

RECEIVED

AUG 27 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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)
PD 36-11992					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- 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)	<u>The Sumiko Fujiki Trust/Martin Fujiki, Trustee</u> <u>1935 N. 90 W.</u>
4. New Owner/Claimant(s)	<u>Orem, UT 84057</u>
	Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	<u>G. Brad & Sally Fife/Brock & Jennifer Fife</u>
City, State and ZIP Code	<u>149 E. 800 N., Rupert, ID 83350</u>
New Telephone Number	() <u></u>

5. Date you acquired the property

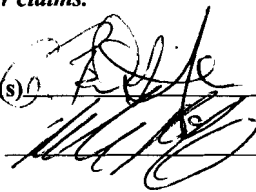
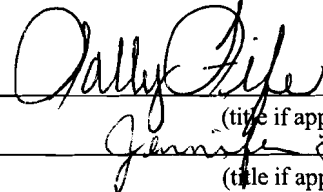
8-8-08

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)
Jennifer Life
(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 H
 Received by CS
 Processed by _____ AJ

Date 8/28/08
 Date 8/28/08
 Date _____

Receipt Amt. \$25
 Receipt No. 3030385
 WR _____ Date _____

WARRANTY DEED

#22132

For Value Received

COPY

**MARTIN FUJIKI, as Trustee of The Sumiko Fujiki Trust,
dated January 29, 2008**

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

**B & B Dairy LLC, an Idaho Limited Liability Company
Address: 149 East 800 North, Rupert, ID 83350**

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

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto

SUBJECT TO:

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

Taxes for 2008 and subsequent years, a lien, but not yet due or payable.

Assessments of the A & B Irrigation District and the rights and powers of said District as by law provided.

Assessments levied or to be levied by Magic Valley Groundwater District, if any.

A Telephone Line Easement, dated April 15, 1957, executed by Harold W. Smith, a married man, to Project Mutual Telephone Cooperative Association, Inc., a corporation, recorded April 17, 1957 in Book 36 of Deeds, Page 228, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of telephone communication lines and other equipment over, on and across the following location in Minidoka County, Idaho: Unit A3, Section 3, Township 8 South, Range 24 East, Boise Meridian; together with all rights of ingress and egress. (Parcel No. 2)

A Power Line Easement, dated February 28, 1973, executed by Edward F. Hillis and Josephine Hillis, his wife, to Idaho Power Company, a corporation, its licensees, successors and assigns, recorded March 26, 1974 as Document No. 240449, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress. (Parcel No. 3)

Irrigation Easement, dated May 3, 1996, by and between Pete J. Parkin and Kelli Parkin, husband and wife, and Theodore Fujiki and Sumiko S. Fujiki, husband and wife, recorded May 3, 1996 as Document No. 423859, Minidoka County records. (Parcel No. 1)

A Power Line Easement, dated October 18, 2004, executed by L. Dale Fowers, to Idaho Power Company, an organization, its licensees, successors and assigns, recorded May 25, 2005 as Document No. 478529, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress. (Parcel Nos. 2 & 3)

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: **July 28, 2008**

THE **SUMIKO FUJIKI TRUST,**

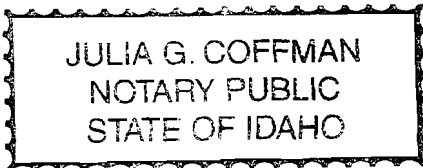
dated **January 29, 2008**

BY: *Martin Fujiki*

MARTIN FUJIKI, Trustee

STATE OF IDAHO)
) ss.
COUNTY OF MINIDOKA)

On this 28th day of **JULY, 2008**, before me, the undersigned, a Notary Public in and for said State, personally appeared **MARTIN FUJIKI**, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the **SUMIKO FUJIKI TRUST**, and acknowledged to me that he executed the same as such Trustee.



Julia G. Coffman
Notary Public
Residing at: RUPERT, ID.
My Commission expires: 6-20-14

Instrument # 498155

MINIDOKA COUNTY, RUPERT, IDAHO
8-8-2008 02:03:59 No. of Pages: 4
Recorded for : RUPERT LAND TITLE
DUANE SMITH Fee: 12.00
Ex-Officio Recorder Deputy *La*

EXHIBIT "A"

Order Number: 22132

PARCEL NO. 1:

TOWNSHIP 8 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 2: That part of Farm Unit D, Tract D of the North Side Pumping Division, Minidoka Project, Idaho (as shown by plat, dated July 22, 1954, on file in the office of the County Recorder, Minidoka County, Idaho), more particularly described as follows:

Commencing at the West quarter corner of Tract D, Point 5, monumented by a railroad spike; thence South 00°04'00" West for 62.64 feet along the West section line to a ½ inch rebar which shall be the TRUE POINT OF BEGINNING;

Thence South 73°57'51" East for 92.09 feet to a ½ inch rebar;

Thence South 58°20'51" East for 27.68 feet to a ½ inch rebar;

Thence South 43°18'59" East for 232.88 feet to a ½ inch rebar;

Thence South 38°20'11" East for 47.92 feet to a ½ inch rebar;

Thence South 68°25'49" East for 234.45 feet to a ½ inch rebar;

Thence South 55°38'34" East for 33.42 feet to a ½ inch rebar;

Thence South 20°41'12" East for 51.43 feet to a ½ inch rebar;

Thence South 08°18'17" West for 149.14 feet to a ½ inch rebar;

Thence North 51°31'00" West for 234.52 feet to a ½ inch rebar;

Thence North 71°02'15" West for 159.04 feet to a ½ inch rebar;

Thence North 38°33'37" West for 85.72 feet to a ½ inch rebar;

Thence South 89°46'46" West for 28.34 feet to a ½ inch rebar;

Thence South 39°22'03" West for 201.83 feet to a ½ inch rebar;

Thence North 00°04'00" East for 440.03 feet along the West section line to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

TOWNSHIP 8 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 3: Farm Unit A, Tract A of the North Side Pumping Division, Minidoka Project, Idaho (as shown by plat, dated July 22, 1954, on file in the office of the County Recorder, Minidoka County, Idaho), **SAVE AND EXCEPTING** the following described tracts:

TRACT NO. 1:

Beginning at the Southeast corner of the NE¼ of said Section 3; thence North 0°06' East for 25.0 feet to a point, which point shall be known as the TRUE POINT OF BEGINNING;

Thence South 89°46' West along the North right of way of Lateral No. 3AB824-E for 583.8 feet;

Thence North 4°47' West for 19.23 feet;

Thence North 83°08' West for 81.0 feet;

Thence North 53°38' West for 109.0 feet;

Thence North 47°38' West 76.2 feet;

Thence North 49°30' East for 377.4 feet;

Thence South 17°37' East for 388.7 feet;

Thence North 89°46' East for 404.89 feet to a point on the East section line of said Section 3;

Thence South 0°06' West along said section line for 20.0 feet to the TRUE POINT OF BEGINNING.

(CONTINUED)

Order Number: 22132

TRACT NO. 2:

Beginning at Corner No. 2 of said Tract A; thence South 88°44' West for 5.60 chains to Corner No. 3 of said Tract A;
Thence South 73°29' West for 1.65 chains to Corner No. 4 of said Tract A;
Thence South 49°14' West for 3.63 chains to Corner No. 5 of said Tract A;
Thence South 24°28' East for 3.19 chains;
Thence North 49°10' East for 7.58 chains;
Thence North 72°22' East for 3.00 chains to the POINT OF BEGINNING.

TRACT NO. 3:

Beginning at Corner No. 1 of Tract A, said corner marked by a 5/8 inch rebar on top of a USBR iron pipe with brass cap which shall be the POINT OF BEGINNING;
Thence South 00°04'38" West along the East line of Section 3 for a distance of 248.30 feet;
Thence South 89°42'02" West for a distance of 19.03 feet to a 1/2 inch rebar;
Thence South 89°42'02" West for a distance of 774.74 feet to the property line between the Hillis property and the Fujiki property;
Thence North 72°21'51" East (North 72°22' East, rec.) along said property line for a distance of 132.58 feet to Corner No. 2 of Tract A;
Thence North 72°21'51" East along the tract line common to Tract H and Tract A for a distance of 700.67 feet to the POINT OF BEGINNING.

PARCEL NO. 3:

TOWNSHIP 8 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 3: Part of Farm Unit H & A, Tract H & A of the North Side Pumping Division, Minidoka Project, Idaho (as shown by plat, dated July 22, 1954, on file in the office of the County Recorder, Minidoka County, Idaho), more particularly described as follows:

Beginning at Corner No. 1 of Tract A, said corner marked by a 5/8 inch rebar on top of a USBR iron pipe with brass cap; thence South 00°04'38" West along the East line of Section 3 for a distance of 248.30 feet; thence South 89°42'02" West for a distance of 793.77 feet to the property line between the Hillis property and Fujiki property which shall be the POINT OF BEGINNING;
Thence South 72°21'51" West (South 72°22' West, rec.) along the Hillis & Fujiki property line for a distance of 65.42 feet;
Thence South 49°19'24" West (South 49°10' West, rec.) along said property line for a distance of 500.36 feet (500.28 feet, rec.) to the tract line common to Tract C and Tract A;
Thence North 24°27'28" West along said tract line for a distance of 210.54 feet to Corner No. 5 of Tract A;
Thence North 32°43'28" West along the tract line between Tract H and Tract C for a distance of 179.52 feet to a 1/2 inch rebar;
Thence North 89°42'02" East for a distance of 626.04 feet to the POINT OF BEGINNING.

WARRANTY DEED

#22132

COPY

Instrument # 498156

MINIDOKA COUNTY, RUPERT, IDAHO

8-8-2008 02:05:59 No. of Pages: 4

Recorded for : RUPERT LAND TITLE

DUANE SMITH Fee: 12.00

Ex-Officio Recorder Deputy



For Value Received

B & B Dairy LLC, an Idaho limited liability company

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

**G. BRAD FIFE AND SALLY FIFE, husband and wife
BROCK FIFE AND JENNIFER FIFE, husband and wife
Address: 149 East 800 North, Rupert, ID 83350**

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

See attached Exhibit "A"

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant

SUBJECT TO:

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

Taxes for 2008 and subsequent years, a lien, but not yet due or payable.

Assessments of the A & B Irrigation District and the rights and powers of said District as by law provided.

Assessments levied or to be levied by Magic Valley Groundwater District, if any.

A Telephone Line Easement, dated April 15, 1957, executed by Harold W. Smith, a married man, to Project Mutual Telephone Cooperative Association, Inc., a corporation, recorded April 17, 1957 in Book 36 of Deeds, Page 228, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of telephone communication lines and other equipment over, on and across the following location in Minidoka County, Idaho: Unit A3, Section 3, Township 8 South, Range 24 East, Boise Meridian; together with all rights of ingress and egress. (Parcel No. 2)

A Power Line Easement, dated February 28, 1973, executed by Edward F. Hillis and Josephine Hillis, his wife, to Idaho Power Company, a corporation, its licensees, successors and assigns, recorded March 26, 1974 as Document No. 240449, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress. (Parcel No. 3)

Irrigation Easement, dated May 3, 1996, by and between Pete J. Parkin and Kelli Parkin, husband and wife, and Theodore Fujiki and Sumiko S. Fujiki, husband and wife, recorded May 3, 1996 as Document No. 423859, Minidoka County records. (Parcel No. 1)

A Power Line Easement, dated October 18, 2004, executed by L. Dale Fowers, to Idaho Power Company, an organization, its licensees, successors and assigns, recorded May 25, 2005 as Document No. 478529, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress. (Parcel Nos. 2 & 3)

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns or 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: July 28, 2008

B&B DAIRY LLC, an Idaho Limited Liability Company

BY: 

G. BRAD FIFE, MEMBER

BY: 

SALLY FIFE, MEMBER

BY: 

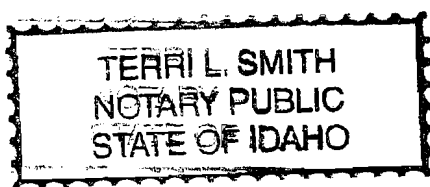
BROCK FIFE, MEMBER

BY: 

JENNIFER FIFE, MEMBER

STATE OF IDAHO)
)ss.
COUNTY OF MINIDOKA)

On this 4 day of August, 2008, before me, the undersigned, a Notary Public, personally appeared **G. Brad Fife, Sally Fife, Brock Fife and Jennifer Fife** known or identified to me to be the members of **B & B Dairy, LLC** the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.



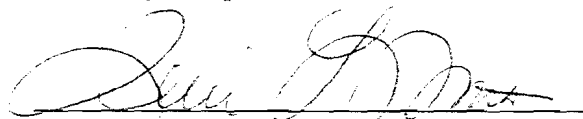

Notary Public
Residing at: Burley, ID
My Commission Expires: 08/02/14

EXHIBIT "A"

Order Number: 22132

PARCEL NO. 1:

TOWNSHIP 8 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 2: That part of Farm Unit D, Tract D of the North Side Pumping Division, Minidoka Project, Idaho (as shown by plat, dated July 22, 1954, on file in the office of the County Recorder, Minidoka County, Idaho), more particularly described as follows:

Commencing at the West quarter corner of Tract D, Point 5, monumented by a railroad spike; thence South 00°04'00" West for 62.64 feet along the West section line to a ½ inch rebar which shall be the TRUE POINT OF BEGINNING;

Thence South 73°57'51" East for 92.09 feet to a ½ inch rebar;

Thence South 58°20'51" East for 27.68 feet to a ½ inch rebar;

Thence South 43°18'59" East for 232.88 feet to a ½ inch rebar;

Thence South 38°20'11" East for 47.92 feet to a ½ inch rebar;

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Thence South 39°22'03" West for 201.83 feet to a ½ inch rebar;

Thence North 00°04'00" East for 440.03 feet along the West section line to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

TOWNSHIP 8 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 3: Farm Unit A, Tract A of the North Side Pumping Division, Minidoka Project, Idaho (as shown by plat, dated July 22, 1954, on file in the office of the County Recorder, Minidoka County, Idaho), **SAVE AND EXCEPTING** the following described tracts:

TRACT NO. 1:

Beginning at the Southeast corner of the NE¼ of said Section 3; thence North 0°06' East for 25.0 feet to a point, which point shall be known as the TRUE POINT OF BEGINNING;

Thence South 89°46' West along the North right of way of Lateral No. 3AB824-E for 583.8 feet;

Thence North 4°47' West for 19.23 feet;

Thence North 83°08' West for 81.0 feet;

Thence North 53°38' West for 109.0 feet;

Thence North 47°38' West 76.2 feet;

Thence North 49°30' East for 377.4 feet;

Thence South 17°37' East for 388.7 feet;

Thence North 89°46' East for 404.89 feet to a point on the East section line of said Section 3;

Thence South 0°06' West along said section line for 20.0 feet to the TRUE POINT OF BEGINNING.

(CONTINUED)

Order Number: 22132

TRACT NO. 2:

Beginning at Corner No. 2 of said Tract A; thence South 88°44' West for 5.60 chains to Corner No. 3 of said Tract A;
Thence South 73°29' West for 1.65 chains to Corner No. 4 of said Tract A;
Thence South 49°14' West for 3.63 chains to Corner No. 5 of said Tract A;
Thence South 24°28' East for 3.19 chains;
Thence North 49°10' East for 7.58 chains;
Thence North 72°22' East for 3.00 chains to the POINT OF BEGINNING.

TRACT NO. 3:

Beginning at Corner No. 1 of Tract A, said corner marked by a 5/8 inch rebar on top of a USBR iron pipe with brass cap which shall be the POINT OF BEGINNING;
Thence South 00°04'38" West along the East line of Section 3 for a distance of 248.30 feet;
Thence South 89°42'02" West for a distance of 19.03 feet to a 1/2 inch rebar;
Thence South 89°42'02" West for a distance of 774.74 feet to the property line between the Hillis property and the Fujiki property;
Thence North 72°21'51" East (North 72°22' East, rec.) along said property line for a distance of 132.58 feet to Corner No. 2 of Tract A;
Thence North 72°21'51" East along the tract line common to Tract H and Tract A for a distance of 700.67 feet to the POINT OF BEGINNING.

PARCEL NO. 3:

TOWNSHIP 8 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 3: Part of Farm Unit H & A, Tract H & A of the North Side Pumping Division, Minidoka Project, Idaho (as shown by plat, dated July 22, 1954, on file in the office of the County Recorder, Minidoka County, Idaho), more particularly described as follows:

Beginning at Corner No. 1 of Tract A, said corner marked by a 5/8 inch rebar on top of a USBR iron pipe with brass cap; thence South 00°04'38" West along the East line of Section 3 for a distance of 248.30 feet; thence South 89°42'02" West for a distance of 793.77 feet to the property line between the Hillis property and Fujiki property which shall be the POINT OF BEGINNING;
Thence South 72°21'51" West (South 72°22' West, rec.) along the Hillis & Fujiki property line for a distance of 65.42 feet;
Thence South 49°19'24" West (South 49°10' West, rec.) along said property line for a distance of 500.36 feet (500.28 feet, rec.) to the tract line common to Tract C and Tract A;
Thence North 24°27'28" West along said tract line for a distance of 210.54 feet to Corner No. 5 of Tract A;
Thence North 32°43'28" West along the tract line between Tract H and Tract C for a distance of 179.52 feet to a 1/2 inch rebar;
Thence North 89°42'02" East for a distance of 626.04 feet to the POINT OF BEGINNING.