

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 07 2013

Notice of Change in Water Right Ownership

DEPT. OF WATER RESOURCES
SOUTHERN 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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
37-10344	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Harold Mays and Hazel Mays
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Magic Valley Growers, LTD.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|-------------------|----------------|-----------|--------------|
| <u>PO Box 850</u> | <u>Wendell</u> | <u>ID</u> | <u>83355</u> |
| Mailing address | City | State | ZIP |
| <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: November 6, 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: Michele J. Goulet Title, if applicable: U.S. Date: 11-6-13

Signature: _____ Title, if applicable: _____ Date: _____

Signature of new owner/claimant

Signature of new owner/claimant

For IDWR Office Use Only:

Received by DM Date 11-7-2013 Receipt No. 5033624 Receipt Amt. \$50-
Approved by _____ Processed by _____ Date _____

IN FILE # 37-10344

WARRANTY DEED

#GG-12453

For Value Received

Kathleen H. Venters, a single woman

Instrument # 246655

GOODING, GOODING, IDAHO

11-6-2013 02:33:55 No. of Pages: 2

Recorded for : LAND TITLE AND ESCROW

DENISE M. GILL

Fee: 13.00

Ex-Officio Recorder Deputy

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Magic Valley Growers LTD

Address: PO Box 850, Wendell, ID 83355 MJC

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

Parcel No. 1:

TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 35: NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$, excepting therefrom the right-of-way of the Oregon Short Line Railroad Company.

Parcel No. 2:

TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 35: All that portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying North of the Canal of the Idaho Irrigation Company, Ltd., commonly known as Lateral B-1; All that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying South of the right-of-way of the Oregon Short Line Railroad; The SE $\frac{1}{4}$ NW $\frac{1}{4}$, less that portion lying South of the Canal of the Idaho Irrigation Company, Ltd., commonly known as Lateral B-1.

EXCEPTING THEREFROM

Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, described as follows:

BEGINNING at a point of intersection where the B1 Lateral of the Big Wood Canal Company crosses the East boundary of NE $\frac{1}{4}$ SW $\frac{1}{4}$ (or the North and South half section line of Section 35) the TRUE POINT OF BEGINNING;

Thence North along the East line of the SW $\frac{1}{4}$ Section 35, 250.0 feet;

Thence West parallel with the South boundary of said SW $\frac{1}{4}$, 225.0 feet;

Thence South parallel with the East boundary of SW $\frac{1}{4}$, to a point of intersection with the center line of the B1 Lateral;

Thence Southeasterly along the center line of the B1 Lateral to the TRUE POINT OF BEGINNING.

AND EXCEPTING THEREFROM

Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, described as follows:

BEGINNING at a point of intersection where the B1 Lateral of Big Wood Canal Company crosses the East boundary of NE $\frac{1}{4}$ SW $\frac{1}{4}$;

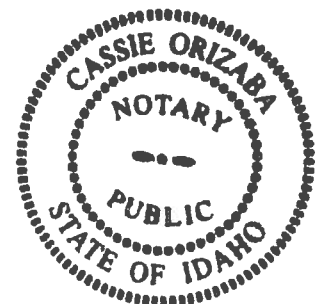
Thence North along the East line of the SW $\frac{1}{4}$, Section 35, 250.0 feet to the TRUE POINT OF BEGINNING;

Thence West parallel with the South boundary of said SW $\frac{1}{4}$ 225.0 feet;

Thence North 50.0 feet;

Thence East parallel with the South boundary of said SW $\frac{1}{4}$ 225.0 feet to the point of intersection with the East boundary of SW $\frac{1}{4}$;

Thence South along the East boundary 50.0 feet to the TRUE POINT OF BEGINNING.



Instrument # 246656

GOODING, GOODING, IDAHO

11-6-2013 02:35:59 No. of Pages: 3

Recorded for : LAND TITLE AND ESCROW

DENISE M. GILL

Fee: 16.00

Ex-Officio Recorder Deputy

#GG-12453

PERSONAL REPRESENTATIVE'S DEED

For Value Received

STEPHEN WAUGH, Personal Representative for the ESTATE OF GLENN EDMUND SCHUTTE, deceased, pursuant to Statement of Informal Probate of Will and Informal Appointment of Personal Representative filed under Case No. CV2010-260, Gooding County Magistrate Division and recorded as Instrument No. 246656 in the records of the Gooding County Recorder's office.

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Magic Valley Growers LTD

Address: PO Box 850, Wendell, ID 83355 *MSL*

Hereinafter called the Grantee, the following described premises situated in **Gooding** County, Idaho, to-wit:

Parcel No. 1:

TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 35: NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$, excepting therefrom the right-of-way of the Oregon Short Line Railroad Company.

Parcel No. 2:

TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 35: All that portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying North of the Canal of the Idaho Irrigation Company, Ltd., commonly known as Lateral B-1; All that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying South of the right-of-way of the Oregon Short Line Railroad; The SE $\frac{1}{4}$ NW $\frac{1}{4}$, less that portion lying South of the Canal of the Idaho Irrigation Company, Ltd., commonly known as Lateral B-1.

EXCEPTING THEREFROM

Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, described as follows:

BEGINNING at a point of intersection where the B1 Lateral of the Big Wood Canal Company crosses the East boundary of NE $\frac{1}{4}$ SW $\frac{1}{4}$ (or the North and South half section line of Section 35) the TRUE POINT OF BEGINNING;

Thence North along the East line of the SW $\frac{1}{4}$ Section 35, 250.0 feet;

Thence West parallel with the South boundary of said SW $\frac{1}{4}$, 225.0 feet;

Thence South parallel with the East boundary of SW $\frac{1}{4}$, to a point of intersection with the center line of the B1 Lateral;

Thence Southeasterly along the center line of the B1 Lateral to the TRUE POINT OF BEGINNING.

AND EXCEPTING THEREFROM

Page 2 of Personal Representative's Deed

Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, described as follows:

BEGINNING at a point of intersection where the B1 Lateral of Big Wood Canal Company crosses the East boundary of NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence North along the East line of the SW $\frac{1}{4}$, Section 35, 250.0 feet to the TRUE POINT OF BEGINNING;
Thence West parallel with the South boundary of said SW $\frac{1}{4}$ 225.0 feet;
Thence North 50.0 feet;
Thence East parallel with the South boundary of said SW $\frac{1}{4}$ 225.0 feet to the point of intersection with the East boundary of SW $\frac{1}{4}$;
Thence South along the East boundary 50.0 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2013 are an accruing lien.

Taxes subsequent to the year 2013.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

License Agreement by and between Big Wood Canal Company, an Idaho Corporation, or American Falls Reservoir District No. 2, and Glen Schutte, dated April 8, 2004 recorded November 24, 2004 as Instrument No. 208821, Gooding County, Idaho. (Parcels No. 2)

A permanent telecommunications easement and the terms and conditions contained therein, as set forth in Easement Deed by Court Order in Settlement of Landowner Action, Case No. 1:01-CV-286-BLW, in the United States District Court for the State of Idaho, dated June 23, 2011, recorded September 20, 2011 as Instrument Number 238976, Gooding County records.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: ^{November}~~October~~ 4, 2013

ESTATE OF GLENN EDMUND SCHUTTE

By: Stephen Waugh, PR
Stephen Waugh, Personal Representative

Page 3 of Personal Representative's Deed

STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

On this 4 day of ~~October~~^{November}, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Stephen Waugh, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Glenn Edmund Schutte, and acknowledged to me that he executed the same as such Personal Representative.

Notary Public

Residing at: Gooding, ID
My Commission expires: 10/8/16

Lisa Ritter
Notary Public
State of Idaho

QUITCLAIM DEED

GG-12453

For Value Received

STEPHEN WAUGH, Personal Representative for the ESTATE OF GLENN EDMUND SCHUTTE, deceased, pursuant to Statement of Informal Probate of Will and Informal Appointment of Personal Representative filed under Case No. CV2010-260, Gooding County Magistrate Division and recorded as Instrument No. 246654 in the records of the Gooding County Recorder's office.

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

Magic Valley Growers LTD
ADDRESS: PO Box 850, Wendell, ID 83355 *M.V.C.*

Hereinafter called the grantee, the following described premises, in Gooding County, Idaho to-wit:

All mineral, oil and gas rights appurtenant to the property described on Exhibit "A" Attached thereto.

All surface and subsurface water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Water Right Numbers 37-10344 and 37-10728 from the Idaho Department of Water Resources AND 115.0 Shares of Capital Stock of the Big Wood American Falls Canal Company which are appurtenant to the property described on Exhibit "A" attached thereto.

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

November
Dated: ~~October~~ 4, 2013

ESTATE OF GLENN EDMUND SCHUTTE

By: *SW*
Stephen Waugh, Personal Representative

Instrument # 246657

GOODING, GOODING, IDAHO

11-6-2013 02:38:57 No. of Pages: 3

Recorded for : LAND TITLE AND ESCROW

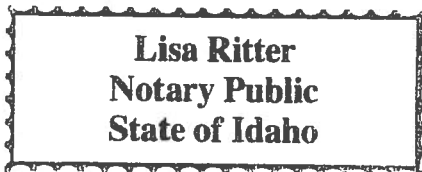
DENISE M. GILL

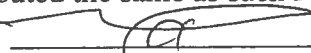
Fee: 16.00

Ex-Officio Recorder Deputy *MS*

STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

On this 4 day of ~~October~~^{November}, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Stephen Waugh, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Glenn Edmund Schutte, and acknowledged to me that he executed the same as such Personal Representative.





Notary Public
Residing at: Gooding, ID
My Commission expires: 10/8/16

Exhibit "A"

Order Number: GG-12453

Parcel No. 1:

TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 35: NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$, excepting therefrom the right-of-way of the Oregon Short Line Railroad Company.

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EXCEPTING THEREFROM

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Thence North along the East line of the SW $\frac{1}{4}$ Section 35, 250.0 feet;

Thence West parallel with the South boundary of said SW $\frac{1}{4}$, 225.0 feet;

Thence South parallel with the East boundary of SW $\frac{1}{4}$, to a point of intersection with the center line of the B1 Lateral;

Thence Southeasterly along the center line of the B1 Lateral to the TRUE POINT OF BEGINNING.

AND EXCEPTING THEREFROM

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Thence West parallel with the South boundary of said SW $\frac{1}{4}$ 225.0 feet;

Thence North 50.0 feet;

Thence East parallel with the South boundary of said SW $\frac{1}{4}$ 225.0 feet to the point of intersection with the East boundary of SW $\frac{1}{4}$;

Thence South along the East boundary 50.0 feet to the TRUE POINT OF BEGINNING.

QUITCLAIM DEED

GG-12453

For Value Received

Instrument # 246658

GOODING, GOODING, IDAHO

11-6-2013 02:39:43 No. of Pages: 2

Recorded for : LAND TITLE AND ESCROW

DENISE M. GILL

Fee: 13.00

Ex-Officio Recorder Deputy

Kathleen H. Venters, a single woman

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

Magic Valley Growers LTD

ADDRESS: PO Box 850, Wendell, ID 83355 *MVC*

Hereinafter called the grantee, the following described premises, in Gooding County, Idaho to-wit:

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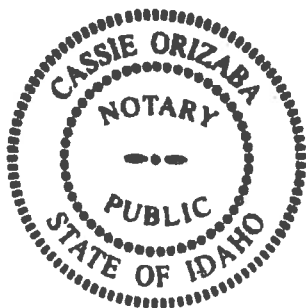
TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: November 5, 2013

Kathleen Venters By *[Signature]* *Per*
Kathleen H. Venters, by Heidi J. Puckett, her attorney-in-fact

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 5 day of November, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Heidi J. Puckett, known or identified to me to be the person whose name is subscribed to the within instrument, as the Attorney-In-Fact of Kathleen H. Venters and acknowledged to me that she subscribed the name of Kathleen H. Venters thereto as principal, and his own name as Attorney-In-Fact.



Cassie Orizaba
Notary Public

Residing at: *Nampa, Idaho*

My Commission expires

May 10, 2019

Exhibit "A"

Order Number: GG-12453

Parcel No. 1:

TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

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Parcel No. 2:

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Thence West parallel with the South boundary of said SW $\frac{1}{4}$, 225.0 feet;

Thence South parallel with the East boundary of SW $\frac{1}{4}$, to a point of intersection with the center line of the B1 Lateral;

Thence Southeasterly along the center line of the B1 Lateral to the TRUE POINT OF BEGINNING.

AND EXCEPTING THEREFROM

Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, described as follows:

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Thence North along the East line of the SW $\frac{1}{4}$, Section 35, 250.0 feet to the TRUE POINT OF BEGINNING;

Thence West parallel with the South boundary of said SW $\frac{1}{4}$ 225.0 feet;

Thence North 50.0 feet;

Thence East parallel with the South boundary of said SW $\frac{1}{4}$ 225.0 feet to the point of intersection with the East boundary of SW $\frac{1}{4}$;

Thence South along the East boundary 50.0 feet to the TRUE POINT OF BEGINNING.