

RECEIVED

SEP 02 2016

Form 42-248/42-1409(6) Rev. 1/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT 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?
45-2174B	Yes ☐	Yes ☐	45-14325	Yes ☐	Yes ☐
45-13432	Yes ☐	Yes ☐	45-14327	Yes ☐	Yes ☐
45-14022	Yes ☐	Yes ☐	45-14463	Yes ☐	Yes ☐
45-14259	Yes ☐	Yes ☐		Yes ☐	Yes ☐
45-14260	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: BRENT & CHALET FUNK
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): IDAHO DAIRY HOLDINGS, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- PO BOX 609 TURNER ME 04282
Mailing address City State ZIP
207-255-2555
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: AUGUST 16, 2016
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):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o 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 # 45-2174B

8. Signature: Wayne E. Cummings WAYNE E. CUMMINGS, MANAGER 8/16/16
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 DM Date 9-2-2016 Receipt No. 5035710 Receipt Amt. \$400-

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 _____

CASSIA COUNTY
RECORDED FOR:
TITLEONE - BURLEY
02:32:29 PM 08-17-2016
2016-003425
NO. PAGES: 5 FEE: \$22.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: CVELASQUEZ
Electronically Recorded by Simplifile

When Recorded, Please Return To:

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

1627337-3

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged **BRENT FUNK** and **CHALET FUNK**, husband and wife ("Grantor") do hereby grant, bargain, sell, and convey unto **Idaho Dairy Holdings, LLC**, an Idaho limited liability company, P.O. Box 609, Turner, ME 04282 ("Grantee"), the following described premises located in Cassia County, Idaho, to wit:

See EXHIBIT A

Together with all water rights and other appurtenances thereto.

TO HAVE AND TO HOLD, unto Grantee, its successors and assigns forever.

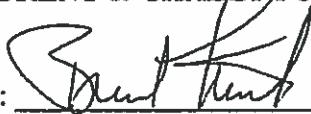
SUBJECT TO the exceptions, encumbrances, easements, restrictions and matters set forth on EXHIBIT A attached hereto and incorporated herein (collectively the "Permitted Exceptions").

Grantor warrants that it is the owner in fee simple of the Property, that the Grantor has not conveyed any interest in the Property to any person other than Grantee, and that the Property is free from all encumbrances created or suffered by Grantor, except the Permitted Exceptions, and that Grantor will warrant and defend the same against all lawful claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, the parties have executed the within instrument as of the 16th day of August, 2016.

"GRANTOR"

BRENT & CHALET FUNK, husband and wife

By: 
Brent Funk also known as Brent A. Funk
By: 
Chalet Funk

*also known as Brent A. Funk

When Recorded, Please Return To:

16273337-3

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged **BRENT FUNK and CHALET FUNK**, husband and wife ("Grantor") do hereby grant, bargain, sell, and convey unto Idaho Dairy Holdings, LLC, an Idaho limited liability company, P.O. Box 609, Turner, ME 04282 ("Grantee"), the following described premises located in Cassia County, Idaho, to wit:

See EXHIBIT A

Together with all water rights and other appurtenances thereto.

TO HAVE AND TO HOLD, unto Grantee, its successors and assigns forever.

SUBJECT TO the exceptions, encumbrances, easements, restrictions and matters set forth on EXHIBIT A attached hereto and incorporated herein (collectively the "Permitted Exceptions").

Grantor warrants that it is the owner in fee simple of the Property, that the Grantor has not conveyed any interest in the Property to any person other than Grantee, and that the Property is free from all encumbrances created or suffered by Grantor, except the Permitted Exceptions, and that Grantor will warrant and defend the same against all lawful claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, the parties have executed the within instrument as of the 16th day of August, 2016.

"GRANTOR"

BRENT & CHALET FUNK, husband and wife

By: Brent Funk

Brent Funk also known as Brent A. Funk

By: Chalet Funk

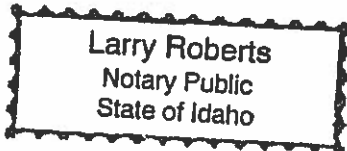
Chalet Funk

*also known as Brent A. Funk

STATE OF IDAHO)
)ss.
County of Cassia)

On this 11th day of August, 2016, before me, the undersigned, a Notary Public in and for said County and State, personally appeared BRENT and CHALET FUNK, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same.

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




NOTARY PUBLIC for Idaho
Residing at Twin Falls, Id
Commission Expires 6-30-2021

EXHIBIT A

TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 5: S½SE¼, NE¼SE¼, SE¼SW¼

Section 5: SW¼NW¼, W¼SW¼, NE¼SW¼ and NW¼SE¼

Section 4: Part of the SW¼, more particularly described as follows:

Beginning at the Southwest corner of said Section 4, said corner marked by a US GLO iron pipe with brass cap which shall be the Point of Beginning;

Thence North 00°02'22" East along the West line of Section 4 for a distance of 1327.62 feet to a ½ inch rebar;

Thence North 89°51'19" East for a distance of 2154.55 feet to a ½ inch rebar;

Thence South 00°01'43" West for a distance of 1301.59 feet to a ½ inch rebar;

Thence South 00°01'43" West for a distance of 32.21 feet to the South line of Section 4;

Thence North 89°58'51" West along the South line of Section 4 for a distance of 2,154.79 feet to the Point of Beginning.

AND those portions of the following water rights appurtenant to the above described property:

- 45-2174B
- 45-13432
- 45-14022
- 45-14259
- 45-14260
- 45-14325
- 45-14327
- 45-14463

SUBJECT TO:

Taxes for the year 2017 and subsequent years.

Liens, levies and assessment of any and all irrigation districts, including but not limited to the Southwest Irrigation District and/or Milner Low Lift Irrigation District and the rights, powers, and easements of said districts as provided by law.

Right of way for ditches, tunnels, telephone, and distribution lines constructed by authority of the United States, as granted to the United States under the provisions of Section 58-604 Idaho Code.

Easement from the State of Idaho, acting through the State Board of Land Commissioners, to Frank Somsen, dated December 12, 1938

Recorded February 9, 1940

Instrument No. 134172

Power Line Easement from Glen Briggs and Haze Briggs, his wife, to Idaho Power Company, a corporation, dated May 25, 1949

Recorded March 7, 1950

Instrument No. 168567, over and across the SE¼SE¼ of Section 5, Township 12 South, Range 20 East, Boise Meridian. (Covers additional property not included herein.)

Mineral Deed from Glen Briggs and Hazel Briggs, husband and wife, to Fred F. Foss, dated May 19, 1952

Recorded: June 6, 1952

Instrument No. 175773 in Book 54 of Deeds, Pages 552 and 553, records of Cassia County, Idaho, conveying an undivided one-half interest in and to all the oil, gas and other minerals in and under and that may be produced from the

over and across the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 12 South, Range 20 East, Boise Meridian. (Covers additional property not included herein.)

Warranty Deed from John I. Savage and Edith V. Savage, husband and wife, to Harold Savage, dated July 31, 1958
Recorded August 9, 1958

Instrument No. 198210 in Book 59 of Deeds, records of Cassia County, Idaho, conveying a certain deep well and water rights located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 12, Range 20 East of the Boise Meridian.

Easement from John I. Savage and Edith V. Savage, husband and wife, to Harold Savage, dated July 31, 1958 and
Recorded August 9, 1958

Instrument No. 198211 in Book 15 of Miscellaneous, records of Cassia County, Idaho.

Agreement between Theodore Sturgill and Joe Savage, dated March 24, 1972

Recorded: February 1, 1974

Instrument No. 74673 on Film No. 86, records of Cassia County, Idaho.

Statement of Claim and Notice of Intent to Preserve executed by Ladd Petroleum Corporation, dated September 17, 1984

Recorded: September 24, 1984

Instrument No. 163826 on Film No. 167, records of Cassia County, Idaho, for the purpose of providing public notice of the mineral interest claimed and preserved by Ladd Petroleum Corporation in and to the oil, gas, coal, clay, gravel, uranium and all other minerals of every kind and nature. (Covers additional property not included herein)

Terms and Conditions contained in Resolution of Cassia County Planning And Zoning Commission #2002-08-02 granting a Conditional Use Permit to Brent Funk, dated August 1, 2002

Recorded: August 5, 2002

Instrument No. 282976, records of Cassia County, Idaho.

Easement contained in Warranty Deed executed by Brent A. Funk and Chalet Funk, husband and wife, to C. Gordon Luke and Eola D. Luke, husband and wife,

Recorded: November 7, 2002

Instrument No. 284783, records of Cassia County, Idaho.

(Covers the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 5, Township 12 South, Range 20 East of the Boise Meridian)

Easement - Individual (Overhead) executed by Brent Funk, Grantor to Idaho Power Company, a corporation, Grantee, dated November 15, 2004

Recorded: December 3, 2004

Instrument No. 299258, records of Cassia County, Idaho.

(Covers the SW $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 5,
Township 12 South, Range 20, East of the Boise Meridian.)

Easement - Individual (Underground) executed by Brent Funk, Grantor to Idaho Power Company, Grantee, dated November 15, 2004

Recorded December 3, 2004

Instrument No. 299259, records of Cassia County, Idaho.

(Covers the SW $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 5, Township 12 South, Range 20, East of the Boise Meridian.)

Terms and Conditions contained in Grant of Easement and Joint Use Agreement between Danford L. Crane II and Shaunna Crane, grantors and Brent A. and Chalet Funk, grantees, dated August 5, 2005

Recorded: August 10, 2005

Instrument No. 303500, records of Cassia County, Idaho.

Joint Declaration of Easements executed by C. Gordon Luke and Eola D. Luke, husband and wife and John Beukers and Ruth Beukers, husband and wife, dated January 30, 2007

Recorded: January 31, 2007

Instrument No. 313624, records of Cassia County, Idaho.

(Covers S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 12 South, Range 20 East of the Boise Meridian)

Effects of Resolution 2009-10 of the Cassia County Planning and Zoning Commission dated June 18, 2009

Recorded: June 19, 2009

Instrument No. 2009-003105, records of Cassia County, Idaho.

Effect of Resolution of Cassia County Planning and Zoning Commission Granting a Confined Animal Feeding Operation Permit Resolution No. 2010-15, dated October 21, 2010
Recorded October 21, 2010
Instrument No. 2010-005015, records of Cassia County, Idaho.

Resolution No. 2011-03, Amending Resolution No. 2010-15, dated April 21, 2011
Recorded: April 21, 2011
Instrument No. 2011-001639, records of Cassia County, Idaho.

Easement, executed by Brent A. Funk and Chalet Funk, Grantors, to Idaho Power Company, a Corporation, dated November 8, 2010
Recorded: November 29, 2010
Instrument No. 2010-005504, records of Cassia County, Idaho.
(Covers the S½ of Section 5, Township 12 South, Range 20, East of the Boise Meridian.)

Easement Agreement by and between Brent A. Funk and Chalet Funk, husband and wife, grantors and Danford L. Crane II and Shaunna Crane, husband and wife, dated July 9, 2014
Recorded: July 18, 2014
Instrument No. 2014-002963, records of Cassia County, Idaho.

Effect of Resolution of Cassia County Planning and Zoning Commission Granting a Confined Animal Feeding Operation Permit Resolution No. 2014-09, dated September 18, 2014
Recorded: September 22, 2014
Instrument No. 2014-003879
Re-recorded: October 8, 2014
Instrument No. 2014-004135, records of Cassia County, Idaho.

Easement Agreement between Double Eagle Properties, LLLP and Brent and Chalet Funk, husband and wife, dated July 11, 2016
Recorded: July 15, 2016
Instrument No. 2016-002914, records of Cassia County, Idaho.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 12, 2016

IDAHO DAIRY HOLDINGS LLC
PO BOX 609
TURNER ME 04282

RE: Change of Ownership for Water Right Nos. 45-2174B, 45-13432, 45-14022, 45-14259,
45-14260, 45-14325, 45-14327 and 45-14463

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s). 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 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,

Trish Fawcett
Technical Records Specialist

Enclosure(s)

Cc: TitleOne (16273337)
Paul Arrington, Barker Rosholt & Simpson LLP



RECEIVED

SEP 02 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

September 1, 2016

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

RE: TitleOne File No. 16273337

Dear Trish:

Enclosed with this letter please find the following:

1. The original executed Notice of Change in Water Right Ownership from Brent and Chalet Funk to Idaho Dairy Holdings, LLC.
2. The original executed Notice of Change in Water Right Ownership from Brent and Chalet Funk to Idaho Agri Investments, LLC.
3. A copy of Special Warranty Deed recorded August 17, 2016 as Instrument No. 2016-003425, records of Cassia Co., ID.
4. A copy of Special Warranty Deed recorded August 17, 2016 as Instrument No. 2016-003426, records of Cassia Co., ID.
5. A copy of the Special Warranty Deed recorded August 17, 2016 as Instrument No. 2016014371, records of Twin Falls Co., ID.
6. A copy of Special Warranty Deed (Exchange Agreement) recorded August 17, 2016 as Instrument No. 2016-003429, records of Cassia Co., ID.
7. Land Title and Escrow, Inc. dba TitleOne's check no. 7112 payable to Idaho Department of Water Resources in the amount of \$400.00 for the water transfer fee.

Please make the necessary changes to indicate the new owners. Please send a receipted copy to this office.

Should you have any questions, please do not hesitate to contact this office.

Very truly yours,
TITLEONE

Nancy Garrett
Administrative Assistant

AR/nrg
Enc.
FedEx