

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**Notice of Change in Water Right Ownership**

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NOV 07 2016

DEPT OF WATER RESOURCES  
SOUTHERN REGION

RECEIVED

NOV 14 2016

Department of Water Resources  
Eastern Region

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? |
|-----------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| See Exhibit 'A'       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Roth Investments, L.L.C.  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Tabor Road 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
- 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: 10/17/2016
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.
8. Signature: [Signature]      President      10/31/2016  
Signature of new owner/claimant      Title, if applicable      Date

SUPPORT DATA

IN FILE #

35-2383

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

**For IDWR Office Use Only:** 35-12653A/35-12654A listed on page 5 so not split.  
 Received by [Signature]      Date 11-7-2016      Receipt No. 5035806      Receipt Amt. \$350-  
 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 [Signature]      Processed by [Signature]      Date 11/15/2016

Idaho Department of Water Resources  
Notice of Change in Water Right Ownership  
Exhibit 'A'

35-2510 OK  
35-8014 OK  
35-2479 OK  
35-2807 OK  
35-11006 OK  
35-11008 OK  
35-13225 OK  
35-2383 OK  
35-13668 OK  
35-13670 OK  
35-13672 OK  
35-2478 OK

OK 35-12653A portion not included / water right specifically listed on deed pg. 5 \*\*  
35-12654A OK

\*\* question S $\frac{1}{2}$  NE Sec 2

deed the North 863 feet S $\frac{1}{2}$  NE Section 2

SENE shows 40 irrigated acres which would be the full ~~QQ~~. Approved no split, but someone may file for Southern portion later.

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

**Instrument # 680847**

BINGHAM COUNTY, IDAHO  
2016-10-17 04:36:26 PM No. of Pages: 11  
Recorded for: TITLEONE - JEROME  
PAMELA W. ECKHARDT Fee: \$40.00  
Ex-Officio Recorder Deputy JPulley  
Index To: WARRANTY DEED  
Electronically Recorded by Simplifile

167166997

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

### WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, ROTH INVESTMENTS, L.L.C., an Idaho limited liability company ("Grantor"), does hereby grant, bargain, sell and convey unto TABOR ROAD 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 Bingham 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, 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 17th day of October, 2016.

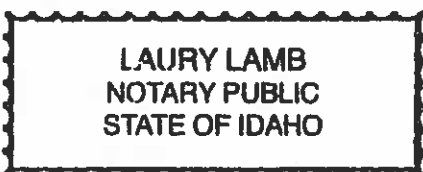
ROTH INVESTMENTS, L.L.C., an Idaho limited liability company

By: J.M. Roth  
J. M. Roth, Managing Member

STATE OF IDAHO                    )  
                                              : ss.  
County of Jerome                )

On this 17<sup>th</sup> day of October, 2016, before me, a Notary Public in and for said state, personally appeared J.M. Roth, a Managing Member of ROTH INVESTMENTS, L.L.C., an Idaho limited liability company, and the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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



Laury Lamb  
Notary Public for Idaho  
Residing at: Jerome, ID  
My commission expires: 4/2/2022

Exhibit A to Warranty Deed

Legal Description of the Real Property

**Township 1 South, Range 32 East, Boise Meridian, Bingham County, Idaho**

**Section 22: East Half lying North and East of the Union Pacific Railroad**

**Section 23: All**

**EXCEPTING THEREFROM**

Part of the NW ¼ SW ¼ of Section 23, Township 1 South, Range 32 E.B.M., Bingham County, Idaho, Described As: Beginning at a point that is N. 00°05'44" E. 1331.14 feet along the section line from the SW corner of said section 23 and Running Thence N. 00°05'44" E. 366.72 feet to the southerly right-of-way of the Union Pacific Railroad point being on a curve; thence along said railroad right-of-way the following two courses: 1) Easterly 32.37 feet along said curve concave to the NE curve data: Delta = 0°35'58", Radius=3094.71 feet, chord bearing S. 56°13'50" E. 32.37 feet to the P.C. of said curve railroad station 1062+39.6 230 feet left; 2) Thence S. 56°33'56" E. 635.77 feet; thence N. 89°50'18" W. 558.09 feet to the point of beginning. Except a 25 foot county road right-of-way along the W. side.

**ALSO EXCEPTING THEREFROM**

That portion lying within the Union Pacific Railroad right-of-way within Section 23.

**Section 35: East Half**

**Township 1 South, Range 32 East, Boise Meridian, Bingham County, Idaho**

**Section 14: North Half, less county road on the South and West**

**Section 26: North Half, less that portion lying North of the Union Pacific Railroad right-of-way**

**EXCEPTING THEREFROM**

That portion lying within the Union Pacific Railroad right-of-way within Section 26

**Section 27: East Half; East Half Northwest Quarter**

**LESS**, Beginning at a point that is N. 89°38'18" W. 115.01 feet along the section line from the North Quarter corner of said Section 27 the True Point of Beginning, (the Northeast corner of said Section 27 bears S. 89°36'47" E. 2648.76 feet from said North Quarter corner), and running thence

S. 00°23'19" W. 2640.16 feet to the latitudinal center line, said line also being the prolongation of a line that is Ten (10) feet Westerly of an irrigation buried main line; thence

N. 89°37'00" W. 1215.58 feet to the Southwest corner of the East Half Northwest Quarter; thence

N. 00°22'43" E. 2639.71 feet to the North line of said Section 27 to the Northwest corner of said East Half Northwest Quarter (said point being S. 89°38'18" E. 1331.05 feet from the

Northwest corner of said Section 27); thence  
S. 89°38'18" E. 1216.04 feet to the point of beginning.

**Section 34: East Half, LESS Southwest Quarter Southeast Quarter**

**Township 2 South, Range 32 East, Boise Meridian, Bingham County, Idaho**

**Section 2: Lots 1, 2, 3, 4; South Half Northwest Quarter; North Half Southwest Quarter;  
North 863 feet of the South Half Northeast Quarter**

**Section 3: Lot 1; South Half Northeast Quarter; North Half Southeast Quarter**

**Township 1 South, Range 32 East, Boise Meridian, Bingham County, Idaho**

**Section 22: Northwest Quarter; Northeast Quarter Southwest Quarter; East Half lying  
South and West of the Union Pacific Railroad**

**Exhibit B to Warranty Deed**

**Water Rights**

All water and water rights, and other entitlements to water, appurtenant to or beneficially used upon the Land, including but not limited to the following decreed water rights identified in the records of the Idaho Department of Water Resources:

35-2510  
35-8014  
35-2479  
35-2807  
35-11006  
35-11008  
35-13225  
35-2383  
35-13668  
35-13670  
35-13672  
35-2478A  
35-12653A  
35-12654A

**Water Rights Excluded From This Transaction:**

1. Any domestic water right appurtenant to or beneficially used upon that real property that has been retained by Seller known as tax parcel numbers 0075907 and 0075908.

**Water Rights Subject To Irrigation Easement:**

2. Irrigation Easement identified by Bingham County Instrument Number 588047.

Exhibit C to Warranty Deed

Permitted Exceptions

1. Taxes, including any assessments collected therewith, for the year 2016 which are a lien not yet due and payable.
2. Water rights, claims or title to water.
3. Unrecorded and/or unsurveyed ditch, road and public utility easements as the same may exist over said premises.
4. Right of the public in and to that portion of the premises lying within the right-of-way of public roads and highways.
5. Unrecorded and/or unsurveyed 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.
6. Easements, reservations, notes and/or dedications as shown on the official plat of Taber Townsite  
Recorded: January 6, 1971  
Book: 3 of Plats, Page: 68  
Instrument No 158410  
Affects: Section 23
7. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: July 21, 1958  
Instrument No.: 61193  
Book: Y, Page: 114  
Affects: Section 14
8. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Dated: April 30, 1953  
Recorded: February 4, 1954  
Misc. Book S, Page: 139  
Instrument No. 34337  
Affects: Section 22

9. An easement for the purpose shown below and rights incidental thereto as set forth in a document:  
Granted To: United States of America  
Purpose: Right of Way  
Recorded: March 18, 1940  
Instrument No.: 33946  
Affects: Section 22
10. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: July 15, 1956  
Book: W, Page: 174  
Affects: Section 23
11. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: September 27, 1957  
Book: X, Page: 81  
Affects: Sections 23 and 35
12. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: September 27, 1957  
Book: X, Page: 82  
Affects: Section 23
13. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: October 3, 1961  
Book: 3, Page: 237  
Instrument No.: 84636  
Affects: Section 23
14. Agreement and the terms and conditions contained therein  
Between: Ronald H. Bair and Janiece R. Bair, husband and wife  
And: Earl V. Walker and Nellie Walker, husband and wife  
Purpose: Waste Water  
Recorded: February 19, 1965  
Instrument No.: 112900

Affects: Section 23

15. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: July 30, 1965  
Instrument No.: 117173  
Affects: Section 23
16. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: July 18, 1967  
Instrument No.: 132411  
Affects: Section 23
17. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: October 17, 1985  
Instrument No.: 340372  
Affects: Section 23
18. Easements reservations and dedications, as shown on record of survey.  
Recorded: March 30, 1993  
Instrument No.: 414482  
Affects: Section 23
19. Easements reservations and dedications, as shown on record of survey.  
Recorded: September 10, 1993  
Instrument No.: 418687  
Affects: Section 23
20. Easements reservations and dedications, as shown on record of survey.  
Recorded: May 11, 2009  
Instrument No.: 606515  
Affects: Sections 22, 23 and 26
21. Easements reservations and dedications, as shown on record of survey.  
Recorded: October 28, 2009  
Instrument No.: 612154  
Affects: Sections 22, 23 and 26

22. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: August 12, 1955  
Instrument No.: 43707  
Affects: Sections 2, 3 and 26
23. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: July 15, 1957  
Instrument No.: 54287  
Affects: Sections 2, 3 and 26
24. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: October 10, 1958  
Instrument No.: 62587  
Affects: Sections 2, 3 and 26
25. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: October 10, 1958  
Book: Y, Page: 199  
Instrument No.: 62588  
Affects: Section 27
26. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: July 30, 1965  
Instrument No.: 117164  
Affects: Section 27
27. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: January 12, 1970  
Instrument No.: 151628

Affects: Section 27

28. An easement for the purpose shown below and rights incidental thereto as set forth in a document:  
Purpose: Road right of way  
Recorded: March 3, 1925  
Book 47, Page 81  
Affects: Section 35
29. Agreement and the terms and conditions contained therein  
Between: Bingham County Commissioner  
And: United States of America  
Purpose: Easement and right of way for Truck Trail  
Recorded: March 18, 1942  
Instrument No.: 33948  
Book: M, Page: 285  
Affects: Sections 2 and 3
30. An easement for the purpose shown below and rights incidental thereto as set forth in a document:  
Purpose: Easement for roadway purposes 40 feet in width  
Recorded: July 28, 1953  
Instrument No.: 31766  
Affects: Sections 2 and 3
31. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: February 4, 1954  
Instrument No.: 34339  
Book: S of Miscellaneous, Page: 141  
Affects: Sections 2 and 3
32. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted To: Idaho Power Company  
Purpose: Public Utilities  
Recorded: February 4, 1954  
Instrument No.: 34340  
Affects: Sections 2 and 3
33. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.  
Recorded: October 30, 1959.  
Book: 103 at Page: 265  
Official Records: Bingham County.

Affects: Section 3

34. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.  
Recorded: February 26, 1963.  
Instrument No.: 96146  
Official Records: Bingham County.  
Affects: Section 3
35. An easement for the purpose shown below and rights incidental thereto as reserved in a document:  
Purpose: Irrigation easement  
Recorded: November 16, 2007  
Instrument No.: 588044  
Affects: Section 26
36. An easement for the purpose shown below and rights incidental thereto as reserved in a document:  
Purpose: Irrigation easement and easement for maintenance of a domestic well  
Recorded: November 16, 2007  
Instrument No.: 588047  
Affects: Section 23
37. An easement for the purpose shown below and rights incidental thereto as reserved in a document:  
Purpose: Rights of ingress/egress through public roads, egress granted easement and easement for electrical power access  
Recorded: October 5, 2010  
Instrument No.: 622185  
Affects: Section 26
38. Levies and assessments of the Bingham Ground Water Irrigation District, and the rights, powers and easements of said district as by law provided.



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

November 16, 2016

**C.L. "BUTCH" OTTER**  
Governor

Tabor Road Farm LLC  
1250 NE Loop 410 Ste 300  
San Antonio TX 78209

**GARY SPACKMAN**  
Director

RE: Change of Ownership for Water Right No(s). 35-2510, 35-8014, 35-2479, 35-2807, 35-11006, 35-1008, 35-13225, 35-2383, 35-13668, 35-13670, 35-13672, 35-2478A, 35-12653A & 35-12654A

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s) to you. 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 deliberately abandoned or 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](http://www.idwr.idaho.gov).

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg  
Technical Records Specialist

Enclosure(s)

cc: Water District 120  
Bingham Ground Water District



237 N. Lincoln  
Jerome, ID 83338  
Ph. (208)324-3357  
Fx. (866)310-3443  
www.titleonecorp.com

**RECEIVED**

**NOV 07 2016**

**DEPT OF WATER RESOURCES  
SOUTHERN REGION**

Date: November 3, 2016

Idaho Dept of Water Resources  
Attn: Trish  
650 Addison Ave W., Suite 500  
Twin Falls, ID 83301

Re: Escrow No. 16266999 Tabor Road Farm, LLC

In connection with the above referenced transaction, I am enclosing the following:

- Cashier's Check No. 23067624 in the amount of \$350.00
- Copy of the recorded Warranty Deed, Instrument No. 680847, Bingham County, Idaho
- Signed Notice of Change in Water Right Ownership with Exhibit "A" attachment

If you have any questions, please feel free to contact me.

Sincerely,

Laury Jo Lamb  
(208) 324-3357  
llamb@titleonecorp.com