

RECEIVED

SEP 10 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. 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?
36-7698	Yes ☐		Yes ☐		Yes ☐
36-2225	Yes ☐		Yes ☐		Yes ☐
36-10956	Yes ☐		Yes ☐		Yes ☐
36-2341	Yes ☐		Yes ☐		Yes ☐
36-8568	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: FRED R. STEWART and PHYLLIS L. STEWART

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): HENRY FARMS, an Idaho general partnership

Name of each new owner as listed on the conveyance document

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

210 S. 875 E.

Mailing address

Jerome

ID

83338

City

State

ZIP

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: September 6, 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: Robert F. Henry

Signature of new owner/claimant

Title, if applicable

Date

Signature: Robert F. Henry

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only: Jeffrey A. Henry

Received by DM

Date

9-10-2012

Receipt No.

5032779

Receipt Amt.

\$125-

Approved by

Processed by

Date

SUPPORT DATA

IN FILE # 36-2225

COPY

Instrument # 2123833

JEROME COUNTY, JEROME, IDAHO

9-6-2012 03:38:08 No. of Pages: 7

Recorded for : LAND TITLE AND ESCROW

MICHELLE EMERSON

Fee: 28.00

Ex-Officio Recorder Deputy J. Wilson

J-40983

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged **FRED R. STEWART and PHYLLIS L. STEWART, husband and wife**, collectively the "Grantors", hereby grant, bargain, sell, and convey unto **HENRY FARMS, an Idaho general partnership**, whose address is 210 S. 875 E., Jerome, Idaho 83338, the "Grantee", the following described premises located in Jerome County, Idaho, to wit:

See EXHIBIT A attached hereto.

TO HAVE AND TO HOLD, unto Grantee, its successors, heirs and assigns forever.

SUBJECT TO the following: (a) general taxes and assessments, which are not yet due and payable; and (b) the encumbrances, easements, restrictions and matters set forth on EXHIBIT B attached hereto and incorporated herein (collectively the "Permitted Exceptions").

Grantors warrant that they are the owners in fee simple of the Property, that the Grantors have not conveyed any interest in the Property to any person other than Grantee, and that the Property is free from all encumbrances created or suffered by Grantor, except the Permitted Exceptions, and that Grantors will warrant and defend the same against all lawful claims of all persons claiming by, through or under Grantors.

IN WITNESS WHEREOF, the parties have executed the within instrument as of the 10 day of September, 2012

"GRANTORS"

Fred R. Stewart by Victoria May Meyer
FRED R. STEWART, Attorney-in-fact
By Victoria May Meyer, Attorney-in-fact

Phyllis L. Stewart by Victoria May Meyer
PHYLLIS L. STEWART, Attorney-in-fact
By Victoria May Meyer, Attorney-in-fact

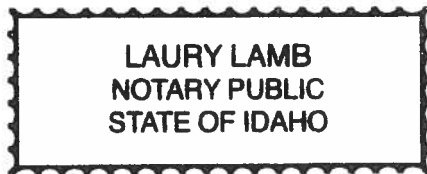
STATE OF IDAHO)

SS:

County of Jerome)

On this 6th day of September, 2012, before me, the undersigned, a Notary Public in and for said County and State, personally appeared VICTORIA MAY MEYER, as Attorney-in-fact for FRED R. STEWART and PHYLLIS L. STEWART, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that ^{she is} ~~they~~ executed the same. as Attorney-In-Fact.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.



Laury Lamb

NOTARY PUBLIC for Idaho

Residing at: Jerome

Commission Expires: 4/2/2016

EXHIBIT A

PARCEL NO. 1:

TOWNSHIP 8 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 32: Farm Unit B (Tract B); Lots 3, 4 and 5

PARCEL NO. 2:

TOWNSHIP 8 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 31: SE $\frac{1}{4}$

EXCEPTING THEREFROM a parcel of land located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southwest corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 0°00'00" East a distance of 243.35 feet along the Westerly boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ to THE TRUE POINT OF BEGINNING;
Thence North 0°00'00" East a distance of 150.00 feet along the Westerly boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 90°00'00" East a distance of 300.00 feet;
Thence South 0°00'00" East a distance of 150.00 feet;
Thence North 90°00'00" West a distance of 300.00 feet to THE TRUE POINT OF BEGINNING;

ALSO EXCEPTING THEREFROM Part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the South quarter corner for Section 31;
Thence North 429.96 feet along the Westerly boundary of the SW $\frac{1}{4}$, Section 31 to a point which bears South 4,857.49 feet from the North quarter corner for Section 31;
Thence North 87°55'46" East 164.66 feet to the TRUE POINT OF BEGINNING;
Thence North 87°55'46" East 277.21 feet along an existing fence;
Thence North 38°14'36" East 606.37 feet along an existing fence;
Thence South 87°55'44" West 729.73 feet;
Thence South 9°29'26" East 466.26 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 3:

TOWNSHIP 8 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 25: NE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$;

PARCEL NO. 4:

TOWNSHIP 9 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 5: SW $\frac{1}{4}$ NW $\frac{1}{4}$; Lot 4

Section 6: S $\frac{1}{2}$ NE $\frac{1}{4}$; Lots 1 and 2

PARCEL NO. 5:

TOWNSHIP 8 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 34: Tract "F"

EXCEPTING THEREFROM a parcel of land located in Farm Tract "F" in the SE $\frac{1}{4}$ of Section 34, Township 8 South, Range 19 East, Boise Meridian, Jerome County, Idaho and more particularly described as follows:

Commencing at the Southeast corner of said Section 34, Thence North 00°00'00" West along the East boundary of Farm Tract "F" in the SE $\frac{1}{4}$ of Section 34 for a distance of 905.34 feet to the TRUE POINT OF BEGINNING;
Thence North 88°58'40" West for a distance of 222.92 feet;
Thence North 00°00'00" East parallel with the East boundary of the SE $\frac{1}{4}$ of Section 34 for a distance of 220.09 feet;
Thence South 88°58'40" East for a distance of 222.92 feet to a point on the East boundary of the SE $\frac{1}{4}$ of Section 34;
Thence South 00°00'00" West along the East boundary of the SE $\frac{1}{4}$ of Section 34 for a distance of 220.09 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM a parcel of land located in Farm Tract "F" in the SE $\frac{1}{4}$, more particularly described as follows:

Commencing at the Southeast corner of said Section 34, Thence North 00°00'00" West along the East boundary of Farm Tract "F" in the SE $\frac{1}{4}$ of Section 34 for a distance of 905.34 feet;

Thence North 88°58'40" West for a distance of 222.92 feet to the TRUE POINT OF BEGINNING;
Thence North 88°58'40" West for a distance of 25.00 feet;
Thence North 00°00'00" West parallel with the East boundary of the SE¼ of Section 34 for a distance of 220.09 feet;
Thence South 88°58'40" East for a distance of 25.00 feet;
Thence South 00°00'00" East parallel with the East boundary of the SE¼ of Section 34 for a distance of 220.09 feet to the TRUE POINT OF BEGINNING.

AND EXCEPTING THEREFROM a parcel of land located in Farm Tract "F" in the SE¼, more particularly described as follows:

Commencing at the Southeast corner of said Section 34 from which the East One Quarter (E¼) corner of said Section 34 bears North 00°00'00" West 2643.86 feet,
Thence North 00°00'00" West along the East boundary of the SE¼ of said Section 34 for a distance of 685.25 feet to the TRUE POINT OF BEGINNING;
Thence North 88°58'40" West for a distance of 247.92 feet;
Thence North 00°00'00" East parallel with the East boundary of the SE¼ of said Section 34 for a distance of 220.09 feet;
Thence South 88°58'40" East for a distance of 247.92 feet to a point on the East boundary of the SE¼ of said Section 34;
Thence South 00°00'00" West along the East boundary of the SE¼ of said Section 34 for a distance of 220.09 feet to the TRUE POINT OF BEGINNING.

AND EXCEPTING THEREFROM that part of Tract F, described as follows:

Beginning at the Southeast Corner of Section 34 in Township 8 South, Range 19 East of the Boise, Meridian, said corner marked by a ½" rebar;
Thence North 00°02'20" East (North 0°00'00" West, Rec.) along the East line of Section 34 for a distance of 1125.38 feet (1125.43', Rec.) to the POINT OF BEGINNING;
Thence North 88°54'35" West (North 88°58'40" West, Rec.) for a distance of 25.01 feet (25.00', Rec.) to a ½" rebar;
Thence North 88°54'35" West (North 88°58'40" West, Rec.) for a distance of 197.83 feet to a ½" rebar;
Thence North 88°54'35" West (North 88°58'40" West, Rec.) for a distance of 132.11 feet to a ½" rebar;
Thence North 00°02'20" East for a distance of 216.28 feet to a ½" rebar;
Thence South 88°54'35" East for a distance of 331.40 feet to a ½" rebar;
Thence South 88°54'35" East for a distance of 23.55 feet to the East line of Section 34;
Thence South 00°02'20" West along said line for a distance of 216.28 feet to the POINT OF BEGINNING.

EXHIBIT B

Taxes for 2012 and subsequent years, a lien, but not yet due or payable.

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

Assessments of the North Snake Groundwater District and the rights and powers of said District as by law provided.

Right of way for roads, canals, laterals and waste ditches as contained in an Agreement by and between the State of Idaho, and the Twin Falls North Side Land and Water Company, dated August 21, 1907, recorded in Book 15 Page 589, Jerome County records.

Terms and conditions of a Contract by and between The United States of America, acting through the Secretary of the Interior, and John L. Taylor and Muriel Taylor, husband and wife, dated May 24, 1949, recorded May 28, 1949 in Book 143 Page 68, as Instrument Number 106091, Jerome County records.
(Parcel No. 1)

Terms and conditions of a Recordable Contract by and between the United States of America, acting through the Secretary of the Interior and Fred R. Stewart, a single man, dated May 5, 1950, recorded May 11, 1950 in Book 143 Page 249 as Instrument Number 109139, Jerome County records.
(Parcel No. 5)

Power Line Easement given by Fred R. Stewart and Phyllis Stewart, husband and wife to Idaho Power Company, a corporation, dated March 30, 1955, recorded July 13, 1956 in Book 2 Orders Page 337 as Instrument Number 129727, Jerome County records, effecting the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 8 South, Range 18 East of the Boise Meridian, Jerome County, Idaho. (Parcel No. 2)

Power Line Easement given by Fred R. Stewart and Phyllis L. Stewart, husband and wife to Idaho Power Company, a corporation, dated April 24, 1958, recorded October 17, 1958 in Book 3 Orders Page 8 as Instrument Number 137237, Jerome County records, affecting Lot 1 of Section 6, Township 9 South, Range 19 East of the Boise Meridian, Jerome County, Idaho. (Parcel No. 4)

Easements as set forth in United States Patent recorded July 28, 1960 in Book 167 Page 207 as Instrument Number 143794, Jerome County records. (Parcel No. 2)

Easement for needs of farming as set forth in Judgment by Fred Stewart, Plaintiff vs. Tennessee C. Robison and Anna L. Robison, husband and wife and American Falls Reservoir District No. 2, recorded December 23, 1968, in Book 9 Judg Page 226 as Instrument Number 179070, Jerome County records. (Parcel No. 1, 2 and 3)

Power Line Easement given by F. M. Stewart and Phyllis Stewart to Idaho Power Company, a corporation, dated May 22, 1974, recorded November 22, 1974 in Book 184 Misc. Page 975 as Instrument Number 208822, Jerome County records, affecting the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 8 South, Range 19 East of the Boise Meridian.
(Parcel No. 1)

EXHIBIT B

-continuation-

Power Line Easement given by Larry A. Davidson and Kathleen Davidson to Idaho Power Company, a corporation, dated May 20, 1974, recorded November 22, 1974 in Book 184 Misc. Page 975 as Instrument Number 208823, Jerome County records, affecting the NE¼SE¼, Section 32, Township 8 South, Range 19 East, Boise Meridian. (Parcel No. 1)

Power Line Easement given by F. R. Stewart and Phyllis Stewart, husband and wife to Idaho Power Company, a corporation, dated March 12, 1981, recorded October 27, 1982 as Instrument Number 268572, Jerome County records, affecting a Parcel of land in the NE¼SE¼ of Section 34, Township 8 South, Range 19 East of the Boise Meridian, Jerome County, Idaho. (Parcel No. 5)

Power Line Easement given by Fred R. Stewart and Phyllis L. Stewart to Idaho Power Company, a corporation, dated May 31, 1985, recorded July 12, 1985 as Instrument Number 291462, Jerome County records, affecting a parcel of land in the NW¼SE¼ of Section 32, Township 8 South, Range 19 East of the Boise Meridian. (Parcel No. 1)

Easement given by Fred R. Stewart and Phyllis LaRey Stewart, husband and wife to Jerome Highway District, dated October 24, 1990, recorded November 1, 1990 as Instrument Number 323047, Jerome County records. (Parcel No. 2)

Ditch easement as disclosed in Warranty Deed by, recorded February 27, 1995 as Instrument Number 950711, Jerome County records and in Survey recorded March 2, 1995 as Instrument Number 951713, Jerome County records and in Survey recorded July 18, 1997 as Instrument Number 972974, Jerome County records. (Parcel No. 5)

Road way easements as disclosed in Warranty Deed, dated April 11, 1995, recorded April 14, 1995 as Instrument Number 951447, Jerome County records and in Warranty Deed by, dated June 1, 1998, recorded June 3, 1998 as Instrument Number 983535, Jerome County records and in Survey Instrument Number 983558, Jerome County records. (Parcel No. 2)