

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 14 2011

Department of Water Resources
Eastern 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?
35-2634	Yes ☐		Yes ☐		Yes ☐
35-2227	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Knudsen Poor Farms, Inc.

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Driscoll Brothers Partnership

Name of each new owner as listed on the conveyance document

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

P. O. Box 10

Mailing address

American Falls,

ID 83211

City

State

ZIP

(208) 226-5235

brock.driscoll@driscollbros.com

Telephone

Email

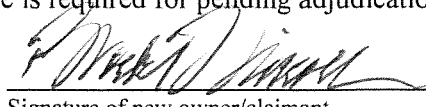
4. If the water rights and/or adjudication claims were split, how did the division occur?

- ☐ 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: June 1, 2010

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:  Partner Title, if applicable Date 6/12/11

Signature of new owner/claimant

Title, if applicable

Date

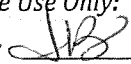
Signature: _____ Title, if applicable Date

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by 

Date 6/14/2011

Receipt No. E0326737

Receipt Amt. \$150.-

Approved by _____

Processed by _____

SUPPORT DATA Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING A
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at www.idwr.idaho.gov. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the department's website using the "Search Tools" and "Water Right & Adjudication Search" links at www.idwr.idaho.gov.

Please note:

- Unlike licensed or decreed water rights, which are real property, water right permits, applications for new water rights, and applications to transfer existing water rights are considered the personal property of the permit holders/applicants. Permit holders and applicants must assign their interest in a permit and/or application to the new owner. Assignment forms are available on the department's website at www.idwr.idaho.gov, or from any IDWR office. The fee for an assignment of permit is \$25. There is no charge for an assignment of application for permit or application for transfer.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.

4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.
5. Indicate the date the water rights and/or adjudication claims were conveyed to you. This may be the date of closing in the case of a real estate transaction, the date a contract was signed, or the date of a court order.
6. **ATTACHMENTS:**

IDWR cannot process this change without **documentation of ownership**. The documentation may be in the form of a deed, court decree or other conveyance document. If you are submitting a quitclaim deed and the grantor's name does not match the water right holder of record, you will need to provide a chain of title that goes back to the water right holder/claimant of record. You may obtain this information from the assessor's office in the county where the property is located. Items that are **not** conveyance documents are deeds of trust, mortgages, purchase and sales agreements, and property tax notices.

Submit a **plat map, survey map, or aerial photograph** of the place of use for each water right or claim listed in item #1 (if necessary to clarify division of water rights or complex property descriptions). If your right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent aerial photograph with the irrigated acres outlined and point(s) of diversion clearly marked. You also have the option of printing a map using the Create a Map tool on IDWR's website at: www.idwr.idaho.gov. It is not necessary to obtain a new survey for purposes of this form before contacting IDWR.

The Idaho Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication or the Northern Idaho Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the **filing fee** is \$25 per water right, except for those water rights that will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right.

7. One of the new owner(s) must sign the form in the space(s) provided. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.

When you have completed the Notice of Change in Water Right Ownership, retain a copy and **file the original form, necessary attachments, and filing fee with the IDWR office nearest you.**

IDWR Northern Region
7600 N. Mineral Dr., Suite 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

~ OR ~

IDWR State Office
322 East Front St, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4800

Instrument # 628958
BINGHAM COUNTY, IDAHO
2011-06-02 12:07:22 PM No. of Pages: 3
Recorded for: ALLIANCE TITLE - POCA TELLO
SARA J. STAUB Fee: \$16.00
Ex-Officio Recorder Deputy BMariatt
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

WARRANTY DEED
302-11-14296-R

For Value Received, Knudsen Poor Farms, Inc., an Idaho Corporation, (Grantor), does hereby grant, bargain, sell and convey unto Driscoll Brothers Partnership, an Idaho General Partnership, (Grantee), whose address is:

Driscoll Brothers Partnership
Attention: Brock Driscoll
P.O. Box 10
American Falls, ID 83211

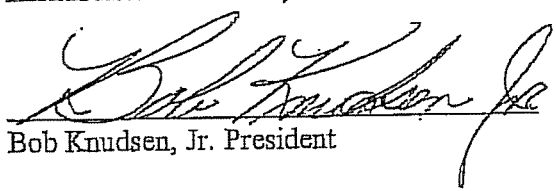
that certain parcel of real property located in Bingham County, Idaho and legally described in Exhibit A ("Real Property") TOGETHER WITH all water rights and other appurtenances, including those certain water rights evidenced by Idaho Department of Water Resources license nos. 35-2227 and 35-2634.

TO HAVE AND TO HOLD the said premises, with their appurtenances including all water, gas, oil and mineral rights, unto the said Grantee and its heirs and assigns forever. Grantor does hereby covenant to and with the said Grantee that Grantor is the owner in fee simple of said premises, that the premises are free from all encumbrances and that it will forever warrant the title to said premises. This conveyance, however, is subject to real property taxes for 2011 and subsequent years, rights reserved in federal patents, building and use restrictions, zoning regulations and ordinances of any governmental unit, and all rights of way and easements of record.

DATED this 27th day of May, 2011.

GRANTOR:
Knudsen Poor Farms, Inc.

Date: 27 May 2011

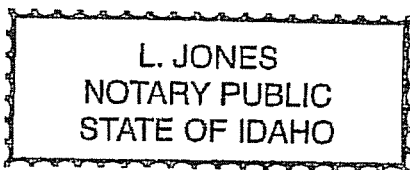

Bob Knudsen, Jr. President

STATE OF IDAHO)
 :ss.
County of Bannock)

On this 27th day of May, 2011, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Bob Knudsen, Jr.**, known to me to be the President of the corporation that executed the within instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

(SEAL)



A handwritten signature in cursive script, appearing to read "L. Jones", written over a horizontal line.

NOTARY PUBLIC STATE OF IDAHO
Residing at: Pocatello
My commission expires: 06-01-13

Order No.: 3021114296-R

**LEGAL DESCRIPTION
EXHIBIT 'A'**

Township 6 South, Range 30 East, Boise Meridian, Bingham County, Idaho:

Section 14: Northeast $\frac{1}{4}$.
Section 13: North $\frac{1}{4}$.

Excepting Therefrom:

A tract of land in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 13, Township 6 South, Range 30 East, Boise Meridian, Bingham County, Idaho, described as follows:

COMMENCING at the Northwest corner of said Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ (North $\frac{1}{4}$ corner), which is marked with a 5/8" rebar and aluminum cap stamped PLS 806;
Thence North 89°34'46" East along the North line of said Section, 230.00 feet to the TRUE POINT OF BEGINNING.

Thence North 89°34'46" East, continuing along said North line, 407.00 feet;
Thence South 00°02'07" East, leaving said North line, 367.00 feet to a 1/2" rebar and plastic cap stamped PLS 843;
Thence South 89°34'46" West, 407.00 feet to a 1/2" rebar and plastic cap stamped PLS 843;
Thence North 00°02'07" West, 367.00 feet to the TRUE POINT OF BEGINNING.

Subject to a 30.00 foot easement for the South side of Funk Road (a county road) and described as the Northerly 30.00 feet of the above described tract.

439923

WARRANTY DEED

THIS INDENTURE, made this 5th day of December, 1995, between Jr. Funk Farms, an Idaho General Partnership, whose complete mailing address is 2990 W. 2000 S., Aberdeen ID 83210, herein designated as Grantor, and Knudsen Poor Farms, Inc., an Idaho Corporation, whose complete mailing address is 2700 W. 2100 S., Aberdeen, ID 83210, herein designated as Grantee:

Grantor, for valuable consideration, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto Grantee and its heirs or assigns forever, the following described premises in the County of Bingham, State of Idaho, bounded and more particularly described as follows, to-wit:

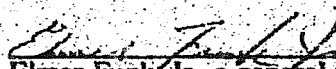
Township 6 South, Range 30 E.B.M., Bingham County, Idaho
Section 13: NW $\frac{1}{4}$; NE $\frac{1}{4}$

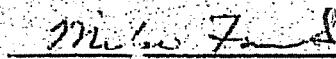
Together with all and singular, the tenements, hereditaments and appurtenances therunto belonging or in any wise appertaining, and the rents, issues and profits thereof.

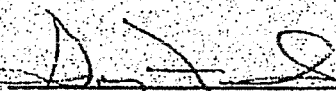
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs or assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from 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.

IN WITNESS WHEREOF, the said Grantor has hereunto set hand and seal the day and year first above written.

JR. FUNK FARMS,
An Idaho General Partnership


Elmer Funk, Jr., a general partner


Mike Funk, a general partner


Gary Funk, a general partner

RECORDED AT THE REQUEST OF
FIRST AMERICAN TITLE
55 DEC 7 PM 3 14

306601

2-11-50

WARRANTY DEED

For Value Received

JR. FUNK FARMS, A C-S-PARTNERSHIP

the grantor do hereby grant, bargain, sell and convey unto
KNUTSEN POOR FARMS, INC.

whose current address is
2700 W. 2100 S.
Alfreden, ID 83210

the grantee the following described premises, in BINGHAM County Idaho, to wit:

TOWNSHIP 6 SOUTH, RANGE 30 E.B.M., BINGHAM COUNTY, IDAHO
SECTION 14 - NE 1/4
SUBJECT TO RIGHT-OF-WAY AND EASEMENT FOR COUNTY ROAD OVER THE NORTH 1/3 FEET

SUBJECT TO: All existing patent reservations, easements, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever, and the said Grantor do hereby covenant to and with the said Grantee that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: March 8, 1951

Gary Funk
GARY FUNK, JR.
Shelley Funk
SHELLEY FUNK

Gary Funk
GARY FUNK
Shelley Funk
SHELLEY FUNK

STATE OF IDAHO)

COUNTY OF BINGHAM)

On this 8th day of March, 1951, before me the undersigned, personally appeared:

GARY FUNK, JR. and SHELLEY FUNK, both of whom are the undersigned, personally appeared and acknowledged to me that they executed the foregoing instrument as their free and voluntary act and deed.

Notary Public in and for the State of Idaho, my commission expires on the 1st day of March, 1952.

Shelley Funk
SHELLEY FUNK

Notary Public in and for the State of Idaho