

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

DE
 RECEIVED
 MAY 2008
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

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 36-11643					
PD 36-15186					
FD 36-2118					

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) B.M.S. FARMS-NORLAND L.L.C

4. New Owner/Claimant(s) B&H FARMS FARMING
 Name Connector (Check one): ☒ and, [] or, [] and/or

New Mailing Address P.O. BOX 123

City, State and ZIP Code RUPERT, ID. 83350

New Telephone Number (208)

5. Date you acquired the property April 2, 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) B&H Farming
 BY: [Signature] General Partner
 (title if applicable)
 BY: [Signature] General Partner
 (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 [Signature] Date 5/23/08
 Received by [Signature] Date 5/23/08
 Processed by AJ Date 5/23/08

Receipt Amt. \$75
 Receipt No. 5030204
 WR Date

*Rerecord to correct legal description

WARRANTY DEED

#21803

For Value Received

COPY

B.M.S. FARMS-NORLAND L.L.C., an Idaho Limited Liability Company

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

B & H FARMING

Address: P.O. BOX 123, RUPERT, ID. 83350

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

SEE ATTACHED EXHIBIT "A"

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

Reservations in Warranty Deed, dated May 9, 1952, between the North Side Land Corporation, an Idaho corporation, and the Amalgamated Sugar Company, recorded May 6, 1952 in Book 29 of Deeds, Page 425, Minidoka County records, which recites: "For use as a labor camp and the party of the first part reserves unto itself all of the said land in the event it is abandoned for such use, and all minerals, oils and natural gases of every kind and nature". (Affects Parcel Nos. 1 & 2)

Power Line Easement, dated December 10, 1953, executed by Herman J. Henscheid and Theresa M. Henscheid, to Idaho Power Company, a corporation, recorded March 16, 1954 in Book 29 of Deeds, Page 567, 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 . (Affects Parcel Nos. 4 & 5)

Power Line Easement, dated March 28 1955, executed by Herman Henscheid and Theresa M. Henscheid, his wife, to Idaho Power Company, a corporation, recorded May 11, 1955 in Book 36 of Deeds, Page 42, 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. (Affects Parcel Nos. 4 & 5)

Power Line Easement, dated December 31, 1957, executed by Herman Henscheid and Theresa M. Henscheid, his wife, to Idaho Power Company, a corporation, recorded May 12, 1958 in Book 36 of Deeds, Page 456, 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. (Affects Parcel Nos. 4 & 5)

A county road right of way along the South side of the herein described real property as evidenced by Warranty Deed, dated September 30, 1992, from Wilbert H. Moller and Velva D. Moller, husband and wife, Grantors, to Steven D. Young and Maria Young, husband and wife, and Roy M. Young and Cherlyn Young, husband and wife, recorded October 2, 1992 as Document No. 403881, Minidoka County records. (Affects Parcel Nos. 1 & 2)

Easement for Construction and Maintenance of Highway, dated December 8 1991, executed by Wilbert H. Moller and Velva D. Moller, to the Minidoka county Highway District, its successors and assigns, recorded November 8, 1991 as Document No. 399327, Minidoka County records. (Affects Parcel Nos. 1 & 2)

Underground Power Line Easement, dated March 13, 1996, executed by W. H. Moller, to Idaho Power Company, a corporation, recorded September 16, 1996 as Document No. 426010, 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. (Affects Parcel Nos. 4 & 5)

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: April 7, 2008

Instrument # 496181

MINIDOKA COUNTY, RUPERT, IDAHO
4-9-2008 01:03:00 No. of Pages: 5
Recorded for : RUPERT LAND TITLE
DUANE SMITH Fee: 15.00
Ex-Officio Recorder Deputy

Instrument # 496046

MINIDOKA COUNTY, RUPERT, IDAHO
4-2-2008 04:25:10 No. of Pages: 5
Recorded for : RUPERT LAND TITLE
DUANE SMITH Fee: 15.00
Ex-Officio Recorder Deputy

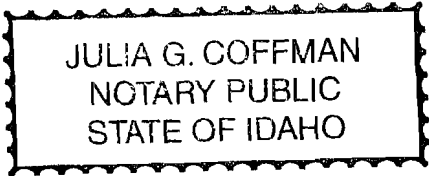
Continued

Warranty Deed
B&H Farming/BMS FARMS-NORLAND
Order #21803

B.M.S. FARMS-NORLAND L.L.C.
By: N. Bruce Bagnall
N. BRUCE BAGNALL, Manager

STATE OF IDAHO)
)ss.
COUNTY OF MINIDOKA)

On this 2nd day of **APRIL, 2008**, before me, the undersigned, a Notary Public, personally appeared **N. BRUCE BAGNALL** known or identified to me to be the manager of **B.M.S. FARMS- NORLAND L.L.C.** the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.



Julia G. Coffman
Notary Public
Residing at: RUPERT, ID.
My Commission Expires: 6-20-08

EXHIBIT "A"

Order Number: 21803

PARCEL NO. 1:

TOWNSHIP 7 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 20: All of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of the Union Pacific Railroad right of way in Section 20, **SAVE AND EXCEPTING** the following described tracts:

TRACT NO. 1:

Part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

From a POINT OF BEGINNING located 1320 feet West along the section line from the Southeast corner of Section 20;
Thence West 820 feet along said section line;
Thence North 620 feet;
Thence East 334.8 feet;
Thence South 72°36' East 508.5 feet on a line parallel to the center line of the State Highway;
Thence South 467.9 feet more or less to the Point of Intersection with the section line and POINT OF BEGINNING.

TRACT NO. 2:

Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of Section 20, said corner marked by a $\frac{5}{8}$ inch rebar; thence South 89°49'06" West along section line for 1296.00 feet to a $\frac{1}{2}$ inch rebar which shall be the POINT OF BEGINNING;
Thence South 89°49'06" West along section line for 23.18 feet to a $\frac{1}{2}$ inch rebar at the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 89°49'06" West along section line for 356.42 feet to a $\frac{1}{2}$ inch rebar;
Thence North 0°03'14" West for 851.86 feet to a $\frac{1}{2}$ inch rebar on the South right of way of State Highway 24;
Thence South 73°16'35" East along said right of way for 370.91 feet to a $\frac{1}{2}$ inch rebar on the East line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 73°16'35" East along said right of way for 25.88 feet to a $\frac{1}{2}$ inch rebar;
Thence South 0°01'48" East (South rec.) for 736.48 feet (752 feet rec.) to the POINT OF BEGINNING.

PARCEL NO. 2:

TOWNSHIP 7 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 20: Part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

From a POINT OF BEGINNING located 1320 feet West along the section line from the Southeast corner of Section 20;
Thence West 820 feet along said section line;
Thence North 620 feet;
Thence East 334.8 feet;
Thence South 72°36' East 508.5 feet on a line parallel to the center line of the State Highway;
Thence South 467.9 feet more or less to the Point of Intersection with the section line and POINT OF BEGINNING.

SAVE AND EXCEPTING the following described tract:

(CONTINUED)

EXHIBIT "A"

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Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 'more particularly described as follows:

Beginning at the Southeast corner of Section 20, said corner marked by a $\frac{5}{8}$ inch rebar; thence South 89°49'06" West along section line for 1296.00 feet to a $\frac{1}{2}$ inch rebar which shall be the POINT OF BEGINNING;

Thence South 89°49'06" West along section line for 23.18 feet to a $\frac{1}{2}$ inch rebar at the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence South 89°49'06" West along section line for 356.42 feet to a $\frac{1}{2}$ inch rebar;

Thence North 0°03'14" West for 851.86 feet to a $\frac{1}{2}$ inch rebar on the South right of way of State Highway 24;

Thence South 73°16'35" East along said right of way for 370.91 feet to a $\frac{1}{2}$ inch rebar on the East line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence South 73°16'35" East along said right of way for 25.88 feet to a $\frac{1}{2}$ inch rebar;

Thence South 0°01'48" East (South rec.) for 736.48 feet (752 feet rec.) to the POINT OF BEGINNING.

PARCEL NO. 3:

Lots 5 through 34 of the Russell Wilson Sub-Division according to the official plat thereof, now on file in the office of County Recorder, Minidoka County, Idaho.

PARCEL NO. 4:

TOWNSHIP 7 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 28: All that portion of the NW $\frac{1}{4}$ lying South and West of the Union Pacific Railroad right of way, **SAVE AND EXCEPTING** the following described tract:

Beginning at the Northeast corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence East 130 feet;
Thence South 130 feet;
Thence West 130 feet;
Thence North 130 feet to the POINT OF BEGINNING.

PARCEL NO. 5:

TOWNSHIP 7 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

SECTION 29: N $\frac{1}{2}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$, **SAVE AND EXCEPTING** the following described tracts:

TRACT NO. 1:

Beginning at the Northeast corner of said Section 29, which point shall be known as the TRUE POINT OF BEGINNING;
Thence West along the North section line for 330 feet;
Thence South for 130 feet;
Thence East 330 feet to a point on the section line of said Section 29;
Thence North along said East section line for 130 feet to the TRUE POINT OF BEGINNING.

TRACT NO. 2:

Beginning 130 feet South and 30 feet West of the Northeast corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence West 150 feet;
Thence South 140 feet;
Thence East 150 feet;
Thence North 140 feet to the POINT OF BEGINNING.

(CONTINUED)

EXHIBIT "A"

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TRACT NO. 3:

Beginning at the Northeast corner of said Section 29; thence West along the North section line of said Section 29 for 330 feet to a point, which shall be known as the TRUE POINT OF BEGINNING;
Thence South for 130 feet;
Thence West for 130 feet;
Thence North for 130 feet to a point on the North section line of said Section 29;
Thence East along said North section line for 130 feet to the TRUE POINT OF BEGINNING.

TRACT NO. 4:

Beginning at the Northeast corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence South along East section line of said Section 29 for 130 feet; thence West for 180 feet to a point, which point shall be known as the TRUE POINT OF BEGINNING;
Thence West for 150 feet;
Thence South for 75 feet;
Thence East for 150 feet;
Thence North for 75 feet to the TRUE POINT OF BEGINNING.