

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 25 2017

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.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-2633	Yes ☒	Yes ☐		Yes ☐	Yes ☐
35-2794A	Yes ☒	Yes ☐		Yes ☐	Yes ☐
35-2829	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Torngren Investment Ltd (35-2633 & 35-2794A); Roys Five Partnership (35-2829)
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Torngren Farm LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 1250 NE Loop 410, Suite 300 San Antonio TX 78209
Mailing address City State ZIP
- 210-829-5512
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: December 1, 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):
 - ☐ \$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 # 35-2633

8. Signature: [Signature] President, Torngren Farm LLC 1/9/2017
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 VC Date 1/25/17 Receipt No. C102944 Receipt Amt. \$225.00

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 [Signature] Date 2-10-17

Instrument # 1540484
IDAHO FALLS, BONNEVILLE, IDAHO
2016-12-01 01:04:44 PM No. of Pages: 5
Recorded for: TITLEONE BOISE
PENNY MANNING Fee: \$22.00
Ex-Officio Recorder Deputy KMaughan
Index To: DEED WARRANTY
Electronically Recorded by Simplifile

Recording Requested by and
After Recording Return to:

Kimberly D. Maloney
Givens Pursley LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701

16280819

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, BRETT W. JENSEN and KRISTY L. JENSEN, husband and wife (collectively "Grantor"), does hereby grant, bargain, sell and convey unto TORNGREN FARM LLC, a Delaware limited liability company, whose current mailing address is 1250 NE Loop 410, Suite 300, San Antonio, Texas 78209 ("Grantee"), the following described real property, located in Bonneville County, Idaho, to wit (the "Premises"):

See Exhibit A attached hereto and incorporated herein by this reference.

TOGETHER WITH all water and water rights and other entitlements to water appurtenant to or beneficially used upon the Premises including, but not limited to, those described on Exhibit B (whether or not such rights are appurtenant to the Premises) reserving to Grantor no portions thereof except as expressly reserved in Exhibit B, and all others represented by any decree, license, permit, claim, permit application or storage entitlement, and all other ditch and canal company, water association, irrigation district, or other water delivery entity shares and entitlements to receive water from any such company, association, district or other entity, and all ditch rights, easements, and rights of way associated with any irrigation or other water well, pump, delivery ditch, canal, lateral, pipeline, or facilities used to divert, convey or deliver any water, water rights, or entitlements appurtenant to or beneficially used upon the Premises, and all minerals and mineral rights appurtenant thereto, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all estate, right, title and interest in and to the Premises, as well in law as in equity.

TO HAVE AND TO HOLD the Premises with its appurtenances unto Grantee, its successors and assigns, forever, and subject to the matters set forth on Exhibit C to this Warranty Deed attached hereto and incorporated herein (the "Permitted Exceptions"). Grantor does hereby covenant to and with Grantee, and its successors and assigns forever, that Grantor is owner in fee simple of the Premises; that Grantor has a good right to convey the fee simple; that the Premises is free from any and all liens, claims, encumbrances or other defects of title except the Permitted Exceptions; that Grantor shall and will warrant and defend the quiet and peaceful possession of said Premises by Grantee, and its successors and assigns forever, against all other claims whatsoever except as excluded or excepted herein and that Grantor and its successors and

assigns will, on demand of the Grantee or its successors or assigns, execute any instrument necessary for the further assurance of the title to the Premises that may be reasonably required.

DATED effective as of the 1st day of December, 2016.

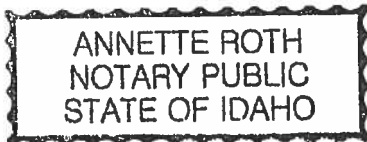

BRETT W. JENSEN


KRISTY L. JENSEN

STATE OF IDAHO)
 : ss.
County of Bonneville)

On this 1st day of December 2016, before me, a notary public in and for said state, personally appeared BRETT W. JENSEN and KRISTY L. JENSEN, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



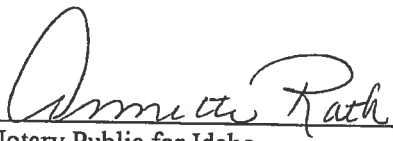

Notary Public for Idaho
Residing at: Rupert ID
My commission expires: 8-4-2017

Exhibit A
Legal Description of the Premises

Tract I:

Township 3 North, Range 36 East of the Boise Meridian, Bonneville County, Idaho.

Section 7: SE1/4

Section 8: SW1/4 and the W1/2 SE1/4 and the E1/2 SE1/4.

Less and excepting:

Commencing at the Southeast corner of Section 8, Township 3 North, Range 36 East of the Boise Meridian, Bonneville County, Idaho; running thence S89°59'26"W along the South Line of said Section 8 for 225.00 feet; thence N00°10'00"E 1609.31 feet to the True point of beginning; running thence N00°10'00"E 1017.13 feet to the East-West Center Section line of said Section 8; thence N89°49'39"W along said East-West Center Section Line 961.11 feet a point on a curve having a radius of 1329.31 feet and a that bears S43°12'30"E 1399.46 feet; thence to the Right along said curve 1473.79 feet through a central angle of 63°31'23" to the true point of beginning.

AND ALSO Excepting: Commencing at the Southeast corner of Section 8, Township 3 North, Range 36 East of the Boise Meridian, Bonneville County, Idaho; running thence S89°59'26"W along the South line of said Section 8 for 225.00 feet to the true point of beginning; running thence N00°10'00"E 1004.16 feet to a point on a curve having a radius of 1345.14 feet and a chord that bears S45°19'05"W 1370.20 feet; thence to the right along said curve 1437.66 feet through a central angle of 61°14'12"; thence S00°10'00"W 40.83 feet to the South line of said Section 8; thence N89°59'26"E along said Section Line 971.44 feet to the true point of beginning.

ALSO Excepting therefrom: Beginning at the Southeast corner of Section 8, Township 3 North, Range 36 East of the Boise Meridian, Bonneville County, Idaho and running thence West along the South line of said Section 8 for 225 feet; thence North parallel to the East line of said Section 8 for 2640 feet, more or less to the East-West center line of said Section 8; thence East along said center line 225 feet to the East line of said Section 8; thence South along the Section line to the point of beginning.

Tract II:

Township 3 North, Range 36 East of the Boise Meridian, Bonneville County, Idaho.

Section 17: N1/2 SW1/4 and the NW1/4

Section 18: NE1/4 and the N1/2 SE1/4

Exhibit B
Water Rights

SECTION 1. EXCEPT AS EXPRESSLY RESERVED UNTO GRANTOR IN SECTION 2 BELOW, all portions of the following decreed groundwater rights identified in the records of the Idaho Department of Water Resources shall be included with the Premises, whether or not appurtenant thereto, and shall be conveyed to Grantee, retaining no portions thereof to Grantor:

- a) 35-2633;
- b) 35-2794A; and
- c) 35-2829.

SECTION 2. GRANTOR EXPRESSLY RESERVES only those portions of the following water rights appurtenant to the NESW and SESW of Section 7, T3N, R36E, B.M., for irrigation of a combined total of 80 acres with up to 320 acre-feet per year:

- a) 35-2633; and
- b) 35-2794A.

Grantor disclaims all right, title and interest in and to all other portions of water right nos. 35-2633, 35-2794A, and 35-2829.

Grantor shall retain no right, title, or interest in or to any point of diversion (i.e. well) associated with the water rights described in this Exhibit.

Exhibit C
Permitted Exceptions

1. Taxes, including any assessments collected therewith, for the year 2016 which are a lien not yet due and payable.
2. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted to: Utah Power & Light Company

Purpose: Public Utilities

Recorded: September 29, 1961

Instrument No.: Book 21 of Leases and Contracts at page 365 (Tract I)

3. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted to: Utah Power & Light Company

Purpose: Public Utilities

Recorded: May 28, 1962

Instrument No.: Book 22 of Leases and Contracts at page 233 (Tract I)

4. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted to: Utah Power & Light Company

Purpose: Public Utilities

Recorded: July 13, 1967

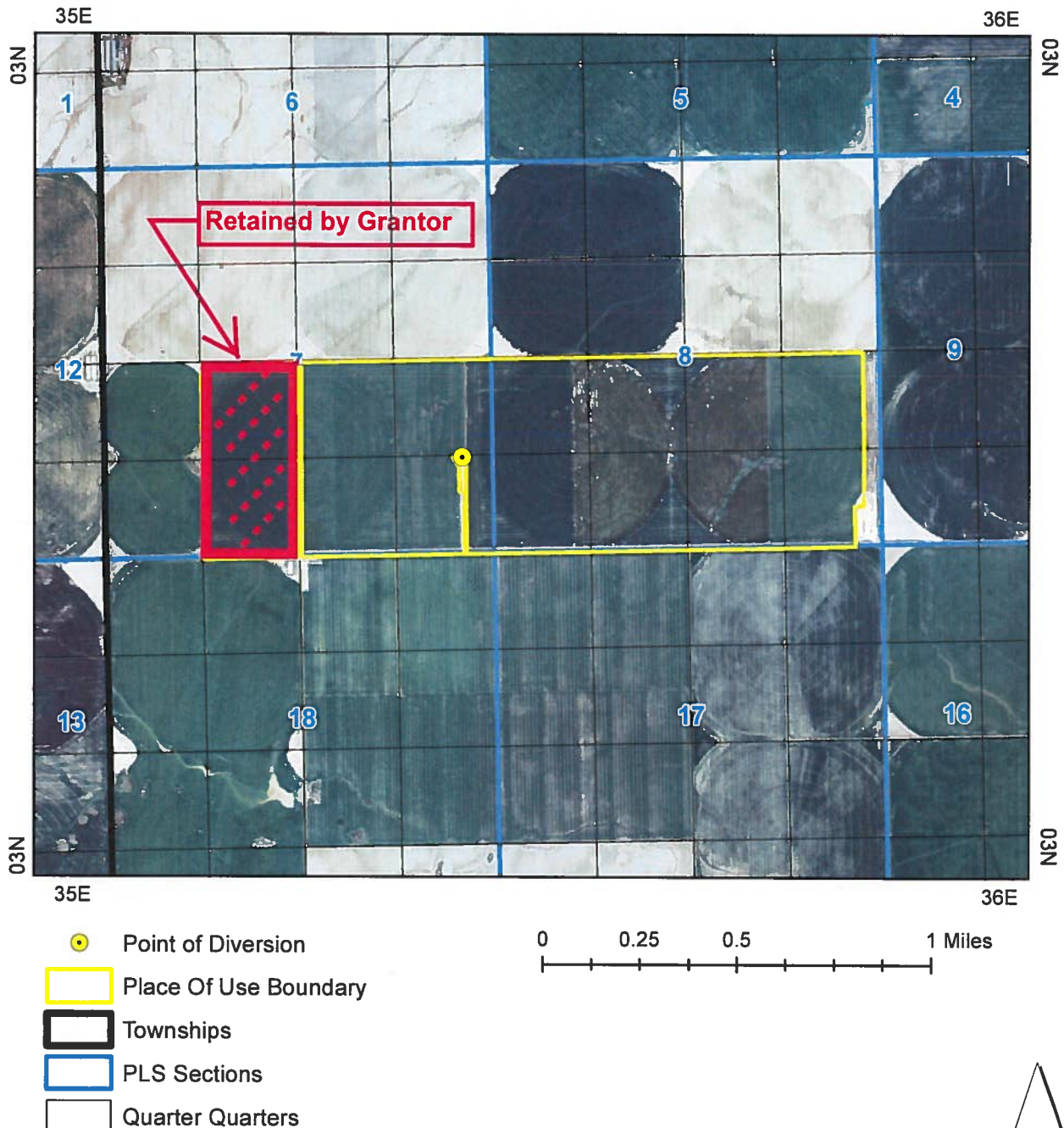
Instrument No.: 374494 (Tract II)

State of Idaho
Department of Water Resources

Water Right

35-2633
& 35-2794A
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.



State of Idaho
Department of Water Resources

Water Right
35-2829

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.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.15 0.3 0.6 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 10, 2017

TORNGREN FARM LLC
1250 NE LOOP 410 STE 300
SAN ANTONIO TX 78209

Re: Change in Water Right Ownership: Water Right No. 35-2633 (Split into 35-2633 and **35-14522**) and 35-2794A (Split into 35-2794A and **35-14523**) and 35-2829

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records based on the information received to reflect the change in ownership and has enclosed a computer-generated report for your records.

Your portion of these water rights has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form or you can find the forms at www.idwr.idaho.gov. If you do not plan on changing any items on your water right, then no further action is required at this time.

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.

Please feel free to contact me at 208-287-4942 if you have any questions concerning the enclosed information or this letter.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure

c: Water District No. 120
Givens Pursley LLP



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 10, 2017

TORNGREN INVESTMENT LTD
C/O NORMA TORNGREN
2910 N 55TH E
IDAHO FALLS ID 83402

Re: Change in Water Right Ownership: Water Right No. 35-2633 (Split into 35-2633 and 35-14522) and 35-2794A (Split into 35-2794A and 35-14523)

Dear Water Right Holder(s):

We have received and processed a Change of Ownership for a portion of your original Water Right as referenced above. This change of ownership resulted in a split of your original water right.

When a portion of the original water right has been conveyed to another and the original right has been split, a new water right number is issued to the new owner representing their portion of the original water right. Each water right contains only the portion of the original right for each separate owner. The original water right number reflects your remaining portion of the water right, after the change of ownership. Enclosed is a copy of this water right for your records. Please refer to your water right number when corresponding with our office.

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.

If you have any questions concerning this ownership change, or the enclosed information, please contact me at 208-287-4942.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure

c: Water District No. 120

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

601 W. Bannock Street
PO Box 2720
Boise, ID 83701
Telephone: 208-388-1200
Facsimile: 208-388-1300
www.givenspursley.com

MICHAEL P. LAWRENCE
Direct: 208-388-1294
mpl@givenspursley.com

Gary G. Allen
Peter G. Barton
Christopher J. Beeson
Jason J. Blakley
Clint R. Bolinder
Jeff W. Bower
Preston N. Carter
Jeremy C. Chou
William C. Cole
Michael C. Creamer
Amber N. Dina
Bradley J. Dixon
Thomas E. Dvorak
Jeffrey C. Fereday
Martin C. Hendrickson
Brian J. Holleran

Kersti H. Kennedy
Neal A. Koskella
Debra K. Kristensen
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
Kimberly D. Maloney
Kenneth R. McClure
Kelly Greene McConnell
Alex P. McLaughlin
Melodie A. McQuade
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Deborah E. Nelson

W. Hugh O'Riordan, LL.M.
Randall A. Peterman
Michael O. Roe
Jamie Caplan Smith
P. Mark Thompson
Jeffrey A. Warr
Robert B. White

Don E. Knickrehm, of counsel
Angela M. Reed, of counsel

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

January 25, 2017

RECEIVED

JAN 25 2017

**DEPARTMENT OF
WATER RESOURCES**

Via Hand Delivery

Jean Hersley
Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83702

Re: *Notice of Change in Water Right Ownership* – Water Right Nos. 35-2633,
35-2794A, and 35-2829

Dear Jean:

Enclosed please find the *Notice of Change in Water Right Ownership* regarding the following water rights: 35-2633, 35-2794A, and 35-2829 along with the appropriate filing fee of \$225. Kindly file the same and provide us with conformed copies for our records, for which I have enclosed copies and a self-addressed, stamped envelope.

Should you have any questions or concerns, please contact me.

Sincerely,



Michael P. Lawrence

cc: Tommy Funk
Ross Farris
Michael O. Roe

MPL/lg
Enclosures
13528904_1 / 13030-15