

RECEIVED

JAN 13 2017

DEPT OF WATER RESOURCES SOUTHERN REGION

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

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.

Table with 6 columns: Water Right/Claim No., Split?, Leased to Water Supply Bank?, Water Right/Claim No., Split?, Leased to Water Supply Bank?. Rows include 36-7072, 36-7866, 36-8356.

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
PO Box AG Filer ID 83328
Mailing address City State ZIP
(208) 3326-3100 jim.henderhan@spurcompanies.com
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
Theater water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
Theater 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:
[X] 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.
[X] 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).
[X] 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 # 36-7072

8. Signature: [Signature] Robert G. Young, President January 1, 2017
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable _____ Date _____
Signature of new owner/claimant Title, if applicable Date

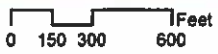
For IDWR Office Use Only:

Received by [Signature] Date 1-13-2017 Receipt No. S035883 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 _____

Path: F:\Projects\Holland & Hart - Seapac\Aeroview Maps\Seapack Magic Springs Facility.mxd



MAP 7 - MAGIC SPRINGS WATER RIGHTS
BASE MAP NAIP2015 AERIAL

BROCKWAY ENGINEERING, PLLC.
ALR -Date: 6/30/2016

- Legend
- | | | |
|-------------|------------|----------|
| Seapac_PODs | Seapac_POU | townshp |
| ● 36-7072 | ■ 36-7072 | □ first |
| ● 36-7866 | ■ 36-7866 | □ ladesc |
| ● 36-8356 | ■ 36-8356 | |



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

Instrument # 257172
GOODING COUNTY, GOODING, IDAHO
01-09-2017 14:36:07 No. of Pages: 10
Recorded for: FIRST AMERICAN TITLE - JEROME
DENISE GILL Fee: \$37.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile

615554-J

**SPECIAL WARRANTY DEED
(MAGIC SPRINGS)**

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 Gooding 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.

**EXHIBIT A
TO
SPECIAL WARRANTY DEED
(MAGIC SPRINGS)**

Legal Description of the Real Property

PARCEL NO. 1:

TOWNSHIP 8 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

SECTION 5: THAT PART OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION;
THENCE NORTH ON THE WEST LINE OF SAID SECTION TO A POINT 100 FEET NORTH OF THE PRECIPICE OF THE UPPER RIM ROCK OF SNAKE RIVER CANYON;
THENCE SOUTHEASTERLY PARALLELING THE SAID RIM ROCK AT A DISTANCE OF 100 FEET TO A POINT 100 FEET EAST OF THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5 WITH THE PRECIPICE OF UPPER RIM ROCK OF SNAKE RIVER CANYON;
THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION TO THE POINT OF BEGINNING.

SECTION 6: THAT PART OF LOT 8, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 8, BEING THE CORNER COMMON TO SECTIONS 5, 6, 7 AND 8;
THENCE NORTH ON THE EAST BOUNDARY LINE OF SAID LOT 8 TO A POINT 100 FEET NORTH OF THE PRECIPICE OF THE UPPER RIM ROCK OF SNAKE RIVER CANYON;
THENCE NORTHWESTERLY PARALLELING THE SAID RIM ROCK AT A DISTANCE OF 100 FEET TO THE STRIP OF LAND IN LOT 8 GRANTED BY THE PARTIES, ANNA G. BICKEL AND PAUL S. A. BICKEL, HER HUSBAND, TO THE TWIN FALLS NORTH SIDE LAND AND WATER COMPANY BY DEED DATED JANUARY 17, 1912, AND RECORDED IN BOOK J OF DEEDS, PAGE 331 AND BOOK 20 OF DEEDS, PAGE 570, RECORDS OF GOODING COUNTY, IDAHO, AND BY SAID COMPANY AND ITS SUCCESSOR(S) OCCUPIED WITH A DITCH TO CONVEY WASTE WATER TO SNAKE RIVER;
THENCE SOUTHWESTERLY ALONG THE SOUTHERN BOUNDARY OF SAID STRIP OF LAND TO ITS INTERSECTION WITH SNAKE RIVER, AND THENCE CONTINUING TO THE THREAD OF STREAM;
THENCE SOUTHEASTERLY FOLLOWING THE THREAD OF SNAKE RIVER UPSTREAM TO ITS INTERSECTION WITH THE SOUTH LINE OF SAID LOT 8;
THENCE EAST ALONG THE SOUTH BOUNDARY, OF SAID LOT 8 TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS:

A.) AS SET FORTH IN WARRANTY DEED DATED AUGUST 27, 1974 FROM AQUACULTURE INDUSTRIES, INC., TO GEORGE H. LEMMON, RECORDED FEBRUARY 24, 1975 AS INSTRUMENT NUMBER 53570, RECORDS OF GOODING COUNTY, IDAHO;

B.) AS SET FORTH IN WARRANTY DEED DATED AUGUST 27, 1974 FROM AQUACULTURE INDUSTRIES, INC., TO NORMAN STANDAL, RECORDED FEBRUARY 24, 1975 AS INSTRUMENT NUMBER 53571, RECORDS OF GOODING COUNTY, IDAHO.

SECTION 7: LOT 1;

SECTION 8: ALL THAT PORTION OF LOT 1 LYING SOUTH AND WEST OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 8, WHICH IS 100 FEET EAST OF THE INTERSECTION OF SAID NORTH LINE WITH THE UPPER RIM ROCK OF SNAKE RIVER CANYON;

THENCE SOUTHEASTERLY PARALLELING THE SAID RIM ROCK AT A DISTANCE OF 100 FEET TO A POINT 100 FEET NORTH OF THE INTERSECTION OF THE EAST LINE OF LOT 1 WITH THE UPPER RIM ROCK OF SNAKE RIVER CANYON;

AND

ALL THAT PORTION OF THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ LYING SOUTH AND WEST OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SUBDIVISION, WHICH IS 100 FEET NORTH OF THE INTERSECTION OF SAID LINE WITH THE UPPER RIM ROCK OF SNAKE RIVER CANYON;

THENCE SOUTHEASTERLY PARALLELING SAID RIM ROCK AT A DISTANCE OF 100 FEET TO A POINT ON THE SOUTH LINE OF SAID SUBDIVISION, WHICH IS 100 FEET EAST OF THE INTERSECTION OF SAID SOUTH LINE WITH THE UPPER RIM ROCK OF SNAKE RIVER CANYON.

PARCEL NO. 2:

TOWNSHIP 8 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

SECTION 6: A PARCEL LOCATED IN LOT 8, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 6;

THENCE NORTH 00°09'02" EAST, 729.16 FEET ALONG THE SECTION LINE TO AN

ESTABLISHED 1½" PIPE;
THENCE NORTH 29°43'58" WEST, 236.30 FEET TO THE REAL POINT OF BEGINNING;
THENCE NORTH 29°43'58" WEST, 225.77 FEET TO THE CENTERLINE OF A WASTE CANAL;
THENCE FOLLOWING THE CENTERLINE OF THE WASTE CANAL AS FOLLOWS:
SOUTH 67°25' WEST, 48.22 FEET;
THENCE SOUTH 89°35' WEST, 38.10 FEET;
THENCE SOUTH 66°24' WEST, 249.50 FEET;
THENCE SOUTH 50°24' WEST, 55.00 FEET;
THENCE SOUTH 58°24' WEST, 180.00 FEET;
THENCE SOUTH 54°24' WEST, 155.00 FEET TO A POINT IDENTIFIED AS "E";
THENCE SOUTH 33°54' WEST, 105.00 FEET;
THENCE SOUTH 23°39' WEST, 169.50 FEET;
THENCE SOUTH 18°57'33" WEST, 174.31 FEET WHICH POINT IS REFERENCED BY A BRASS CAP, LOCATED SOUTH 66°21'19" EAST, 25.00 FEET, IDENTIFIED AS (E-H);
THENCE CONTINUING ALONG THE THREAD OF SAID CANAL AN UNDETERMINED DISTANCE TO THE THREAD OF THE SNAKE RIVER;
THENCE AT RIGHT ANGLES FROM THE THREAD OF THE SNAKE RIVER TO A POINT ON THE MEANDERING SHORE LINE WHICH POINT IS REFERENCED BY THE ABOVE IDENTIFIED BRASS CAP (E-H) NORTH 75°55'13" WEST, 113.67 FEET;
THENCE NORTH 44°07'52" EAST, 407.19 FEET IDENTIFIED AS POINT "F";
THENCE NORTH 60°02'22" EAST, 590.56 FEET TO THE REAL POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS OF LAND:

A.) A 25 FOOT WIDE PARCEL WHICH IS PARALLEL AND ADJACENT TO THE CENTERLINE OF THE WASTE CANAL ABOVE DESCRIBED.

B.) A 206.34 FOOT BY 15 FOOT WIDE ROADWAY EASEMENT WHICH IS PARALLEL AND ADJACENT TO THE NORTHEAST BOUNDARY OF THE REAL PROPERTY DESCRIBED ABOVE.

C.) A 50 FOOT WIDE PARCEL WHICH TRAVERSES THE ENTIRE WIDTH OF THE REAL PROPERTY DESCRIBED ABOVE, AND IS CENTERED ON A CENTERLINE AS FOLLOWS:

BEGINNING AT THE ABOVE IDENTIFIED POINT "F";
THENCE NORTH 65°35'30" WEST, 135.36 FEET ALONG THE ROAD CENTERLINE TO THE P.C. OF A CURVE AS FOLLOWS: DELTA - 25 °14'16" RT., RADIUS - 333.40 FEET, LENGTH - 146.86 FEET, CHORD - 145.67 FEET, TANGENT - 74.64 FEET, WHICH P.T. OF SAID CURVE FALLS ON THE CENTERLINE OF THE WASTE CANAL SOUTH 33°54' WEST, 10.88 FEET FROM THE ABOVE IDENTIFIED POINT "E".

TOGETHER WITH:

1. THE RIGHT OF INGRESS AND EGRESS OVER AND ACROSS THE ABOVE IDENTIFIED PARCEL DESCRIBED IN (C) ABOVE.

2. THE RIGHT TO ESTABLISH FOUR EACH ACCESS APPROACHES IN THE REAL PROPERTY DESCRIBED ABOVE TO THE 50 FOOT PARCEL, IDENTIFIED IN (C) ABOVE;

3. THE RIGHT TO ESTABLISH AND MAINTAIN, AT TWO LOCATIONS ACROSS THE ABOVE IDENTIFIED 50 FOOT PARCEL, A WATER AND UTILITY EASEMENT.

4. ACCESS INTO THE ABOVE DESCRIBED REAL PROPERTY IS TO BE PROVIDED ON THE FOLLOWING DESCRIBED EASEMENT OR RIGHT OF WAY:

COMMENCING AT THE 40-CORNER IN THE EAST BOUNDARY OF SAID SECTION 6, WHICH SAID CORNER IS THE NORTHEAST CORNER OF LOT 8 OF SAID SECTION; THENCE WEST ALONG THE NORTH BOUNDARY LINE OF SAID LOT TO THE UPPER RIM ROCK OF THE SNAKE RIVER CANYON; THENCE SOUTHEASTERLY ALONG THE LINE OF AN OLD ROADWAY OR GRADE FORMERLY USED OVER SAID LOT 8.

5. TOGETHER WITH A PERPETUAL EASEMENT OVER THE ABOVE DESCRIBED PROPERTY FOR INGRESS AND EGRESS DATED JULY 18, 1985, RECORDED AUGUST 29, 1985 AS INSTRUMENT NUMBER 116679, RE-RECORDED AUGUST 30, 1985 AS INSTRUMENT NUMBER 116700, GOODING COUNTY RECORDS .

PARCEL NO. 3:

TOWNSHIP 8 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

SECTION 6: A TRACT OF LAND IN LOT 8, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 6;
THENCE NORTH 00°09'02" EAST, 729.16 FEET ALONG THE SECTION LINE TO AN ESTABLISHED 1½" PIPE, WHICH POINT IS THE REAL POINT OF BEGINNING;
THENCE NORTH 29°43'58" WEST, 236.30 FEET;
THENCE SOUTH 60°02'22" WEST, 590.56 FEET TO POINT "F";
THENCE SOUTH 44°07'52" WEST, 407.19 FEET TO A POINT WHICH IS REFERENCED BY A BRASS CAP, IDENTIFIED ABOVE AS (E-H), WHICH CAP IS LOCATED: NORTH 75°55'13" WEST, 113.67 FEET;
THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE THREAD OF THE SNAKE RIVER AN UNDETERMINED DISTANCE OUT TO THE THREAD OF THE SNAKE RIVER;
THENCE FOLLOWING THE THREAD OF THE SNAKE RIVER IN A SOUTHEASTERLY DIRECTION;
THENCE AT RIGHT ANGLES FROM THE THREAD OF THE SNAKE RIVER TO A POINT ON THE SHORELINE, WHICH POINT IS REFERENCED BY THE ABOVE IDENTIFIED BRASS CAP (E-H) TO LIE 75°55'13" WEST, 402.90 FEET OF SAID POINT;

THENCE NORTH 54°23'57" EAST, 215.70 FEET TO POINT "G";
THENCE NORTH 54°23'57" EAST, 561.36 FEET TO THE REAL POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 6;
THENCE NORTH 0°09'02" EAST, 729.16 FEET ALONG THE SECTION LINE TO AN
ESTABLISHED 1½" PIPE;
THENCE NORTH 29°43'58" WEST, 236.30 FEET;
THENCE SOUTH 60°02'22" WEST, 590.56 FEET TO A POINT IDENTIFIED AS POINT "F",
SAID POINT BEING THE TRUE POINT OF BEGINNING;
THENCE SOUTH 65°35'30" EAST, 96.24 FEET TO THE P.C. OF A CURVE WITH THE
FOLLOWING DATA:

DELTA: 74°07'31" RT.
RADIUS: 155.68 FEET
LENGTH: 201.41 FEET
CHORD: 167.65 FEET
TANGENT: 117.58 FEET;
THENCE FROM THE P.T. CONTINUE SOUTH 89°32'01" WEST, 32.78 FEET TO POINT
"G".

THE ABOVE DESCRIBED PARCEL IS INTENDED TO BE A STRIP OF LAND 25.00 FEET
ON EACH SIDE OF THE ABOVE DESCRIBED LINE.

TOGETHER WITH AN EASEMENT FOR RIGHT-OF-WAY GIVEN BY THE SECRETARY
OF THE INTERIOR, BY HIS AUTHORIZED REPRESENTATIVE, THE REGIONAL
DIRECTOR, U. S. FISH AND WILDLIFE SERVICES TO ARDELL L. HILL DATED
JANUARY 22, 1987, RECORDED MARCH 9, 1987 AS INSTRUMENT NUMBER 126668,
GOODING COUNTY RECORDS.

TOGETHER WITH THE FOLLOWING DESCRIBED EASEMENT FOR ACCESS AS
DISCLOSED IN WARRANTY DEED RECORDED AUGUST 5, 1975 AS INSTRUMENT
NUMBER 55772, RECORDS OF GOODING COUNTY, IDAHO. LOCATED IN LOT 8 OF
SECTION 6, TOWNSHIP 8 SOUTH, RANGE 14, EAST BOISE MERIDIAN:

1. THE RIGHT OF INGRESS AND EGRESS OVER AND ABOVE THE ABOVE
IDENTIFIED 50 FOOT WIDE PARCEL, AS WELL AS THE RIGHT OF INGRESS AND
EGRESS OF THE 50 FOOT WIDE PARCEL, WHICH IS 25 FEET ON EACH SIDE OF THE
FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE ABOVE IDENTIFIED POINT "F";
THENCE NORTH 65°35'30" WEST, 135.36 FEET ALONG THE ROAD CENTERLINE TO
THE P. C. OF A CURVE AS FOLLOWS:

DELTA - 25°14'16" RT.
RADIUS - 333.40 FEET



LENGTH - 146.86 FEET

CHORD - 145.67 FEET

TANGENT - 74.64 FEET WHICH P.T. OF SAID CURVE FALLS ON THE CENTERLINE OF THE WASTE CANAL SOUTH $33^{\circ}54'$ WEST, 10.88 FEET FROM THE ABOVE IDENTIFIED POINT "E".

**EXHIBIT B
TO
SPECIAL WARRANTY DEED
(MAGIC SPRINGS)**

Description of the Water Rights

Magic Springs, Idaho Water Right Nos. 36-7072, 36-7866 and 36-8356.

**EXHIBIT C
TO
SPECIAL WARRANTY DEED
(MAGIC SPRINGS)**

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 Gooding, State of Idaho, to the extent in force and applicable.