

MAR 07 2016

Department of Water Resources
Eastern RegionSTATE 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, of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
35-8005	Yes ☒	Yes ☐	See 4 names.	Yes ☐	Yes ☐
35-8006	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Wayne, Kendall Family Farms
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Kevin Johns and Traci Johns
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

2674 W. 1200 S. Aberdeen ID 83210
Mailing address City State ZIP

208-397-4359
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: 2012/2013

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 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 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] owner 3/7/16
Signature of new owner/claimant Title, if applicable Date

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

For IDWR Office Use Only:

Received by JB Date 3/7/2016 Receipt No. E041893 Receipt Amt. \$150. -

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 JB Processed by JB Date 3/23/2016

SUPPORT DATA

IN FILE #

35-8005

\$50. - for this app.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING A
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at www.idwr.idaho.gov. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the department's website using the Water Right and Adjudication Search link at www.idwr.idaho.gov.

Please note:

- Unlike licensed or decreed water rights, which are real property, water right permits, applications for new water rights, and applications to transfer existing water rights are considered the personal property of the permit holders/applicants. Permit holders and applicants must assign their interest in a permit and/or application to the new owner. Assignment forms are available on the department's website at www.idwr.idaho.gov, or from any IDWR office. The fee for an assignment of permit is \$25. There is no charge for an assignment of application for permit or application for transfer.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.
4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.

5. Indicate the date the water rights and/or adjudication claims were conveyed to you. This may be the date of closing in the case of a real estate transaction, the date a contract was signed, or the date of a court order.

6. If you are unsure about the status of your water right in the Water Supply Bank, go to: _____, input your water right number and click "Search." If you find your water right is in the Water Supply Bank and you want to release it so you can use it, you can download the Request to Release form from the forms portion of our website: _____. Your water right may not be available for immediate release if rented by another water user.

7. **ATTACHMENTS:**

IDWR cannot process this change without **documentation of ownership**. The documentation may be in the form of a deed, court decree or other conveyance document. If you are submitting a quitclaim deed and the grantor's name does not match the water right holder of record, you will need to provide a chain of title that goes back to the water right holder/claimant of record. You may obtain this information from the assessor's office in the county where the property is located. Items that are not conveyance documents are deeds of trust, mortgages, purchase and sales agreements, and property tax notices.

Submit a **plat map, survey map, or aerial photograph** of the place of use for each water right or claim listed in item #1 (if necessary to clarify division of water rights or complex property descriptions). If your right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent aerial photograph with the irrigated acres outlined and point(s) of diversion clearly marked. You also have the option of printing a map using the map tool on IDWR's website at: _____. It is not necessary to obtain a new survey for purposes of this form before contacting IDWR.

The Idaho Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication or the Northern Idaho Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights that will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right.

If the water right is leased to the Water Supply Bank and there is more than one owner, a _____ form must be completed to specify who the designated lessor will be. Each of the owners must sign the Lessor Designation form.

An _____ is required for all ownership changes pertaining to water rights leased to the Water Supply Bank. Refer to instructions in section 6 above to determine if the water right undergoing an ownership change is leased to the Water Supply Bank. An IRS W9 form can be downloaded from the Department's website: _____.

8. One of the new owner(s) must sign the form in the space(s) provided. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.

When you have completed the Notice of Change in Water Right Ownership, retain a copy and file the original form, necessary attachments, and filing fee with the IDWR office nearest you. Ownership changes for water rights leased to the Water Supply Bank should be sent to the State Office.

IDWR Northern Region
7600 N Mineral Dr, Ste 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858
(208) 736-3033

~ OR ~

IDWR State Office
322 East Front St, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4800

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/18/2016

WATER RIGHT NO. 35-8005

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WAYNE KENDALL FAMILY FARMS 2652 W 1200 S ABERDEEN, ID 83210 (208)397-4884
Security Interest	IDAHO AGCREDIT FLCA PO BOX 300 AMERICAN FALLS, ID 83211

Priority Date: 11/13/1981

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	3.04 CFS	608 AFA
Total Diversion			3.04 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENENW|Sec. 34|Township 04S|Range 31E|BINGHAM County

Place(s) of use:

Lynn & Tamara Kendall
Kevin &

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04S	31E	34		NWNE 34			SWNE 40							
				NENW 38			SENE 40							

Total Acres: 152

100% 654438

Conditions of Approval:

59% 606100

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. E02 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Permit Proof Due Date: 1/1/1987

Permit Proof Made Date: 5/16/1985

Permit Approved Date: 1/30/1982

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 11/13/1981

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Instrument # 606100

BINGHAM COUNTY

4-28-2009 01:20:40 No. of Pages: 3

Recorded for: RYAN PETERSON-CASH

SARA J. STAUB

Fee: 9.00

Ex-Officio Recorder Deputy

hed

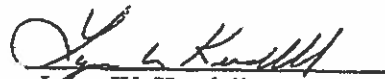
WARRANTY DEED

FOR VALUE RECEIVED, as part of a plan to physically divide land currently owned 57%/43%, **Lynn W. Kendell and Tamara Kendell**, husband and wife, hereinafter referred to as "Grantor," whether one or more, does hereby grant, bargain, sell and convey unto **Kevin Johns and Traci Johns**, husband and wife, hereinafter referred to as Grantee, whether one or more, whose current address is **2674 W. 1200 S. Aberdeen, ID 83210**, an undivided 57% of the following described real estate in Bingham County, Idaho, to wit:

See Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 28 day of April, 2009.

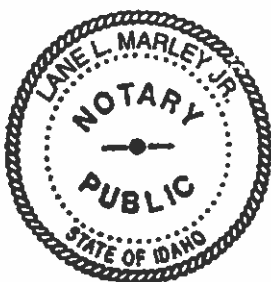

Lynn W. Kendell


Tamara Kendell

STATE OF IDAHO)
 :SS
County of Bannock)

On this 28 day of April, 2009, before me, the undersigned Notary Public, in and for said State, personally appeared Lynn W. Kendell and Tamara Kendell, known or identified to me, to be the person 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 written above.




NOTARY PUBLIC - STATE OF IDAHO
Commission Expires: 2, October 2012

EXHIBIT A

Parcel 1:

The East half of the Northwest quarter (E1/2 NW1/4) of Section Thirty-four (34), Township Four (4) South, Range Thirty-one (31) East of the Boise Meridian. Together with ninety (90) shares of Capital stock of the Aberdeen-Springfield Canal Co., and all water and water rights appurtenant thereto, including all water rights of the American Falls Reservoir District No. 1.

Parcel 2:

Part of the Southwest quarter (SW1/4), Section 34, Township 4 South, Range 31, E.B.M., Bingham County, Idaho described as:

Beginning at a point on the North line of a county road that is east 1827.38 feet along the Section line and North 0° 05' 55" West 25.00 feet from the SW corner of said Section 34 and running thence North 400 feet; thence East 400 feet; thence South 400 feet; thence West 400 feet along the North line of said county road to the point of beginning.

Parcel 3:

Part of the Southwest quarter (SW1/4), Section 34, Township 4 South, Range 31, E.B.M., Bingham County, Idaho described as:

Beginning at a point on the North line of a county road that is east 1048.11 feet along the Section line and North 0° 05' 55" West 25.00 feet from the SW corner of said Section 34 and running thence North 124.76 feet; thence West 56.13 feet; thence North 42.96 feet; thence West 157.25 feet; thence North 332.11 feet; thence East 497.91 feet; thence South 300.34 feet; thence West 167.10 feet; thence South 199.66 feet; thence West 117.17 feet along the North line of said county road to the point of beginning.

CORRECTION WARRANTY DEED

This deed is made as a correction deed ("Correction Deed") to that certain General Warranty Deed ("Corrected Deed") dated December 19, 2012, executed by Grantor herein to Grantee herein, and recorded under No. 644941 in the Official Records of Real Property of Bingham County, Idaho, for the purpose of correcting the following: the warranty deed included percentages that were not previously recorded. This Correction Deed correctly describes the Property that was intended to be conveyed and should have been conveyed by the Corrected Deed. Other than this stated correction, this Correction Deed is intended to restate in all respects the Corrected Deed, and the effective date of this Correction Deed relates back to the effective date of the Corrected Deed

FOR VALUE RECEIVED, as part of a plan to physically divide land currently owned jointly, **Lynn W. Kendell and Tamara Kendell**, husband and wife, hereinafter referred to as "Grantor," whether one or more, does hereby grant, bargain, sell and convey unto **Kevin Johns and Tracy Johns**, husband and wife, hereinafter referred to as Grantee, whether one or more, whose current address is **2674 W. 1200 S. Aberdeen, ID 83210**, all of their interest in the following described real estate in Bingham County, Idaho, to wit:

See Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. Kevin Johns and Tracy Johns now own a 100% share of said property. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 12th day of November, 2013.

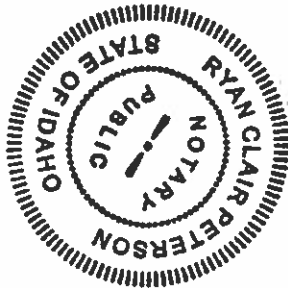

Lynn W. Kendell


Tamara Kendell

STATE OF IDAHO)
 :SS
County of Pocatello)

On this 12th day of November, 2013, before me, the undersigned Notary Public, in and for said State, personally appeared Lynn W. Kendell and Tamara Kendell, known or identified to me, to be the person 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 written above.




NOTARY PUBLIC - STATE OF IDAHO
Commission Expires: 3/16

EXHIBIT A

Parcel 1:

**TOWNSHIP 4 SOUTH, RANGE 31 E.B.M., BINGHAM COUNTY, IDAHO
SECTION 34: W½NE¼, EXCEPT THE WEST 25 FEET FOR PUBLIC HIGHWAY.**

654438

Instrument # 644941

BINGHAM COUNTY

12-21-2012

04:21:29

No. of Pages: 3

Recorded for : CK25511 KENDALL FARMS

SARA J. STAUB

Fee: 16.00

WARRANTY DEED

Ex-Officio Recorder Deputy

Omiles

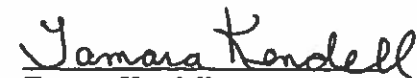
FOR VALUE RECEIVED, as part of a plan to physically divide land currently owned 57%/43%, **Lynn W. Kendell and Tamara Kendell**, husband and wife, hereinafter referred to as "Grantor," whether one or more, does hereby grant, bargain, sell and convey unto **Kevin Johns and Tracy Johns**, husband and wife, hereinafter referred to as Grantee, whether one or more, whose current address is **2674 W. 1200 S. Aberdeen, ID 83210**, an undivided 57% of the following described real estate in Bingham County, Idaho, to wit:

See Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 19 day of December, 2012.


Lynn W. Kendell


Tamara Kendell

STATE OF IDAHO)
County of Pauwer :SS

On this 19 day of December, 2012, before me, the undersigned Notary Public, in and for said State, personally appeared Lynn W. Kendell and Tamara Kendell, known or identified to me, to be the person 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 written above.



Lynn Brown
NOTARY PUBLIC - STATE OF IDAHO
Commission Expires: 3-26-2016

EXHIBIT A

Parcel 1:

**TOWNSHIP 4 SOUTH, RANGE 31 E.B.M., BINGHAM COUNTY, IDAHO
SECTION 34: W $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPT THE WEST 25 FEET FOR PUBLIC HIGHWAY.**

644941

Instrument # 664471

BINGHAM COUNTY

11-19-2013 01:16:45 No. of Pages: 5

Recorded for : 156 RYAN PETERSEN

SARA J. STAUB

Fee: 22.00

Ex-Officio Recorder Deputy

Y. Secrist

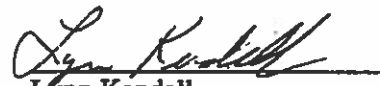
QUITCLAIM DEED

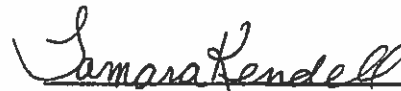
FOR VALUE RECEIVED, Lynn and Tamara Kendell, husband and wife, whose current address 2287 Satterfield Dr., Pocatello, ID 83201, hereinafter referred to as "Grantor," whether one or more, does hereby quitclaim, grant, bargain, sell and convey unto **Kevin Johns and Tracy Johns**, husband and wife, whether one or more, whose current address is **2674 W. 1200 S. Aberdeen, ID 83210**, and **Wayne and Shirley Kendell**, husband and wife, whose current address is **2652 W. 1200 S. Aberdeen, ID 83210**, hereinafter referred to as Grantee, whether one or more, their interest, if any, of the following described real estate in Bingham County, Idaho, to wit:

See Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever.

DATED this 19th day of November, 2013.

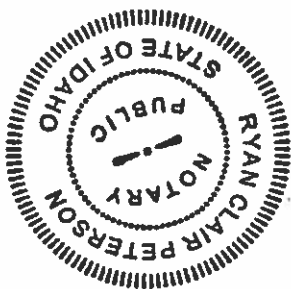

Lynn Kendell


Tamara Kendell

STATE OF IDAHO)
 :SS
County of Power)

On this 14th day of November, 2013, before me, the undersigned Notary Public, in and for said State, personally appeared Lynn W. Kendell and Tamara Kendell, known or identified to me, to be the person 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 written above.





NOTARY PUBLIC – STATE OF IDAHO
Commission Expires: 3/16

EXHIBIT A

Parcel 1:

5 Miles North of Aberdeen, Idaho (Bingham County)

**Southwest ¼ of section 34, and the southwest ¼ of southeast ¼ section 34 township 4 south,
range 31, E.B.M., Bingham County, Idaho.**

Less the 5 tracts listed in Exhibit B

Exhibit B

Tract 1:

Part of the Southwest $\frac{1}{4}$, Section 34, Township 4 South,
Range 31 East, B.M., Bingham County, Idaho, described as:

Beginning at a point on the North line of a County Road
that is East 834.47 feet along the Section line and
N $0^{\circ} 05' 55''$ W 25.00 feet from the S.W. corner of said Section
34 and running thence N $0^{\circ} 05' 55''$ W 167.89 feet; thence
S $89^{\circ} 57' 04''$ E 157.25 feet; thence S $0^{\circ} 26' 00''$ E 42.96 feet;
thence S $89^{\circ} 57' 04''$ E 56.13 feet; thence S $0^{\circ} 05' 55''$ E
124.76 feet; thence West 213.64 feet along the North line
of said County Road to the point of beginning.

Tract 2:

Part of the S.W. $\frac{1}{4}$, Section 34, Township 4 South, Range 31 East,
B.M., Bingham County, Idaho, described as:

Beginning at a point on the North line of a County Road
that is East 1165.14 feet along the Section line and
N $0^{\circ} 11' 53''$ E 25.00 feet from the S.W. corner of said
Section 34 and running thence N $0^{\circ} 11' 53''$ E 199.66 feet;
thence East 167.10 feet; thence S $0^{\circ} 11' 53''$ W 199.66 feet;
thence West 167.10 feet along the North line of said County
Road to the point of beginning.

Tract 3:

Part of the Southwest quarter (SW $\frac{1}{4}$), Section 34, Township 4 South, Range 31,
E.B.M., Bingham County, Idaho described as:

Beginning at a point on the North line of a county road that is east 1827.38 feet
along the Section line and North $0^{\circ} 05' 55''$ West 25.00 feet from the SW corner
of said Section 34 and running thence North 400 feet; thence East 400 feet; thence
South 400 feet; thence West 400 feet along the North line of said county road to
the point of beginning.

Exhibit B (continued)

Tract 4:

Part of the Southwest quarter (SW1/4), Section 34, Township 4 South, Range 31, E.B.M., Bingham County, Idaho described as:

Beginning at a point on the North line of a county road that is east 1048.11 feet along the Section line and North 0° 05' 55" West 25.00 feet from the SW corner of said Section 34 and running thence North 124.76 feet; thence West 56.13 feet; thence North 42.96 feet; thence West 157.25 feet; thence North 332.11 feet; thence East 497.91 feet; thence South 300.34 feet; thence West 167.10 feet; thence South 199.66 feet; thence West 117.17 feet along the North line of said county road to the point of beginning.

Tract 5

Part of the South West Quarter (SW1/4), Section 34, Township 4 South, Range 31, E.B.M., Bingham County, Idaho described as:

Beginning at a point on the North line of a county road that is East 2227.38 feet along the Section line and North 0° 05' 55" West 25.00 feet from the SW corner of said section 34; thence running East along the said county road 280 feet; North 200 feet; West 280 feet; South along the section line 200 feet to the point of origin.

654471

WARRANTY DEED

Instrument # **645274**
BINGHAM COUNTY
1-4-2013 01:35:21 No. of Pages: 5
Recorded for : 25149 KENDALL FARMS
SARA J. STAUB
Ex-Officio Recorder Deputy Fee: 22.00

OR

FOR VALUE RECEIVED, as part of a plan to physically divide land currently owned in a partnership, Wayne Kendell Farms a partnership, with Kevin and Tracy Johns, Wayne and Shirley Kendell, and Lynn and Tamara Kendell partners, hereinafter referred to as "Grantor," whether one or more, does hereby grant, bargain, sell and convey unto **Kevin Johns and Tracy Johns**, husband and wife, whether one or more, whose current address is **2674 W. 1200 S. Aberdeen, ID 83210**, an undivided 55% of the following described real estate in Bingham County and does hereby grant, bargain, sell and convey unto **Wayne and Shirley Kendell**, husband and wife, hereinafter referred to as Grantee, whether one or more, whose current address is **2652 W. 1200 S. Aberdeen, ID 83210**, an undivided 45% of the following described real estate in Bingham County, Idaho, to wit:

See Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 19 day of December, 2012.


Lynn W. Kendell-Partner


Tamara Kendell-Partner

Wayne Kendell
Wayne Kendell

Shirley Kendell
Shirley Kendell

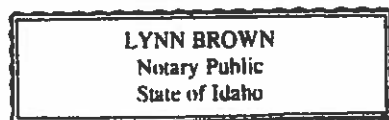
Kevin Johns
Kevin Johns

Tracy Johns
Tracy Johns

STATE OF IDAHO)
 :SS
County of Pomeroy)

On this 19 day of December, 2012, before me, the undersigned Notary Public, in and for said State, personally appeared Lynn W. Kendell, Tamara Kendell, Wayne Kendell, Shirley Kendell, Kevin Johns, and Tracy Johns known or identified to me, to be the person 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 written above.



Lynn Brown
NOTARY PUBLIC - STATE OF IDAHO
Commission Expires: 3-26-2016

EXHIBIT A

Parcel 1:

5 Miles North of Aberdeen, Idaho (Bingham County)
Southwest $\frac{1}{4}$ of section 34, and the southwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$
section 34 and the east $\frac{1}{2}$ of the northwest $\frac{1}{4}$ of section 34
township 4 south, range 31, E.B.M., Bingham County, Idaho.

Less the 5 tracts listed in Exhibit B

Exhibit B

Tract 1:

Part of the Southwest $\frac{1}{4}$, Section 34, Township 4 South,
Range 31 East, B.M., Bingham County, Idaho, described as:

Beginning at a point on the North line of a County Road
that is East 834.47 feet along the Section line and
N 0° 05' 55" W 25.00 feet from the S.W. corner of said Section
34 and running thence N 0° 05' 55" W 167.89 feet; thence
S 89° 57' 04" E 157.25 feet; thence S 0° 26' 00" E 42.96 feet;
thence S 89° 57' 04" E 56.13 feet; thence S 0° 05' 55" E
124.76 feet; thence West 213.64 feet along the North line
of said County Road to the point of beginning.

Tract 2:

Part of the S.W. $\frac{1}{4}$, Section 34, Township 4 South, Range 31 East,
B.M., Bingham County, Idaho, described as:

Beginning at a point on the North line of a County Road
that is East 1165.14 feet along the Section line and
N 0° 11' 53" E 25.00 feet from the S.W. corner of said
Section 34 and running thence N 0° 11' 53" E 199.66 feet;
thence East 167.10 feet; thence S 0° 11' 53" W 199.66 feet;
thence West 167.10 feet along the North line of said County
Road to the point of beginning.

Tract 3:

Part of the Southwest quarter (SW $\frac{1}{4}$), Section 34, Township 4 South, Range 31,
E.B.M., Bingham County, Idaho described as:

Beginning at a point on the North line of a county road that is east 1827.38 feet
along the Section line and North 0° 05' 55" West 25.00 feet from the SW corner
of said Section 34 and running thence North 400 feet; thence East 400 feet; thence
South 400 feet; thence West 400 feet along the North line of said county road to
the point of beginning.

Exhibit B (continued)

Tract 4:

Part of the Southwest quarter (SW1/4), Section 34, Township 4 South, Range 31, E.B.M., Bingham County, Idaho described as:

Beginning at a point on the North line of a county road that is east 1048.11 feet along the Section line and North 0° 05' 55" West 25.00 feet from the SW corner of said Section 34 and running thence North 124.76 feet; thence West 56.13 feet; thence North 42.96 feet; thence West 157.25 feet; thence North 332.11 feet; thence East 497.91 feet; thence South 300.34 feet; thence West 167.10 feet; thence South 199.66 feet; thence West 117.17 feet along the North line of said county road to the point of beginning.

Tract 5

Part of the South West Quarter (SW1/4), Section 34, Township 4 South, Range 31, E.B.M., Bingham County, Idaho described as:

Beginning at a point on the North line of a county road that is 2227.38 feet along the Section line and North 0° 05' 55" West 25.00 feet from the SW corner of said section 34 and running East along the said county road 280 feet; North 200 feet; West 280 feet; South along the section line 200 feet to the point of origin.