

DE ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
SEP 21 2011
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?
37-20612	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Glendale Construction Inc.
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Magic Valley Growers, Ltd.
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or
PO Box 850
Mailing address
Wendell ID 83355
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: _____

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: [Signature] 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 [Signature] Date 9/23/11 Receipt No. 5032148 Receipt Amt. \$25.00
Approved by _____ Processed by _____ Date _____

WARRANTY DEED

#GG-11366

For Value Received

Glendale Construction, Inc., who acquired title as Glendale Construction Inc., an Idaho Corporation

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



**Magic Valley Growers, Ltd.
Address: PO Box 850, Wendell, ID 83355**

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

See Attached Schedule A

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Water Right Number 37-20612 from the Idaho Department of Water Resources.

SUBJECT TO:

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

Taxes for 2011 and subsequent years, a lien, but not yet due or payable.

Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.

Assessments of North Snake Ground Water District and the rights and powers of said District.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Waterway Agreement by and between the Oregon Short Line Railroad Company, a corporation, and B.L. and E. V. Eakin, dated July 9, 1917, recorded May 12, 1917 as Instrument Number 12518 in Book 1 of Bonds and Agreement at Page 510, Gooding County records.

Perpetual Easement Deed given by Union Pacific Railroad Company, a Utah corporation, grantor, to AT&T Communications, Inc., grantee, dated July 12, 1994, recorded August 29, 1994 as Instrument Number 158435, Gooding County records.

Reservation of all minerals and easements, by document recorded April 10, 2000, Instrument No. 185203, Gooding County records, together with the appurtenant rights to use the surface of the land.

Access and approach roads in favor of Roland C. Conklin and Charlotte E. Conklin as set forth in Judgment dated October 23, 2003, recorded October 29, 2003 as Instrument Number 203332, Gooding County records.

-Continued-

Instrument # 238968
GOODING, GOODING, IDAHO
9-19-2011 03:20:05 No. of Pages: 6
Recorded for : LAND TITLE AND ESCROW
DENISE M. GILL Fee: 25.00
Ex-Officio Recorder Deputy 

Page 2 of Warranty Deed

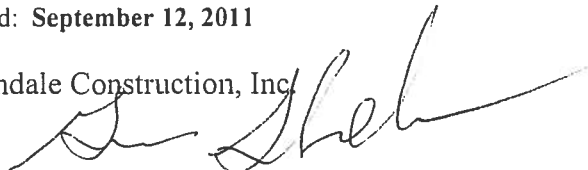
AT&T Fiber Optic Cable Installation as set forth in Document recorded September 17, 2007 as Instrument Number 223400, Gooding County records.

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: September 12, 2011

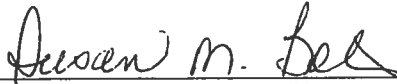
Glendale Construction, Inc.

By


Gene Sluder, President

STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

On this 19th day of September, 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared Gene Sluder, known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Notary Public

Residing at: Gooding, ID

My Commission expires: 10-16-2016

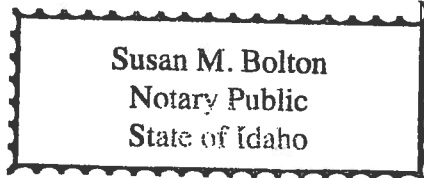


EXHIBIT A

TRACT 1:

A tract of land situated in the East half of the Northwest quarter (E½NW¼) and Lot number one (1) of Section 31, Township 6 South, Range 14, East of the Boise Meridian, Gooding County, Idaho, the said tract being all that portion of the "North Side Branch" of the Union Pacific Railroad Company, successor in interest to Oregon Short Line Railroad Company and to the Minidoka & Southwestern Railroad Company situated within the afore-described legal subdivision and being by virtue of that certain instrument dated August 29, 1910 from Nelson Gillaspie, a single man, said instrument having been filed for record in Lincoln County, Idaho on October 3, 1910 at page 51 of Book 18 of "Deeds", said tract of parcel of land being bounded and described therein as follows:

A strip of land one hundred feet in width being fifty feet on each side of the center line of the main line of the Minidoka and Southwestern Railroad as now located and staked over and across the East half of the Northwest quarter and Lot number one (1) of Section number Thirty-one (31), in Township Number Six (6), South, Range number Fourteen (14), East of the Boise Meridian.

TRACT 2:

Two tracts of land situated in the East half of the Northwest quarter (E½NW¼) of Section 31, Township 6 South, Range 14, East of the Boise Meridian, Gooding County, Idaho, the said tracts being all that portion of the "North Side Branch" of the Union Pacific Railroad Company, successor in Interest to the Oregon Short Line Railroad Company and the Minidoka & Southwestern Railroad Company, situate within the afore described legal subdivision, and being those same tracts of land heretofore acquired by the aforesaid railroad company by virtue of that certain instrument dated February 3, 1912 from Edwin V. Eakin and Lida A. Eakin, husband and wife, said instrument having been filed for record in Lincoln County, Idaho on February 16, 1912 at page 584 of Book 20 of "Deeds", said tract or parcel of land being bounded and described as follows:

Two strips of land lying in the East half of the Northwest quarter (E½NW¼) of Section Thirty-one (31), Township six (6) South, Range Fourteen (14), East of the Boise Meridian, one strip being fifty (50) feet wide, lying adjacent to and on the Northeasterly side, the other being one hundred (100) feet wide, lying adjacent to and on the Southwesterly side of the present one hundred (100) foot right of way heretofore deeded by said grantor. Said strips of land being more particularly described as follows:

Beginning at the intersection of the northeasterly right of way boundary line of said one hundred (100) foot right of way with the North and South center line of said Section Thirty-one (31) and six hundred eighty-five (685) feet, more or less, North of the center of said Section Thirty-one (31);
Thence North forty-two degrees fifty-nine minutes thirty seconds West (N.42°59'30"W.) along said Northeasterly right of way boundary line, being fifty (50) feet Northeasterly, measured at right angles, from the center line of main track of the North Side Branch of the Oregon Short Line Railroad, for a distance of thirteen hundred seventy-five (1375) feet, more or less, to a point opposite Engineer's Station 3504 of said center line of railroad;
Thence North forty-seven degrees no minutes and thirty seconds (N.47°00'30"E.) for a distance of fifty (50) feet;
Thence South forty-two degrees fifty-nine minutes thirty seconds (S.42°59'30" E.) one hundred (100) feet Northeasterly from and parallel with said center line of

railroad, for a distance of thirteen hundred twenty (1320) feet, more or less, to a point in the said North and South center line of said Section Thirty-one;
Thence South along said North and South center line for a distance of seventy-two (72) feet, to a point of beginning.

ALSO, Beginning at the intersection of the Southwesterly right of way boundary line of said one hundred (100) foot right of way with the North and South center line of said Section Thirty-one (31), and five hundred forty (540) feet, more or less, North of the center of said Section Thirty-one (31);

Thence North forty-two degrees fifty-nine minutes thirty seconds West (N.42°59'30"W.) along the said Southwesterly right of way boundary line, being fifty (50) feet Southwesterly, measured at right angles, from the said center line of main track of the North Side Branch of the Oregon Short Line Railroad, for a distance of fourteen hundred eighty-two (1482) feet, more or less to a point opposite Engineer's Station 3504 of said center line of railroad;

Thence South forty-seven degrees no minutes and thirty seconds West (S. 47°00'30"W.) for a distance of one hundred (100) feet;

Thence South forty-two degrees fifty-nine minutes thirty seconds East (S.42°59'30"E.) and one hundred fifty (150) feet Southwesterly from and parallel with said center line of railroad, for a distance of fifteen hundred eighty-five (1585) feet, more or less, to a point in the said North and South center line of Section Thirty-one (31);

Thence North along said North and South center line for a distance of one hundred forty-four (144) feet to the point of beginning.

TRACT 3

A tract of land situate in the Southwest quarter of the Northeast quarter (SW¼NE¼) of Section 31, Township 6 South, Range 14 East of the Boise Meridian, Gooding County, Idaho, the said tract being all that portion of the "North Side Branch" of the Union Pacific Railroad Company, successor in interest to the Oregon Short Line Railroad Company and to the Minidoka & Southwestern Railroad Company, situate within the afore-described legal subdivision, and being a portion of that same tract or parcel of land heretofore acquired by the aforesaid railroad company by virtue of that certain instrument dated September 15, 1909 from Robert G. Erdmann, a single man, said instrument having been filed for record in Lincoln County, Idaho, on October 4, 1909 at page 353 of Book 13 of Deeds, said tract or parcel of land being bounded and described therein as follows:

A strip of land 100 feet in width, being 50 feet on each side of the center line of the main line of the Minidoka & Southwestern Railroad as now located and staked over and across the Northeast quarter of the Southwest Quarter (NE¼SW¼) and the Southwest of the Northeast of Section 31, Township 6 South, Range 14 East of the Boise Meridian, Gooding County, Idaho.

TRACT 4

Two tracts of land situated in the Southwest quarter of the Northeast quarter (SW¼NE¼) of Section 31, Township 6 South, Range 14 East of the Boise Meridian, Gooding County, Idaho, the said tracts being all that portion of the "North Side Branch" of the Union Pacific Railroad Company, successor in Interest to the Oregon Short Line Railroad Company and the Minidoka & Southwestern Railroad Company, situate within the afore described legal subdivision, and being that same tracts or parcels of land heretofore acquired by the aforesaid railroad company by virtue of that certain instrument dated January 24, 1912 from Robert G. Erdmann, a single man, said instrument having been filed for record in Lincoln County, Idaho on February 12, 1912 at page 576 of Book 20 of "Deeds", said tracts or parcels of land being bounded and described therein as follows:

Two strips of land lying in the Southwest quarter of the Northeast quarter (SW¼NE¼) of Section Thirty-one (31) Township Six (6) South, Range Fourteen (14), East of the Boise Meridian, one strip being fifty (50) feet wide, lying adjacent to and on the Northeasterly side, the other being one hundred (100) feet wide, lying adjacent to and on the Southwesterly side of the present one hundred (100) foot right of way heretofore deeded by said grantor. Said strips of land being more particularly described as follows:

Beginning at the intersection of the Northeasterly boundary line of said one hundred (100) foot right of way with the East and West center line of said Section Thirty-one (31) and six hundred sixty (660) feet more or less, East of the center of said Section Thirty-one (31);
Thence North forty-two degrees fifty-nine minutes thirty seconds west (N.42°59'30"W.) Along the said Northeasterly right of way boundary line, being fifty (50) feet Northeasterly, measured at right angles, from the center line of main track of the North Side Branch of the Oregon Short Line Railroad, for a distance of nine hundred sixty (960) feet, more or less, to a point in the North and South center line of said Section Thirty-one (31);
Thence North along said North and South center line, for a distance of seventy-two (72) feet;
Thence South forty-two degrees, fifty-nine minutes, thirty seconds East (S. 42°59'30" E.) and one hundred (100) feet Northeasterly from and parallel with said center line of railroad for a distance of ten hundred seventy (1070) feet, more or less, to a point in the said East and West center line of Section Thirty-one (31);
Thence West along said East and West center line for a distance of seventy and seven tenths (70.7) feet, to a point of beginning.

Also, Beginning at the intersection of the Southwesterly right of way boundary line of said one hundred (100) foot right of way with the East and West center line of said Section Thirty-one (31) and five hundred twenty (520) feet, more or less, East of the center of said Section Thirty-one (31);
Thence North forty-two degrees fifty-nine minutes thirty seconds West (N. 42°59'30"W.), along said Southwesterly right of way boundary line, being fifty (50) feet Southwesterly, measured at right angles, from said center line of railroad for a distance of seven hundred sixty (760) feet, more or less, to a point in the North and South center line of said Section Thirty-one (31);
Thence South along said North and South center line for a distance of one hundred forty-four (144) feet;
Thence South forty-two degrees fifty-nine minutes thirty seconds East (S.42°59'30"E.) And one hundred fifty (150) feet Southwesterly from and parallel with said center line of railroad, for a distance of five hundred fifty (550) feet, more or less, to a point in the said East and West center line of said Section Thirty-one, (31);
Thence East along said East and West center line for a distance of one hundred forty-one and four tenths (141.4) feet to a point of beginning.

TRACT 5:

A tract of land situate in the Northwest Quarter of the Southeast Quarter (NW¼SE¼) of Section 31, Township 6 South, Range 14 East of the Boise Meridian, Gooding County, Idaho, the said tract being all that portion of the "North Side Branch" of the Union Pacific Railroad Company, successor in interest to the Oregon Short Line Railroad Company and to the Minidoka & Southwestern Railroad Company, situate within the afore-described legal subdivision, and being that same tract or parcel of land heretofore acquired by the aforesaid railroad company by virtue of that certain instrument dated January 24, 1912 from T.C. Brockett and Isabelle Brockett, husband and wife, said instrument having been filed for record in Lincoln County, Idaho on April 25, 1912 at page 106 of Book 23 of "Deeds", said tract or parcel of land being bounded and described therein as follows:

A strip of land 50 feet wide, lying on the Northeasterly side of and adjacent to the present 100 foot right of way heretofore deeded by said grantors, said strip being more particularly described as follows:

Beginning at the intersection of the Northeasterly right of way boundary of said 100 foot right of way with the East and West center line of Section 31, Township 6 South, Range 14 East of the Boise Meridian, and 660 feet, more or less, East of the center of said Section 31;

Thence South $42^{\circ}59'30''$ East Along the said Northeasterly right of way boundary line, said line being 50 feet Northeasterly, measured at right angles, from the center line of the main tract of the North Side Branch of the Oregon Short Line Railroad, for a distance of 942 feet, more or less, to a point in the East line of the Northwest quarter of the Southeast quarter ($NW\frac{1}{4}SE\frac{1}{4}$) of said Section 31;

Thence North along said East line for a distance of 72 feet;

Thence North $42^{\circ}59'30''$ West and 100 feet northeasterly from and parallel with said center line of railroad, for a distance of 838 feet, more or less, to a point in the said East and West center line of Section 31;

Thence West along said East and West center line for a distance of 70.7 feet, to THE POINT OF BEGINNING.

EXCEPTING THEREFROM, that portion of the above-described tract situated Southerly of a line which is parallel to the north line of the said Southeast Quarter of Section 31 and distant 552.25 feet southerly therefrom, measured at right angles situate in Gooding County, Idaho.

TRACT 6:

A tract of land situate in the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$) of Section 31, Township 6 South, Range 14 East of the Boise Meridian, Gooding County, Idaho, the said tract being all that portion of the "North Side Branch" of the Union Pacific Railroad Company, successor in interest to the Oregon Short Line Railroad Company and to the Minidoka & Southwestern Railroad Company, situate within the afore-described legal subdivision, and being that same tract or parcel of land heretofore acquired by the aforesaid railroad company by virtue of that certain instrument dated February 25, 1911 from Theodore C. Brockett and Isabelle Brockett, husband and wife, and Ellen Wyatt, a single person, said instrument having been filed for record in Lincoln County, Idaho on March 23, 1911 at page 442 of Book 18 of "Deeds", said tract or parcel of land being bounded and described therein as follows:

A strip of land 100 feet in width, being 50 feet on each side of the center line of the road of said company, as surveyed staked and located over and across the Northwest quarter of the Southeast quarter of Section 31 in Township 6 South, Range 14 East of the Boise Meridian situate in Gooding County, Idaho.

EXCEPTING THEREFROM, that portion of the above-described tract situated Southerly of a line which is parallel to the north line of the said Southeast Quarter of Section 31 and distant 552.25 feet southerly therefrom, measured at right angles.



Land Title and Escrow, Inc.

Focused on Service, Positioned for the Future

GG-11366
Gooding

September 20, 2011

Department of Water Resources
Southern Region
1341 Fillmore Suite 200
Twin Falls, Idaho 83301

RECEIVED
SEP 21 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RE: Notice of Change of Water Right Ownership

Cert Mail #7010 3090 0003 1008 2420

Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership for Water Right Number 37-20612
- Copy of Deed #238968

Thank you,

LAND TITLE AND ESCROW, INC.


Debbie Zatica

Escrow Assistant

(208) 934-8477

P.O. Box 473 706 Main Street
Gooding, Idaho 83330

cc:

Box 177 • Burley, Idaho • 83318
Ph: 208.878.3524
Fx: 208.878.4435
lteb@pmt.org

Box 5375 • Twin Falls, Idaho • 83303-5375
Ph: 208.933.2650
Fx: 208.933.2655
ltetf@pmt.org

Box 473 • Gooding, Idaho • 83330
Ph: 208.934.8477
Fx: 208.934.5890
lteg@pmt.org

Box 349 • Jerome, Idaho • 83338
Ph: 208.324.3357
Fx: 208.324.8961
ltej@pmt.org

Box 111 • Rupert, Idaho • 83350
Ph: 208.436.0606
Fx: 208.436.1199
lter@pmt.org



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

September 29, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MAGIC VALLEY GROWERS LTD
PO BOX 850
WENDELL ID 83355

RE: Change of Ownership for Water Right 37-20612

Dear Water Right Holders:

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Carrie Hahn', written over a faint, larger blue signature.

Carrie Hahn
Clerk

Enclosure