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STATE OF IDAHO DEPARTMENT OF WATER RESOURCES NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
WR 35-13417		✓			
WR 35-8195A		✓			

2. The following **REQUIRED** information must be submitted with this form:

SUPPORT DATA

- A. The appropriate **FILING FEE**. See instructions for fee amounts. IN FILE # 35-8195A
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).

OR

- D. If your water 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 PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Howard Klempel
3070 W. 1500 S.
Aberdeen, ID 83210
4. New Owner/Claimant(s) Klass Corp

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address PO Box 52
 City, State and ZIP Code Aberdeen, ID 83210
 New Telephone Number (208) 221-4575 Email: RECEIVED@klasscorp.com

MAR 04 2009

5. Date you acquired the property

September 11, 2008

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by DK
 Received by DK
 Processed by _____ AJ

Date _____
 Date 3-17-09
 Date _____

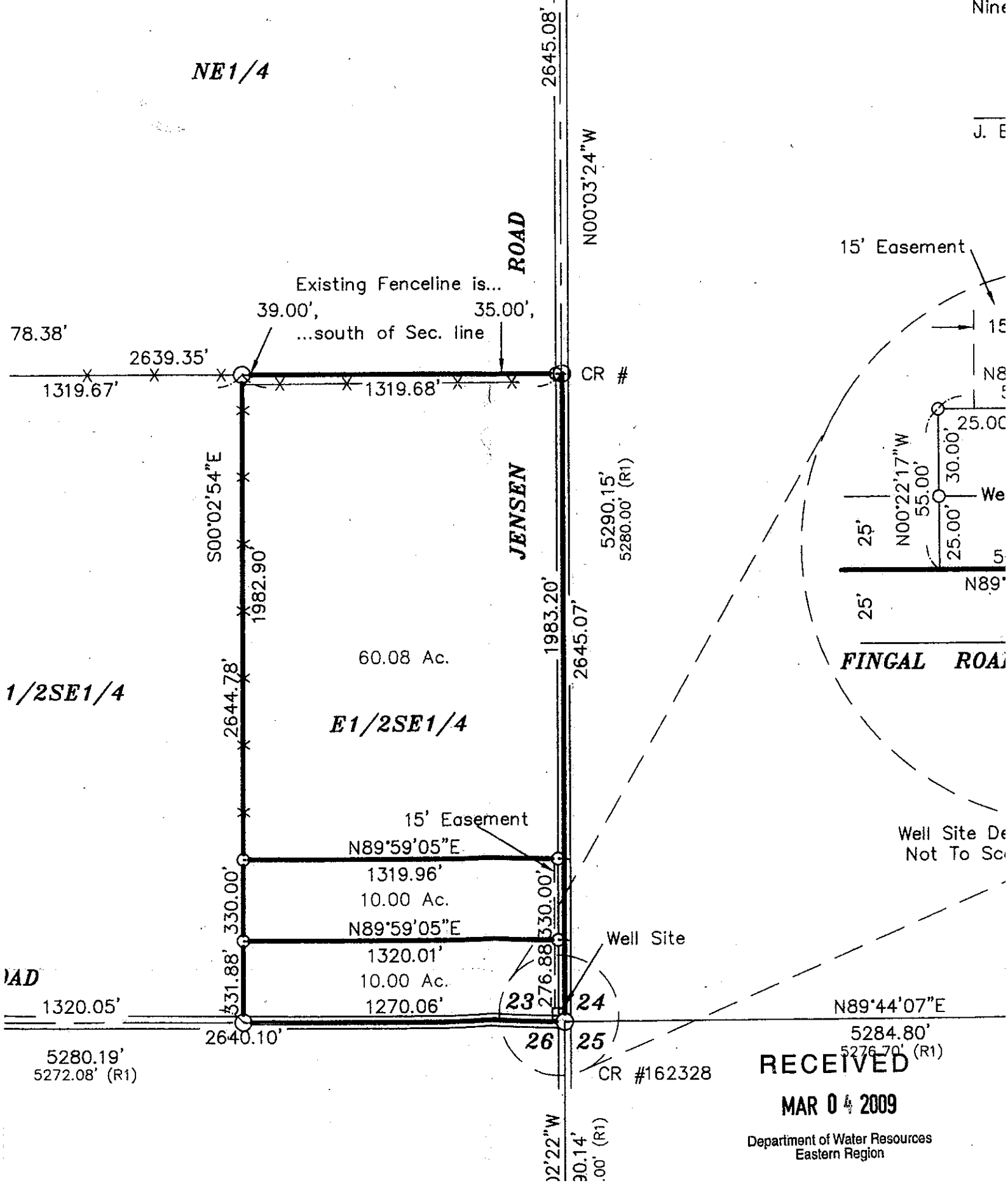
Receipt Amt. \$200.00
 Receipt No. E034863
 WR _____ Date 3-17-09

SU

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a s
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Nine

J. E

NE1/4



RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:

First American Title Company
168 West Pacific/P.O. Box 868
Blackfoot, ID 83221

Instrument # 598957

BINGHAM COUNTY

9-18-2008

11:57:25 No. of Pages: 2

Recorded for : FIRST AMERICAN TITLE COMPANY

SARA J. STAUB

Fee: 6.00

Ex-Officio Recorder Deputy

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **260515-B (Id)**

Date: **September 11, 2008**

For Value Received, **Russell J. Klempel, an unmarried man**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Klass Corporation**, hereinafter called the Grantee, whose current address is **PO Box 52, Aberdeen, ID 83210**, the following described premises, situated in **Bingham County, Idaho**, to-wit:

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 E $\frac{1}{16}$ 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 E $\frac{1}{16}$ 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 E $\frac{1}{16}$ LINE 1982.90 FEET TO THE CE $\frac{1}{16}$ CORNER, SAID POINT BEING MARKED WITH A 5/8" REBAR AND PLASTIC CAP STAMPED PLS 843; THENCE N. 89°58'19" E. LEAVING SAID E $\frac{1}{16}$ 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.

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MAR 04 2009

Department of Water Resources
Eastern Region

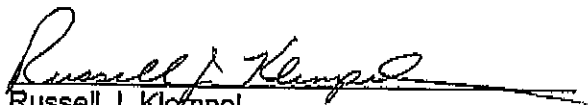
Date: 09/11/2008

Warranty Deed
- continued

File No.: 260515-B (Id)

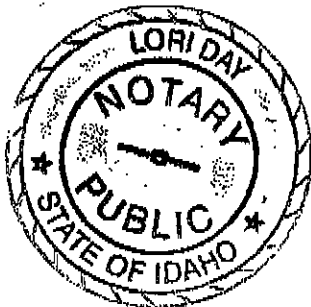
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

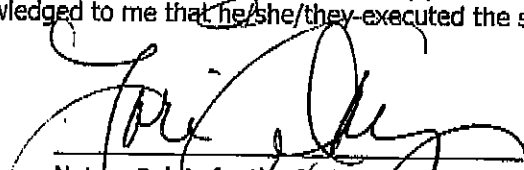
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from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


Russell J. Klempel

STATE OF Idaho)
SS.
COUNTY OF Bingham)

On this 17th day of September, 2008, before me, a Notary Public in and for said State, personally appeared **Russell J. Klempel**, 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.




Notary Public for the State of Idaho
Residing at: Blackfoot, Idaho
My Commission Expires: 10/21/2009

RECEIVED
MAR 04 2009

598957



(208)397-5444 Office

(208)397-4623 Fax

(208)221-4575 Cell

FAX FROM:

Kevin O. Klassen

P.O. Box 357, 33 W. Washington St., Aberdeen, Id 83210

CONFIDENTIAL INFORMATION

Attention: Denise Kildow Date: 2-27-09

Re: Warranty deed

Fax#: 525-7177 # of Pages 3

Comments:

Hi Denise,

Please call me when you have time.

Thanks, K.

RECEIVED

MAR 04 2009

Department of Water Resources
Eastern Region

MEMORANDUM

TO: FILE 35-13417
FROM: VAULT
RE: TRANSFER # 70164
DATE: 2.4.03

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 35-2834

MICROFILMED
FEB 25 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70164

This is to certify that: LAVA ROCK RANCH
C/O BRUCE AND/OR MARC FOSTER
3018 W 1700 S
ABERDEEN ID 83210
(208)397-5232

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-2834	WR/Decreed	06/24/1966	1.31 cfs	280 af		70.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

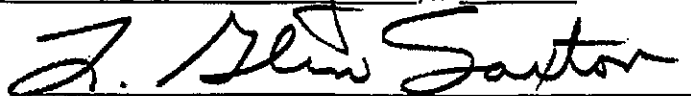
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-2834	YES	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-2834	35-13418	0.73 cfs	156 af	N/A	39.0	35-13417	0.58 cfs	124 af	N/A	31.0
COMBINED										
TOTALS		0.73 cfs	156 af	N/A	39.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 4th day of February, 2003


Chief, Water Allocation Bureau

MICROFILMED
FEB 25 2003

WATER RIGHT NO. 35-13418
As Modified by Transfer No. 70164

In accordance with the approval of Transfer No. 70164, Water Right No. 35-13418 is now described as follows.

Right Holder: TERRI L FOSTER
KATHY J FOSTER
BRUCE C FOSTER
MARC B FOSTER
3018 W 1700 S
ABERDEEN ID 83210

Priority Date: June 24, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01 to 10/31		0.73 CFS	156.0 AF
			0.73 CFS	156.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENE Sec. 23 Twp 05S Rge 30E BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 30E 24																	39.0

Total Acres: 39

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 70164, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
2. Right 35-04011A is also diverted through the point(s) of diversion described above.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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FEB 25 2003

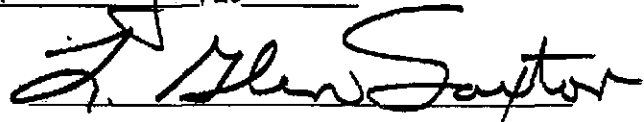
WATER RIGHT NO. 35-13418
As Modified by Transfer No. 70164

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/01 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
9. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
10. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4th day of February, 2003


Chief, Water Allocation Bureau

MICROFILMED
FEB 25 2003

WATER RIGHT NO. 35-13417
As Modified by Transfer No. 70164

In accordance with the approval of Transfer No. 70164, Water Right No. 35-13417 is now described as follows.

Right Holder: HOWARD KLEMPER And
 JOYCE A KLEMPER
 3070 W 1500 S
 ABERDEEN ID 83210

Priority Date: June 24, 1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/31	0.58 CFS	124.0 AF
			0.58 CFS	124.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESE Sec. 23 Twp 05S Rge 30E BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 30E 23																	31.0
																	31.0

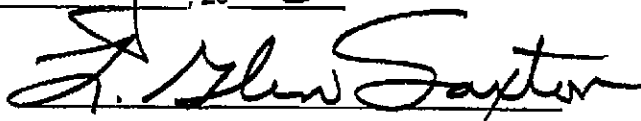
Total Acres: 31

CONDITIONS OF APPROVAL

1. Right 35-08195 is also diverted through the point(s) of diversion described above.
2. 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.
3. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4th day of February, 2003


 Chief, Water Allocation Bureau

MICROFILMED

FEB 25 2003



(208)397-5444 Office

(208)397-4623 Fax

(208)221-4575 Cell

FAX FROM:

Kevin O. Klassen

P.O. Box 357, 33 W. Washington St., Aberdeen, Id 83210

CONFIDENTIAL INFORMATION

Attention: Denise Date: 2-25-09

Re: Water Rights

Fax#: 525-7177 # of Pages 2

Comments:

*Hi Denise,
Sorry for the trouble. Thanks for your help.
[Signature]*

Dads-

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FEB 25 2009

Department of Water Resources
Eastern Region

PROPERTY ADDRESS:

Approx 1555 S 3100 W Aberdeen, ID 83210

ID#: K051608

D. ADDITIONAL FINANCIAL TERMS:

- ☐ Additional financial terms are specified under the heading "OTHER TERMS AND/OR CONDITIONS" (Section 4).
☐ Additional financial terms are contained in a FINANCING ADDENDUM of same date, attached hereto, signed by both parties.

\$32,000.00

E. APPROXIMATE FUNDS DUE AT CLOSING:

Cash at closing, not including closing costs, to be paid by BUYER at closing, in GOOD FUNDS, which includes: cash, electronic transfer funds, certified check or cashier's check. Any net difference between the approximate balances of the loan(s) shown above, which are to be assumed or taken subject to, and the actual balances of said loan(s) at closing of escrow shall be adjusted in ☐ Cash ☒ Other: check

4. OTHER TERMS AND/OR CONDITIONS: Buyer is a licensed real estate agent in Idaho.

Purchase to include: 1- 100HP irrigation pump, 1 domestic/livestock pump and well with water rights, 2 complete wheel lines, 1 mover motor, portable mainline across east side of field, fences, 1 loading chute, water tanks, 1 squeeze chute, 3 water rights (number 35-13417). Easement of 40' along east side of 20 acre parcel and 40' around pump. 50' X 50' area around pump on SE corner of T5S R30E Sec 23.

5. "NOT APPLICABLE DEFINED:" The letters "n/a," "N/A," "n.a.," and "N.A." as used herein are abbreviations of the term "not applicable." Where this agreement uses the term "not applicable" or an abbreviation thereof, it shall be evidence that the parties have contemplated certain facts or conditions and have determined that such facts or conditions do not apply to the agreement or transaction herein.

6. INSPECTION: BUYER IS STRONGLY ADVISED TO INVESTIGATE THE CONDITION AND SUITABILITY OF ALL ASPECTS OF THE PROPERTY AND ALL MATTERS AFFECTING THE VALUE OR DESIRABILITY OF THE PROPERTY INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

- A. **SIZE:** Square footage and lot size. (Any numerical statements regarding these items are APPROXIMATION ONLY, and have not been and will not be verified and should not be relied upon by BUYER.)
- B. **LINES AND BOUNDARIES:** Property lines and boundaries, septic, and leach lines (Fences, walls, hedges, and other natural or constructed barriers or markers do not necessarily identify true property boundaries. Property lines may be verified by surveys.)
- C. **ZONING AND LAND USE:** Inquiries, investigations, studies or any other means concerning past, present or proposed laws, ordinances, referendums, initiatives, votes, applications and permits affecting the current use of the property, BUYER's intended use of the property, future development, zoning, building, size, governmental permits and inspections. Both parties are advised that Broker does not guarantee the status of permits, zoning or code compliance. The parties are to satisfy themselves concerning these issues.
- D. **UTILITIES AND SERVICE:** Availability, costs, and restrictions of utilities and services, including but not limited to, sewage, sanitation, water, electricity, gas, telephone, cable TV and drainage.
- E. **UTILITIES, IMPROVEMENTS & OTHER RIGHTS:** SELLER represents that the property does have the following utilities, improvements, services and other rights available (describe availability): power to both pumps, water rights
- F. **HAZARDOUS MATERIALS:** The real estate broker(s) or their agents in this transaction have no expertise with respect to toxic waste, hazardous materials or undesirable substances. BUYERS who are concerned about the presence of such materials should have the property inspected by qualified experts. BUYER acknowledges that he/she has not relied upon any representations by either the Broker or the SELLER with respect to the condition of the property that are not contained in this Agreement or in any disclosure statements.
- G. **TAX LIABILITY:** The BUYER and SELLER acknowledge that they have not received or relied upon any statements or representations by the Broker with respect to the effect of this transaction upon BUYER's or SELLER's tax liability.

BUYER chooses ☐ to have inspection; ☒ not to have inspection. If BUYER chooses not to have inspection skip the remainder of section 6. BUYER shall have the right to conduct inspections, investigations, tests, surveys and other studies at BUYER'S expense. BUYER shall, within _____ business day(s) of acceptance, complete these inspections and give to SELLER written notice of disapproved items. BUYER is strongly advised to exercise these rights and to make BUYER'S own selection of professionals with appropriate qualifications to conduct inspections of the entire property. BUYER'S acceptance of the condition of the property is a contingency of this Agreement.

BUYER'S Initials (HOK)

Date 5-19-08

SELLER'S Initials (RTK)

Date 5-19-08

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FEB 25 2009

Department of Water Resources
Eastern Region

