

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 22 2010

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?
~~35-13893~~	Yes ☐	35-13894 <i>OK</i>	Yes ☐	35-8195A <i>OK</i>	Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Howard Klempel & Joyce A Klempel; ^{Klass} ~~Klass~~ Corporation **SUPPORT DATA**
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Lava Rock Ranch, LLC **IN FILE # 35-8195A**
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 208-681-5222 State fosterfarms2@gmail.com 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: June 21, 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: Lava Rock Ranch by Marc Foster Partner 11-20-2010
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable _____ Date _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by [Signature] Date 9/22/2010 Receipt No. E036143 Receipt Amt. \$25.-

Approved by _____ Processed by _____ Date _____

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
1650 Overland Avenue Suite 15
Burley, ID 83318

Instrument # 619364
BINGHAM COUNTY, IDAHO
06-30-2010 04:16:03 PM No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - BL
SARA J. STAUB Fee: 9.00
Ex-Officio Recorder Deputy CMiles
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **342896BU (tl)**

Date: **June 21, 2010**

For Value Received, **Klass Corporation**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Lava Rock Ranch, LLC**, hereinafter called the Grantee, whose current address is **P.O. Box 488, Aberdeen, ID 83210**, the following described premises, situated in **Bingham County, Idaho**, to-wit:

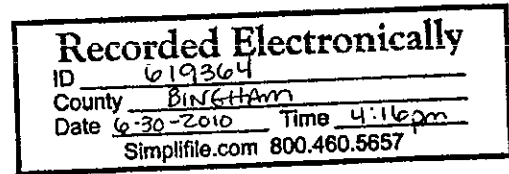
Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

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.

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
1650 Overland Avenue Suite 15
Burley, ID 83318



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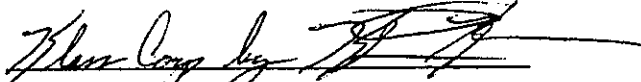
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from 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: 06/21/2010

Warranty Deed
- continued

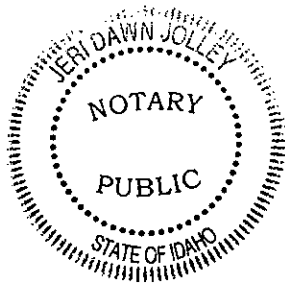
File No.: 342896BU (d)

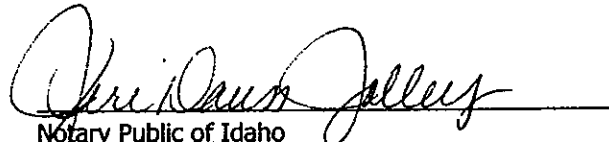
Klass Corporation


By: Kevin O. Klaessen, President

STATE OF Idaho)
COUNTY OF Bingham)
ss.

On this **06/22/2010**, before me, a Notary Public in and for said State, personally appeared **Kevin O. Klassen**, 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 of Idaho
Residing at: Abbeville
Commission Expires: _____

MY COMMISSION EXPIRES
December 29, 2012
BONDED THRU NOTARY PUBLIC UNDERWRITERS

Date: June 21, 2010

File No.: 342896BU (tl)

EXHIBIT 'A'

LEGAL DESCRIPTION:

PARCEL 1:

A PARCEL OF LAND IN THE E $\frac{1}{2}$ SE $\frac{1}{4}$ OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 30 E.B.M., BINGHAM COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23, THENCE S. 89°59'05" W. ALONG THE SOUTH LINE OF SAID SECTION 1320.06 FEET TO THE E1/16 CORNER ON SAID SOUTH LINE, SAID POINT BEING MARKED WITH A 5/8" REBAR AND PLASTIC CAP STAMPED PLS 843, THENCE N. 00°02'54" W. ALONG THE E1/16 LINE 661.88 FEET TO A 1/2" REBAR AND PLASTIC CAP STAMPED PLS 843, THE TRUE POINT OF BEGINNING; THENCE N. 00°02'54" W. CONTINUING ALONG SAID E1/16 LINE 1982.90 FEET TO THE CE1/16 CORNER, SAID POINT BEING MARKED WITH A 5/8" REBAR AND PLASTIC CAP STAMPED PLS 843; THENCE N. 89°58'19" E. LEAVING SAID E1/16 LINE AND ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 1319.68 FEET TO THE E $\frac{1}{4}$ CORNER OF SAID SECTION AND MARKED WITH A 5/8" REBAR AND ALUMINUM CAP STAMPED PLS 843; THENCE S. 00°03'24" E. ALONG THE EAST LINE OF SAID SECTION 1983.20 FEET; THENCE S. 89°59'05" W. LEAVING SAID EAST LINE 1319.96 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 30 EAST OF THE BOISE MERIDIAN, BINGHAM COUNTY, IDAHO, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 23; THENCE S. 89°59'05" W., ALONG THE SOUTH LINE OF SAID SECTION, 50.00 FEET; THENCE N. 00°03'24" W., LEAVING SAID SOUTH LINE, 55.00 FEET TO A 1/2" REBAR AND PLASTIC CAP STAMPED PLS 843; THENCE N. 89°59'05" E., 50.00 FEET TO A POINT ON THE EAST LINE OF SAID SECTION; THENCE S. 00°03'24" E., ALONG SAID EAST LINE, 55.00 FEET; TO THE TRUE POINT OF BEGINNING.

PARCEL 3:

AN IRRIGATION EASEMENT LOCATED IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 30 EAST OF THE BOISE MERIDIAN, BINGHAM COUNTY, IDAHO, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS N. 00°03'24" W. 55.00 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 23; THENCE N. 00°03'24" W. 606.88 FEET; THENCE S. 89°59'05" W. 40.00 FEET; THENCE S. 00°03'24" E. 606.88 FEET; THENCE N. 89°59'05" E. 40.00 FEET TO THE TRUE POINT OF BEGINNING.



USDA United States Department of Agriculture
Farm Service Agency

March 17, 2009

Farm 5931
Tract 26808

For Informational Purposes Only



Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Close

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

5/18/2010

WATER RIGHT NO. 35-13893

Owner Type	Name and Address
Current Owner	HOWARD KLEMPPEL
Current Owner	JOYCE A KLEMPPEL
	3070 W 1500 S
	ABERDEEN, ID 83210
	(208)397-4096
Lienholder	LARRY SIMMONS
	120 N 12TH #6
	POCATELLO, ID 83201

Priority Date: 06/24/1966

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	05/01	10/31	0.37 CFS	80 AFA
Total Diversion			0.37 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 23	Township 05S	Range 30E	BINGHAM County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05S	30E	23		SESE	20									

Total Acres: 20

*Keen 3 shares
according*

Conditions of Approval:

1.	X61	The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/31/2002.
2.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3.	X36	Right 35-13894 is also diverted through the point(s) of diversion described above.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/18/2010

WATER RIGHT NO. 35-13894

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KLASS CORP PO BOX 52 ABERDEEN, ID 83210 (208)221-4575
Lienholder	LARRY SIMMONS 120 N 12TH #6 POCATELLO, ID 83201

Priority Date: 06/24/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/31	0.21 CFS	44 AFA
Total Diversion			0.21 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 23	Township 05S	Range 30E	BINGHAM County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

05S	30E	23		SESE	11														
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Total Acres: 11

Conditions of Approval:

1.	X61	The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/31/2002.
2.	X36	Right 35-13893 is also diverted through the point(s) of diversion described above.
3.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/18/2010

WATER RIGHT NO. 35-8195A

Owner Type	Name and Address
Current Owner	KLASS CORP PO BOX 52 ABERDEEN, ID 83210 (208)221-4575
Original Owner	HOWARD KLEMPEL 3070 W 1500 S ABERDEEN, ID 83210 (208)397-4096

Priority Date: 06/30/1983

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	0.58 CFS	128 AFA
Total Diversion			0.58 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESE	Sec. 23	Township 05S	Range 30E	BINGHAM County
--------------	------	---------	--------------	-----------	----------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05S	30E	23		NESE	24		SESE	8						

Total Acres: 32

Conditions of Approval:

1.		This right uses the same well as Right 35-02834 and when combined with Right 35-02834 shall not exceed a diversion rate of 2.13 cfs.
2.	R31	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

Dates:

Licensed Date: 07/19/1995

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

RECEIVED

MAR 11 2011

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 25, 2011

Lava Rock Ranch LLC
PO Box 844
Aberdeen ID 83210

E036470
check from
Foster Farms
55 E Central

PO Box 844
Aberdeen ID 83210

RE: Change in Ownership Water Right No. 35-8195A, 35-13893 & 35-13894

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

*** Filing Fee of \$25 per water right (total required is \$50.00, so an additional \$25.00 is being requested)

The department acknowledges receipt of \$25 receipted under E036143 for your notice, however the fee is a \$25 fee per water right therefore an additional fee is required. During our review of the information submitted it appears water right 35-13893 is not appurtenant to your property, that water right is for the ground south of what you purchased. The review has been complete for 35-8195A and 35-13894 and both will be ok to data enter upon receipt of an additional \$25.

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions.

Sincerely,

Jonie Barg
Jonie Barg
Technical Records Specialist

Enclosure(s)