

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
APR 22 2015
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?
<u>LLC</u> 35-8362 <u>OK</u>	Yes ☐	Yes ☒		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: H Alan Funk
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): PEP LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|-----------------------|---------------------------|-----------|--------------|
| <u>1356 S 3000W</u> | <u>Aberdeen</u> | <u>ID</u> | <u>83210</u> |
| Mailing address | City | State | ZIP |
| <u>(208) 709-1645</u> | <u>pepfarms@gmail.com</u> | | |
| 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: March 27, 2015
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] member 4-22-15
 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 [Signature] Date 4-22-2015 Receipt No. ED40932 Receipt Amt. \$25.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing? Yes ☐ No ☐ W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by [Signature] Processed by [Signature] Date: 5/13/15

Instrument # 665994

BINGHAM COUNTY, IDAHO

2015-04-01 03:06:33 PM No. of Pages: 3

Recorded for: ALLIANCE TITLE - BLACKFOOT OFF

PAMELA W. ECKHARDT Fee: \$16.00

Ex-Officio Recorder Deputy JPulley

Index To: WARRANTY DEED

Electronically Recorded by Simplifile

RECORDING REQUESTED BY:

**Baker & Harris
266 W Bridge
Blackfoot, ID 83221**

space above this line for Recording use only

WARRANTY DEED

For Value Received this 21st day of March, 2015, HERMAN ALAN FUNK and CONNIE GENEICE FUNK, husband and wife, as to Parcel I and H. ALAN FUNK and CONNIE G. FUNK, Trustees, or the Successor Trustee, of the ALAN and CONNIE FUNK REVOCABLE TRUST, being a Trust created under Instrument dated September 26, 2014, as to Parcel II, the Grantors, do hereby grant, bargain, sell, and convey unto PEP, LLC, an Idaho Limited Liability Company, of 2948 W 2100 S, Aberdeen, Idaho 83210, the Grantee, the following-described premises, to-wit:

PARCEL I:

Township 4 South, Range 31 East, Boise Meridian, Bingham County, Idaho. Section 6: South Half Northwest Quarter; Southwest Quarter; Lots 3 and 4.

PARCEL II:

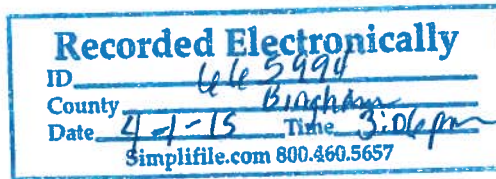
Township 4 South, Range 31 East, Boise Meridian, Bingham County, Idaho. Section 6: Lot 2, West Half Southeast Quarter, Southwest Quarter Northeast Quarter.

Together with Water Right License No. 35-08362

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all encumbrances of record.

RECORDING REQUESTED BY:
Baker & Harris
266 W Bridge
Blackfoot, ID 83221



space above this line for Recording use only

WARRANTY DEED

For Value Received this 21st day of March, 2015, HERMAN ALAN FUNK and CONNIE GENEICE FUNK, husband and wife, as to Parcel I and H. ALAN FUNK and CONNIE G. FUNK, Trustees, or the Successor Trustee, of the ALAN and CONNIE FUNK REVOCABLE TRUST, being a Trust created under Instrument dated September 26, 2014, as to Parcel II, the Grantors, do hereby grant, bargain, sell, and convey unto PEP, LLC, an Idaho Limited Liability Company, of 2948 W 2100 S, Aberdeen, Idaho 83210, the Grantee, the following-described premises, to-wit:

PARCEL I:

Township 4 South, Range 31 East, Boise Meridian, Bingham County, Idaho. Section 6: South Half Northwest Quarter; Southwest Quarter; Lots 3 and 4.

PARCEL II:

Township 4 South, Range 31 East, Boise Meridian, Bingham County, Idaho. Section 6: Lot 2, West Half Southeast Quarter, Southwest Quarter Northeast Quarter.

Together with Water Right License No. 35-08362

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all encumbrances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said GRANTEE, its heirs and assigns forever. The said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 27 day of March, 2015.

Herman Alan Funk Connie Geneice Funk
Herman Alan Funk Connie Geneice Funk

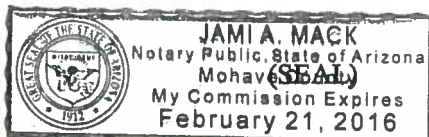
ALAN and CONNIE FUNK REVOCABLE TRUST

H. Alan Funk Trustee Connie G. Funk, Trustee
By: H. Alan Funk By: Connie G. Funk
Its: Trustee Its: Trustee

STATE OF ARIZONA)
: ss.
County of Lafayette)

On this 27th day of March, 2015, before me, a Notary Public in and for the State of Arizona, personally appeared HERMAN ALAN FUNK and CONNIE GENEICE FUNK, husband and wife, known 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.

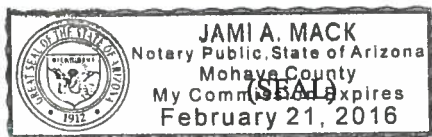


Jami A. Mack
Notary Public for Arizona
Residing at: 9123 Riverside Dr. #18, Parker, AZ
My Commission Expires 2/21/16

STATE OF ARIZONA)
 : ss.
County of LAPAZ)

On this 27th day of March, 2015, before me, a Notary Public in and for the State of Arizona, personally appeared H. ALAN FUNK and CONNIE G. FUNK, known or identified to me, to be the persons whose names are subscribed to the within instrument as Trustees of the ALAN and CONNIE FUNK REVOCABLE TRUST, being a Trust created under Instrument dated September 26, 2014, and acknowledged to me that they executed the same as such Trustees of the ALAN and CONNIE FUNK REVOCABLE TRUST, being a Trust created under the Instrument dated September 26, 2014.

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



Jami A. Mack
Notary Public for Arizona
Residing at: 9122 Riverside Dr #18, Parker, AZ
My Commission Expires 2/21/16



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

FILED/EFFECTIV

(Instructions on back of application)

01 MAY 11 AM 8:57

SECRETARY OF STATE
STATE OF IDAHO

- The name of the limited liability company is: PEP, L.L.C.
- The address of the initial registered office is: 349 North 3rd West, Box 648, Aberdeen, Idaho, 83210 and the name of the initial registered agent at that address is: Chris Pratt
- The mailing address for future correspondence: 349 North 3rd West, Box 648, Aberdeen, Idaho, 83210
- Management of the limited liability company will be vested in:
Manager(s) ☐ or Member(s) ☒ . (please check the appropriate box)
- If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the members, list the name(s) and address(es) of at least one initial member.

Name

Address

Chris Pratt

349 North 3rd West, Box 648, Aberdeen, Idaho, 83210

John Pratt

P.O. Box 448, Aberdeen, Idaho, 83210

Marc Elliott

1398 South 2800 West, Aberdeen, Idaho, 83210

- Signature of at least one person responsible for forming the limited liability company:

Signature

Typed Name Chris Pratt

Capacity Member

Signature

Typed Name

Capacity

IDAHO SECRETARY OF STATE

Secretary of State use only

05/11/2001 09:00
CK: 1951 CT: 21151 DN: 396530

1 @ 100.00 = 100.00 ORGAN LLC # 2

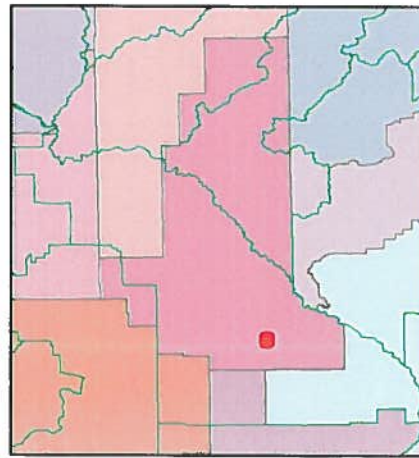
W15317



Idaho Department of Water Resources

Water Right
35-8362
(IRRIGATION)

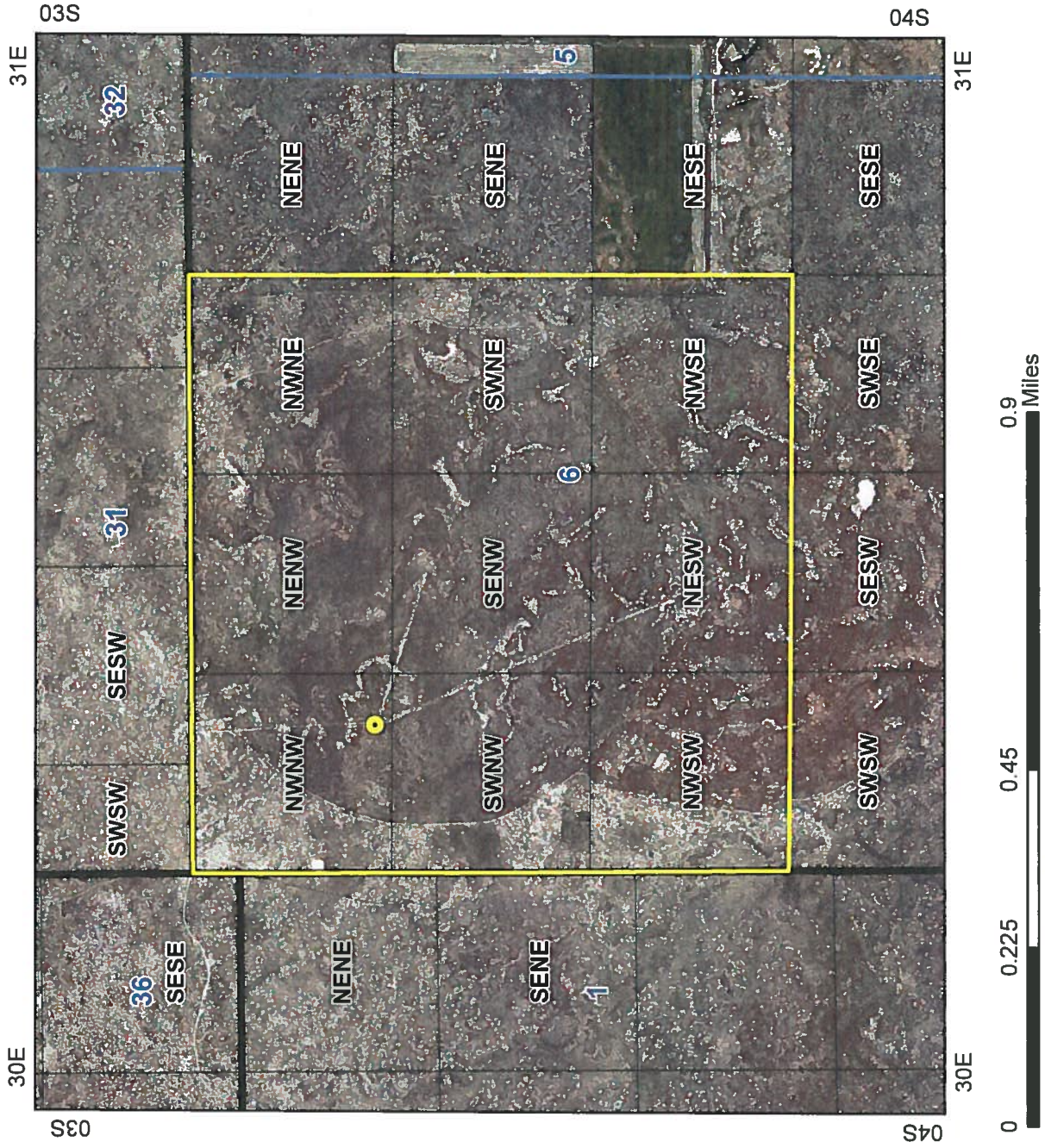
-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Bingham County
IDWR Basin 35

Prepared by Bohac, Heather

Background: 2009 Aerial Photography



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

4/22/2015

WATER RIGHT NO. 35-8362

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	H ALAN FUNK 2065 S 2800 W ABERDEEN, ID 83210 (208)397-4820

Priority Date: 10/23/1984

Basis: License

Status: Active

Water Supply Bank 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	10/31	2.47 CFS	760 AFA
Total Diversion			2.47 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNW|Sec. 06|Township 04S|Range 31E|BINGHAM County

Licensed Diversion Capacity: 2.47

Place(s) of use:

Place of Use Legal Description: IRRIGATION 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>
04S	31E	6	2	NWNE	23		SWNE	29						
			3	NENW	36	4	NWNW	12		SWNW	23		SENE	40
				NESW	18		NWSW	3						
				NWSE	6									

Total Acres: 190

Conditions of Approval:

1. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

Dates:

Licensed Date: 04/14/1997

Decreed Date:

Permit Proof Due Date: 9/1/1990

Permit Proof Made Date: 1/4/1991

Permit Approved Date: 8/14/1989

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: 10/23/1984

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:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:
Mitigation Plan: False

Water Supply Bank:
Lessor Name(s): H ALAN FUNK
Lease Status: Active
Lease Amount: 606
Rental Availability: None
Date Received: 4/25/2008
Lease Begin Date: 4/25/2008
Expiration Date: 12/31/2017

Close



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

May 13, 2015

PEP LLC
1356 S 3000 W
ABERDEEN ID 83210

Re: Change of Ownership for Water Right/Permit No(s): 35-8362

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 to reflect this change in ownership and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see § 42-222 and §42-223, Idaho.

A portion of water right(s) 35-8362 was leased to the Water Supply Bank (bank) in 2012. To date, part of the right(s) appurtenant to 1.97 cfs, 606.0 af and 152.0 acres (23 acres in the NWNE, 29 acres in the SWNE, 36 acres in the NENW, 12 acres in the NWNW, 23 acres in the SWNW and 29 acres in the SENW, Section 6, T4S, R31E) remain leased to the bank. In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. This portion will remain in the bank until October 31, 2017, unless the right(s) are released earlier by the Idaho Water Resource Board or upon request by the right holder. To reduce the term of the lease, the right holder must submit a written request to the department. The department will verify if the right is rented or available for release, and notify the right holder of the release date.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Change reporting forms are available from any office of the Department, or at www.idwr.idaho.gov.

Thank you for your patience. If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

c: Water District No. 120