

Name on W-9 _____ Approved by JB Processed by JB Date 8/17/2017

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/10/2017

WATER RIGHT NO. 35-2528

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JERRILU GARDNER
Current Owner	LANCE I GARDNER
Current Owner	LINDA GARDNER
Current Owner	MARK W GARDNER
	589 N 150 W
	BLACKFOOT, ID 83221
	2087855156
Directors Report Owner	LEON D DANCE
	274 W 400 N
	BLACKFOOT, ID 83221
	2087857989
Original Owner	FARM CREDIT BANK OF SPOKANE
	PO BOX 10
	BLACKFOOT, ID 83221
	2087850820

Priority Date: 02/28/1958

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	10/31	4.14 CFS	1268 AFA
Total Diversion			4.14 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENE|Sec. 24|Township 01S|Range 34E|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	34E	13		NESE	40		NWSE	40		SWSE	40		SESE	40
		24		NENE	40		NWNE	40		SWNE	40		SENE	38

Total Acres: 318

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

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:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

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

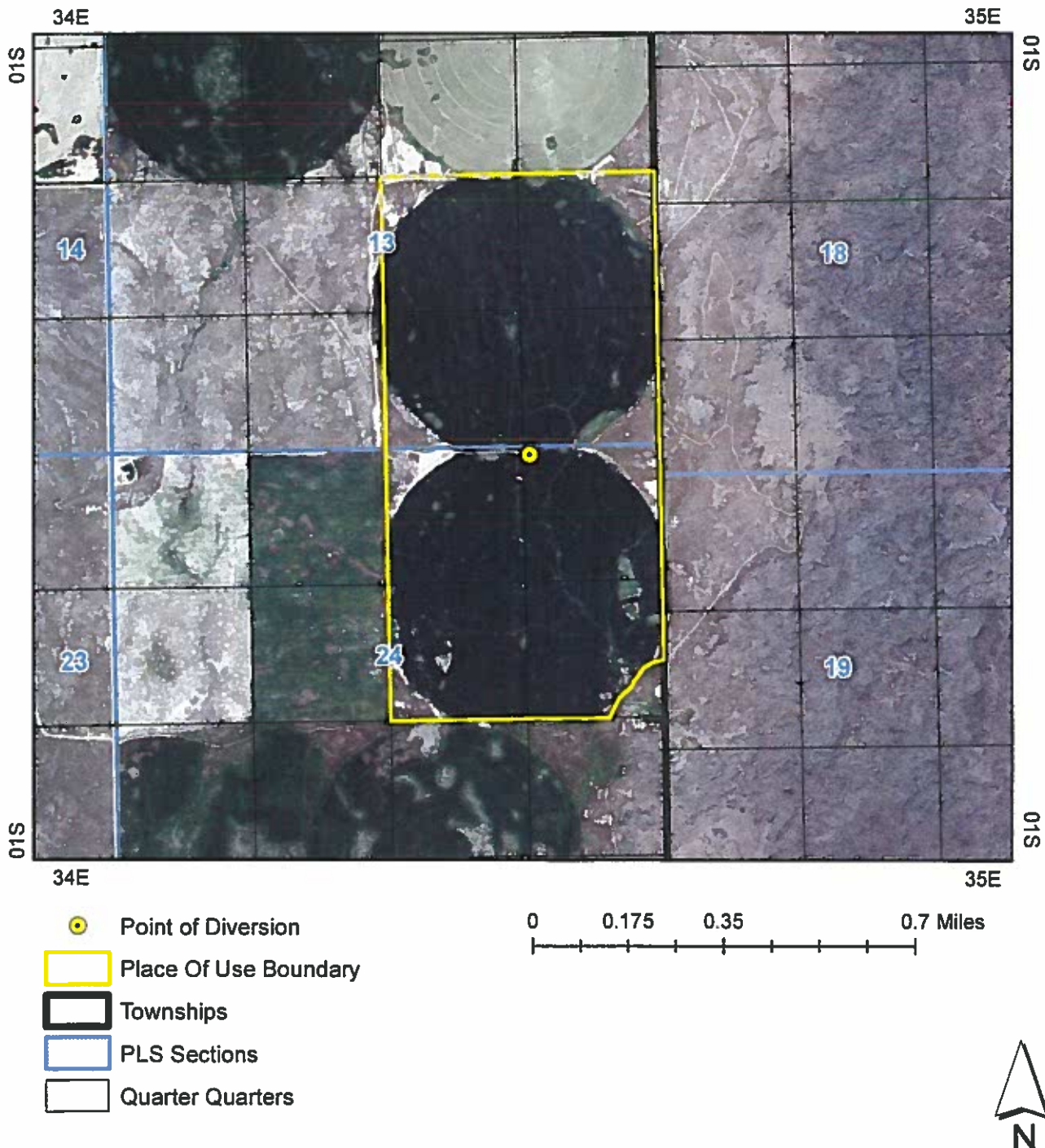
Close

State of Idaho
Department of Water Resources

Water Right
35-2528

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Instrument # 689060
BINGHAM COUNTY, IDAHO
2017-08-04 10:26:01 AM No. of Pages: 2
Recorded for: ALLIANCE TITLE - BOISE PRODUCT
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy JPulley
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:359446

FOR VALUE RECEIVED

D. Cooper, LLC, an Idaho limited liability company and D. Case, LLC, an Idaho limited liability company

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Tama Land Northwest LLC, a Delaware limited liability company

whose current address is

**PO Box 53
Nampa, ID 83653**

the grantee(s), the following described premises, in Bingham County, Idaho, TO WIT:

Township 1 South, Range 34 East Boise Meridian, Bingham County, Idaho.

Section 13: Southeast Quarter, EXCEPTING THEREFROM a 30 foot wide strip of land along the West edge of the Southeast Quarter of said Section 13 for ingress and egress; and,

Section 24: Northeast Quarter

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: August 2, 2017

D. Cooper, LLC, an Idaho limited liability company

[Signature]
David Cooper, Member

D. Case, LLC, an Idaho limited liability company

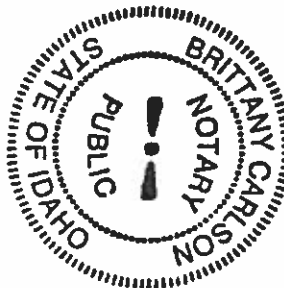
[Signature]
Doug Case, Member

State of Idaho } ss
County of Bingham }

On this 2nd day of August, 2017, before me, the undersigned, a Notary Public in and for said state, personally appeared David Cooper, known or identified to me to be the Member in the Limited Liability Company known as D. Cooper, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC 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.

[Signature]
Notary Public for the State of Idaho
Residing at: _____ RESIDES IN
Commission Expires: _____ BLACKFOOT
EXPIRES 01-16-2019



State of Idaho } ss
County of Bingham }

On this 2nd day of August, 2017, before me, the undersigned, a Notary Public in and for said state, personally appeared Doug Case, known or identified to me to be the Member in the Limited Liability Company known as D. Case, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC 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.

[Signature]
Notary Public for the State of Idaho
Residing at: _____ RESIDES IN
Commission Expires: _____ BLACKFOOT
EXPIRES 01-16-2019



**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

Lee Radford
PARSONS BEHLE & LATIMER
900 Pier View Drive, Suite 206
Idaho Falls, Idaho 83402
(208) 522-6700

Instrument # 689059

BINGHAM COUNTY, IDAHO
2017-08-04 10:26:01 AM No. of Pages: 4
Recorded for: ALLIANCE TITLE - BOISE PRODUCT
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy JPulley
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

At 359446

(Space Above For Recorder's Use)

WARRANTY DEED

For value received **GARDNER FARMS**, an Idaho general partnership ("Grantor"), conveys, grants, bargains, and sells to **D. COOPER, LLC**, an Idaho limited liability company, whose address is 578 N. 100 W., Blackfoot, Idaho 83221, and to **D. CASE, LLC**, an Idaho limited liability company, whose address is 198 W. 500 N., Blackfoot, Idaho 83221, as tenants in common (together referred to as "Grantee"), and their successors and assigns forever, the following described real property situated Bingham County, State of Idaho:

Township 1 South, Range 34 E.B.M., Bingham County, Idaho.

Section 13: SE1/4, EXCEPTING THEREFROM a 30 foot wide strip of land along the W. edge of the SE1/4 of said Section 13 for ingress and egress; and,

Section 24: NE1/4, TOGETHER WITH a 30 foot wide strip of land across the North edge of Section 24 as granted in Grant of Easement and Joint Use Agreement No. 431859.

SUBJECT TO taxes and assessments for the year 2017 and all previous and subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the real property herein described.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said real property, that the real property is free from all encumbrances, excepting those as may be herein

set forth, and excepting those of record and those revealed on any survey or inspection of the premises, and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 20th day of June, 2017.

GRANTOR:

GARDNER FARMS, a general partnership



L. Gardner, LLC
By: Lance Gardner
Its: Member



D. Cooper, LLC
By: David Cooper
Its: Member



D. Case, LLC
By: Doug Case
Its: Member

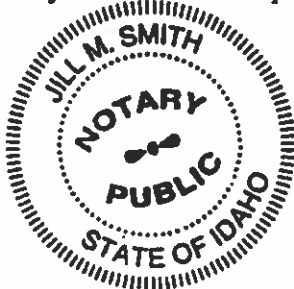
STATE OF IDAHO)
)
COUNTY OF BONNEVILLE)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared LANCE GARDNER, the Member of L GARDNER, LLC, known to me to be the person whose name is subscribed to the foregoing Warranty Deed dated June 19, 2017, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19th day of June 2017.

Jill Smith
Notary Public, in and for the State of
Idaho

My Commission Expires: 4/27/2021



STATE OF IDAHO)
)
COUNTY OF BONNEVILLE)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared DAVID COOPER, the Member of D. COOPER, LLC, known to me to be the person whose name is subscribed to the foregoing Warranty Deed dated June 19, 2017, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19th day of June 2017.

Jill Smith
Notary Public, in and for the State of
Idaho

My Commission Expires:

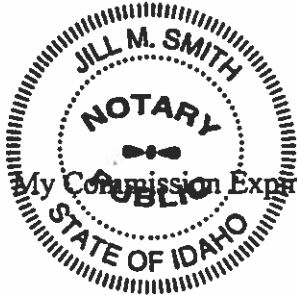


4/27/2021

STATE OF IDAHO)
)
COUNTY OF BONNEVILLE)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared **DOUG CASE**, the Member of **D. CASE, LLC**, known to me to be the person whose name is subscribed to the foregoing Warranty Deed dated June 19th, 2017, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19th day of June 2017.



Jill Smith
Notary Public, in and for the State of
Idaho



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

August 18, 2017

C.L. "BUTCH" OTTER
Governor

Tama Land Northwest LLC
Po Box 53
Nampa ID 83653

GARY SPACKMAN
Director

RE: Change of Ownership for Water Right No(s). 35-2528

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: Water District 120
Bingham Ground Water District



UBS Farmland Investors LLC
P.O. Box 53
1314 12th Ave. So., Ste. 5
Nampa, ID. 83653

Charles W. Bryan, Jr., Director
Tel. +208-466-0419
Fax +208-463-7675
charles.bryan@ubs.com

www.ubs.com

August 11, 2017

IDWR Eastern Region
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402-1718

RECEIVED

AUG 16 2017

Department of Water Resources
Eastern Region

TLH #7 Lemhi South: Notice of Change in Water Right Ownership

Dear IDWR,

Please find attached the Notice of Change in Water Right Ownership form, associated documentation and check. Tama Land Northwest LLC recently bought the property from D. Cooper, LLC and D. Case, LLC who simultaneously acquired the property from Gardner Farms (Jerrilu, Lance, Linda & Mark). Both Warranty Deeds are attached to document the simultaneous change of ownership.

Please call if there are any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "CW Bryan", followed by a horizontal line.

Charles W. Bryan, V.P.
Tama Land Northwest LLC