

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED ✓

FEB 06 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?
36-10183	Yes ☐	Yes ☐		Yes ☐	Yes ☐
36-16941	Yes ☐	Yes ☐		Yes ☐	Yes ☐
36-16942	Yes ☐	Yes ☐		Yes ☐	Yes ☐
36-16943	Yes ☐	Yes ☐		Yes ☐	Yes ☐
36-16944	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: AKL PROPERTIES, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): MAGIC VALLEY GROWERS, LTD.
New owner(s) as listed on the conveyance document
- PO BOX 850 WENDELL Name connector ☐ and ☐ or ☐ and/or
Mailing address City ID 83355
State ZIP
- 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: _____

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): **SUPPORT DATA**
- ☐ \$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.

IN FILE # 36-10183

8. Signature: [Signature] President 01/30/17
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 AM Date 2-6-2017 Receipt No. 5035927 Receipt Amt. \$125-

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 _____

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

Instrument # 257386
GOODING COUNTY, GOODING, IDAHO
01-31-2017 16:31:54 No. of Pages: 4
Recorded for: TITLEONE - BURLEY
DENISE GILL Fee: \$19.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile

SPECIAL WARRANTY DEED

= 16283248

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged
AKL PROPERTIES, LLC, an Idaho limited liability company, the "Grantor", hereby grants,
bargains, sells, and conveys unto MAGIC VALLEY GROWERS, LTD., an Idaho corporation,
whose address is PO Box 850, Wendell ID 83355, the "Grantee", the following described
premises located in Gooding County, Idaho, to wit:

Parcel No. 1:

TOWNSHIP 9 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 1: E½SE¼

TOWNSHIP 9 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 6: E½SW¼, S½SE¼, and Lots 6 and 7.

EXCEPTING THEREFROM a parcel of land in the SW¼, described as follows:

Beginning at the South Quarter corner for Section 6;
Thence South 89°31'23" West, 1082.85 feet along the Southerly boundary of said Section 6 to THE TRUE POINT OF BEGINNING;
Thence North 0°28'31" West, 23.75 feet to the edge of an existing gravel road;
Thence North 82°53'27" West, 101.91 feet along the Southerly boundary of said gravel road;
Thence South 0°28'31" East, 37.20 feet to the Southerly boundary of Section 6;
Thence North 89°31'29" East, 101.00 feet along said Section line to THE TRUE POINT OF BEGINNING.

Parcel No. 2:

TOWNSHIP 9 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 6: A parcel of land located in the S½NW¼, being more particularly described as follows:

Commencing at the West One Quarter (W¼) corner of said Section 6, from which the East One Quarter (E¼) corner of said Section 6 bears
North 89°51'24" East -5002.96 feet;
Thence North 89°51'24" East along the South boundary of the NW¼ of said Section 6 for a distance of 1190.84 feet to the TRUE POINT OF
BEGINNING;
Thence North 00°08'36" West for a distance of 93.85 feet to a point in the center of an Irrigation lateral;
Thence along the center of the Irrigation lateral on the following courses:
North 88°47'20" East -43.86 feet;
South 87°49'40" East -98.04 feet;
South 73°51'46" East -69.76 feet;
South 84°10'24" East -93.03 feet;
South 76°27'52" East -49.47 feet;
South 59°41'54" East -30.68 feet;
South 43°13'01" East -41.93 feet;
South 61°38'18" East -7.49 feet to a point on the South boundary of the NW¼ of said Section 6;
Thence South 89°51'24" West along the South boundary of the NW¼ of said Section 6 for a distance of 410.22 feet to the TRUE POINT OF
BEGINNING.

SPECIAL WARRANTY DEED

= 16283248

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged **AKL PROPERTIES, LLC**, an Idaho limited liability company, the "Grantor", hereby grants, bargains, sells, and conveys unto **MAGIC VALLEY GROWERS, LTD.**, an Idaho corporation, whose address is PO Box 850, Wendell ID 83355, the "Grantee", the following described premises located in Gooding County, Idaho, to wit:

Parcel No. 1:

TOWNSHIP 9 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 1: E $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 9 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 6: E $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, and Lots 6 and 7.

EXCEPTING THEREFROM a parcel of land in the SW $\frac{1}{4}$, described as follows:

Beginning at the South Quarter corner for Section 6;
Thence South 89°31'23" West, 1082.86 feet along the Southerly boundary of said Section 6 to THE TRUE POINT OF BEGINNING;
Thence North 0°28'31" West, 23.75 feet to the edge of an existing gravel road;
Thence North 82°53'27" West, 101.91 feet along the Southerly boundary of said gravel road;
Thence South 0°28'31" East, 37.20 feet to the Southerly boundary of Section 6;
Thence North 89°31'29" East, 101.00 feet along said Section line to THE TRUE POINT OF BEGINNING.

Parcel No. 2:

**TOWNSHIP 9 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO**

Section 6: A parcel of land located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, being more particularly described as follows:

Commencing at the West One Quarter (W $\frac{1}{4}$) corner of said Section 6, from which the East One Quarter (E $\frac{1}{4}$) corner of said Section 6 bears North 89°51'24" East -5002.96 feet;
Thence North 89°51'24" East along the South boundary of the NW $\frac{1}{4}$ of said Section 6 for a distance of 1190.84 feet to the TRUE POINT OF BEGINNING;
Thence North 00°08'36" West for a distance of 93.85 feet to a point in the center of an irrigation lateral;
Thence along the center of the irrigation lateral on the following courses:
North 88°47'20" East -43.06 feet;
South 87°49'40" East -98.04 feet;
South 73°51'16" East -69.76 feet;
South 84°10'24" East -93.03 feet;
South 76°27'52" East -49.47 feet;
South 59°41'54" East -30.68 feet;
South 43°13'01" East -41.93 feet;
South 61°38'18" East -7.49 feet to a point on the South boundary of the NW $\frac{1}{4}$ of said Section 6;
Thence South 89°51'24" West along the South boundary of the NW $\frac{1}{4}$ of said Section 6 for a distance of 410.22 feet to the TRUE POINT OF BEGINNING.

Parcel No. 3:

**TOWNSHIP 9 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO**

Section 7: A parcel of land located in the NW¼NE¼, being more particularly described by metes and bounds as follows, to-wit:

**Commencing at the Northeast corner of the aforementioned Section 7, from which the North ¼ corner of Section 7 bears South 89°31'23" West, 2605.30 feet;
Thence South 89°31'23" West, 1302.65 feet, along and with the North line of Section 7, to the Northeast corner of the NW¼NE¼, said point also being the Northeast corner and POINT OF BEGINNING of the herein described tract;
Thence South 00°10'28" East, 462.20 feet, along and with the East line of the NW¼NE¼ of Section 7, to the Southeast corner of the herein described tract;
Thence South 89°31'23" West, 176.65 feet to the Southwest corner of the herein described tract;
Thence North 02°07'44" East, 462.67 feet to a point on the North line of Section 7;
Said point also being the Northwest corner of the herein described tract;
Thence North 89°31'23" East, 158.26 feet, along and with the North line of Section 7, to the POINT OF BEGINNING.**

Together with all water rights appurtenant thereto including but not limited to Water Rights Nos. 36-10183, 36-16941, 36-16942, 36-16943 and 36-16944 and 85.07 shares of stock in the North Side Canal Company, Ltd.,

collectively the "Property".

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

SUBJECT TO the following: (a) general taxes and assessments, which are not yet due and payable; and (b) the 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 30th day of January, 2017.

"GRANTOR"

AKL PROPERTIES, LLC

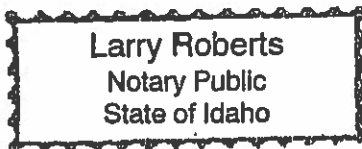

ARLO G. LOTT, Manager and Member

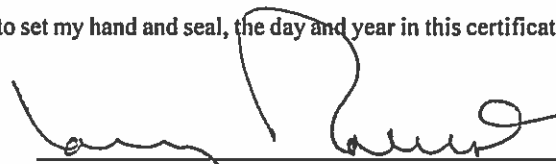

KATHI B. LOTT, Manager and Member

STATE OF IDAHO)
 ss:
County of Jerome)

On this 30th day of January, 2017, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ARLO G. LOTT, known to me to be manager and member of AKL PROPERTIES, LLC, an Idaho limited liability company, and the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same on behalf of the company.

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

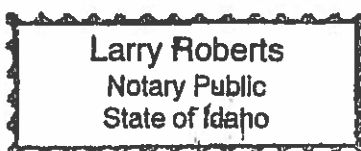



NOTARY PUBLIC
Residing at: Luna Falls, ID
Commission Expires: 6-30-21

STATE OF IDAHO)
 ss:
County of Jerome)

On this 30th day of January, 2017, before me, the undersigned, a Notary Public in and for said County and State, personally appeared KATHI B. LOTT, known to me to be manager and member of AKL PROPERTIES, LLC, an Idaho limited liability company, and the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that she executed the same on behalf of the company.

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



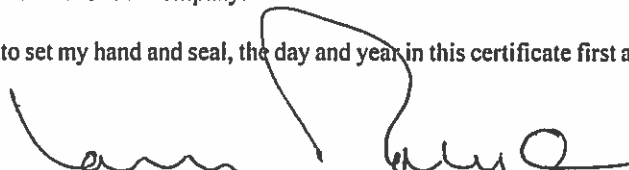

NOTARY PUBLIC
Residing at: Luna Falls, ID
Commission Expires: 6-30-21

EXHIBIT A

1. Taxes, including any assessments collected therewith, for the year 2017 which are due and payable, but not delinquent.
2. Liens, levies and assessment of any and all irrigation districts, including but not limited to the North Side Canal Company and the rights, powers, and easements of said company as provided by law.
3. 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.
- 4 . Right-of-way for canals, laterals and waste ditches and the rights of access thereto for maintenance of said North Side Canal Company.
5. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: Idaho Power Company, a corporation
Purpose: Public Utilities
Recorded: May 29, 1953
Book 7 of Misc. at Page(s) 224
Instrument No.: 121464
6. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: Idaho Power Company, a corporation
Purpose: Public Utilities
Recorded: May 29, 1953
Book 7 of Misc. at Page(s) 226
Instrument No.: 121466
7. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: Idaho Power Company, a corporation
Purpose: Public Utilities
Recorded: December 4, 1970
Instrument No.: 33789
8. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: Idaho Power Company, a corporation
Purpose: Public Utilities
Recorded: January 29, 1973
Instrument No.: 43784
9. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: Idaho Power Company, a corporation
Purpose: Public Utilities
Recorded: June 21, 1973
Instrument No.: 45938
10. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: Idaho Power Company, a corporation
Purpose: Public Utilities
Recorded: April 7, 1981
Instrument No.: 88742
11. Reservations in Deed given by The Union Central Life Insurance Company, a corporation, to Alex Melton and Margaret Melton, dated December 20, 1946, recorded March 19, 1947 as Instrument Number 100125, Gooding County records, affecting Lot 3 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 9 South, Range 16, East Boise Meridian.
Notice of Intent to Preserve Mineral Rights, Claimant: The Union Central Life Insurance Company, dated December 30, 2002, recorded January 13, 2003 as Instrument Number 198644, records of Gooding County, Idaho.
12. All matters, and any rights, easements, interests or claims as disclosed by Survey recorded May 2, 2012 as Instrument No. 241016.
13. All matters, and any rights, easements, interests or claims as disclosed by Survey recorded July 13, 2015 as Instrument No. 252081.

Instrument # 248867

GOODING COUNTY, GOODING, IDAHO

07-14-2014 13:36:00 No. of Pages: 1

Recorded for: LAND TITLE AND ESCROW - JEROME

DENISE GILL Fee: \$10.00

Ex-Officio Recorder Deputy: MJS

Electronically Recorded by Simplifile

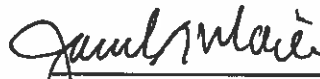
IDAHO FULL RELEASE OF MORTGAGELoan 104229- anw

Rabo Agrifinance, Inc., a Delaware corporation, as agent for itself and all other Secured Parties, hereby acknowledges that a certain mortgage instrument dated February 28, 2012, executed by AKL Properties, LLC, an Idaho limited liability company as mortgagor(s) to Rabo Agrifinance, Inc., a Delaware corporation, as agent for itself and all other Secured Parties as mortgagee, recorded on March 1, 2012 in the office of the County Clerk of Gooding County, Idaho as Instrument Number 240415, is redeemed, paid off, satisfied and discharged in full, and Rabo Agrifinance, Inc., a Delaware corporation, as agent for itself and all other Secured Parties hereby releases the said mortgage and consents that the same be cancelled and discharged of record.

IN WITNESS WHEREOF, Rabo Agrifinance, Inc., a Delaware corporation, as agent for itself and all other Secured Parties has caused its corporate seal to be affixed and these presents to be signed by its duly authorized officer on this 1st day of July, 2014.

RABO AGRIFINANCE, INC. a Delaware corporation, as agent for itself and all other Secured Parties

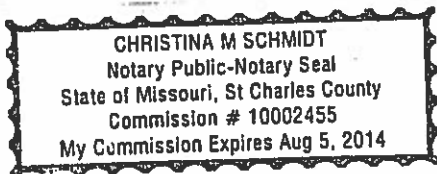
By:


Jacob J. Maier
Assistant Vice President



STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

I, Christina M Schmidt a Notary Public in and for the County, in the State aforesaid, do hereby certify that Jacob J. Maier, personally known to me to be the same person whose name is subscribed to the foregoing instrument as an Assistant Vice President of RABO AGRIFINANCE, INC., a Delaware Corporation, as agent for itself and all other Secured Parties appeared before me this day in person, and acknowledged that he signed, sealed with the corporate seal of the corporation, and delivered the instrument as his own free and voluntary act, and as the free voluntary act of the corporation for the uses and purposes therein set forth. **GIVEN** under my hand and notarial seal this July 1, 2014.




Christina M Schmidt Notary Public
Commission #: 10002455



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

February 17, 2017

MAGIC VALLEY GROWERS LTD
PO BOX 850
WENDELL ID 83355

RE: Change of Ownership for Water Right Nos. 36-10183, 36-16941, 36-16942, 36-16943
And 36-16944

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 cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enclosure(s)

Cc: TitleOne (16283248)

RECEIVED

FEB 06 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION



TitleOne

a title & escrow co.

February 3, 2017

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

RE: TitleOne File No. 16283248
Magic Valley Growers, Ltd./AKL Properties, LLC

Dear Trish:

Enclosed with this letter please find the following:

1. The original executed Notice of Change in Water Right Ownership from AKL Properties, LLC. to Magic Valley Growers, Ltd.
2. A copy of the executed and recorded Special Warranty Deed.
3. Land Title and Escrow, Inc. dba TitleOne's check no. 15713 payable to the Idaho Department of Water Resources in the amount of \$125.00 for transfer fee.

Would you please make the necessary changes to indicate the new owner. Please send a receipted copy to this office.

Should you have any questions, please do not hesitate to contact either Annette or myself.

Very truly yours,
TITLEONE CORPORATION

Nancy Garrett
Administrative Assistant

AR/nrg
Enc.
FedEx