

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 05 2015

Notice of Change in Water Right Ownership

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?
35-8910 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-128530 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
35-12062 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Nonpareil / Idaho Potato Packers
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Basic American Potato Company, Inc., a wholly-owned subsidiary of Basic American Inc.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 49 West Collins Road Blackfoot ID 83221
Mailing address City State ZIP
- 208 785-8572 jkirkpatrick@baf.com
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: May 17, 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 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 # 35-8910

8. Signature: [Signature] Corporate Environmental Manager September 24, 2015
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 JB Date 10/5/2015 Receipt No. E041518 Receipt Amt. \$75.-
 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 10/8/2015

State of Idaho
Department of Water Resources

Water Right
35-8910

FIRE PROTECTION

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.

35E



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

0 0.035 0.07 0.14 Miles



[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/23/2015

WATER RIGHT NO. 35-8910

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO POTATO PACKERS CORP 40 N 400 W BLACKFOOT, ID 83221 (208)785-5880

Priority Date: 08/03/1990

Basis: License

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>
FIRE PROTECTION	01/01	12/31	1.5 CFS	
Total Diversion			1.5 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNWSW Lt 3	Sec. 33	Township 02S	Range 35E	BINGHAM County
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Place(s) of use:

Place of Use Legal Description: FIRE PROTECTION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02S	35E	33	3	NWSW										

Conditions of Approval:

1.	077	Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
2.		Fire protection is for a potato plant.
3.	048	The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Dates:

Licensed Date: 02/22/2002

Decreed Date:

Permit Proof Due Date: 1/1/1993

Permit Proof Made Date: 12/18/1992

Permit Approved Date: 12/31/1990

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: 08/03/1990

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

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: N

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

AT 180451

Instrument # 649390

BINGHAM COUNTY, IDAHO

2013-05-17 02:09:18 PM No. of Pages: 4

Recorded for: ALLIANCE TITLE - BLACKFOOT OFF

SARA J. STAUB

Fee: \$19.00

Ex-Officio Recorder Deputy SStaub

Index To: WARRANTY DEED

Electronically Recorded by Simplifile

WARRANTY DEED

FOR VALUE RECEIVED, Idaho Potato Packers Corp. (f/k/a Idaho Potato Packers Corporation of New York), a dissolved by proclamation wholly owned subsidiary of Nonpareil Corporation, an Idaho corporation, by and through Nonpareil Corporation and its subsidiary Idaho Potato Packers Corporation, an Idaho corporation (jointly, "Grantor"), does hereby transfer, sell, and convey to Basic American Potato Company, Inc., a Delaware corporation ("Grantee"), whose mailing address is 600 Montgomery Street, 28th Floor, San Francisco, CA 94111, the following described property situated in Bingham County, Idaho:

See Exhibit A attached hereto and made a part hereof;

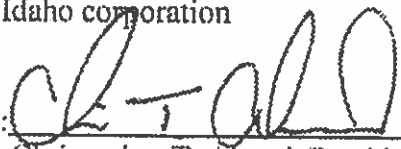
TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging or otherwise appertaining, including all of Grantor's right, title and interest in and to Water Right Nos. 35-12062, 35-12853, 35-08909, 32495/35-2790, and 35-08910 and any additional appurtenant water rights and all of Grantor's right, title and interest in and to all streets, alleys and rights-of-way adjacent to the said property:

SUBJECT TO taxes and assessments for the current year and future years, the scope and continuing validity of the aforesaid water rights, and the restrictions, licenses, agreements, reservations, easements and negative easements of record, together with those matters reflected in Exhibit B attached hereto and made a part hereof.

Grantor does hereby warrant that Grantor is the sole owner in fee simple absolute of said property and that, subject to the matters above set forth, said property is free from all liens and encumbrances. Further, subject to the matters above set forth, Grantor covenants to defend the title to the said property from all lawful claims whatsoever.

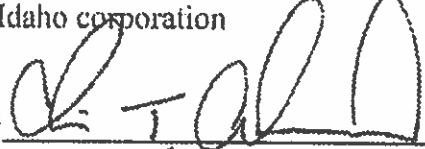
IN WITNESS WHEREOF, Grantor has executed this Warranty Deed this 17th day of May, 2013.

Nonpareil Corporation,
an Idaho corporation

By: 

Christopher T. Abend, President

Idaho Potato Packers Corporation,
an Idaho corporation

By: 

Christopher T. Abend, President

Recorded Electronically	
ID	649390
County	Bingham
Date	5-17-2017 Time 2:09pm
Simplifile.com 800.460.5657	

AT 180451

WARRANTY DEED

FOR VALUE RECEIVED, Idaho Potato Packers Corp. (f/k/a Idaho Potato Packers Corporation of New York), a dissolved by proclamation wholly owned subsidiary of Nonpareil Corporation, an Idaho corporation, by and through Nonpareil Corporation and its subsidiary Idaho Potato Packers Corporation, an Idaho corporation (jointly, "Grantor"), does hereby transfer, sell, and convey to Basic American Potato Company, Inc., a Delaware corporation ("Grantee"), whose mailing address is 600 Montgomery Street, 28th Floor, San Francisco, CA 94111, the following described property situated in Bingham County, Idaho:

See **Exhibit A** attached hereto and made a part hereof;

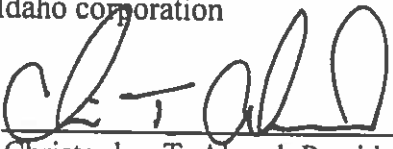
TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging or otherwise appertaining, including all of Grantor's right, title and interest in and to Water Right Nos. 35-12062, 35-12853, 35-08909, 32495/35-2790, and 35-08910 and any additional appurtenant water rights and all of Grantor's right, title and interest in and to all streets, alleys and rights-of-way adjacent to the said property;

SUBJECT TO taxes and assessments for the current year and future years, the scope and continuing validity of the aforesaid water rights, and the restrictions, licenses, agreements, reservations, easements and negative easements of record, together with those matters reflected in **Exhibit B** attached hereto and made a part hereof.

Grantor does hereby warrant that Grantor is the sole owner in fee simple absolute of said property and that, subject to the matters above set forth, said property is free from all liens and encumbrances. Further, subject to the matters above set forth, Grantor covenants to defend the title to the said property from all lawful claims whatsoever.

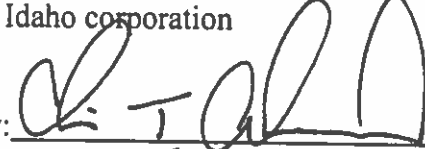
IN WITNESS WHEREOF, Grantor has executed this Warranty Deed this 17th day of May, 2013.

Nonpareil Corporation,
an Idaho corporation

By: 

Christopher T. Abend, President

Idaho Potato Packers Corporation,
an Idaho corporation

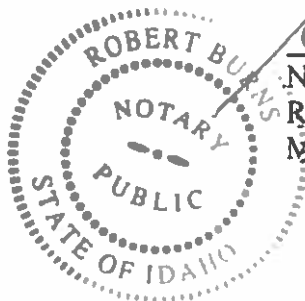
By: 

Christopher T. Abend, President

STATE OF IDAHO)
) ss.
County of Ada)

On this 17th day of May, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Christopher T. Abend, known or identified to me to be the President of Nonpareil Corporation, the corporation that executed the within and foregoing instrument or the person who executed the instrument on behalf of said corporation, and who acknowledged to me that such corporation executed the same.

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

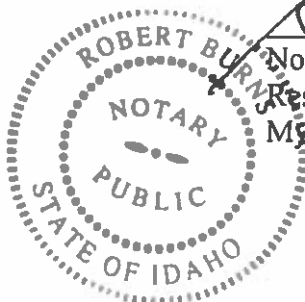


Robert Burns
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 12/20/2018

STATE OF IDAHO)
) ss.
County of Ada)

On this 17th day of May, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Christopher T. Abend, known or identified to me to be the President of Idaho Potato Packers Corporation, the corporation that executed the within and foregoing instrument or the person who executed the instrument on behalf of said corporation, and who acknowledged to me that such corporation executed the same.

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



Robert Burns
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 12/20/2018

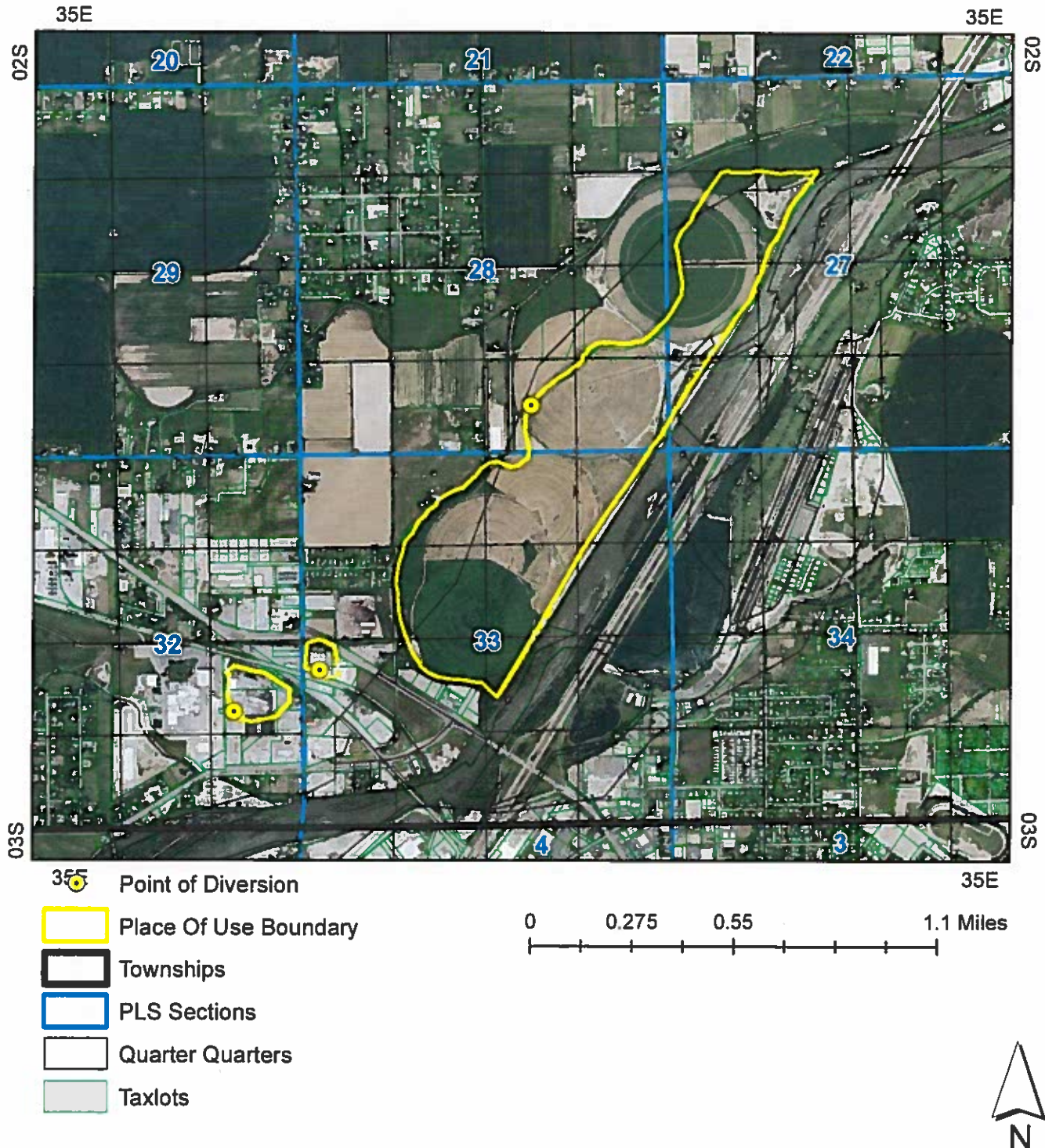
State of Idaho
Department of Water Resources

Water Right

35-12062

COMMERCIAL

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.



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/23/2015

WATER RIGHT NO. 35-12062

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NONPAREIL DEHYDRATED POTATOES INC 40 N 400 W BLACKFOOT, ID 83221 (208)785-5880

Priority Date: 12/31/1957

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>
COMMERCIAL	1/01	12/31	1 CFS	491 AFA
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSE Lt 3	Sec. 28	Township 02S	Range 35E	BINGHAM County
GROUND WATER	SWNESE	Sec. 32	Township 02S	Range 35E	BINGHAM County
GROUND WATER	NWSW Lt 3	Sec. 33	Township 02S	Range 35E	BINGHAM County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02S	35E	27	11	SWNW		10	SENW							
			12	NESW		12	NWSW		15	SWSW				
		28	4	NESE		5	SWSE		6	SESE				
		32		NESE										
		33		NENE		6	NWNE		8	SWNE		9	SENE	
				NENW		2	SENW		7	SENW				
			13	NESW		3	NWSW		14	NWSW				
			12	NWSE										

Conditions of Approval:

1.		The water used for commercial use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality standards. Water shall not irrigate growing plants unless the water is first beneficially used in the potato processing facility as authorized by these rights.
2.	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.
3.		TWO POINTS OF DIVERSION LOCATED IN LOT 3 (NWNWSW) S33 T02S R35E.
4.		POTATO DEHYDRATING PLANT, RESTROOMS FOR 100 EMPLOYEES

Dates:

Licensed Date:

Decreed Date: 11/17/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

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

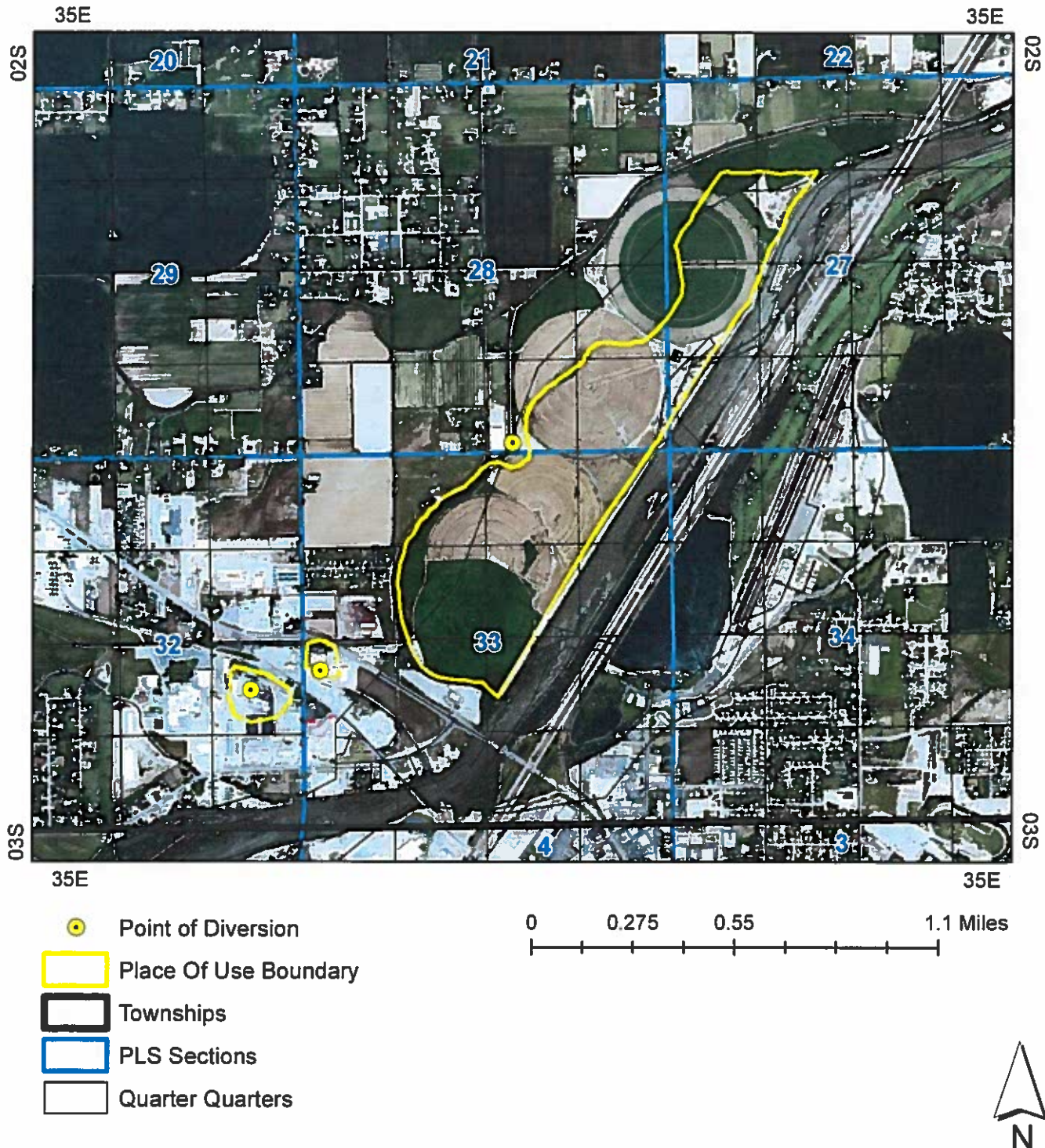
State of Idaho
Department of Water Resources

Water Right

35-12853

COMMERCIAL

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.



[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/23/2015

WATER RIGHT NO. 35-12853

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NONPAREIL PROCESSING CORP 40 N 400 W BLACKFOOT, ID 83221 (208)785-5880

Priority Date: 12/31/1948

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>
COMMERCIAL	1/01	12/31	1.52 CFS	491 AFA
Total Diversion			1.52 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSE Lt 3	Sec. 28	Township 02S	Range 35E	BINGHAM County
GROUND WATER	NESE	Sec. 32	Township 02S	Range 35E	BINGHAM County
GROUND WATER	NWNWSW Lt 3	Sec. 33	Township 02S	Range 35E	BINGHAM County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02S	35E	27	11	SWNW		10	SENW							
			12	NESW		12	NWSW		15	SWSW				
		28	4	NESE		5	SWSE		6	SESE				
		32		NESE										
		33		NENE		6	NWNE		8	SWNE		9	SENE	
				NENW		2	SENW		7	SENW				
			13	NESW		3	NWSW		14	NWSW				
			12	NWSE										

Conditions of Approval:

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.		TWO POINTS OF DIVERSION LOCATED IN LOT 3 (NWNWSW) S33 T02S R35E.
3.		COMMERCIAL, POTATO PROCESSING FACILITY AND RESTROOMS FOR 100 EMPLOYEES

Dates:

Licensed Date:

Decreed Date: 11/17/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

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: