

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 16 2018

Department of Water Resources
Eastern 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?
25-14460	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-8021	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: DC Farms LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Wayne Properties LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 9103 Alta Drive Unit 207 Las Vegas NV 89145
Mailing address City State ZIP
- (208) 569-8194 _____
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: December 22, 2017
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 # 25-14460

8. Signature: Robert L. Francis Attorney _____ Jan. 11, 2018
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 _____ Date 1/16/18 Receipt No. E043666 Receipt Amt. \$50

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 MH Processed by MH Date 1/22/18

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
PO Box 50130
Idaho Falls, ID 83405

PTC 634687

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHT

D.C. Farms Limited Liability Company, an Idaho limited liability company, whose address is 578 N. 100 W., Blackfoot, Idaho 83221 (hereinafter "Grantor") does hereby grant, bargain, sell, assign, and convey unto **Wayne Properties LLC**, a Delaware trust, whose address is 9103 Alta Drive Unit 207, Las Vegas, Nevada 89145 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in the water right described on Exhibit A attached hereto (hereinafter the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner 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.

[SIGNATURE ON FOLLOWING PAGE]

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

DATED this 20 day of December, 2017.

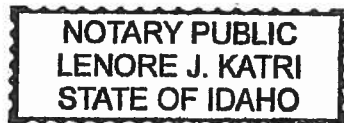
**D.C. FARMS LIMITED LIABILITY
COMPANY**

By: *David Cooper*, Managing Member

STATE OF IDAHO)
) ss.
County of BONNEVILLE)

On this 20th day of December, 2017, before me, a Notary Public for said County and State, personally appeared David Cooper & Doug Case, known or identified to me, to be the managing member of D.C. FARMS LIMITED LIABILITY COMPANY, an Idaho limited liability company, and the managing members who subscribed said limited liability company's name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company's 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.



Lenore J. Katri
NOTARY PUBLIC FOR IDAHO
Residing at: Residing at Idaho Falls, ID
My commission expires 01-30-2021

EXHIBIT A **WATER RIGHT DESCRIPTION**

Page 3 of 4

WATER RIGHT NO. 25-14460**As Modified by Transfer No. 81960**

In accordance with the approval of Transfer No. 81960, Water Right No. 25-14460 is now described as follows;

Right Holder: DC FARMS LLC
578 N 100 W
BLACKFOOT, ID 83221

Priority Date: 2/19/1982

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 11/01	0.100 cfs	20.0 af
			0.100 cfs	20.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 11 Twp 01N Rge 38E BINGHAM County
GROUND WATER	NESE	Sec 11 Twp 01N Rge 38E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	38E	11													14.2		15.8	34.4	64.4
01N	38E	12																	63.8
01N	38E	13																	124.9
01N	38E	14																	0.3
01N	38E	23	11.1			5.8													16.7
01N	38E	24					1.4	32.6	34.5	6.3	1.3	8.4							83.6

Right Acre Limit: 5.0
POU Total Acres: 353.9

CONDITIONS OF APPROVAL

1. This right is limited to the Irrigation of a specific 5.0 acres within the 353.9-acre place of use authorized by this right in a single irrigation season. The specific 5.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 5.0 acres to be irrigated within the 353.9-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 81960

Page 4 of 4

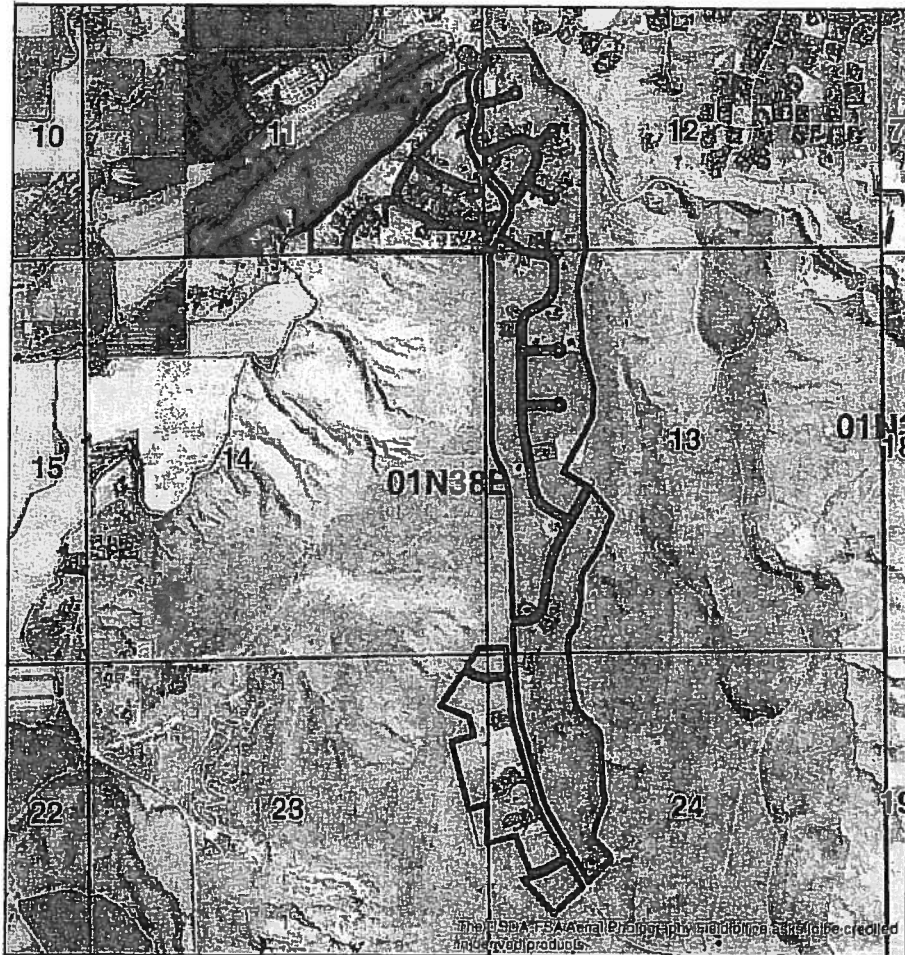
WATER RIGHT NO. 25-14460**As Modified by Transfer No. 81960****CONDITIONS OF APPROVAL**

2. Prior to the diversion and use of water under Transfer approval 81960, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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. 81960

Transfer Approval 81960

This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 800 1,600 3,200 Feet

1 inch = 1,784 feet



Page 1 of 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81960

This is to certify that: BLACK HAWK HOMEOWNERS ASSN INC
8070 S BLACKHAWK DR
IDAHO FALLS, ID 83406

IRON RIM RANCH HOME OWNERS ASSN INC
10553 S HENRY CREEK RD
IDAHO FALLS, ID 83406

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-8021	WR/DECREED	2/19/1982	4.660 cfs	932.0 af	N/A	233.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

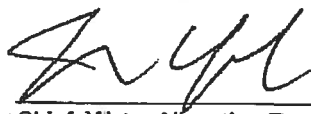
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-8021	YES	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-8021	25-14460	0.100 cfs	20.0 af	5.0	353.9	35-8021	4.560 cfs	912.0 af	N/A	228.0
COMBINED TOTALS		0.100 cfs	20.0 af	5.0	353.9		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 29th day of November, 2017.


for Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 81960

IN 35-8021

Page 2 of 4

WATER RIGHT NO. 35-8021

As Modified by Transfer No. 81960

In accordance with the approval of Transfer No. 81960, Water Right No. 35-8021 is now described as follows:

Right Holder: DC FARMS LLC
578 N 100 W
BLACKFOOT, ID 83221

Priority Date: 2/19/1982

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
4/01

To
to 11/01

Diversion Rate
4.560 cfs
4.560 cfs

Diversion Volume
912.0 af
912.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESESE Sec 5 Twp 01S Rge 36E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	36E	4					1.0		12.0	24.0	6.0	9.0	31.0						83.0
01S	36E	5				3.0									16.0	4.0	13.0	27.0	63.0
01S	36E	8	5.0	17.0	5.0	18.0									32.0	1.0		2.0	80.0
01S	36E	9									2.0								2.0

POU Total Acres: 228.0

CONDITIONS OF APPROVAL

1. 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. 81960

Page 3 of 4

WATER RIGHT NO. 25-14460

As Modified by Transfer No. 81960

In accordance with the approval of Transfer No. 81960, Water Right No. 25-14460 is now described as follows:

Right Holder: DC FARMS LLC
578 N 100 W
BLACKFOOT, ID 83221

Priority Date: 2/19/1982

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 11/01	0.100 cfs	20.0 af
			0.100 cfs	20.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 11 Twp 01N Rge 38E BINGHAM County
GROUND WATER	NESE	Sec 11 Twp 01N Rge 38E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	38E	11													14.2		15.8	34.4	64.4
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01N	38E	13																	124.9
01N	38E	14																	0.3
01N	38E	23	11.1			5.6												0.3	16.7
01N	38E	24					1.4	32.8	34.8	5.3	1.3	8.4							83.8

Right Acre Limit: 5.0

POU Total Acres: 353.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 5.0 acres within the 353.9-acre place of use authorized by this right in a single irrigation season. The specific 5.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 5.0 acres to be irrigated within the 353.9-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the Irrigation season in which the change will occur.

Transfer No. 81960

Page 4 of 4

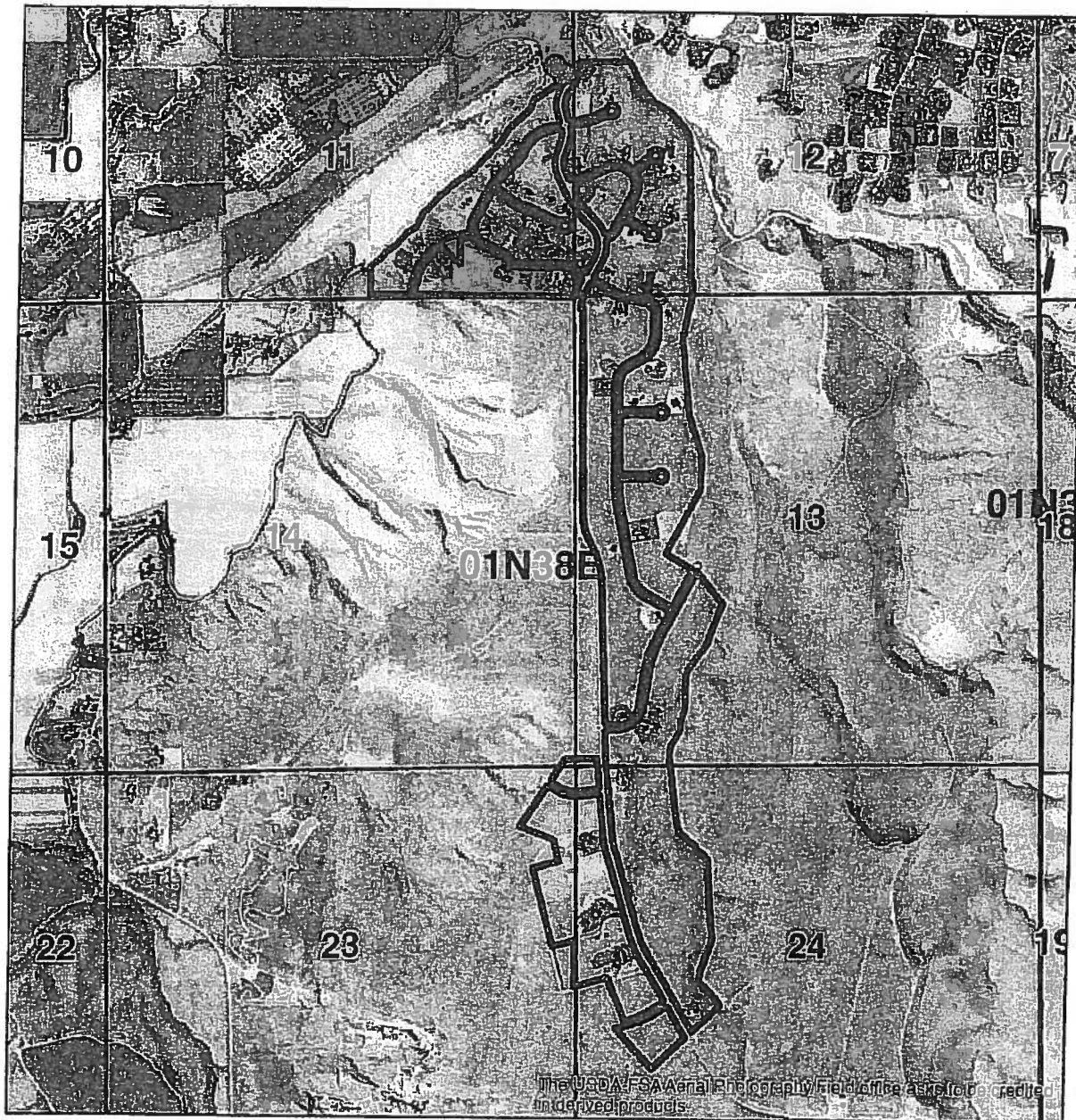
WATER RIGHT NO. 25-14460**As Modified by Transfer No. 81960****CONDITIONS OF APPROVAL**

2. Prior to the diversion and use of water under Transfer approval 81960, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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. 81960

Transfer Approval 81960

This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 800 1,600 3,200 Feet



1 inch = 1,784 feet



Page 1 of 4

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81960**

This is to certify that: **BLACK HAWK HOMEOWNERS ASSN INC**
8070 S BLACKHAWK DR
IDAHO FALLS, ID 83406

IRON RIM RANCH HOME OWNERS ASSN INC
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has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-8021	WR/DECREED	2/19/1982	4.660 cfs	932.0 af	N/A	233.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

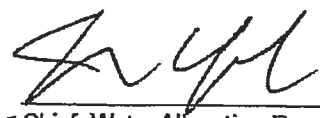
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-8021	YES	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-8021	25-14460	0.100 cfs	20.0 af	5.0	353.9	35-8021	4.560 cfs	912.0 af	N/A	228.0
COMBINED TOTALS		0.100 cfs	20.0 af	5.0	353.9		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 29th day of November, 2017.


for Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 81960INSTRUMENT # 35-8021

Page 2 of 4

WATER RIGHT NO. 35-8021**As Modified by Transfer No. 81960**

In accordance with the approval of Transfer No. 81960, Water Right No. 35-8021 is now described as follows:

Right Holder: DC FARMS LLC
578 N 100 W
BLACKFOOT, ID 83221

Priority Date: 2/19/1982

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
4/01

To
to 11/01

Diversion Rate
4.560 cfs
4.560 cfs

Diversion Volume
912.0 af
912.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESESE Sec 5 Twp 01S Rge 36E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	36E	4					1.0		12.0	24.0	6.0	9.0	31.0						83.0
01S	36E	5				3.0													
01S	36E	8	5.0	17.0	5.0	18.0									16.0	4.0	13.0	27.0	63.0
01S	36E	9										2.0			32.0	1.0		2.0	80.0
POU Total Acres:			228.0																

CONDITIONS OF APPROVAL

- 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. 81960

Page 3 of 4

WATER RIGHT NO. 25-14460

As Modified by Transfer No. 81960

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BENEFICIAL USE IRRIGATION

From
4/01

To
to 11/01

Diversion Rate
0.100 cfs
0.100 cfs

Diversion Volume
20.0 af
20.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESE Sec 11 Twp 01N Rge 38E BINGHAM County
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Transfer No. 81960

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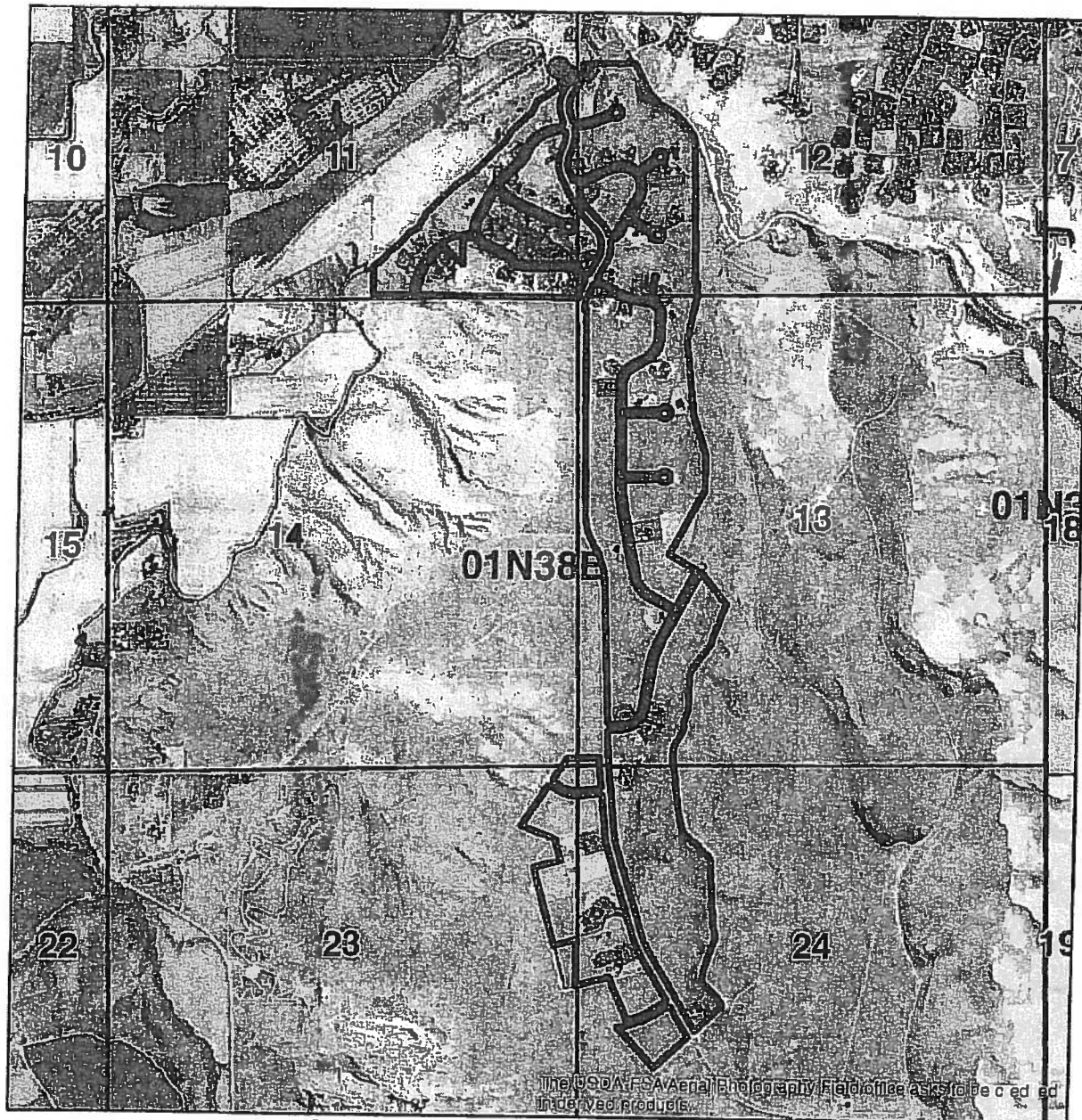
WATER RIGHT NO. 25-14460**As Modified by Transfer No. 81960****CONDITIONS OF APPROVAL**

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Transfer Approval 81960

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Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 800 1,600 3,200 Feet

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RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Robert L. Harris

Holden, Kidwell, Hahn & Crapo, P.L.L.C.

PO Box 50130

Idaho Falls, ID 83405

Instrument # 693003

BINGHAM COUNTY, IDAHO

2017-12-22 01:10:16 PM No. of Pages: 3

Recorded for: PIONEER TITLE CO OF BONNEVILLE

PAMELA W. ECKHARDT Fee: \$15.00

Ex-Officio Recorder Deputy JPulley

Index To: WARRANTY DEED

Electronically Recorded by Simplifile

PTC 634687

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHT

D.C. Farms Limited Liability Company, an Idaho limited liability company, whose address is 578 N. 100 W., Blackfoot, Idaho 83221 (hereinafter "Grantor") does hereby grant, bargain, sell, assign, and convey unto **Wayne Properties LLC**, a Delaware trust, whose address is 9103 Alta Drive Unit 207, Las Vegas, Nevada 89145 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in the water right described on Exhibit A attached hereto (hereinafter the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner 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.

[SIGNATURE ON FOLLOWING PAGE]

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

DATED this 20 day of December, 2017.

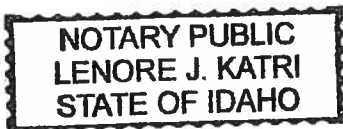
**D.C. FARMS LIMITED LIABILITY
COMPANY**

By: *David Cooper*
Doug Case, Managing Member

STATE OF IDAHO)
) ss.
County of BONNEVILLE)

On this 20th day of December, 2017, before me, a Notary Public for said County and State, personally appeared David Cooper & Doug Case, known or identified to me, to be the managing member of D.C. FARMS LIMITED LIABILITY COMPANY, an Idaho limited liability company, and the managing members who subscribed said limited liability company's name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company's 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.



Lenore J. Katri
NOTARY PUBLIC FOR IDAHO
Residing at: _____
My commission expires: 01-30-2021

EXHIBIT A **WATER RIGHT DESCRIPTION**

Page 2 of 4

WATER RIGHT NO. 35-8021 **As Modified by Transfer No. 81960**

In accordance with the approval of Transfer No. 81960, Water Right No. 35-8021 is now described as follows:

Right Holder: DC FARMS LLC
578 N 100 W
BLACKFOOT, ID 83221

Priority Date: 2/19/1982

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 11/01	4.560 cfs	912.0 af
			4.560 cfs	912.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESESE Sec 5 Twp 01S Rge 36E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	36E	4					1.0		12.0	24.0	8.0	9.0	31.0						83.0
01S	36E	5				3.0									18.0	4.0	13.0	27.0	63.0
01S	36E	8	5.0	17.0	5.0	18.0								32.0	1.0		2.0	80.0	
01S	36E	9									2.0								2.0

POU Total Acres: 228.0

CONDITIONS OF APPROVAL

- 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. 81960

Instrument # 693005

BINGHAM COUNTY, IDAHO

2017-12-22 01:10:16 PM No. of Pages: 12

Recorded for: PIONEER TITLE CO OF BONNEVILLE

PAMELA W. ECKHARDT Fee: \$15.00

Ex-Officio Recorder Deputy JPulley

Index To: PARTIAL RELEASE OF MORTGAGE

Electronically Recorded by Simplifile

PTC 634687

(Top 3 inches reserved for recording data)

PARTIAL RELEASE OF MORTGAGE

by Business Entity

DATE: December 19, 2017

FOR VALUABLE CONSIDERATION, the real property in Bingham County, Idaho, legally described as follows:

Water Rights No. 35-8021 and Water Right No. 25-14460

Check here if all or part of the described real property is Registered (Torrens) ☐

is hereby released from the lien of the mortgage, owned by the undersigned, dated March 2, 2017, executed by **D.C. Farms Limited Liability Company**, a limited liability company, as Grantors, to **CHS Capital, LLC**, a Minnesota limited liability company, as Lender, and recorded on **April 25, 2017 as Document No. 686071**, in the Office of the Recorder of Bingham County, Idaho.

CHS Capital, LLC

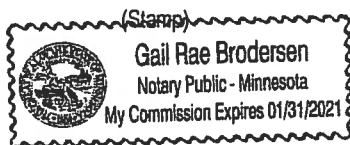
By: Eric Born

Eric Born

Its: Chief Credit Officer

State of Minnesota, County of Dakota

This instrument was acknowledged before me on Dec 19th 2017 by **Eric Born** as **Chief Credit Officer of CHS Capital, LLC**, a Minnesota limited liability company.



Gail Brodersen
(signature of notarial officer)

Title (and Rank): Notary Public

My commission expires: 1/31/2021
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:

Benjamin Shaw

CHS Capital, LLC

5500 Cenex Drive

Inver Grove Heights, MN 55077

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/19/2017

WATER RIGHT NO. 35-8021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DC FARMS LLC 578 N 100 W BLACKFOOT, ID 83221
Original Owner	ROBERT LEE SMITH 663 E 1275 N SHELLEY, ID 83274 2083573041
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 02/19/1982

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	4.56 CFS	912 AFA
Total Diversion			4.56 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESESE|Sec. 05|Township 01S|Range 36E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01S	36E	4	3	NENW	1		SWNW	12		SENW	24			
				NESW	6		NWSW	9		SWSW	31			
		5		SENE	3									
				NESE	16		NWSE	4		SWSE	13		SESE	27
		8		NENE	5		NWNE	17		SWNE	5		SENE	18
				NESE	32		NWSE	1		SESE	2			
		9		NWSW	2									

Total Acres: 228

Conditions of Approval:

1. T19 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.

Dates:

Licensed Date:

Decreed Date: 04/30/2002

Permit Proof Due Date: 5/1/1983

Permit Proof Made Date: 4/28/1983

Permit Approved Date: 4/15/1982

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 02/19/1982

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant: .

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/19/2017

WATER RIGHT NO. 25-14460

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DC FARMS LLC 578 N 100 W BLACKFOOT, ID 83221
Original Owner	ROBERT LEE SMITH 663 E 1275 N SHELLEY, ID 83274 2083573041
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 02/19/1982

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.1 CFS	20 AFA
Total Diversion			0.1 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESE	Sec. 11	Township 01N	Range 38E	BINGHAM County
GROUND WATER	NESE	Sec. 11	Township 01N	Range 38E	BINGHAM County

IRRIGATION Use:
Acre Limit: 5

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	38E	11		NESE	14.2		SWSE	15.8		SESE	34.4			
		12		NWSW	29.5		SWSW	34.3						
		13		NWNW	32.5		SWNW	33.8		SENE	1.7			
				NESW	4.4		NWSW	26.9		SWSW	25.3		SESW	0.3
		14		SESE	0.3									
		23		NENE	11.1		SENE	5.6						
		24		NENW	1.4		NWNW	32.8		SWNW	34.6		SENE	5.3
				NESW	1.3		NWSW	8.4						

Total Acres: 353.9

Conditions of Approval:

1. 206 This right is limited to the irrigation of a specific 5.0 acres within the 353.9-acre place of use authorized by this right in a single irrigation season. The specific 5.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 5.0 acres to be irrigated within the 353.9-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. 214 Prior to the diversion and use of water under Transfer approval 81960, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
3. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
4. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. T19 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.

Dates:

Licensed Date:

Decreed Date: 04/30/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81960**

This is to certify that: **BLACK HAWK HOMEOWNERS ASSN INC**
8070 S BLACKHAWK DR
IDAHO FALLS, ID 83406

IRON RIM RANCH HOME OWNERS ASSN INC
10553 S HENRY CREEK RD
IDAHO FALLS, ID 83406

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-8021	WR/DECREED	2/19/1982	4.660 cfs	932.0 af	N/A	233.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

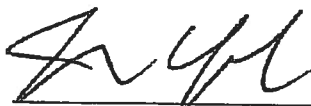
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-8021	YES	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-8021	25-14460	0.100 cfs	20.0 af	5.0	353.9	35-8021	4.560 cfs	912.0 af	N/A	228.0
COMBINED TOTALS		0.100 cfs	20.0 af	5.0	353.9		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 29th day of November, 2017.


for Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 81960

WR 35-8021

WATER RIGHT NO. 35-8021

As Modified by Transfer No. 81960

In accordance with the approval of Transfer No. 81960, Water Right No. 35-8021 is now described as follows:

Right Holder: DC FARMS LLC
578 N 100 W
BLACKFOOT, ID 83221

Priority Date: 2/19/1982

Source: GROUND WATER

BENEFICIAL USE IRRIGATION

From
4/01

To
to 11/01

Diversion Rate
4.560 cfs
4.560 cfs

Diversion Volume
912.0 af
912.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESESE Sec 5 Twp 01S Rge 36E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	36E	4					1.0		12.0	24.0	8.0	9.0	31.0						83.0
01S	36E	5				3.0									16.0	4.0	13.0	27.0	63.0
01S	36E	8	5.0	17.0	5.0	18.0								32.0	1.0		2.0		80.0
01S	36E	9										2.0							2.0

POU Total Acres: 228.0

CONDITIONS OF APPROVAL

- 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. 81960

WATER RIGHT NO. 25-14460
As Modified by Transfer No. 81960

In accordance with the approval of Transfer No. 81960, Water Right No. 25-14460 is now described as follows:

Right Holder: DC FARMS LLC
 578 N 100 W
 BLACKFOOT, ID 83221

Priority Date: 2/19/1982

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From
 4/01

To
 to 11/01

Diversion Rate
 0.100 cfs
 0.100 cfs

Diversion Volume
 20.0 af
 20.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
 GROUND WATER

NESE
 NESE

Sec 11 Twp 01N Rge 38E BINGHAM County
 Sec 11 Twp 01N Rge 38E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	38E	11													14.2		15.8	34.4	84.4
01N	38E	12											29.5	34.3					63.8
01N	38E	13						32.5	33.8	1.7	4.4	26.9	25.3	0.3					124.9
01N	38E	14																0.3	0.3
01N	38E	23	11.1			5.6													16.7
01N	38E	24					1.4	32.8	34.6	5.3	1.3	8.4							83.8

Right Acre Limit: 5.0
 POU Total Acres: 353.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 5.0 acres within the 353.9-acre place of use authorized by this right in a single irrigation season. The specific 5.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 5.0 acres to be irrigated within the 353.9-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 81960

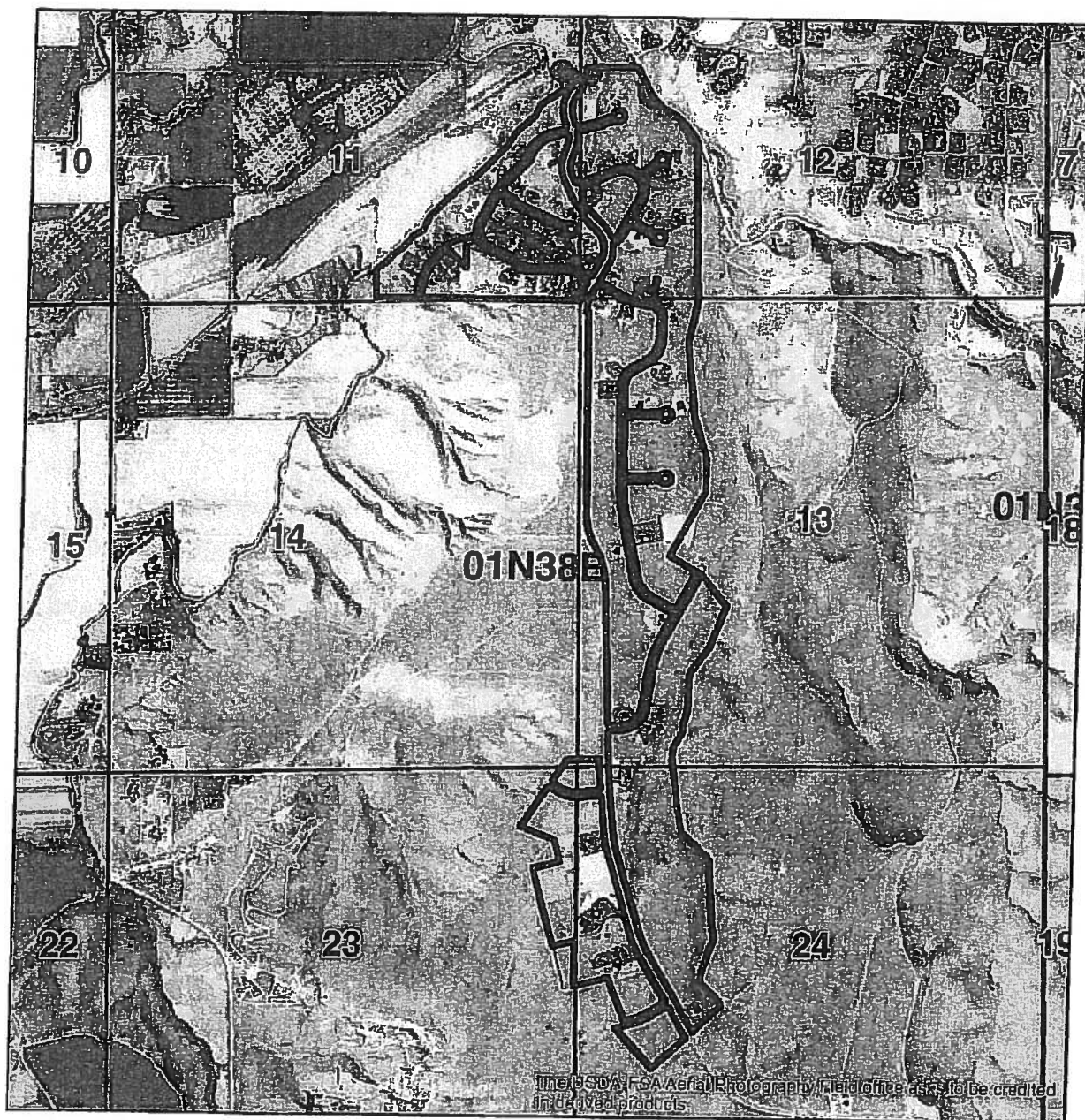
WATER RIGHT NO. 25-14460
As Modified by Transfer No. 81960

CONDITIONS OF APPROVAL

2. Prior to the diversion and use of water under Transfer approval 81960, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 Approval 81960

This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 800 1,600 3,200 Feet

1 inch = 1,784 feet



Instrument # 693004

BINGHAM COUNTY, IDAHO
2017-12-22 01:10:16 PM No. of Pages: 13
Recorded for: PIONEER TITLE CO OF BONNEVILLE
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy JPulley
Index To: PARTIAL REL/SAT OF MORTGA
Electronically Recorded by Simplifile

P7C 634687

DEED OF PARTIAL RELEASE
(IDAHO)

Real Estate Term Loan: 10915700
Line of Credit: 10915800

WHEREAS, to secure the payment of indebtedness D.C. Farms Limited Liability Company, an Idaho limited liability company, executed a certain mortgage (the "Mortgage") dated January 1, 2014 to Rabo AgriFinance LLC, a Delaware limited liability company, formerly Rabo Agrifinance, Inc. (the "Mortgagee") recorded in the Office of the County Clerk of Bingham County, Idaho on February 4, 2014 as Instrument #656196;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the Mortgagee, for valuable consideration the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the owner or owners thereof, the following described real property located in Bingham County, Idaho, to wit:

Water Right Permit or License No. 35-80221 - which is actually Water Right No. 35-8021 issued by the Idaho Department of Water Resources and Water Right No. 25-14460.

TO HAVE AND TO HOLD THE SAME WITH ALL APPURTENANCES unto the said owner or owners, forever freed, exonerated and discharged of and from the lien of the Mortgage.

PROVIDED always, nevertheless, that nothing herein contained shall in anywise affect, alter or diminish the aforesaid lien or encumbrance on the remaining part of the real property described in the Mortgage, or the remedies at law for recovering from the parties liable to pay the same the sums secured thereby.

IN WITNESS WHEREOF, the Mortgagee has caused this instrument to be signed by its duly authorized officer this 20 day of December, 2017.

Rabo AgriFinance LLC, a Delaware limited liability company

By:

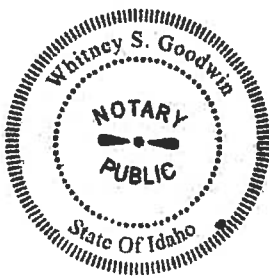

Name: Charles Hopkins
Title: Vice President

STATE OF IDAHO)
)
COUNTY OF BONNEVILLE)

On the 20 day of December 2017, before me, a Notary Public in and for the State of Missouri, personally appeared Charles Hopkins, VP of Rabo AgriFinance LLC, known to me to be the person who executed the within instrument on behalf of said company and acknowledged to me that he/she executed the same for the purposes therein stated.

In witness whereof, I hereunto set my hand and official seal.

(SEAL)



Whitney Goodwin

[name printed]

Notary Public, State of Idaho

My commission expires: August 27, 2020

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/19/2017

WATER RIGHT NO. 35-8021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DC FARMS LLC 578 N 100 W BLACKFOOT, ID 83221
Original Owner	ROBERT LEE SMITH 663 E 1275 N SHELLEY, ID 83274 2083573041
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 02/19/1982

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	4.56 CFS	912 AFA
Total Diversion			4.56 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESESE|Sec. 05|Township 01S|Range 36E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01S	36E	4	3	NENW	1		SWNW	12		SENW	24			
				NESW	6		NWSW	9		SWSW	31			
		5		SENE	3									
				NESE	16		NWSE	4		SWSE	13		SESE	27
		8		NENE	5		NWNE	17		SWNE	5		SENE	18
				NESE	32		NWSE	1		SESE	2			
		9		NWSW	2									

Total Acres: 228

Conditions of Approval:

1. 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.

Dates:

Licensed Date:

Decreed Date: 04/30/2002

Permit Proof Due Date: 5/1/1983

Permit Proof Made Date: 4/28/1983

Permit Approved Date: 4/15/1982

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 02/19/1982

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/19/2017

WATER RIGHT NO. 25-14460

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DC FARMS LLC 578 N 100 W BLACKFOOT, ID 83221
Original Owner	ROBERT LEE SMITH 663 E 1275 N SHELLEY, ID 83274 2083573041
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 02/19/1982

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.1 CFS	20 AFA
Total Diversion			0.1 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESE	Sec. 11	Township 01N	Range 38E	BINGHAM County
GROUND WATER	NESE	Sec. 11	Township 01N	Range 38E	BINGHAM County

IRRIGATION Use:
Acre Limit: 5

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	38E	11		NESE	14.2		SWSE	15.8		SESE	34.4			
				NWSW	29.5		SWSW	34.3						
				NWNW	32.5		SWNW	33.8		SESE	1.7			
		14		NESW	4.4		NWSW	26.9		SWSW	25.3		SESE	0.3
				SESE	0.3									
		23		NENE	11.1		SENE	5.6						
		24		NENW	1.4		NWNW	32.8		SWNW	34.6		SESE	5.3
				NESW	1.3		NWSW	8.4						

Total Acres: 353.9

Conditions of Approval:

1. 206 This right is limited to the irrigation of a specific 5.0 acres within the 353.9-acre place of use authorized by this right in a single irrigation season. The specific 5.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 5.0 acres to be irrigated within the 353.9-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. 214 Prior to the diversion and use of water under Transfer approval 81960, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
3. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
4. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. T19 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.

Dates:

Licensed Date:

Decreed Date: 04/30/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 4
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81960**

This is to certify that: **BLACK HAWK HOMEOWNERS ASSN INC**
8070 S BLACKHAWK DR
IDAHO FALLS, ID 83406

IRON RIM RANCH HOME OWNERS ASSN INC
10553 S HENRY CREEK RD
IDAHO FALLS, ID 83406

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-8021	WR/DECREED	2/19/1982	4.660 cfs	932.0 af	N/A	233.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

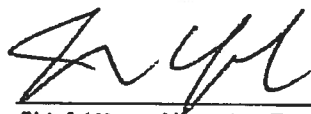
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-8021	YES	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-8021	25-14460	0.100 cfs	20.0 af	5.0	353.9	35-8021	4.560 cfs	912.0 af	N/A	228.0
COMBINED TOTALS		0.100 cfs	20.0 af	5.0	353.9		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 29th day of November, 2017.


for Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 81960

35-8021

WATER RIGHT NO. 35-8021**As Modified by Transfer No. 81960**

In accordance with the approval of Transfer No. 81960, Water Right No. 35-8021 is now described as follows:

Right Holder: DC FARMS LLC
578 N 100 W
BLACKFOOT, ID 83221

Priority Date: 2/19/1982

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 4/01 **To** 11/01

Diversion Rate
4.560 cfs
4.560 cfs

Diversion Volume
912.0 af
912.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESESE Sec 5 Twp 01S Rge 36E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	36E	4					1.0		12.0	24.0	6.0	9.0	31.0						83.0
							1.3												
01S	36E	5				3.0									16.0	4.0	13.0	27.0	63.0
01S	36E	8	5.0	17.0	5.0	18.0									32.0	1.0		2.0	80.0
01S	36E	9									2.0								2.0

POU Total Acres: 228.0

CONDITIONS OF APPROVAL

- 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. 81960

WATER RIGHT NO. 25-14460**As Modified by Transfer No. 81960**

In accordance with the approval of Transfer No. 81960, Water Right No. 25-14460 is now described as follows:

Right Holder: DC FARMS LLC
578 N 100 W
BLACKFOOT, ID 83221

Priority Date: 2/19/1982

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
4/01

To
to 11/01

Diversion Rate
0.100 cfs
0.100 cfs

Diversion Volume
20.0 af
20.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

NESE
NESE

Sec 11 Twp 01N Rge 38E BINGHAM County
Sec 11 Twp 01N Rge 38E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	38E	11													14.2		15.8	34.4	64.4
01N	38E	12																	63.8
01N	38E	13																	124.9
01N	38E	14																	0.3
01N	38E	23	11.1			5.5													16.7
01N	38E	24					1.4	32.8	34.8	5.3	1.3	8.4							83.8

Right Acre Limit: 5.0
POU Total Acres: 353.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 5.0 acres within the 353.9-acre place of use authorized by this right in a single irrigation season. The specific 5.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 5.0 acres to be irrigated within the 353.9-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 81960

WATER RIGHT NO. 25-14460

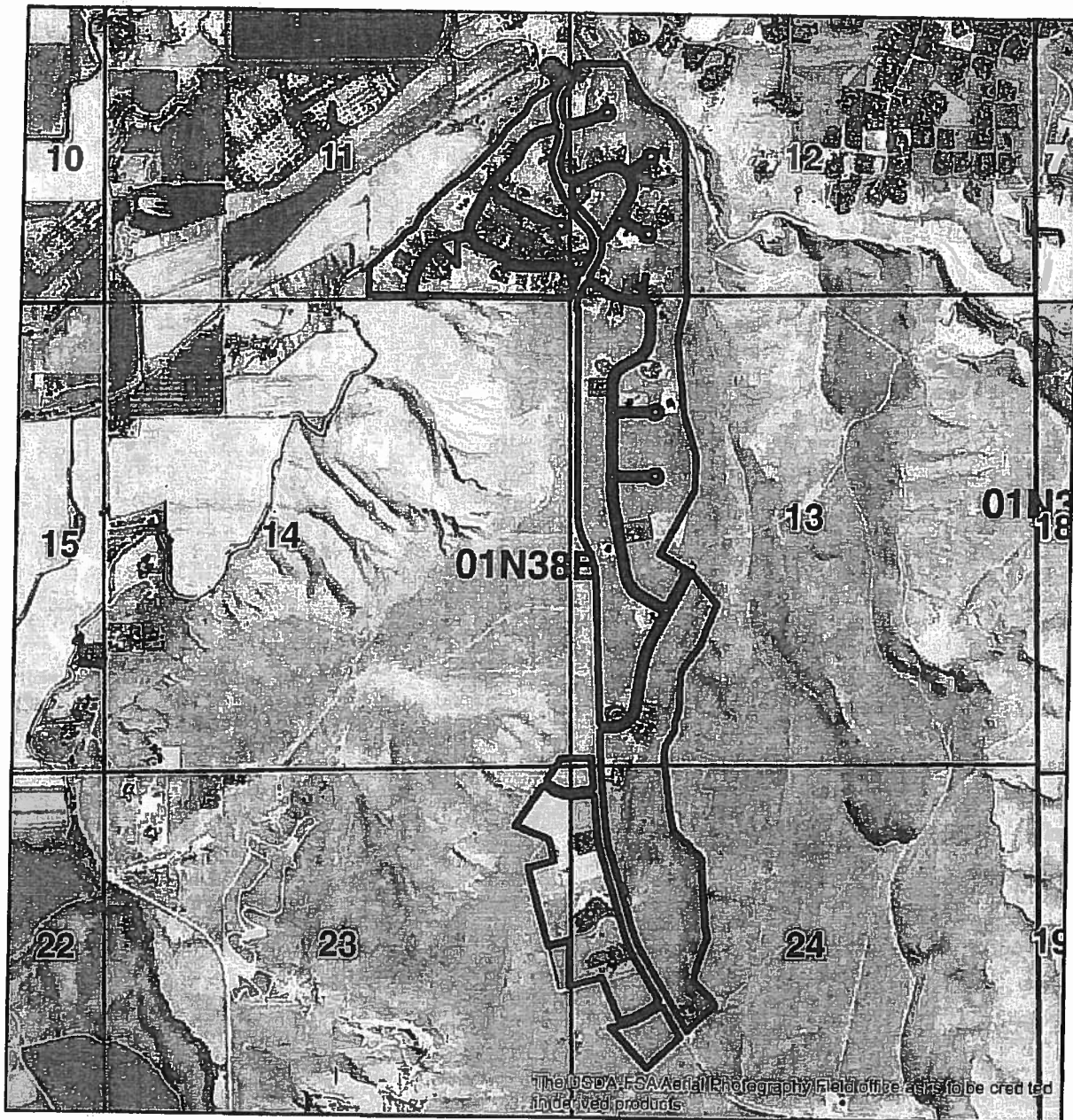
As Modified by Transfer No. 81960

CONDITIONS OF APPROVAL

2. Prior to the diversion and use of water under Transfer approval 81960, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 Approval 81960

This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 800 1,600 3,200 Feet

1 inch = 1,784 feet





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

January 26, 2018

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Wayne Properties LLC
9103 Alta Dr Unit 207
Las Vegas NV 89145

RE: Change of Ownership for Water Right No(s). 25-14460 & 35-8021

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s) to you. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

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.

Also, 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

Enclosure(s)

cc: Holden Kidwell Hahn & Crapo
Water District 120
Bingham Ground Water District



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

RECEIVED
JAN 16 2018

Department of Water Resources
Eastern Region

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

January 11, 2018

Jonie Barg
Idaho Department of Water Resources
Eastern Idaho Regional Office
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: Notice of Change in Water Right Ownership for Water Right No. 35-8021 and 25-14460.

Dear Jonie:

Enclosed for processing is a *Notice of Change in Water Right Ownership* for the above-referenced water rights. Water Right No. 25-14460 is a split of the former 35-8021. Wayne Properties LLC has purchased the entirety of the original 35-8021, and as a contingency to closing on the water right, a 5-acre portion was moved to the Black Hawk Subdivision and Iron Rim Subdivision in Bonneville County, Idaho. Wayne Properties LLC and DC Farms, LLC (the former owner of 35-8021) have a lease arrangement to allow it to continue using Water Right No. 35-8021 at its current place of use in Bingham County, which has now been reduced by 5 acres on account of the transfer of 25-14460. If you have any questions regarding these documents, please let me know.

In addition, the water right reports correctly contain a notation that they are subject to a security interest held by Rabo Agrifinance. Included with this letter is a *Deed of Partial Release* recorded as Instrument No. 693004 releasing the security interest in both water rights subject to this *Notice of Change in Water Right Ownership*. Therefore, we request that the security interest reference be removed from the Department's water right report. Additionally, when we submitted the transfer to move 25-14660, we indicated that there was also a general lien on DC Farms, LLC, held by CHS Capital, LLC. While that *Notice of Security Interest* was not of record with the Department, we have also included Instrument No. 693005 which releases its security interest in both Water Right Nos. 35-8021 and 25-14460.

We appreciate your attention to this matter. Please let me know if you have any questions. As required we have included a check for the appropriate filing fee in the amount of \$50.00.

Best regards,

Robert L. Harris

HOLDEN, KIDWELL, HAHN & CRAPO, PLLC

g:\wpdata\rlh\18460-000 blackhawk hoa\2018-01-11, barg.docx

Established in 1896