver Road Fruitland Name connector ☐ and ☐ or ☐ and/or
Mailing address ID 83619
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: 4/10/2018
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 #

65-4674

8. Signature: [Signature] Title, if applicable: Downer Date: 4-26-18
Signature of new owner/claimant
- Signature: _____ Title, if applicable: _____ Date: _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by AK Date 8/22/2018 Receipt No. W416680 Receipt Amt. \$75
 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 N/A Approved by PS Processed by AK Date 9/12/2018

Instrument # 414339

PAYETTE COUNTY

2018-04-27 04:13:56 PM No. of Pages: 5

Recorded for: PIONEER TITLE COMPANY OF PAYET

BETTY J DRESSEN Fee: \$16.00

Ex-Officio Recorder Deputy Melody Capener

Index To: TRUSTEES DEED

Electronically Recorded by Simplifile

This document was prepared by:

Philip A. Peterson
WHITE, PETERSON, GIGRAY & NICHOLS, P.A.
Attorneys at Law
5700 East Franklin Road, Suite 200
Post Office Box 247
Nampa, Idaho (ID) 83653-0247

[The space above is for Recorder's use.]

TRUSTEES' DEED

THIS DEED is made and executed on the date set forth immediately above the signatures of the Grantor (as hereinafter defined) by:

- JELTJE JANSEN VAN BEEK and JOHN W. JANSEN VAN BEEK, as co-trustees of TRUST B OF THE JANSEN VAN BEEK FAMILY TRUST, dated August 31, 1983, (sometimes hereinafter "**Trust**"), 715 Parkside Way, Nampa, Idaho (ID) 83686-8247, the said co-trustees constituting the "**Grantor**" herein,

in favor of:

- JOHN VAN BEEK DAIRY, L.L.C., an Idaho limited liability company, 6600 Denver Road, Fruitland, Idaho (ID) 83619-3613, being the "**Grantee**" herein.

WHEREAS, JELTJE JANSEN VAN BEEK and JOHN W. JANSEN VAN BEEK are the co-trustees of the Trust; and

WHEREAS, the Trust, is vested with the fee simple interest in and to the real property hereinafter described; and

WHEREAS, the Trust, for \$10.00 and other good and valuable consideration, has negotiated a sale to Grantee, pursuant to the terms of that certain Lease/Option Agreement dated January 1, 2017, by and between the Trust and John Van Beek Dairy, L.L.C., recorded August 22, 2017, as Instrument Number 410231, records of Payette County, Idaho (the "Lease/Option Agreement"), of the real property hereinafter described;

NOW, THEREFORE, in accordance with the provisions of the Trust, Grantor does hereby bargain, sell, convey, remise, release, confirm and forever quitclaim unto Grantee all of Grantor's right, title and interest in and to the following Payette County, Idaho, real property commonly known as 6600 Denver Road, Fruitland, Idaho (ID) 83619-3613, and more particularly described as:

Please see Exhibit A, consisting of one (1) page, attached hereto and incorporated herein by this reference,¹

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances thereto, unto Grantee, and to Grantee's assigns forever.

¹This conveyance specifically includes, but is not limited to, all the Lessor's right, title and interest in and to the following:

(1) That certain Oil and Gas Lease dated March 1, 2007, by and between Trust B of The Jansen Van Beek Family Trust, as Lessor, and Energy West Corporation, as Lessee, recorded March 12, 2007, as Instrument Number 342912, records of Payette County, Idaho; and that certain Ratification and Extension of Oil and Gas Lease recorded March 14, 2008, as Instrument Number 351892, records of Payette County, Idaho; and that certain Ratification and Extension of Oil and Gas Lease recorded March 24, 2011, as Instrument Number 371641, records of Payette County, Idaho; and

(2) That certain Oil, Gas and Mineral Lease dated January 23, 2014, by and between Trust B of The Jansen Van Beek Family Trust, as Lessor, and AM Idaho, LLC, as Lessee, recorded January 24, 2014, as Instrument Number 391298, records of Payette County, Idaho.

EXHIBIT A

Tract No. 1:

All that portion of the Northeast Quarter of the Southwest Quarter of Section 36, Township 8 North, Range 5 West, Boise-Meridian, Payette County, Idaho (SAVE AND EXCEPT the North 50 feet thereof) lying South and West of the Right-of-Way of the Noble Ditch Company Canal.

Tract No. 2:

The Northwest Quarter of the Southeast Quarter of Section 36, Township 8 North, Range 5 West, Boise-Meridian, Payette County, Idaho.

SAVE AND EXCEPT the North 50 feet thereof.

FURTHER EXCEPT the following:

BEGINNING on the East side line of the Right of Way of the County Road at a point approximately 50 feet East and 50 feet South of the Northwest corner of said Northwest Quarter of the Southeast Quarter of said Section 36, Township 8 North, Range 5 West, Boise-Meridian (said point being the point of intersection of said East side line with the Southerly side line of the Right-of-Way of the Payette Valley Branch of the Oregon Short Line Railroad); run thence East and parallel to the North side line of said legal subdivision a distance of 800 feet; thence South and parallel to the West side line of said legal subdivision a distance of 180 feet; thence West and parallel to the North side line of said legal subdivision a distance of 800 feet to the East side line of aforesaid County Road; thence North following said East side line 180 feet to the Point of Beginning.

AND FURTHER EXCEPT the following:

Beginning on the South boundary of the Oregon Short Line Railroad Right-of-Way at a point 825 feet East and 50 feet South of the Northwest corner of said Northwest quarter of the Southeast Quarter of Said Section 36, Township 8 North, Range 5 West, Boise-Meridian; thence East along said South boundary 286 feet; thence South and parallel to the West side line of said Northwest Quarter of the Southeast Quarter a distance of 180 feet; thence West and parallel to the North side line of said Northwest Quarter of the Southeast Quarter a distance of 286 feet; thence North 180 feet to the Point of Beginning.

Tract No. 3:

The Southwest Quarter of the Southeast Quarter of Section 36, Township 8 North, Range 5 West, Boise-Meridian, Payette County, Idaho.

EXHIBIT A

**John Van Beek Dairy, L.L.C.
MORTGAGE, ASSIGNMENT OF RENTS AND SECURITY AGREEMENT**

Legal Description of Real Estate

Payette County, Idaho

Tract No. 1:

All that portion of the Northeast Quarter of the Southwest Quarter of Section 36, Township 8 North, Range 5 West, Boise-Meridian, Payette County, Idaho (SAVE AND EXCEPT the North 50 feet thereof) lying South and West of the Right-of-Way of the Noble Ditch Company Canal.

Tract No. 2:

The Northwest Quarter of the Southeast Quarter of Section 36, Township 8 North, Range 5 West, Boise-Meridian, Payette County, Idaho.

SAVE AND EXCEPT the North 50 feet thereof. FURTHER

EXCEPT the following:

BEGINNING on the East side line of the Right of Way of the County Road at a point approximately 50 feet East and 50 feet South of the Northwest corner of said Northwest Quarter of the Southeast Quarter of said Section 36, Township 8 North, Range 5 West, Boise-Meridian (said point being the point of intersection of said East side line with the Southerly side line of the Right-of-Way of the Payette Valley Branch of the Oregon Short Line Railroad); run thence East and parallel to the North side line of said legal subdivision a distance of 800 feet; thence South and parallel to the West side line of said legal subdivision a distance of 180 feet; thence West and parallel to the North side line of said legal subdivision a distance of 800 feet to the East side line of aforesaid County Road; thence North following said East side line 180 feet to the Point of Beginning.

AND FURTHER EXCEPT the following:

Beginning on the South boundary of the Oregon Short Line Railroad Right-of-Way at a point 825 feet East and 50 feet South of the Northwest corner of said Northwest quarter of the Southeast Quarter of Said Section 36, Township 8 North, Range 5 West, Boise-Meridian; thence East along said South boundary 286 feet; thence South and parallel to the West side line of said Northwest Quarter of the Southeast Quarter a distance of 180 feet; thence West and parallel to the North side line of said Northwest Quarter of the Southeast Quarter a distance of 286 feet; thence North 180 feet to the

Point of Beginning.

Tract No. 3:

The Southwest Quarter of the Southeast Quarter of Section 36, Township 8 North, Range 5 West, Boise-Meridian, Payette County, Idaho.

EXHIBIT B

**John Van Beek Dairy, L.L.C.
MORTGAGE, ASSIGNMENT OF RENTS AND SECURITY AGREEMENT**

Additional Property

associated with Mortgage by John Van Beek Dairy, L.L.C. and Jan William J VanBeek on land located in Payette County, Idaho
(list specific additional Property, if any)

Private Ground Water Rights						
Water Right	Owner	Source	Priority Date	Source	Use	Quantity
65-9119	Jansen Van Beek Family Trust	Decreed	1/1/1972	Ground Water	Stockwater	0.52
65-4874	Jansen Van Beek Family Trust	Decreed	5/19/1971	Ground Water	Stockwater/Domestic	0.04
65-21474	Jeltje A. Jansen Van Beek	Decreed	10/19/1971	Ground Water	Domestic	0.04
Surface Water Irrigation Rights - Farmers Co-op						
Farmers Co-op						
Farmers Co-op	VAN 629	116				
		116				

This conveyance specifically terminates the Lease/Option Agreement as of the date hereof, the real property which was the subject of said Lease/Option Agreement being conveyed hereby.

Grantor executes this instrument solely in Grantor's fiduciary capacities as co-trustees of the Trust, and covenants only that Grantor is authorized to make this conveyance in such fiduciary capacities. Grantor hereby disclaims any and all other warranties and covenants, whether express or implied; and any further recourse hereunder is to be only against the said Trust.

DATED this 12th day of April, 2018.

TRUST B OF THE JANSEN VAN BEEK
FAMILY TRUST ("Trust"),

By Jeltje Jansen van Beek
Jeltje Jansen van Beek
As Co-Trustee

By John W. Jansen van Beek
John W. Jansen van Beek
As Co-Trustee

"Grantor"

Attachment, Exhibit A, consisting of one (1) page

STATE OF IDAHO)
 County of Canyon) : ss.

On this 12th day of April, 2018, before me, a notary public, personally appeared JELTJE JANSEN VAN BEEK and JOHN W. JANSEN VAN BEEK,² known to me to be the persons whose names are subscribed to the foregoing deed as co-trustees of TRUST B OF JANSEN VAN BEEK FAMILY TRUST, and acknowledged to me that they executed the same in said fiduciary capacities.

(SEAL)



[Signature]
 Notary Public for Idaho

Commission expires: 11-16-23

²JOHN W. JANSEN VAN BEEK is also known as JAN WILLIAM J. VAN BEEK.

WR NO: 65-21474

Township: 8N
Range: 5W
Section: 36
NE NW





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 6, 2018

JOHN VAN BEEK DAIRY LLC
6600 DENVER RD
FRUITLAND ID 83619

RE: Notice of Ownership Change in Water Right No. 65-9119, 65-4674, 65-21474

Dear Applicant,

The purpose of this letter is to request clarification regarding the above referenced application.

The deed that you provided does not cover the entire place of use (POU) for water right **65-21474**. Based on the information provided to the Department, the right may need to be split. If you do own the entirety of the water right, please submit a deed conveying ownership of the land not included within the deed that was provided to the Department with your application. A proof report for the water right along with a map is included to illustrate where the portion of the POU lies outside of the property conveyed on your provided deed (outlined in red).

If you do not own the entirety of the water right, please submit \$75. The filing fee for a Notice of Change in Water Right Ownership is \$25 per undivided water right or a fee of **\$100 per split water right**. The \$25 already submitted to the Department will be applied towards the balance.

If you have any questions concerning the enclosed information, please feel free to contact this office at 208-334-2190.

Sincerely,

Anna Kaiser
Office Specialist II
Western Regional Office

Enclosures



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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

September 12, 2018

JOHN VANBEEK
6600 DENVER RD
FRUITLAND ID 83619-3613

Re: Change in Ownership for Water Right No(s): 65-9119, 65-4674, 65-21474

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) 334-2190.

Sincerely,

Anna Kaiser
Office Specialist II

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 23, 2018

JOHN VAN BEEK DAIRY LLC
6600 DENVER RD
FRUITLAND ID 83619

RE: Ownership Change for Water Right No's: 65-9119, 65-4674, 65-21474

Dear Applicants,

The Department of Water Resources acknowledges receipt of your request for an ownership change and security interest on the water right mentioned above. However, after reviewing the request, it was determined additional documentation is needed to complete the request for ownership change.

Please submit the requested documentation listed below:

- Water Right No. 65-21474 cannot be modified without further documentation. The location of this water right is Township 8N, Range 5W, Section 36, and NENW. The legal description that you have provided only specifies to Township 8N, Range 5W, Section 36, NWSE, NWSW, & SWSE
- Submit a Warranty Deed. The mortgage you submitted cannot be accepted for processing a change in ownership.
- A 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).

Because the Department cannot process this request at this time, we will hold any action on your notice pending receipt of the necessary documentation. If we do not receive the required documentation within 30 days, the notice will be returned and will not be processed.

Thank you for your cooperation. If you have any questions please, contact this office at 208-334-2190.

Sincerely,

Anna Kaiser
Office Specialist II
Western Regional Office

COPY

~~Enclosures~~