

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 28 2018

DEPT OF WATER RESOURCES  
SOUTHERN 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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 36-17065              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> | 36-7042               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 36-7523               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 36-7835               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 36-7934               | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 36-16476              | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Young Farm, LLC, a Delaware limited liability company  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Joseph N. Kearn and Alice Melynda Kearn  
New owner(s) as listed on the conveyance document      Name connector ☐ and ☐ or ☐ and/or
- 427 East 500 N      Rupert      ID      83350  
Mailing address      City      State      ZIP
- Joe@JKFarms.com  
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 # 36-7042

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

## For IDWR Office Use Only:

Received by [Signature]      Date 2-28-2018      Receipt No. 8036608      Receipt Amt. \$150-

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 \_\_\_\_\_

LINCOLN COUNTY  
Recorded for:  
TITLEONE - BURLEY  
02:15:01 PM 02-27-2018  
**0000199544**  
No. Pages 4 Fee: \$15.00  
BRENDA FARNWORTH  
County Clerk  
Deputy: CS  
Electronically Recorded by Simplifile

Recording Requested by and  
After Recording Return to:

Jason Rogers  
Michael Best  
6995 Union Park Center, Suite 100  
Salt Lake City, UT 84047

ELECTRONICALLY RECORDED  
STAMPED FIRST PAGE NOW  
INCORPORATED AS PART OF  
THE ORIGINAL DOCUMENT.

17303657

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

### SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, YOUNG FARM LLC, a Delaware limited liability company ("Grantor"), does hereby grant, bargain, sell and convey unto JOSEPH N. KEARL and MELYNDA KEARL, husband and wife, whose current mailing address is 427 E. 500 N., Rupert, Idaho 83350 ("Grantee"), the following described real property, located in Lincoln and Minidoka Counties, Idaho, to wit:

See Exhibit A attached hereto and incorporated herein by this reference (the "Land"),

TOGETHER WITH all water and water rights and other entitlements to water appurtenant to the Land, all ditches and ditch rights appurtenant thereto, all minerals and mineral rights appurtenant thereto, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all estate, right, title and interest in and to the Land, as well in law as in equity (collectively, the Land and all appurtenances are, the "Premises").

TO HAVE AND TO HOLD the Premises unto Grantee, its successors and assigns, forever, and Grantor does hereby covenant to and with Grantee, and its successors and assigns forever, that Grantor is owner in fee simple of the Premises; that Grantor has a good right to convey the fee simple; that the Premises is free from any and all liens, claims and encumbrances done, made or suffered by Grantor, or any person claiming by, through or under Grantor, except (a) real property taxes and assessments that are a lien not yet due and payable, (b) all applicable zoning ordinances, building codes, laws and regulations, (c) those easements, restrictions, agreements and encumbrances of public record as of the date of this instrument, (d) any matter or circumstance that would be disclosed by an accurate survey or physical inspection of the Premises, and (e) that certain Farm Lease of the Premises between Grantor and Grantee dated December 7, 2017; and that Grantor shall warrant and defend the same against any other liens, claims or encumbrances done, made or suffered by Grantor, or any person claiming by, through or under Grantor, but none other.

[signature page follows]

**Instrument # 544268**

MINIDOKA COUNTY, RUPERT, IDAHO  
02-27-2018 02:01:24 PM No. of Pages: 4  
Recorded for: TITLEONE - BURLEY  
TONYA PAGE Fee: \$15.00  
Ex-Officio Recorder Deputy Susan Aston  
Electronically Recorded by Simplifile

Recording Requested by and  
After Recording Return to:

Jason Rogers  
Michael Best  
6995 Union Park Center, Suite 100  
Salt Lake City, UT 84047

ELECTRONICALLY RECORDED  
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INCORPORATED AS PART OF  
THE ORIGINAL DOCUMENT.

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*[signature page follows]*

Recording Requested by and  
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Jason Rogers  
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*[signature page follows]*

DATED effective as of the 15<sup>th</sup> day of February, 2017.

GRANTOR:

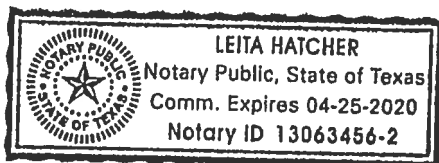
YOUNG FARM LLC, a Delaware  
limited liability company

By: [Signature]  
Tommy Funk, President

STATE OF TEXAS            )  
                                      ) ss.  
County of Bexar            )

On this 15<sup>th</sup> day of February, 2018, before me, Leita Hatcher, personally appeared Tommy Funk, known or identified to me to be the President of YOUNG FARM LLC, a Delaware limited liability company, the limited liability company that executed the 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.



[Signature]  
NOTARY PUBLIC FOR TEXAS  
Residing at 247 Emporia Blvd. San Antonio, TX  
My Commission Expires 4-25-2020

**EXHIBIT A**  
**Legal Description of the Land**

**MINIDOKA COUNTY**

**PARCEL NO. 1:**

TOWNSHIP 7 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 12: E½

**PARCEL NO. 2:**

TOWNSHIP 7 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 7: NE¼ and E½NW¼

**LINCOLN COUNTY**

**PARCEL NO. 3**

TOWNSHIP 6 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
LINCOLN COUNTY, IDAHO

Section 31: Part of the W½, more particularly described as follows:

Beginning at the Southwest Corner of Section 31, said corner marked by a U.S. B.L.M. aluminum pipe with cap on top which shall be the

Point of Beginning;

Thence North 00°00'57" East along the west line of Section 31 for a distance of 469.20 feet;

Thence South 89°59'03" East for a distance of 25.00 feet to a ½ inch rebar;

Thence South 89°59'03" East for a distance of 401.97 feet to a ½ inch rebar;

Thence along a non-tangent curve to the right for a distance of 191.65 feet to a ½ inch rebar, said curve having a radius of 1542.57 feet, a

delta angle of 07°07'07", and a long chord bearing of North 40°34'03" West for a distance of 191.53 feet;

Thence North 17°53'02" West for a distance of 129.96 feet to a ½ inch rebar;

Thence North 01°52'51" East for a distance of 195.71 feet to a ½ inch rebar;

Thence North 24°07'21" West for a distance of 103.97 feet to a ½ inch rebar;

Thence North 57°18'59" West for a distance of 117.64 feet to a ½ inch rebar;

Thence North 89°59'03" West for a distance of 102.26 feet to a ½ inch rebar;

Thence North 89°59'03" West for a distance of 25.00 feet to the west line of Section 31;

Thence North 00°00'57" East along said line for a distance of 1548.66 feet to a U.S. G.L.O. iron pipe with brass cap on top at the West

quarter Corner of Section 31;

Thence North 00°04'46" West along said line for a distance of 2642.31 feet to an iron pipe at the Northwest Corner of Section 31;

Thence South 89°53'12" East along the north line of Section 31 for a distance of 1715.51 feet to a U.S. B.L.M. aluminum pipe with cap on

top at the Northeast Corner of Government Lot 1;

Thence South 89°51'26" East along said line for a distance of 1321.14 feet to a U.S. B.L.M. aluminum pipe with cap on top at the North quarter Corner of Section 31;  
Thence South 00°08'40" East along the east line of the W½ of Section 31 for a distance of 5283.71 feet to a 5/8 inch rebar at the South quarter Corner of Section 31;  
Thence North 89°53'36" West along the south line of Section 31 for a distance of 185.50 feet to a 5/8 inch rebar at the Northeast Corner of Section 4;  
Thence North 89°51'45" West along said line for a distance of 2628.19 feet to a 3/4 inch rebar with 3 inch cap on top at the North quarter Corner of Section 4;  
Thence North 89°53'23" West along said line for a distance of 233.36 feet to the Point of Beginning.

PARCEL NO. 3A:

A non-exclusive perpetual easement for access, irrigation and irrigation equipment for the benefit of Parcel No. 3, more particularly described as follows:

TOWNSHIP 6 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
LINCOLN COUNTY, IDAHO

Section 31: Part of Government Lot 4, more particularly described as follows:

Beginning at the Southwest Corner of Section 31, said corner marked by a U.S. B.L.M. aluminum pipe with cap on top; Thence North 00°00'57" East along the west line of Section 31 for a distance of 1092.31 feet; Thence South 89°59'03" East for a distance of 25.00 feet to a ½ inch rebar; Thence South 89°59'03" East for a distance of 73.16 feet to the Point of Beginning;  
Thence South 89°59'03" East for a distance of 29.10 feet to a ½ inch rebar;  
Thence South 57°18'59" East for a distance of 117.64 feet to a ½ inch rebar;  
Thence South 24°07'21" East for a distance of 103.97 feet to a ½ inch rebar;  
Thence South 01°52'51" West for a distance of 195.71 feet to a ½ inch rebar;  
Thence along a non-tangent curve to the right for a distance of 391.35 feet, said curve having a radius of 1505.00 feet, a delta angle of 14°53'55", and a long chord bearing of North 24°52'48" West for a distance of 390.25 feet to the Point of Beginning.

PARCEL NO.4:

TOWNSHIP 7 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
LINCOLN COUNTY, IDAHO

Section 4: SE¼

PARCEL NO. 5:

TOWNSHIP 7 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
LINCOLN COUNTY, IDAHO

Section 4: Lots 1 and 2 and S½NE¼



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](http://www.idwr.idaho.gov)

C.L. "Butch" Otter  
Governor

Gary Spackman  
Director

March 05, 2018

JOSEPH N KEARL  
MELYNDA KEARL  
427 E 500 N  
RUPERT ID 83350-9574

Re: Change in Ownership for Water Right No(s): 36-7042, 36-7523, 36-7835, 36-7934,  
36-16476, 36-17065

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 of the owner of a water right, to the Department. Notice of the change must be provided to the Department within **120 days** of the change. Water right forms are available from any office of the Department, or at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Trish Fawcett  
Technical Records Specialist I

Enclosure(s)

c: TitleOne (17303657)



**TitleOne**

a title & escrow co.

RECEIVED

FEB 28 2018

DEPT OF WATER RESOURCES  
SOUTHERN REGION

February 27, 2018

Trish Fawcett  
ID Dept. of Water Resources  
650 Addison Ave. West, Ste. 500  
Twin Falls, ID 83301

RE: TitleOne File No. 17303657  
Joseph N. Kearl/Young Farm, LLC

Dear Trish:

Enclosed with this letter please find the following:

1. The original executed Notice of Change in Water Right Ownership.
2. A copy of the recorded Special Warranty Deed.
3. TitleOne Corporation's check no. 13798 made payable to the Idaho Department of Water Resources in the amount of \$150.00 for water transfer fee.

Would you please make the necessary changes in the records to indicate the new owner and send a receipted copy to this office.

Should you have any questions, or if TitleOne Corporation may be of further assistance, please do not hesitate to contact this office.

Very truly yours,  
TITLEONE CORPORATION

Nancy Garrett  
Administrative Assistant

AR/nrg  
Enc.  
FedEx