

ADDENDUM/AMENDMENT AGREEMENT TO PURCHASE AGREEMENT

Addendum/Amendment Agreement to the Real Estate Purchase Agreement dated April 22, 2008 by and between William R. Toevs and Joanne L. Toevs, Sellers and Monty M. Funk and Carolene K. Funk, Buyers dated this 30th day of April, 2008 as follows:

1. The parties acknowledge that Buyers' intention is to proceed with the steps and procedures necessary for the transfer and use of the two (2) cfs diversion rate from Water Right No. 35-07477A. Buyers acknowledge that such steps include "drying up" of certain acres of irrigated by said water on the land sold by Seller to MPH. Buyers assume the sole obligation for such transfer. Buyers represent and warrant to Sellers, that Buyers have entered into a separate agreement with MPH to effectuate such transfer. Buyers agree that said reserved water right shall remain in the name of Sellers and the water is to be used by MPH, subject to Sellers' obligation to convey the water to Buyers at such time as Buyers provide Sellers with a description of lands that the water right is to be transferred and Buyers pay an unscheduled and additional payment of principal and interest which reduces the existing principal balance on said \$ [redacted] promissory note in the amount of \$ [redacted] principal. Said payment shall not change the amount of or due date of semi-annual installments as scheduled in said promissory note which shall continue in the amount of \$ [redacted] each until the remaining principal and interest are paid in full.

SELLERS:

William R. Toevs
William R. Toevs

Joanne L. Toevs
Joanne L. Toevs

BUYERS:

Monty M. Funk
Monty M. Funk

Carolene K. Funk
Carolene K. Funk

SCANNED

AUG 19 2014

79 46 3

00/

RECEIVED
MAY 09 2008
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
(X) 35-7857 B ^V WR		OK	(X) 35-7984 WR		OK
(X) 35-7920 B WR		OK			
(X) 35-8606 WR		OK			
(X) 35-8626 WR		OK			
35-7477 [?] Patent			(X) 35-7477 A		OK
(X) 35-8932 WR		OK			

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water 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 PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) William R. Toews & Joanne L. Toews
2841 West 1400 South
Aberdeen ID

4. New Owner/Claimant(s) MPH Farms
Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address 2050 S. 2950 W.

City, State and ZIP Code Aberdeen, ID 83210

New Telephone Number (208) 221-4352 Email: _____

5. Date you acquired the property

4-30-2008

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)



 (title if applicable)
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Date 5/9/08

Received by _____

Date _____

Processed by _____ AJ

Date _____

Receipt Amt. 175⁰⁰Receipt No. E034026

WR _____ Date _____

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below.

Search for both active and inactive water right records.

Search Results

Type of Query

USAGE INSTRUCTION

All SRBA & Water Rights	
SRBA	Water Rights
☐ Claims	☐ Applications
☐ Recommendations	☐ Permits
☒ Both	☐ Decrees, Licenses and Statutory Claims
	☐ Transfers
	☒ All of the above

Basin Who What When Where

Clear Search Help

Query parameters:

basinFrom = 35

Use = IRRIGATION

Township = 6S

Range = 29E

Section = 8

Search for: active Records

Information for type: Statutory Claim, Decree and License

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List	Water Uses	Owner List
Details General Provision	1	35	7857	B	✓	License	Active	1979-05-09	1.28	GROUND WATER	IRRIGATION	TOEVS. WILLIAM R (Current)
Details General Provision	2	35	7920	B	✓	License	Active	1980-09-29	0.69	GROUND WATER	IRRIGATION	TOEVS. WILLIAM R (Current)
Details Related Documents General Provision	3	35	8606		✓	License	Active	1985-07-01	6.07	GROUND WATER	IRRIGATION	TOEVS. WILLIAM R (Current)
Details Related Documents General Provision	4	35	8626		✓	License	Active	1986-02-13	1.88	GROUND WATER	IRRIGATION	TOEVS. WILLIAM R (Current)
Details Related Documents General Provision	1	35	7477	A	✓	Decreed	Active	1975-02-12	12.56	GROUND WATER	IRRIGATION	T 6 FARMS (Current)
Details Related Documents General Provision	2	35	8932		✓	License	Active	1991-01-08	3.16	GROUND WATER	IRRIGATION	T-6 FARMS (Current)
Details Related Documents General Provision	2	35	7984		✓	Decreed	Active	1981-05-11	5.92	GROUND WATER	IRRIGATION	T 6 FARMS (Current)

1-2

WARRANTY DEED

This is to certify that this
is a true and correct copy of
the original document recorded
as Instrument No. 193824
FIRST AMERICAN TITLE COMPANY

Idaho **THIS INDENTURE**, made this 29 day of April, 2008, between William R. Toevs, a/k/a Ritchey Toevs and Joanne L. Toevs, a/k/a Joanne P. Toevs, as Grantors and MPH Farms, an general partnership consisting of Daryl Klassen, Michael J. Klassen and ~~Philip B. Klassen~~, whose address is 2050 South 2950 West, Aberdeen, Idaho 83210, as Grantees. *Philip PBK*

WITNESSETH: That the Grantors for value received, does by these presents, grant, bargain, sell and convey unto Grantees, their heirs and assigns, all that certain lot, piece, or parcel of land situate, lying and being in the County of Power, State of Idaho and particularly described as follows:

Real property in the County of Power, State of Idaho, described as follows:

TOWNSHIP 6 SOUTH, RANGE 29 EAST, BOISE MERIDIAN,
POWER COUNTY, IDAHO

SECTION 8: N1/2, SE1/4

SECTION 9: W1/2

SECTION 15: SW1/4, W1/2SE1/4

Instrument # 193824

POWER COUNTY, IDAHO

2008-04-30

04:11:25 No. of Pages: 2

Recorded for : FIRST AMERICAN TITLE

CHRISTINE STEINLICHT

Fee: 6.00

Ex-Officio Recorder Deputy *Deanna L. Curry*

EXCEPTING THEREFROM: A PARCEL OF LAND LOCATED
IN THE NW1/4 SW1/4 SECTION 15, TOWNSHIP 6 SOUTH,
RANGE 29 EAST, BOISE MERIDIAN, POWER COUNTY,
IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF
SECTION 15; THENCE SOUTH 900 FEET; THENCE EAST 300
FEET; THENCE NORTH 900 FEET; THENCE WEST 300 FEET
TO THE POINT OF BEGINNING.

SECTION 16: ALL

SECTION 17: NE1/4, SE1/4, E1/2SW1/4

Together with all water and water rights appurtenant thereto, excepting therefrom and reserving unto Grantors their heirs and assigns, two (2) cubic feet per second (cfs) diversion rate from Water Right 35-07477A and the right to continue to maintain said reserved water right as appurtenant to the land conveyed. Grantees agree to appropriate and apply the reserve water to beneficial use until transferred by Grantors.

Together with other tenements, heraditaments, and appurtenances thereunto belonging or

in anywise appertaining including the rents, issues and profits thereto; and

SUBJECT TO: All City, County, State and Federal building and zoning laws, ordinances and regulations;

SUBJECT TO: All rights reserved in federal patents, state or railroad deeds, restrictive covenants, rights of way, easements and discrepancies between fence lines and property boundaries.

Except as otherwise set forth herein, the Grantors hereby warrant the Property in the quiet and peaceable possession of the Grantees, their heirs and assigns, against all and every person or persons whomsoever, lawfully claiming or to claim the same.

William R Toevs
William R. Toevs

Joanne P. Toevs
Joanne P. Toevs

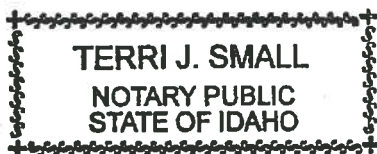
STATE OF IDAHO)

County of Bannock)^{SS}

On this 30 day of April, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared William R. Toevs and Joanne P. Toevs, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing 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 in this certificate first above written.

(seal)



Terri J. Small
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID
My Commission Expires: 4/29/2011

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that on this 30 day of April, 2008, William R. Toevs and Joanne L. Toevs, husband and wife of 2841 West 1800 South, Aberdeen, County of Bingham, State of Idaho, (Toevs), for and in consideration paid by Daryl Klassen, Michael J. Klassen and Phillip B. Klassen, db/a MPH Farms, 2050 South 2950 West, Aberdeen, County of Bingham, State of Idaho, (MPH Farms), the receipt of and adequacy of which is hereby acknowledged, do by these presents, grant, bargain, sell and convey to MPH Farms, their heirs and assigns the following property:

Pivot 1(1)	2001 Zimmatic Center Pivot	# unavailable
Pivot 2(1)	1997 Zimmatic Center Pivot	# unavailable
Pivot 3(1)	1996 Zimmatic Center Pivot	#L55226
Pivot 4(1)	2001 Zimmatic Center Pivot	#unavailable
Pivot 5(1)	2008 Zimmatic Center Pivot	#L98793
Pivot 6(1)	2001 Zimmatic Center Pivot	#L67313
Pivot 7(1)	1992 Zimmatic 1/4 Mile Linear	#L45439
Pivot 8(1)	1998 Zimmatic 1/4 Mile Linear	#92470-04276
Pivot 9(1)	2000 Zimmatic Center Pivot	# 47997
Pivot 10	(1) 1984 Zimmatic 1/2 Mile Linear	#P18593
Pivot 11	(1) 1996 Zimmatic Center Pivot	#P22106
Pivot 12	(1) 2007 Zimmatic Center Pivot	#P64818
Pivot 13	(1) 2007 Zimmatic Center Pivot	#L93972
Well #1	(1) 600 hp General Electric Electric Motor	#SKJ515017
	(1) Wal Line Vertical Turbine Pump	#LP096213
	(1) 200 hp Marathon Electric Motor	#unavailable
	(1) Cornell Centrafungal Pump	#120696
Well #2	(1) 400 hp General Electric Electric Motor	#BSJ220011
	(1) Johnson Vertical Turbine Pump	#unavailable
Well #3	(1) 350 hp General Electric Electric Motor	#BHJ524013
	(1) Vertical Turbine Pump	Make and Serial # unknown
Well #4	(1) 700 hp General Electric Electric Motor	#CVJ3C3020
	(1) Layne & Bowler Vertical Turbine Pump	#unknown

- | | | |
|------|---|-----------|
| (1) | 125 hp General Electric Electric Motor | #EV204012 |
| (1) | Cornell Booster Pump | #37795 |
| (1) | 100 hp General Electric Electric Motor | #AX024022 |
| (1) | Cornell Booster Pump | #44195 |
| (9) | Various Short Length Encl. Move Wheel lines | |
| (50) | 4" x 40' Hook and Latch Hand Lines | |

To Have and to Hold, the same unto MPH Farms, their heirs and assigns forever;
and Toevs do hereby covenant that they are the lawful owners of said property have
good right, full power and lawful authority to convey the same, and that they will defend
the title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set their
hand this day and year first above written.

William R Toevs

William R. Toevs

Joanne L. Toevs

Joanne L. Toevs

STATE OF IDAHO)
 :SS
County of Bannock)

On this 30 day of April, 2008, before me, the undersigned, a Notary Public in and
for said State, personally appeared William R. Toevs and Joanne L. Toevs, husband and wife,
known or identified to me to be the persons whose names are subscribed to the foregoing
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 in this certificate first above written.

(seal)

Terri J. Small
NOTARY PUBLIC FOR IDAHO
Residing

at: Pocatello, ID

My Commission Expires: 4/28/2011

