

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 13 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
47-4286	Yes ☐	Yes ☐	47-12822A	Yes ☐	Yes ☐
47-4288	Yes ☐	Yes ☐	47-12822B	Yes ☐	Yes ☐
47-7092	Yes ☐	Yes ☐	47-13957	Yes ☐	Yes ☐
47-8074	Yes ☐	Yes ☐		Yes ☐	Yes ☐
47-7663K	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: SeaPac of Idaho, Inc., an Idaho corporation
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Evaqua Farms LLC, a Delaware limited liability company
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | |
|---|--|
| <u>PO Box AG</u>
Mailing address
<u>(208) 326-3100</u>
Telephone | <u>Filer</u> <u>ID</u> <u>83328</u>
<u>City</u> <u>State</u> <u>ZIP</u>
<u>jim.henderhan@spurcompanies.com</u>
<u>Email</u> |
|---|--|
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: January 1, 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 # 47-4286

8. Signature: [Signature] Robert G. Young, President January 1, 2017
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 1-13-2017 Receipt No. 5035883 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 _____



MAP 12 - FILER FACILITY WATER RIGHTS

BASE MAP NAIP 2015 AERIAL

Legend

Seapac_PODs	47-4288	Seapac_POU	47-4288	township
47-12822A	47-7092	47-12822A	47-7092	first
47-12822B	47-7663K	47-12822B	47-7663K	lades
47-13957	47-8074	47-13957	47-8074	
47-4286		47-4286		

TWIN FALLS COUNTY
RECORDED FOR:
ALLIANCE TITLE - BOISE PRODUCT
12:49:18 PM 01-05-2017
2017000199
NO. PAGES 8 FEE: \$31.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: SM
Electronically Recorded by Simplifile

Filed for Record at the Request of
and after recording mail to:

Sullivan & Worcester LLP
Attn: Warren G. Heilbronner
One Post Office Square
Boston, MA 02109

AT 336854

**SPECIAL WARRANTY DEED
(FILER)**

FOR VALUE RECEIVED, effective as of January 1, 2017, SeaPac of Idaho, Inc., an Idaho corporation (the "Grantor"), does hereby grant, bargain, sell and convey unto Evaqua Farms LLC, a Delaware limited liability company (the "Grantee"), whose address is PO Box AG, 4074 North 2000 East, Filer, Idaho 83328, all of Grantor's right, title and interest in and to the following described real property and water rights:

The property located in Twin Falls County, Idaho, as more particularly described in Exhibit A attached to and incorporated herein by this reference (the "Real Property");

TOGETHER WITH all privileges, rights, easements, hereditaments, and appurtenances thereunto belonging, including but not limited to all water and water rights, whether adjudicated or unadjudicated, storage rights, spring and seepage rights, wells and well permits, underground water, and shares of stock and other interests in water, ditch, canal, or reservoir companies that owned by Seller and used on or appurtenant to the Real Property including, without limitation, the water rights identified on Exhibit B attached to and incorporated in this deed (the "Water Rights") and all of Grantor's rights, title and interests in and to all buildings, structures, fixtures, and other improvements located thereon; all roads, streets, alleys, passages, and other rights-of-way included therein or adjacent thereto; and all minerals, sand, gravel, oil, gas, geothermal resources, and other saleable materials located thereon or thereunder (the "Improvements," and together with the Real Property and the Water Rights, the "Property");

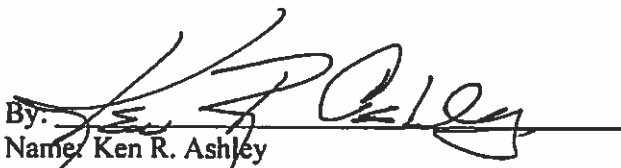
AND Grantor does hereby covenant to and with Grantee that Grantor is the sole owner in fee simple of the Property, and that the Property is free and clear from all encumbrances, except as set forth on Exhibit C attached to and incorporated in this deed, and that Grantor will WARRANT and DEFEND title to the same unto Grantee and its successors and assigns forever from and against all claims arising under Grantor.

TO HAVE AND TO HOLD, the Property together with all other rights and appurtenances belonging to the Property, unto Grantee and its successors and assigns forever.

**SIGNATURE PAGE
TO
SPECIAL WARRANTY DEED
(FILER)**

GRANTOR:

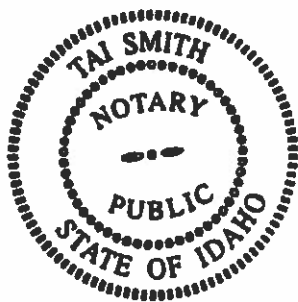
SEAPAC OF IDAHO, INC.,
an Idaho corporation

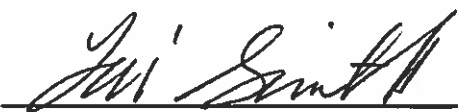
By: 
Name: Ken R. Ashley
Title: President

STATE OF IDAHO)
) ss.
County of Ada)

On this 22nd day of December, 2016, before me, the undersigned notary public for said state, personally appeared Ken R. Ashley, known or identified to me to be (or proven on the basis of satisfactory evidence) to be the President of the corporation that executed the within instrument, or the person that executed the within instrument on behalf of said corporation, and acknowledged to me that said corporation executed the same.

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




Notary Public
Residing at: Meridian, Idaho
My Commission Expires: 6/18/2022

**EXHIBIT A
TO
SPECIAL WARRANTY DEED
(FILER)**

Legal Description of the Real Property

Parcel 1:

Record legal:

**Township 10 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho
Idaho**

Section 1: A tract of land located in Lot 4 being more particularly described as follows:

**Beginning at the Northwest corner of said Section 1;
Thence South 00°25'35" East along the West line of said Lot 4 for 455.46 feet to the
True Point of Beginning;
Thence continuing South 00°25'35" East along said West line for 1093.33 feet to the
South line of said Lot 4;
Thence North 89°38'21" East along said South line for 590.96 feet;
Thence North 53°41'09" East for 145.15 feet;
Thence North 15°54'46" East for 35.31 feet;
Thence North 02°40'00" West for 31.25 feet;
Thence North 02°10'19" East for 23.54 feet;
Thence North 29°30'55" West for 33.72 feet;
Thence North 36°24'54" West for 33.50 feet;
Thence North 40°37'09" West for 525.33 feet;
Thence North 37°40'17" West for 122.79 feet;
Thence North 25°21'48" West for 332.20 feet;
Thence North 58°34'39" West for 120.25 feet;
Thence South 89°34'25" West for 26.70 feet to the True Point of Beginning.**

**Parcel 1 Surveyed legal also described as follows per Record of Survey for Evaqua
Farms LLC, Twin Falls County Idaho as prepared by EHM Engineers, Inc. as Job No.
344-16 dated October, 2016 and recorded on December 28, 2016 as Instrument No.
2016-022408:**

**Township 10 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho
Section 1: A tract of land located in Government Lot 4 being more particularly
described as follows:**

**Commencing at the Northwest corner of said Section 1, from which the West one
quarter corner of Section 1 bears South 00°10'55" East, 2872.83 feet; Thence South
00°10'55" East 455.46 along the West side of Government Lot 4 to the Real Point of
Beginning;
Thence continuing South 00°10'55" East 1093.49 feet (shown of record to be 1093.33
feet) along the West boundary of said Lot 4 to the Southwest corner thereof;
Thence North 89°57'13" East 589.75 feet (shown of record to be 590.96 feet) along the
South boundary of said Lot 4;
Thence North 53°55'49" East 146.65 feet (shown of record to be 145.15 feet)
Thence North 16°09'26" East 35.31 feet;
Thence North 02°25'20" West 31.25 feet;
Thence North 02°24'59" East 23.54 feet;**

Thence North 29°16'15" West 33.72 feet;
Thence North 36°10'14" West 33.50 feet;
Thence North 40°22'29" West 525.33 feet;
Thence North 37°25'37" West 122.79 feet;
Thence North 25°07'08" West 332.20 feet;
Thence North 58°19'59" West 120.25 feet;
Thence South 89°49'05" West 26.70 feet to the Real Point of Beginning.

Parcel 2:

Township 10 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho
Section 1: A parcel of land located in the Southwest Quarter Northwest Quarter and Northwest Quarter Southwest Quarter more particularly described as follows:
Commencing at the Northwest corner of said Section 1, from which the West one Quarter (W1/4) corner of Section 1 bears South 00°10'55" East, 2872.83 feet;
Thence South 00°10'55" East along the West boundary of the Northwest Quarter of Section 1 for a distance of 1548.95 feet to the Northwest corner of the Southwest Quarter Northwest Quarter of Section 1 and being the True Point of Beginning;
Thence North 89°57'13" East along the North boundary of the Southwest Quarter Northwest Quarter of Section 1 for a distance of 660.82 feet;
Thence South 37°53'00" West for a distance of 283.77 feet;
Thence South 01°05'25" West for a distance of 763.74 feet;
Thence South 03°08'45" West for a distance of 327.80 feet;
Thence South 18°57'21" West for a distance of 35.03 feet;
Thence North 49°58'26" West for a distance of 33.48 feet;
Thence South 89°40'30" West for a distance of 142.02 feet;
Thence North 01°45'05" East for a distance of 348.29 feet;
Thence South 87°24'46" East for a distance of 136.55 feet;
Thence North 01°05'25" East for a distance of 773.52 feet to the center of an irrigation ditch;
Thence along the center of the irrigation ditch on the following courses:
South 63°41'00" West, 106.48 feet;
South 63°27'50" West, 135.66 feet;
South 63°14'13" West, 107.41 feet;
South 65°01'30" West, 135.38 feet to a point on the West boundary of the Northwest Quarter of Section 1;
Thence North 00°10'55" West along the West boundary of the Northwest Quarter of Section 1 for a distance of 424.75 feet to the True Point of Beginning.

Parcel 3A:

Township 10 South, Range 15 East, Boise Meridian Twin Falls County, Idaho
Section 1: A parcel of land being portions of the South Half Northwest Quarter and Southwest Quarter, and more particularly described as follows:

Commencing at the Northwest corner of said Section 1, from which the West Quarter corner of Section 1 bears South 00°10'55" East 2872.83 feet;
Thence South 00°10'55" East along the West boundary of the Northwest Quarter of

Section 1 for a distance of 1548.95 feet to the Northwest corner of the South Half Northwest Quarter of Section 1;
 Thence North 89°57'13" East along the North boundary of the South Half Northwest Quarter of Section 1 for a distance of 660.82 feet to the True Point of Beginning;
 Thence continuing North 89°57'13" East along the North boundary of the South Half Northwest Quarter of Section 1 for a distance of 1985.32 feet to the Northeast corner of the South Half Northwest Quarter of Section 1;
 Thence South 00°03'35" East along the East boundary of the West Half of Section 1 for a distance of 3044.23 feet to a point on the Northerly right of way boundary of the Union Pacific Railroad;
 Thence North 63°41'55" West along the Northerly right of way Boundary of the Union Pacific Railroad for a distance of 329.33 feet to the point of curve of a curve left;
 Thence Northwesterly along the Northerly right of way boundary of the Union Pacific Railroad on the arc of the curve left for a distance of 650.28 feet to the point of tangent, said arc having a radius of 5729.58 feet and a long chord bearing and distance of North 66°57'00" West 655.60 feet;
 Thence North 70°12'05" West along the Northerly right of way boundary of the Union Pacific Railroad for a distance of 1570.26 feet;
 Thence leaving the railroad right of way on a bearing of North 00°24'46" East for a distance of 458.21 feet;
 Thence North 28°48'00" East for a distance of 344.55 feet;
 Thence North 18°57'21" East for a distance of 35.03 feet;
 Thence North 03°08'45" East for a distance of 327.80 feet;
 Thence North 01°05'25" East for a distance of 763.74 feet;
 Thence North 37°53'00" East for a distance of 283.77 feet to the True Point of Beginning.

Parcel 3B:

Township 10 South, Range 15 East, Boise Meridian Twin Falls County, Idaho
 Section 1: A parcel of land located in the Southwest Quarter Northwest Quarter and Northwest Quarter Southwest Quarter, and more particularly described as follows:

Commencing at the Northwest corner of said Section 1, from which the West Quarter corner of Section 1 bears South 00°10'55" East 2872.83 feet;
 Thence South 00°10'55" East along the West boundary of the Northwest Quarter of Section 1 for a distance of 1973.70 feet to a point on the approximate center of an irrigation ditch and being the True Point of Beginning;
 Thence along the center of the irrigation ditch on the following courses:
 North 65°01'30" East, 135.38 feet;
 North 63°14'13" East, 107.41 feet;
 North 63°27'50" East, 135.66 feet
 North 63°41'00" East, 106.48 feet;
 Thence leaving the center of the irrigation ditch on a bearing of South 01°05'25" West for a distance of 773.52 feet;
 Thence North 87°24'46" West for a distance of 136.55 feet;
 Thence South 01°45'05" West for a distance of 112.95 feet;
 Thence North 89°08'55" West for a distance of 278.78 feet to a point on the West boundary of the Northwest Quarter of Section 1;
 Thence North 00°10'55" West along the West boundary of the Northwest Quarter of Section 1 for a distance of 662.63 feet to the True Point of Beginning.

Parcel 4:

**Township 10 South, Range 15 East, Boise Meridian, Twin Falls County, Idaho
Section 1: Part of the Southwest Quarter Northwest Quarter and the Northwest
Quarter Southwest Quarter described as follows:**

**Beginning at the West one Quarter corner of said Section 1, from which the Northwest
corner of Section 1 bears North 00°10'55" West 2872.83 feet;
Thence from said West one Quarter corner North 00°10'55" West along the West
boundary of the Northwest Quarter 236.50 feet;
Thence South 89°08'55" East 278.78 feet;
Thence South 01°45'05" West 235.34 feet;
Thence North 89°40'30" East 142.02 feet;
Thence South 49°58'26" East 33.48 feet;
Thence South 28°48'00" West 344.55 feet;
Thence South 00°24'46" West 458.21 feet to a point on the Northerly right of way
boundary of the Union Pacific Railroad;
Thence North 70°12'05" West along the Northerly right of way boundary of the Union
Pacific Railroad 285.87 feet to a point on the West boundary of the Southwest Quarter
of Section 1;
Thence North 00°01'00" West along the West boundary of the Southwest Quarter of
Section 1, 686.90 feet to the Point of Beginning.**

END OF SCHEDULE A

**EXHIBIT B
TO
SPECIAL WARRANTY DEED
(FILER)**

Description of the Water Rights

Peavey Hatchery, Idaho Water Right No. 47-8074

Filer Processing Plant, Idaho Water Right Nos. 47-4286, 47-4288, 47-7092, 47-7663K, 47-12822A, 47-12822B and 47-13957

Twin Falls Canal Company water shares, as evidenced by Share Certificate Nos. 35235 (9.0 shares), 35805 (137.21 shares) and 41085 (7.0 shares), for a total of 153.21 shares.

**EXHIBIT C
TO
SPECIAL WARRANTY DEED
(FILER)**

Permitted Exceptions

1. Real estate taxes and assessments for the year 2017, a lien not yet due or payable.
2. Any matters which would be shown by a current, accurate, ALTA/NSPS land title survey.
3. Tenants in possession under unrecorded leases with no purchase options or rights of first refusal.
4. Matters recorded in the real property records for the County of Twin Falls, State of Idaho, to the extent in force and applicable.



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

January 17, 2017

EVAQUA FARMS LLC
PO BOX AG
FILER ID 83328

RE: Change of Ownership for Water Right Nos. 36-2338, 36-2414, 36-2734, 36-4011,
36-7072, 36-7866, 36-8356, 36-15476, 47-4286, 47-4288, 47-7092, 47-7663K,
47-8074, 47-12822A, 47-12822B and 47-13957

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,

A handwritten signature in black ink, appearing to read "Trish Fawcett", is written over a horizontal line.

Trish Fawcett
Technical Records Specialist

Enclosure(s)

Cc: Linda B. Jones
Holland & Hart LLP
PO Box 2527
Boise ID 83701-2527



Linda B. Jones
Phone 208-342-5000
Fax 208-343-8869
LJones@hollandhart.com
89828.0001

January 10, 2017

RECEIVED

JAN 13 2017

**DEPT OF WATER RESOURCES
SOUTHERN REGION**

Idaho Department of Water Resources
Southern Region
650 Addison Avenue W., Suite 500
Twin Falls, ID 83301-5858

Re: Notices of Change in Water Right Ownership

Dear Sir or Madam:

Enclosed for filing on behalf of Evaqua Farms LLC, a Delaware limited liability company, please find three completed and signed original Notices of Change in Water Right Ownership for water rights appurtenant to real properties known as Filer (Twin Falls County), Idaho Springs (Gooding County) and Magic Springs (Gooding County).

Also enclosed are copies of the following documents:

1. Special Warranty Deed (Filer), dated effective as of January 1, 2017, and recorded January 5, 2017, as Instrument No. 2017000199, records of Twin Falls County, Idaho;
2. Special Warranty Deed (Idaho Springs), dated effective as of January 1, 2017, and recorded January 9, 2017, as Instrument No. 257176, records of Gooding County, Idaho;
3. Special Warranty Deed (Magic Springs), dated effective as of January 1, 2017, and recorded January 9, 2017, as Instrument No. 257172, records of Gooding County, Idaho;
4. Our check in the amount of \$400.00 for the filing fees.

If you have any questions or concerns regarding this filing, please do not hesitate to contact our office.

Very truly yours,

Linda B. Jones
of HOLLAND & HART LLP

Holland & Hart LLP

Phone [208] 342-5000 Fax [208] 343-8869 www.hollandhart.com

800 West Main Street Suite 1750 Boise, ID 83702 Mailing Address P.O. Box 2527 Boise, ID 83701-2527

Aspen Boulder Carson City Colorado Springs Denver Denver Tech Center Billings Boise Cheyenne Jackson Hole Las Vegas Reno Salt Lake City Santa Fe Washington, D.C. ©



:kk

Enclosures

cc: Robert G. Young (via e-mail)
Jim Henderhan (via e-mail)
Warren Heilbronner (via e-mail)
Elizabeth Wigon (via e-mail)
Suzanne Fody (via e-mail)
Susan M. Barnard (via e-mail)
Rick Silverman (via e-mail)
Christopher Thorne (via e-mail)
Kylie Crandall (via e-mail)