

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 29 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
36-13010	Yes ☐		Yes ☐		Yes ☐
36-13012	Yes ☐		Yes ☐		Yes ☐
36-13013	Yes ☐		Yes ☐		Yes ☐
36-13014	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Frank J. Suchan
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): The Amalgamated Sugar Company LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|------------------------|-------------------------------|--------------|--------------|
| <u>P.O. Box 700</u> | <u>Paul</u> | <u>ID</u> | <u>83347</u> |
| <u>Mailing address</u> | <u>City</u> | <u>State</u> | <u>ZIP</u> |
| <u>208-438-2115</u> | <u>kcumings@amalsugar.com</u> | | |
| <u>Telephone</u> | <u>Email</u> | | |
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: 12-31-2013
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.
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.

8. Signature: Larry Floyd PLANT MANAGER 1/27/14
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 DM Date 2-6-2014 Receipt No. 5033794 Receipt Amt. \$100-
Approved by _____ Processed by _____ Date _____

SUPPORT DATA

IN FILE # 36-13010



THE AMALGAMATED SUGAR COMPANY LLC

1951 S. SATURN WAY, SUITE 100 • BOISE, ID 83709
PHONE: (208) 383-6500 • FAX: (208) 383-6684

December 30, 2013

Terri L. Smith
Escrow Officer
Land Title and Escrow, Inc.
710 "G" Street
P.O. Box 111
Rupert, ID 83350

Re: Real Estate Transaction between The Amalgamated Sugar Company LLC and Suchan

Dear Terri:

I write as the Vice President of Administration, General Counsel and Secretary to The Amalgamated Sugar Company LLC. I hereby certify that pursuant to The Amalgamated Sugar Company LLC's Company Agreement, authorizing resolutions, and other governing documents, the governing body of The Amalgamated Sugar Company LLC has approved the purchase of the Suchan property, and Larry Lloyd, Plant Manager, is authorized to execute all documents required to complete the purchase.

Sincerely,

John C. McCreedy,
VP of Administration,
General Counsel & Secretary

JCM/js

Enc.

cc. Vic Jaro
Joe Huff
Nasser Shoaee
Craig Hanks
Larry Lloyd

#25433

When recorded, please return to:

THE AMALGAMATED SUGAR COMPANY LLC
Attn: John McCreedy
1951 S. Saturn Way, Suite 100
Boise, Idaho 83709

Instrument # 525655

MINIDOKA COUNTY, RUPERT, IDAHO
12-31-2013 01:47:36 No. of Pages: 8
Recorded for : RUPERT LAND TITLE
PATTY TEMPLE Fee: 31.00
Ex-Officio Recorder Deputy *Patty Temple*

WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, **Frank J. Suchan**, also known of record as **Frank Suchan**, and **Helen Joyce Suchan**, also shown of record as **Joyce Suchan**, husband and wife (hereinafter referred to as the "Grantor"), hereby grants, bargains, sells, and conveys unto **The Amalgamated Sugar Company LLC**, a Delaware limited liability company, whose current address is 1951 S. Saturn Way., Suite 100, Boise, ID 83709 (hereinafter referred to as the "Grantee"), the following described real property, located in Minidoka County, Idaho, to wit (hereinafter referred to as the "Property");

See Exhibit A attached hereto and incorporated herein by this reference.

TOGETHER WITH all water and water rights, ditch or irrigation company shares, streets, alleys and rights of way adjacent thereto, all mineral rights appurtenant thereto, and all and singular the tenements, hereditaments, improvements 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 Property, as well in law as in equity.

TO HAVE AND TO HOLD the Property with its appurtenances, unto Grantee, its successors, heirs and assigns, forever.

SUBJECT TO:

(a) general taxes and assessments, including without limitation real property taxes and Minidoka Irrigation District assessments, for the year 2014 and thereafter ;and

(b) the easements, restrictions and conditions set forth on Exhibit B attached to this Warranty Deed and incorporated herein (the items listed in (a) and (b) are referred to herein collectively as "Permitted Exceptions"); and

(c) The Contract of Sale of Real and Personal Property dated December 31, 2013, as identified and described in the Memorandum of Contract of Sale recorded December 31, 2013, as Instrument No. 525654 records of Minidoka County, Idaho.

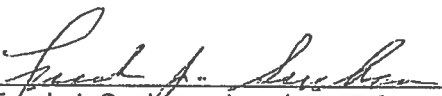
AND Grantor does hereby covenant to and with Grantee, and its successors and assigns forever, that (i) Grantor lawfully owns fee simple title to the Property and has the right to immediate possession of the Property, (ii) Grantor has a good right to convey the Property; (iii) the Property is free from any and all liens, claims, encumbrances or other defects of title except the Permitted Exceptions; (iv) Grantor shall and will warrant and defend the quiet and peaceful possession of said Property by Grantee, and its successors and assigns forever, against all

other claims whatsoever except as excluded or excepted herein; and (v) Grantor and its heirs and assigns will, on demand of the Grantee or its heirs or assigns, execute any instrument necessary for the further assurance of the title to the Property that may be reasonably required.

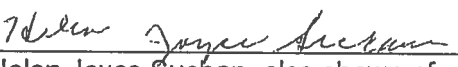
[End of Text]

Witness the hand of said Grantor this 31 day of December, 2013.

GRANTOR:



Frank J. Suchan, also shown of record as
Frank Suchan

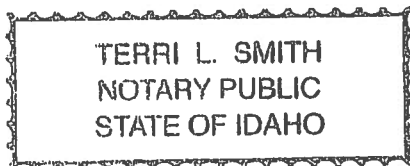


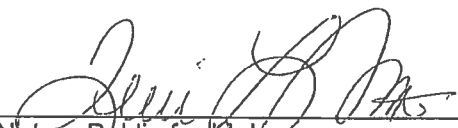
Helen Joyce Suchan, also shown of record as
Joyce Suchan

STATE OF IDAHO)
) ss.
County of Minidoka)

On this, 31 day of December, 2013, personally appeared Frank J. Suchan, also shown of record as Frank Suchan, known or identified to me to be the individual that executed the foregoing instrument, and acknowledged to me that he executed the same.

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



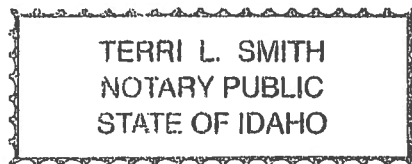


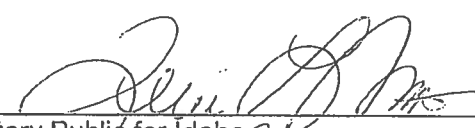
Notary Public for Idaho
Residing at Burley, ID
My commission expires 8/2/14

STATE OF IDAHO)
) ss.
County of Minidoka)

On this, 31 day of December, 2013, personally appeared Helen Joyce Suchan, also shown of record as Joyce Suchan, known or identified to me to be the individual that executed the foregoing instrument, and acknowledged to me that she executed the same.

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





Notary Public for Idaho
Residing at Burley, ID
My commission expires 8/2/14

EXHIBIT "A"

Description of Property

PARCEL NO. 1:

TOWNSHIP 9 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 34: Part of the NE¼NW¼, more particularly described as follows:

Commencing at the Northwest corner of said Section 34 monumented by a 5/8 Inch rebar; thence along the north line thereof North 89°56'07" East for 1321.88 feet to the Northwest corner of the NE¼NW¼; thence South 0°08'51" East along the west line of the NE¼NW¼ for 46.71 feet to a point on the south line of the State Highway 25 right-of-way, said point being South 54°18'12" West for 0.43 feet from a ½ inch rebar and the TRUE POINT OF BEGINNING; Thence South 0°08'51" East for 1270.84 feet to the Southwest corner of the NE¼NW¼, said corner being North 18°07'21" East for 0.94 feet from a 5/8 inch rebar; Thence North 89°49'04" East for 1321.27 feet along the south line of the NE¼NW¼ to a ½ inch rebar at the Southeast corner thereof; Thence North 0°06'36" West for 1062.51 feet; Thence South 89°56'07" West for 341.50 feet to a ½ inch rebar and LS Cap 7920; Thence North 0°06'36" West for 210.59 feet to a ½ inch rebar and LS Cap 7920 set on the south right-of-way of State Highway 25; Thence along said south right-of-way line South 89°38'41" West for 346.84 feet to a ½ inch rebar and LS Cap 7920; Thence South 0°08'11" East for 559.75 feet to a ½ inch rebar and LS Cap 7920; Thence South 89°38'41" West for 320.12 feet to a ½ inch rebar and LS Cap 7920; Thence North 0°08'11" West for 559.75 feet to a point on the south line of State Highway 25 right-of-way, said point being South 09°50'14" East for 0.52 feet from a ½ inch rebar; Thence along the south Highway 25 right-of-way South 89°38'41" West for 313.64 feet to the TRUE POINT OF BEGINNING.

(CONTINUED)

PARCEL NO. 2:

TOWNSHIP 9 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 34: Part of the W¼NE¼ and the NE¼NE¼, more particularly described as follows:

Commencing at the North quarter corner of Section 34 monumented by a 5/8 inch rebar; thence along the West line of the W¼NE¼ South 0°06'36" East for 40.00 feet to the TRUE POINT OF BEGINNING, said point being South 81°53'11" West for 0.77 feet from a 3 inch Idaho Transportation Department brass cap;
Thence South 0°06'36" East for 1274.83 feet to a ½ inch rebar and LS Cap 7920 at the Southwest corner of the NW¼NE¼;
Thence South 0°06'36" East for 1314.83 feet to a 5/8 inch rebar at the center quarter corner of said Section 34;
Thence North 89°42'00" East for 1324.45 feet to a 5/8 inch rebar at the Southeast corner of the SW¼NE¼;
Thence North 0°02'50" West for 1317.65 feet to a 5/8 inch rebar and LS Cap 7920;
Thence North 89°34'43" East for 1325.91 feet to a 5/8 inch rebar and LS Cap set at the Southeast corner of the NE¼NE¼;
Thence North 0°00'56" East for 1280.45 feet to a ½ inch rebar and LS Cap 7920 set on the south Highway 25 right-of-way;
Thence South 88°42'18" West along said south highway right-of-way line for 25.00 feet to a ½ inch rebar and LS Cap 7920;
Thence South 0°00'56" West parallel to the east section line for 40.00 feet to a ½ inch rebar and LS Cap 7920;
Thence North 45°38'31" West for 55.92 feet to a ½ inch rebar and LS Cap 7920 set on the south right-of-way of Highway 25;
Thence continuing along said south highway right-of-way South 88°42'22" West for 651.38 feet to a 3 inch ITD brass cap set thereon Station 560+03.68 for 40.00 feet right per ITD Federal Aid Project No. STP-RS-2864(017);
Thence continuing along said south highway right-of-way South 89°44'07" West for 611.07 feet to the west line of the NE¼NE¼;
Thence continuing along said south highway right-of-way South 89°44'07" West for 522.80 feet, said point being South 0°15'23" East for 0.12 feet from a 3 inch aluminum Department of Energy Cap;
Thence South 0°31'13" East for 275.00 feet to a ½ inch rebar and LS Cap 7920;
Thence South 89°28'47" West for 237.60 feet to a ½ inch rebar and LS Cap 7920;
Thence North 0°31'13" West for 276.06 feet to a ½ inch rebar and LS Cap 7920 set on the south Highway 25 right-of-way;
Thence along said highway right-of-way South 89°44'07" West for 566.88 feet to the TRUE POINT OF BEGINNING.

(CONTINUED)

PARCEL NO. 3:

TOWNSHIP 9 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 27: Part of the SW¼SE¼, more particularly described as follows:

Commencing at the South quarter corner of Section 27 monumented by a 5/8 inch rebar; thence along the west line of the SW¼SE¼ North 0°04'12" East for 40.00 feet to the TRUE POINT OF BEGINNING, said point being South 56°44'06" West for 0.77 feet from a 3 inch Idaho Transportation Department brass cap;
Thence North 0°04'12" East for 1292.32 feet to a 5/8 inch rebar and LS Cap 7920 set at the Northwest corner of the SW¼SE¼;
Thence along the north line of the SW¼SE¼ North 89°28'41" East for 1309.53 feet to a ½ inch rebar and LS Cap 7920 set, said corner being South 89°28'41" West 16.00 feet from a 5/8" rebar and LS Cap 7920 at the northeast corner thereof;
Thence South 0°00'32" East along the east line of the SW¼SE¼ for 1298.20 feet to a ½ inch rebar and LS Cap 7920 on the north right-of-way of State Highway 25;
Thence along the north right-of-way of State Highway 25 South 89°44'07" West for 1311.27 feet to the TRUE POINT OF BEGINNING.

SAVE AND EXCEPT the Minidoka and Southwestern Railroad Company right-of-way.

EXHIBIT "B"- Permitted Exceptions

1. Taxes subsequent to the year 2013, a lien, but not yet due or payable.
2. Assessments of the Minidoka Irrigation District and the rights and powers of said District as by law provided.
3. Assessments levied, or to be levied, by Magic Valley Ground Water District.
4. Agreement between Oregon Short Line Railroad Company, Director General of Railroads, and Davis Green, Licensee, dated January 17, 1920 and recorded May 7, 1920 as Document No. 31009 in Book 1 of Bills of Sale and Agreements, Page 535, records of Minidoka County, Idaho.
(Parcel No. 3)
5. Easement in Right of Way Deed from Florence M. Killen and V. R. Killen, her husband, and Evelyn E. Disney and W.H. Disney, her husband, to the State of Idaho, dated June 18, 1932 and recorded June 25, 1932 as Document No. 66753 in Book 23 of Deeds on Page 241, records of Minidoka County, Idaho, which reads as follows: "The Grantors herein also grant to the State of Idaho the right to relocate and reconstruct on the Southerly side of, adjacent to and parallel with the above described highway right of way, such existing irrigation and/or drainage ditches and structures as may at present be located on such right of way and which relocation and reconstruction shall be deemed by the highway officials of said state necessary to the public use and occupation of said right of way."
(Parcel No. 2)
6. Easement in Right of Way Deed from Evelyn E. Disney and W. H. Disney, her husband, and Florence M. Killen and V. R. Killen, her husband, to the State of Idaho, dated June 18, 1932 and recorded June 25, 1932 as Document No. 66754 in Book 23 of Deeds on Page 242, records of Minidoka County, Idaho, which reads as follows: "The Grantors herein also grant to the State of Idaho the right to relocate and reconstruct on the Southerly side of, adjacent to and parallel with the above described highway right of way, such existing irrigation and/or drainage ditches and structures as may at present be located on such right of way and which relocation and reconstruction shall be deemed by the highway officials of said state necessary to the public use and occupation of said right of way."
(Parcel No. 2)
7. Power Line Easement from Davis Green and Clarinda Green, his wife, and Louis Dare Jensen and Lucy C. Jensen, his wife, to Idaho Power Company, a corporation, dated November 15, 1956 and recorded August 8, 1957 as Document No. 129010 in Book 36 of Miscellaneous, Page 260 records of Minidoka County, Idaho, granting a right of way and easement to said corporation, for the erection and maintenance of electrical transmission lines, over and across said property.
(Parcel No. 3)

(CONTINUED)

8. Easement from George Anton Suchan, a single person, to State of Idaho, Idaho Transportation Department, by and through the Idaho Transportation Board, dated January 10, 1994 and recorded February 1, 1994 as Document No. 410843, records of Minidoka County, Idaho.
(Parcel No. 2)
9. Easement between Myra Suchan, a widow, Grantor and the State of Idaho, Idaho Transportation Department, by and through the Idaho Transportation Board, Grantee, dated February 2, 1993 and recorded February 15, 1994 as Document No. 411105, records of Minidoka County, Idaho.
(Parcel No. 3)
10. Easement disclosed by Agreement and Stipulation of Possession, by and between the State of Idaho, Idaho Transportation Department, by and through the Idaho Transportation Board and Myra L. Suchan, dated February 7, 1994 and recorded February 24, 1994 as Document No. 411261, records of Minidoka County, Idaho.
(Parcel No. 2)
11. Easement by and between Myra Suchan, a/k/a Myra L. Suchan, a widow, Grantor and the State of Idaho, Idaho Transportation Department, by and through the Idaho Transportation Board, Grantee, dated April 14, 1995 and recorded May 4, 1995 as Document No. 418271, records of Minidoka County, Idaho.
(Parcel No. 2)
12. Power Line Easement from George B. Suchan and Myra Suchan, his wife, Grantor, to Idaho Power Company, a corporation, Grantee, dated November 27, 1956 and recorded August 8, 1957 as Document No. 129030, records of Minidoka County, Idaho. (Covers the W½NE¼ of Section 34, Township 9 South, Range 23 East of the Boise Meridian.)
13. The following matters, and any rights, easements, interests or claims which may exist by reason thereof, disclosed by an ALTA/ACSM survey made by MOON & ASSOCIATES, INC. ENGINEERING & LAND SURVEYING on December 2013, designated Job No. 13111ALTA.DWG.
 - a. fence encroachment 3.8' (NE¼NW of Parcel No. 1)
 - b. irrigation ditch to benefit Sayles (NE¼NW of Parcel No. 1)
 - c. concrete ditch along the East boundary (NE¼NW¼ of Parcel No. 1)
 - d. dirt access road along South boundary (NE¼NW¼ Parcel No. 1)
 - e. dirt access road along West and South boundaries (W½NE¼ Parcel No. 2)
 - f. cultivated field encroachment (W½NE¼ of Parcel No. 2)
 - g. tree encroachment onto lands of United Electric (W½NE¼ of Parcel No. 2)
 - h. irrigation lateral 185 running through a portion of (NE¼NE¼ of Parcel No. 2)
 - i. cultivated field encroachment from South field along the South boundary of the (NE¼NE¼ of Parcel No. 2)
 - j. irrigation lateral along the South boundary of the (SW¼SE¼ of Parcel No. 3)
 - k. cultivated field encroachment along the East boundary (SW¼SE¼ of Parcel No. 3)
 - l. overhead electric power transmission lines along the North boundary (Parcels No. 1 and 2)
 - m. overhead electric power transmission lines along the East boundary of NE¼NE¼ of Parcel No. 2
 - n. overhead electric power transmission lines in the Northerly portion of NW¼NE¼ and NE¼NE¼ of Parcel No. 2
 - o. twenty five foot county road easement along the East boundary of the NE¼NE¼ of Parcel No. 2.

