



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 11, 2013

Lava Rock Ranch LLC
PO Box 844
Aberdeen ID 83210

RE: Notice of Change in Water Right Ownership
Water Rights: 35-7996

Dear Sir/Madam:

On March 21, 2013, you filed a Notice of Change in Water Right Ownership (ownership change) with the Idaho Department of Water Resources (IDWR), seeking to update the ownership records for the water rights listed above. After an initial review, we determined that you did not include the proper filing fee (1 water right X \$100.00 per split water right = \$100.00). The ownership change only included a check for \$25.00. On March 21, 2013 (letter enclosed) we sent a letter requesting the additional filing fee of \$75.00 or evidence of ownership of the entire place of use of the water right. The additional fee was to be provided within 30 days.

IDWR has never received a response to the request. Without the proper filing fee, we cannot complete the ownership change. We are therefore returning your original ownership change and have initiated a refund of your money (\$25.00). The refund from the state of Idaho will arrive at the address listed above within a couple of weeks.

Please feel free to re-file your ownership change at any time in the future when you have collected the proper documentation of ownership and have included the correct filing fee.

If you have any questions, please contact me at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

RECEIVED

MAR 21 2013

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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?
35-7996	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Lynn W. Kendell
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Lava Rock Ranch, LLC
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

PO Box 844

Mailing address

Aberdeen ID 83210

City State ZIP

208-681-5222 fosterfarms2@gmail.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: December 28, 2012
6. 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.

7. Signature: Lava Rock Ranch by Bruce Foster Bruce Foster for Lava Rock Ranch March 18, 2013
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable Date

For IDWR Office Use Only:

Received by: [Signature] Date: 3/21/2013 Receipt No. E038514 Receipt Amt. \$25. -

Approved by: _____ Processed by: _____ Date: _____

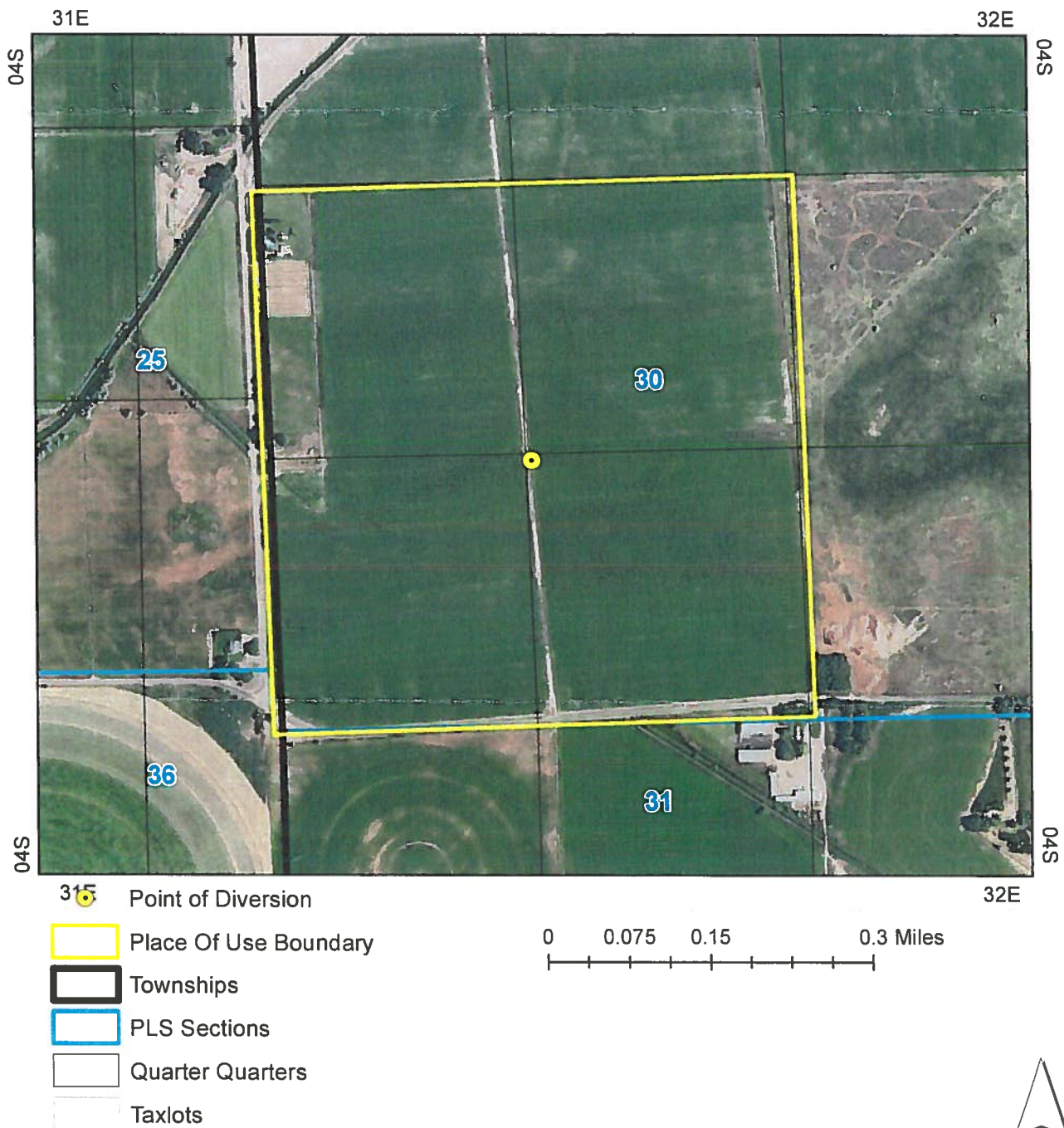
Refund Submitted 6/11/2013

State of Idaho
Department of Water Resources

Water Right
35-7996

IRRIGATION

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.



This is the correct one

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
2240 E. Center
Pocatello, ID 83201

Instrument # 646024
BINGHAM COUNTY, IDAHO
2013-01-31 11:09:09 AM No. of Pages: 6
Recorded for: FIRST AMERICAN TITLE - BLACKFO
SARA J. STAUB Fee: \$25.00
Ex-Officio Recorder Deputy C Robinson
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

***CORRECTION DEED TO CORRECT LEGAL DESCRIPTION FOR WARRANTY
DEED RECORDED VIA INSTRUMENT NO. 645070***

WARRANTY DEED

File No.: 446067-P (ci)

Date: January 15, 2013

For Value Received, **Lynn W. Kendell and Tamara Kendell, aka Tammy Kendell, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Lava Rock Ranch, LLC, an Idaho limited liability company**, hereinafter called the Grantee, whose current address is **PO Box 844, Aberdeen, ID 83210**, the following described premises, situated in **Bingham County, Idaho**, to-wit:

PARCEL I:

Commencing at the West ¼ corner of Section 30, Township 4 South, Range 32, East of the Boise Baseline and Meridian, Bingham County, Idaho, and running thence N. 00°46'31" W. 250.05 feet along the section line to the centerline of an irrigation canal; thence along said canal centerline the following six (6) courses: N. 35°56'13" E. 144.79 feet; thence N. 43°02'40" E. 137.21 feet; thence N. 47°18'52" E. 276.37 feet; thence N. 47°48'58" E. 681.88 feet; thence N. 50°23'17" E. 274.79 feet; thence N. 52°54'58" E. 47.43 feet; thence N. 89°10'50" E. 1460.12 feet to the North-South center section line; thence S. 01°16'32" E. 1292.16 feet along said Center section line to the center of said Section 30; thence S. 89°00'10" W. 2622.34 feet along the East-West center section line to the point of beginning.

PARCEL II:

Commencing at the Northwest corner of Section 30, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho, and running thence N. 89°34'09" E. 1242.04 feet along the section line to the W 1/16th corner common to Sections 19 and 30; thence S. 01°09'57" E. 47.74 feet; thence S. 88°16'10" E. 732.02 feet to the centerline of an irrigation canal, said point being the TRUE POINT OF BEGINNING, and running thence S. 89°49'56" E. 409.40 feet to a fence corner; thence S. 89°19'02" E. 226.10 feet to the North-South center section line; thence S. 01°16'32" E. 1259.67 feet along said center section line; thence S. 89°10'50" W. 1460.12 feet to the centerline of an irrigation canal, thence along said irrigation canal centerline the following twelve (12) courses: N. 52°14'51" E. 124.94 feet; thence N. 47°02'05" E. 95.98 feet; thence N. 36°40'21" E. 114.10 feet; thence N. 33°26'55" E. 56.62 feet; thence N. 31°46'57" E. 124.92 feet; thence N. 31°30'11" E. 154.65 feet; thence N. 31°31'12" E. 215.76 feet; thence N. 32°30'35" E. 136.46 feet; thence N. 30°56'40" E. 195.05 feet; thence N. 20°42'11" E. 131.81 feet; thence N. 15°22'07" E. 97.90 feet; thence N. 15°26'37" E. 84.48 feet to the TRUE POINT OF BEGINNING.

PARCEL III:

Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho
Section 30: NE¼SW¼; All of Lot 3

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
2240 E. Center
Pocatello, ID 83201

Recorded Electronically	
ID	646067
County	Bingham
Date	1-31-13
Time	11:09
Simplifile.com 800.460.5657	

Space Above This Line for Recorder's Use Only

*****CORRECTION DEED TO CORRECT LEGAL DESCRIPTION FOR WARRANTY
DEED RECORDED VIA INSTRUMENT NO. 645070*****

WARRANTY DEED

File No.: **446067-P (ci)**

Date: **January 15, 2013**

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Commencing at the West ¼ corner of Section 30, Township 4 South, Range 32, East of the Boise Baseline and Meridian, Bingham County, Idaho, and running thence N. 00°46'31" W. 250.05 feet along the section line to the centerline of an irrigation canal; thence along said canal centerline the following six (6) courses: N. 35°56'13" E. 144.79 feet; thence N. 43°02'40" E. 137.21 feet; thence N. 47°18'52" E. 276.37 feet; thence N. 47°48'58" E. 681.88 feet; thence N. 50°23'17" E. 274.79 feet; thence N. 52°54'58" E. 47.43 feet; thence N. 89°10'50" E. 1460.12 feet to the North-South center section line; thence S. 01°16'32" E. 1292.16 feet along said Center section line to the center of said Section 30; thence S. 89°00'10" W. 2622.34 feet along the East-West center section line to the point of beginning.

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PARCEL III:

Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho
Section 30: NE¼SW¼; All of Lot 3

Date: 01/15/2013

Warranty Deed
- continued

File No.: 446067-P (ci)

EXCEPTING THEREFROM: Beginning at the West Quarter corner of said Section 30 and running thence East 300 feet, more or less to the fence constructed by Silver Springs Ranch; thence South 612 feet; thence West 300 feet, more or less; thence North 612 feet to the Point of Beginning.

ALSO EXCEPTING THEREFROM: Beginning at the Southwest corner of said Lot 3 and running thence North along the West Section line 720 feet; thence East at right angles thereto 300 feet to the fence; thence South parallel to the West Section line 720 feet; thence West 300 feet to the Point of Beginning.

PARCEL IV:

The SE $\frac{1}{4}$ SW $\frac{1}{4}$ and Lot 4 of Section 30, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

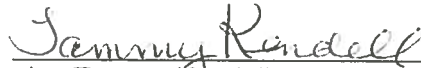
Date: 01/15/2013

Warranty Deed
- continued

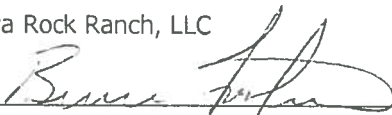
File No.: 446067-P (ci)


Lynn W. Kendell


Tamara Kendell

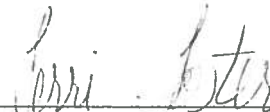

aka: Tammy Kendell

Lava Rock Ranch, LLC

By: 
Bruce Foster, Member

By: 
Kathy Foster, Member

By: 
Marc Foster, Member

By: 
Terri Foster, Member

Date: 01/15/2013

Warranty Deed
- continued

File No.: 446067-P (ci)

STATE OF Idaho)
COUNTY OF Bannock)
SS.

On this 31st day of January, 2013, before me, a Notary Public in and for said State, personally appeared **Lynn W. Kendell**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Melissa Raschke
Notary Public for the State of Idaho
Residing at: Chubbuck Id
My 1/25/2014 Commission Expires:

STATE OF Idaho)
COUNTY OF Bannock)
SS.

On this 31st day of January, 2013, before me, a Notary Public in and for said State, personally appeared **Tamara Kendell, aka Tammy Kendell**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Melissa Raschke
Notary Public for the State of Idaho
Residing at: Chubbuck Id
My Commission Expires: 1/25/2014

Date: 01/15/2013

Warranty Deed
- continued

File No.: 446067-P (ci)

STATE OF Idaho)
COUNTY OF Kennecott)
SS.

On this 17 day of January, 2013, before me, a Notary Public in and for said State, personally appeared **Bruce Foster**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Lava Rock Ranch, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.



Celeste Palmer
Notary Public of Idaho
Residing at: Portello
Commission Expires: 3-19-16

STATE OF Idaho)
COUNTY OF Kennecott)
SS.

On this 17 day of January, 2013, before me, a Notary Public in and for said State, personally appeared **Kathy Foster**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Lava Rock Ranch, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that she executed the same in said Limited Liability Company's name.



Celeste Palmer
Notary Public of Idaho
Residing at: Portello
Commission Expires: 3-19-16

Date: 01/15/2013

Warranty Deed
- continued

File No.: 446067-P (ci)

STATE OF Idaho)
COUNTY OF Bannock) ss.

On this 15 day of January, 2013, before me, a Notary Public in and for said State, personally appeared **Marc Foster**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Lava Rock Ranch, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.

CELESTE PALMER
NOTARY PUBLIC
STATE OF IDAHO

Celeste Palmer
Notary Public of Idaho

Residing at: Patateo, ID

Commission 3-19-16

Expires:

STATE OF Idaho)
COUNTY OF Bannock) ss.

On this 15 day of January, 2013, before me, a Notary Public in and for said State, personally appeared **Terri Foster**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Lava Rock Ranch, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that she executed the same in said Limited Liability Company's name.

CELESTE PALMER
NOTARY PUBLIC
STATE OF IDAHO

Celeste Palmer
Notary Public of Idaho

Residing at: Patateo

Commission Expires: 3-19-16